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No. 122

House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,

October 4, 2000.

I hereby appoint the Honorable E. CLAY SHAW, Jr., to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,

Speaker of the House of Representatives.

PRAYER

The Reverend Lawrence A. Lambert, Jr., First United Methodist Church, Greensburg, Kansas, offered the following prayer:

Almighty God, Creator of all people and nations, acknowledging Your pre-eminence, we acknowledge our humanness. Asking for Thy Grace and Mercy, forgive us when we wound Your Heart and grieve Your Spirit in the world.

Renew our congressional leaders and all Americans in the challenge to keep our Nation physically strong, mentally awake, and morally straight.

Awaken the pioneer spirit within our leaders and all Americans to explore and reclaim the truths found in this Country and in which our Nation with humility proclaimed "In God we trust!"

Help us embrace Thy eternal truth that outweighs any falsehood.

O God, empower Congressional leaders to fulfill the mandate not to be served, but to serve. Lift them on Wings as an Eagle, discerning Your compassion, Your love, vision, will, and purpose.

Grant them wisdom for a moral and just society bearing always the poor and powerless as Your mandate for leadership. Bless each dedicated House Member, their staff, and their families, in Thy gracious name and in the name of our Lord, 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 Kansas (Mr. MORAN) come forward and lead the House in the Pledge of Allegiance.

Mr. MORAN of Kansas 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 without amendment bills of the House of the following titles:

H.R. 1800. An act to amend the Violent Crime Control and Law Enforcement Act of 1994 to ensure that certain information regarding prisoners is reported to the Attorney General.

H.R. 2752. An act to direct the Secretary of the Interior to sell certain public land in Lincoln County through a competitive process.

H.R. 2773. An act to amend the Wild and Scenic Rivers Act to designate the Wekiva River and its tributaries of Wekiwa Springs Run, Rock Springs Run, and Black Water Creek in the State of Florida as components of the national wild and scenic rivers system.

H.R. 4579. An act to provide for the exchange of certain lands within the State of Utah.

H.R. 4583. An act to extend the authorization for the Air Force Memorial Foundation to establish a memorial in the District of Columbia or its environs.

The message also announced that the Senate has passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 1143. An act to establish a program to provide assistance for programs of credit and other financial services for microenterprises in developing countries, and for other purposes.

NOTICE

Effective January 1, 2001, the subscription price of the Congressional Record will be \$393 per year or \$197 for six months. Individual issues may be purchased for \$4.00 per copy. The cost for the microfiche edition will remain \$141 per year with single copies remaining \$1.50 per issue. This price increase is necessary based upon the cost of printing and distribution.

Michael F. DiMario, *Public Printer*

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

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



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H8743

H.R. 3084. An act to authorize the Secretary of the Interior to contribute funds for the establishment of an interpretative center on the life and contributions of President Abraham Lincoln.

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

S. 2440. An act to amend title 49, United States Code, to improve airport security.

S. Con. Res. 60. Concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. Wisconsin and all those who served aboard her.

S. Con. Res. 70. Concurrent resolution requesting that the United States Postal Service issue a commemorative postage stamp honoring the national veterans service organizations of the United States.

S. Con. Res. 141. Concurrent resolution to authorize the printing of copies of the publication entitled "The United States Capitol" as a Senate document.

WELCOME TO REVEREND LAWRENCE A. LAMBERT, JR.

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

Mr. MORAN of Kansas. Mr. Speaker, I am here to welcome to the House Chamber and to our Nation's Capitol one of my constituents and one of the citizens of Kansas, Reverend Lambert, who is here today with his wife, Linda, and graciously delivered the invocation on our proceedings today.

Reverend Lambert is the United Methodist minister in the community of Greensburg, a community of several thousand people in the southern part of Kansas. It is a delight to have him and his wife with us.

I appreciate his prayers and concerns for our country and for the House of Representatives and for the task we have before us. This is Reverend Lambert's first visit to the Nation's Capitol, and we are delighted to have him as our guest today.

THE UNITED STATES SHOULD TAKE ACTION TO HELP CITIZENS OF SIERRA LEONE

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

Mr. EHLERS. Mr. Speaker, I rise again today to discuss the abominable situation in Africa. We have had over two decades of killings, maimings, abductions, and the murder of approximately 1 million Africans. Our State Department has done virtually nothing.

If we compare what has happened in Africa and what has happened in Kosovo and Bosnia, where we have sent troops, Bosnia and Kosovo do not begin to compare in deaths and human agony with what has happened in Africa.

I am particularly concerned about Sierra Leone, where we now have a battle

over diamonds. It is not a political battle, it is a battle for money, for diamonds, for power. Charles Taylor of Liberia undoubtedly is interfering. There is some evidence that Mr. Qaddafi from Libya is also interfering, and others from Guinea and other lands. And yet, we do nothing. We stand and watch it happen.

Last week in a hearing chaired by the gentleman from California (Mr. ROYCE) of the Subcommittee on Africa, we saw the maimed and injured, little children whose arms had been chopped off, a terrible, terrible sight, and our State Department and our country have done virtually nothing.

It is time for us to rise up and help the citizens of that Nation. I ask that we do that.

WEN HO LEE, A JUSTICE DEPARTMENT SCAPEGOAT

(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, I do not know if Wen Ho Lee is a spy, but one thing for sure, Wen Ho Lee is a scapegoat. Wen Ho Lee was a diversion used by Janet Reno to avoid the appointment of an independent counsel to investigate illegal Chinese campaign contributions to the Democrat National Committee.

Who is kidding whom? Even Barney Fife can see through this ploy. Wake up, Congress. A Chinese Red Army general, a Red Army general was one of the Chinese who funneled money to the Democrat National Committee, and there has been no investigation. Beam me up.

I yield back the treason of Janet Reno and the secrets still to be stolen by the Chinese.

MISLEADING STATEMENTS BY THE VICE PRESIDENT

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

Mr. BALLENGER. Mr. Speaker, do Members remember that all-American slogan: baseball, mom, and apple pie? We have a new campaign slogan today, thanks to the Vice President, the person who supposedly invented the Internet. It goes, dog, mother-in-law, and prescription drugs.

This week, the Boston Globe, no member of the vast right wing conspiracy, and the Washington Times both reported that GORE made up an anecdote about the cost of drugs. Why would the Vice President mislead our Nation's seniors and the entire media by telling a bogus personal story that his mother-in-law pays three times the price for arthritis medicine as compared to his dog? Why would he stretch the truth on such an important issue that the Republican House already has taken action on to lower the cost of

medicines by 25 percent? Why would he puff up a false personal story? Solely to score political points with our Nation's seniors?

Whatever the motive, it is time for some straight talk, not invented rhetoric. America's families and senior citizens deserve no less. People should come before politics.

REAUTHORIZATION OF THE VIOLENCE AGAINST WOMEN ACT

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

Mr. PASCRELL. Mr. Speaker, the House passed the reauthorization of the Violence Against Women Act on September 26. The funding for that act expired on September 30. When is the Senate going to act?

The vote here was 415 to 3. The House took great strides in reauthorizing the funding programs in the VAWA that will improve the quality of life for millions of women and children across the country. It reauthorizes programs that make a real difference in our communities: the STOP grants, the National Domestic Violence Hotline, battered women's shelters, rape crisis centers.

I visited one of those centers just recently. They are doing the job. That is why we reauthorized it. Where is the Senate? We must be sensitive to the needs of every woman who is a victim of these tragic circumstances.

I would like to thank the gentlewoman from Maryland (Mrs. MORELLA) and the gentleman from Michigan (Mr. CONYERS) for their leadership on this critical legislation.

BUREAUCRATS PRACTICING MEDICINE

(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, obviously, I am no medical doctor. Therefore, I would never presume to know what medication, for example, would be better to treat the heart condition of a 72-year-old woman in Winnemucca, Nevada.

Yet, the Gore plan thinks that Washington bureaucrats should know best which drug should or should not be used by my constituents 2,000 miles away in Nevada. After all, that is what his Medicare Modernization Act calls for, 182 new mandates on prescription drug delivery, including a government formulary to cover prescriptions. If a drug is not listed in the Gore formulary, Medicare will not cover it, and a needy citizen, a senior, will not be able to obtain their life-saving medication.

Mr. Speaker, this same plan has failed miserably in Canada and Europe. My fellow citizens in Nevada and across America should not be denied access to the prescription drugs they

need by Washington bureaucrats whose only medical credentials are that they have visited a doctor for their yearly physical.

I yield back the Gore government-run prescription drug plan that has Washington, D.C. deciding which medicines should be in our cabinet.

URGING CONGRESS AND THE ADMINISTRATION TO RESTORE PEACE IN SIERRA LEONE

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

Mr. HALL of Ohio. Mr. Speaker, I rise today to share with this Congress a story of a young girl who was maimed by thugs in Sierra Leone. These are some of the kids that testified before the Congress last week.

Bintu Amara, who is in this picture, who is 9 years old, watched rebels chop off her leg last year. They did it to terrorize everyone who sees her, and remind all the world that they will stop at nothing in their bid to control the country's diamond mines.

Bintu did not say much at the special hearing that the gentleman from California (Chairman ROYCE) held last week, but she did tell this Congress that she wants very much to go to school. That is not likely to happen, I am sad to report. Today, diamonds will earn \$37 million for rebel armies, like the one that did this to Bintu. Tomorrow they will earn another \$37 million, and so on.

I urge this Congress and this administration to do something about this, not in a year, not some day, but today. Americans buy two-thirds of the world's diamonds. They would be horrified to know that this is where their money goes.

We owe it to them, we owe it to Bintu, to do something about this tragedy.

ILLEGAL PRACTICES BY THE CLINTON-GORE ADMINISTRATION

(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, last night in the Presidential debate AL GORE's words "No controlling legal authority" came up. What George Bush should have said is that all those words mean is, "Catch me if you can."

Everyone in Washington knows it is illegal to use foreign money. It is illegal to launder money. It is illegal to sell access. It is illegal to use your phones, your computers, your office, your staff, for raising funds.

The Democrats have accepted millions of dollars in foreign moneys, laundered money, and turned the Lincoln bedroom and the coffee klatches into a money-making machine.

Mr. GORE not only participated and planned, he was a cheerleader of this

administration and their corrupt practices in the White House. That is why the American people are disappointed in Vice President AL GORE.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would advise that the Member should avoid personal references to the President or the Vice President.

CONGRESS MUST WORK TO PAY OFF THE PUBLIC DEBT AND PROVIDE A PRESCRIPTION DRUG BENEFIT TO SENIORS

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

Mr. BARTLETT of Maryland. Mr. Speaker, in this time of great prosperity, it is imperative that Congress works to pay off the public debt and provide a prescription drug benefit for all seniors.

The Nation has a public debt of over \$3 trillion. However, in the last 3 years, Republicans have paid down \$354 billion in public debt and are on track to completely pay off this part of the national debt by 2012.

Republicans are committed to using 90 percent of next year's budget surplus to pay off the public debt, while locking away 100 percent of the social security and Medicare surpluses.

While we remain the most prosperous Nation in the world, the sad reality is that there are still some seniors who have to choose between putting food on the table and the prescription drugs they need to live healthy lives. Mr. Speaker, that is not fair.

When we passed a prescription drug benefit that was voluntary, available, and affordable for all seniors, the gentleman from Illinois (Mr. GEPHARDT) and the Democrats walked out on seniors. That is not right. Republicans will not walk out on seniors, and will continue to work to find a bipartisan solution to reducing the cost of prescription drugs while working to pay off our public debt.

THE PRESIDENT SHOULD PUT DEBT REDUCTION AHEAD OF SPENDING AND AGREE TO REPUBLICAN 90/10 PROPOSAL

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

Mr. HERGER. Mr. Speaker, it has been 22 days since the Congress proposed to lock away 100 percent of the social security and Medicare surpluses and dedicate at least 90 percent of the total budget surplus for public debt reduction. It has been 22 days that the Clinton-Gore administration has refused to answer our calls for debt reduction.

There will be an estimated \$268 billion surplus this fiscal year. Our question he simple: Should it be used to pay off the public debt, or should it be spent on ongoing Washington programs?

□ 1015

Republicans are for using the surplus to pay off the debt. Where do President Clinton and Vice President GORE stand? Our children and grandchildren deserve better than to inherit mountains of debt.

Mr. Speaker, I urge the President and Vice President to put debt reduction ahead of spending and agree to our 90-10 percent proposal.

UNITED STATES MUST DO MORE FOR JUST PEACE IN SIERRA LEONE

(Mr. ROYCE asked and was given permission to address the House for 1 minute.)

Mr. ROYCE. Mr. Speaker, the war in Sierra Leone has been one of the most barbaric in the world. A rebel group, the RUF, supported by neighboring Liberia, has been conducting the most hideous of violence against civilians in this west African country. They are doing this to steal the Nation's diamond wealth.

Last week, 4-year-old Memunatu Mansaray told us how her and her grandmother were among 300 people who sought refuge in a mosque when rebels attacked the capital. When she cried out, the hiding population was discovered, and all but her were shot dead. She survived because, when it was her turn, a rebel commander told a 12-year-old boy, a boy captured and drugged by the rebels, not to waste a bullet on her, but to cut off her hand. Her right hand was amputated that day when she was just 2 years old.

Fortunately, private Americans have come forth to give her medical attention. But there are thousands of other child victims with nothing. As a matter of fact, there are 20,000 amputees. I believe that those who saw her left with an awareness of why the U.S. must do more to help bring a just peace, a just peace to Sierra Leone. This savagery has to stop.

PRESIDENT AND CONGRESS SHOULD WORK TOGETHER TO ELIMINATE DEBT

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, it has been 22 days ago since Republicans asked the President and Vice President to join us in dedicating 90 percent of next year's surplus to eliminating the national debt. Even last night, the Vice President said he wanted to reduce the debt. But as of this morning, we have not heard a word from either one of them.

I am curious, what are they waiting for? Could it be because the Vice President has proposed over \$1 trillion in new government spending? I think it is. It seems the Vice President cares more about spending the surplus than saving it. Why else has he been silent on joining our efforts to eliminate the debt?

This Democrat administration spending spree will jeopardize the health of Social Security and Medicare, and that is just wrong. I tell the Vice President, come on, together let us eliminate the national debt. Social Security and Medicare depend on it.

WOMEN'S CAUCUS COORDINATED EFFORT ON PASSING VAWA

(Mrs. MALONEY of New York asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY of New York. Mr. Speaker, one of the top priorities of the bipartisan Women's Caucus is reauthorizing the Violence Against Women Act. The House has already passed it by a nearly unanimous vote, 415 to 3.

But while women are being beaten up and children continue to witness violence every day in their homes, the Senate and the conference committee have yet to act. It is time for action. We are calling, in a bipartisan way, on our colleagues in the House and the Senate on the conference committee. We know that this bill will save lives. We know that it helps our communities deal with domestic violence.

We know that passing VAWA is one way to stop the cycle of violence in America. We know that the prosecutors and law enforcement officers support it. How long must our children suffer the consequences of family violence. Every day that goes by without passing it is too long.

We call upon this House and Senate and conference committee to pass the Violence Against Women Act.

PRESIDENTIAL CANDIDATES DISAGREE ON TAXING ISSUES

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

Mr. ARMEY. Mr. Speaker, as a result of decades of social engineering, the United States Tax Code has evolved into a complex maze of deductions, credits, exemptions, and special preferences under which taxpayers with same incomes can pay vastly different amounts in taxes.

This uneven treatment of taxpayers is fundamentally unfair and it is at odds with the American value of equality under the law.

Unfortunately, Mr. Speaker, Vice President AL GORE's economic plan would make things even worse. Although the Vice President claims to provide middle class tax relief, he actually provides meager relief only to those individuals who agree to live the

government-approved AL GORE mandated life-style.

As a result, the Wall Street Journal reported yesterday "families earning identical amounts of money would pay widely different taxes and families earning more money than others could pay significantly lower taxes."

Those who choose the GORE life-style get a tax break. Those who choose to live their own lives get nothing. For example, if one purchases a costly electric car, the Vice President gives one a tax break. If one purchases a Ford pickup truck, one gets nothing. That is not my definition of fairness. That is not my definition of freedom.

Governor Bush, however, has a different approach. He believes that all Americans are overtaxed and worthy of some relief, even those who drive Ford pickup trucks. His evenhanded plan would provide relief to virtually every taxpayer. That, Mr. Speaker, is fair.

REAUTHORIZATION OF THE VIOLENCE AGAINST WOMEN ACT OF 1994

(Mrs. BIGGERT asked and was given permission to address the House for 1 minute.)

Mrs. BIGGERT. Mr. Speaker, October is National Domestic Violence Awareness Month, a time for us to reflect upon the damage done to American society by domestic violence.

Scratch the surface of any of our Nation's most challenging social problems, from crime in schools to gang violence and homelessness, and one is likely to find the root cause is domestic violence.

Law enforcement officials report that domestic violence calls are among their most frequent. Judges find that children first seen in their courts as victims of domestic violence return later as adult criminal defendants. Schools report that children with emotional problems often come from environments where violence is the norm.

What does this tell us? It tells us that violence begets violence, and it is incumbent on all of us to try and break the cycle. That is exactly what the Violence Against Women Act, VAWA, of 1994 has helped us to do over the last 6 years.

Let us get to the President's desk now the 5-year reauthorization of VAWA. It is a vital investment in this Nation's future.

PAYING OFF DEBT PRESERVES THE POLITICAL AND SPIRITUAL HERITAGE OF OUR GRANDCHILDREN

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

Mr. SCHAFFER. Mr. Speaker, nearly 40 years ago, President Dwight D. Eisenhower warned "we cannot mortgage the material assets of our grandchildren without risking the loss also

of their political and spiritual heritage.

"We want democracy to survive for all generations to come, not become the insolvent phantom for tomorrow."

This Congress has a chance to tear off a piece of that mortgage placed on our children and our grandchildren and all of our future generations by paying off America's debt. We can start this year. We can start by committing 90 percent of the surplus to paying off America's debt.

Democrats say it cannot be done, and they are wrong. Just a couple of years ago when we Republicans promised we would stop Bill Clinton's raid on Social Security, Democrats said that could not be done. But once again, they were wrong.

Paying off the debt should be our top priority. It frees up money currently spent on interest and allows us to pay for other top priorities such as prescription drug benefits, saving Social Security, and preserving the political and spiritual heritage of our grandchildren.

REPUBLICANS COMMITTED TO PAYING DOWN DEBT

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, for far too long, government spending reigned supreme in Washington. Deficit spending ran rampant, the debt ballooned, and taxes skyrocketed. It was always spend first and worry about the debt later.

But today Republicans are changing course and saying that paying off the debt for our children's future should be at the front of the line, not at the end of the line.

Republicans are committed to paying off the national debt. We have already reduced the debt by about \$350 billion and are committed to eliminating the national debt altogether.

The Clinton-Gore administration vetoed relief on the marriage and death taxes. Remember? Republicans are not about to sit back and let the Democrats now spend that money.

As we finalize next year's budget, we are dedicated to three core principles. Let us pay down the debt. Let us make sure Social Security and Medicare are on sound financial ground for this generation of seniors and future generations. Let us give the American people substantial tax relief. They deserve it. That is what is right for the country.

REBELS IN SIERRA LEONE PROFIT FROM "BLOOD" DIAMONDS

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

Mr. WOLF. Mr. Speaker, the Clinton administration has a miserable record on what is taking place in Sierra Leone. Moctar Jallah is a 27-year-old.

He is from Sierra Leone. This past year, Moctar had his right hand and his ear cut off by rebel thugs in Sierra Leone. The gentleman from Ohio (Mr. HALL) and I met Moctar at an amputee camp this past December.

At the amputee camp, Moctar introduced us to thousands of people who were lucky to be alive. The people we met were the survivors, those who did not bleed to death as they struggled to flee the rebels who had cut off their arms, their legs, and their ears.

No one was spared the brutal, grotesque, and evil actions of the rebels. Infant babies had their arms and legs cut off. Young men in the prime of their life suddenly had half a leg. Women were raped by rebels and then had their limbs amputated, only to give birth several months later as a result of the rape they suffered.

Why did the rebels of Sierra Leone do it? They did it because of diamonds. Diamonds to profit and control and trade in Sierra Leone. The trade in conflict for blood diamonds must stop.

The gentleman from Ohio (Mr. HALL) has a bill, the CARAT Act, H.R. 5147. Pass the bill, stop the flow of blood from conflict diamonds.

URGING DEPARTMENT OF JUSTICE TO END NONSENSE AGAINST MICROSOFT

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

Mr. RYAN of Wisconsin. Mr. Speaker, hopefully Tuesday, September 26, marked the turning point in the misguided antitrust suit against Microsoft when the Supreme Court turned down a Hail-Mary plea by the government to hear Microsoft's appeal.

Two new studies, one from the Institute of Policy Innovation and one from the Association for Competitive Technology calculate the annual economic damages caused to our economy would range between \$20 billion and \$75 billion a year.

I would like to quote Milton Friedman, the Nobel Laureate Economist who said, "Silicon Valley is suicidal in calling government in to mediate in the disputes among some of the big companies in the area and Microsoft. The end result will be that an industry that up to now has been able to proceed at a marvelous pace with little or no government regulation is now going to have government all over it. It is going to spend in legal fees over the next 10 or 20 years, money which society would benefit from much more if it were spent in the kind of research and development that has brought us many miracles in the area of Internet, in the area of home computers, industry computers, and all the rest."

The Berkshire Hathaway vice-chairman, Charles Munger, says "The Justice Department could hardly have come up with a more harmful set of demands than those it now makes. If it

wins, our country will end up hobbling its best-performing high-tech businesses."

I urge an end to this madness.

WELFARE REFORM SUCCESS

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

Mr. STEARNS. Mr. Speaker, hearing the Democrats say they reformed welfare is similar to saying all of us in this House won gold in the Olympics. Did we participate in the success at Sydney? No. But did this Nation benefit from the years of practice and experience of these gold medals? Yes.

When we were talking about reforming welfare, the Democrats said welfare reform would fail, and President Clinton vetoed this legislation twice.

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Well, failure could not be further from the truth today. Taxpayers are better off than they were 4 years ago due to fiscal responsibility and reforms passed by the Republican Congress. Six years ago welfare checks in the Northeast totaled about \$47 million, and this year the costs are about \$12 million, nearly \$35 million in savings.

Republicans have helped restore incentive to work instead of dooming families to a life of continued dependencies. Our policy should be a hand up, not a hand out.

SOCIAL SECURITY

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

Mr. SMITH of Michigan. Mr. Speaker, I think a lot of Americans listened to the debate last night. A lot of us have been working on Social Security for a long time, certainly our Speaker pro tempore, the gentleman from Florida (Mr. SHAW), myself, the gentleman from Texas (Mr. STENHOLM), the gentleman from Arizona (Mr. KOLBE), and many others have been looking at ways to keep this most important program continuing to be solvent. A lot of people depend on it.

I was very upset last night with some of the comments on Social Security. The Vice President has got a plan that I think does not solve the huge problem of keeping Social Security solvent.

Let me just go through this chart briefly. The biggest risk is doing nothing at all. Social Security has a total unfunded liability of over \$20 trillion. The Social Security Trust Fund contains nothing but IOUs. That is what the Vice President is suggesting, that we add another giant IOU and somehow come up with the money. How are we going to come up with the money?

The last point. To keep paying program Social Security benefits, the payroll tax will have to be increased to at least 50 percent of total income; 50 percent of total income for our FICA taxes

or benefits will have to be cut by one-third.

We cannot continue to go on doing nothing. We have to make some program changes if we are going to keep this important program solvent.

APPOINTMENT OF CONFEREES ON H.R. 4942, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2001

Mr. ISTOOK. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4942) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2001, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. MORAN OF VIRGINIA

Mr. MORAN of Virginia. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MORAN of Virginia moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendments to the bill H.R. 4942 be instructed to recede from disagreement with the amendment of the Senate.

The SPEAKER pro tempore. The gentleman from Virginia (Mr. MORAN) will be recognized for 30 minutes and the gentleman from Oklahoma (Mr. ISTOOK) will be recognized for 30 minutes.

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

Mr. MORAN of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the motion, as it was read, would instruct the conferees to accept the Senate version of the District of Columbia appropriations bill for fiscal year 2001. The reason is that the Senate bill is a superior bill.

The Senate bill is a bill that was supported by virtually all of the Republicans and Democrats in the Senate, will be supported by virtually all of the Democrats and I think a great many Republicans in the House. It is a bill that is supported by the Mayor of the District of Columbia and by the D.C. City Council, the properly elected officials to govern the district. And it is the only bill that the President will sign.

This bill provides \$34 million more in Federal funds to enable the District to undertake important economic development, environmental restoration and educational opportunity activities. It fully funds the Federal commitment to build the New York Avenue metro station; and, in fact, it represents only a third of the cost, given the fact that if

we provide this money; the private sector will provide another third; another third will come from local funds.

The Senate bill also enables the Poplar Point remediation project to begin. It provides tuition assistance for D.C. students to be able to take advantage of the ability to attend college outside of the District of Columbia. Without these funds, that program cannot be fully implemented. And it will enable the D.C. courts to see their first pay increase in more than 5 years.

The Senate bill also refrains from imposing new social policies on the District, policies that we would never try to impose on our own constituents in our own congressional districts, and policies that have been rejected by the citizens of the District of Columbia and that, in fact, are intended to negate actions, programs, and initiatives that are working within the District of Columbia and that we ought to support not only because they are working, but, most importantly, because they are the way that the citizens of the District of Columbia choose to spend their own money.

In addition to eliminating the more controversial social riders that were added anew to this bill, it goes a long way in honoring and giving more respect to the District and its reform-minded elected officers by reducing by more than 30 the number of general provisions in the bill that are no longer necessary.

That is why the Senate bill is a superior bill, why in the very last days of this session we ought to recede to the Senate and get this bill passed.

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

Mr. ISTOOK. Mr. Speaker, I yield myself such time as I may consume, and I rise to oppose the motion to instruct made by the gentleman from Virginia.

I recognize the gentleman is concerned about the differences between the House-passed and Senate-passed bills and he is willing to take what the Senate has done, but I would certainly disagree with some of the things he wants to accomplish because I think he would defeat his whole purpose if we were to adopt the Senate bill.

If we were to adopt the Senate bill, for example, we would create a hole of \$61 million in the District's own budget. We would put it out of balance. Why? Because there is language that the Senate does not have that we are poised to put in the conference agreement for what they call the "tobacco securitization." These are proceeds from the tobacco settlement that allows the District a revenue stream to issue securities to be able to use that money in their budget. They need the language provisions that we are working on in the conference report, or they are going to have a hole in their budget.

So if we just took the gentleman's recommendation, and he says he is concerned with the finances of the Dis-

trict, we are going to knock a big hole in their budget by doing so.

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

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

Mr. MORAN of Virginia. Is my recollection incorrect that that is not in the House bill either?

Mr. ISTOOK. Reclaiming my time, Mr. Speaker, that is why it is to be added in conference. The District has been working on the language, which they have submitted to us, knowing that it needs to be inserted in the conference report. It is a part of the District's budget. They are relying upon these funds.

But without having the conference so that we can insert that language, all other issues aside, the gentleman would blow a greater hole in the District's budget than the gentleman is trying to get them in additional Federal money. Because, as the gentleman points out, the additional Federal money that the Senate bill has that is not in the House bill is about \$30 million or \$35 million, only half of the hole that we would blow in the District's budget if we did not go to conference.

And, of course, as the gentleman is aware, the Federal funds in the House bill, it is kind of like having a checking account or a savings account and drawing against it. We had an allocation for what we could do regarding the District; the Senate had the larger account, and that is the reason they provided a higher level of funding. We have all along expected that more funds would be made available to the House so that we could, for example, provide more Federal funding for the New York Avenue metro station in particular. That has been the plan all along, and it is proceeding accordingly.

In addition, of course, to the financial problems that we would cause for the District were we to adopt the motion of the gentleman from Virginia, we would, of course, take out some other things. We would take out several million dollars of the drug testing and treatment program for persons on probation and parole who are required to stay drug free as a condition of remaining free on the streets.

The House has the larger amount of money to make sure that we not only have the drug testing to get people locked right back up if they violate that condition of their probation or their parole, but also to provide the drug counseling and treatment that is necessary to try to help people not only to be drug free now but to be that way for the rest of their lives, even after the term of their probation or parole expires.

If we adopted the gentleman's language, we would also be taking out \$1 million in a public-private housing partnership that is being put together by the Washington Interfaith Network, where the Washington religious community is providing a lot of resources and effort to improve a particular

housing project that we have some matching Federal money to work with the private effort that they are putting forth there.

If we adopt the language of the gentleman from Virginia, we also would be giving a blank check to the Public Benefit Corporation. Well, what is the Public Benefit Corporation? That is the entity that runs D.C. General Hospital that, in addition to the \$45 million subsidy that they receive from the District of Columbia, has been running additional deficits of over \$100 million total over these last 3 years. We have language in the House bill that brings the PBC under control, to try to get its finances straightened up. The Senate bill does not have that language. By adopting the Senate bill we would perpetuate the abuse and the misuse, the illegal, I believe, management of funds at the D.C. General Hospital, which right now the Mayor, the Council, and the new members on the PBC board are trying to get a handle on the situation and change the structure of the D.C. General Hospital.

If we do not have the incentive in this bill to say to them that they can no longer just take money that was not even budgeted and pour it into D.C. General Hospital, ignoring the law, as the General Accounting Office has made clear is what they have been doing, we will not get the D.C. General Hospital situation under control. We most certainly will not if we just adopt the motion of the gentleman from Virginia.

There are a number of things that are either in the House bill or that we have been working to make sure are put into the conference report between the House and the Senate that would be destroyed by the motion of the gentleman. I do not think we want to adopt that motion.

I could talk about other things. We could talk about the drug-free zones that would be wiped out; I could talk about the youth tobacco program, trying to keep kids away from tobacco, that the gentleman's motion would wipe out; but I think I have said enough to make the point.

I urge Members to oppose the motion of the gentleman from Virginia.

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

Mr. MORAN of Virginia. Mr. Speaker, I yield myself such time as I may consume.

First off, the Mayor and the Public Benefits Corporation seem to be working out their problems. Although I know language would be beneficial, we have not seen this particular language to which the chairman refers.

Mr. ISTOOK. Mr. Speaker, will the gentleman yield?

Mr. MORAN of Virginia. I yield to the gentleman from Oklahoma.

Mr. ISTOOK. I am referring to the language that is in the House bill, although the gentleman correctly notes that we are working on possible revisions of that to put it in its best form.

Mr. MORAN of Virginia. Well, reclaiming my time, Mr. Speaker, those subsequent revisions we have not seen.

Now, the gentlewoman from the District of Columbia, who is the proper representative of the citizens of the District of Columbia, feels that the highest priority is to get this bill funded, notwithstanding issues with regard to the securitization of tobacco revenue and things like that. She is looking to the priorities of the Mayor, the city council and its citizens, and feels that this motion is in the best interest of those citizens, which I find to be a compelling argument to accept the Senate version.

Mr. Speaker, I yield 8 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding me this time. I appreciate his comments.

First, let me indicate that what I am going to say now has the sign-off of the Mayor and the Chair of the city council, who want us to support the motion to instruct so that D.C. can get its money and we can recede to the Senate bill.

D.C. General Hospital has been taken care of in the Senate bill. There is some money that can be moved, if necessary, to assist the transition, with very severe limits on it; and D.C., of course, can no longer fund the hospital above and beyond the appropriated amount. That has been fully taken care of in the House.

The Senate budget as to securitization of the tobacco settlement, D.C. would have desired that.

□ 1045

But the necessity to get this bill done is overriding, and the mayor and the City Council are asking our colleagues on both sides to support the motion to instruct.

The Senate bill is tough on the District, tougher than necessary, but it is a fair bill. It forces me to swallow hard. There are major attachments on that bill reflecting the views of this House as well as the Senate. There is a major violation of home rule right in our face.

Congressional review of the Chief Financial Officer before that nomination becomes effective even after hearings and confirmation by the Council, a totally unnecessary, horrible violation of home rule. And if the mayor and the City Council are willing to let that go without a fight and a veto, I think it says a lot about the urgency of passing this bill because I am going to have something to say about what the specific injury is to the District in holding this bill longer.

The Senate bill requires the District to pay back in 1 year amounts taken from its emergency reserves for emergencies, and that becomes very difficult for us because it is a city recovering from insolvency. If we take an amount from the reserves, the District asks that we have 3 years to pay it

back. We are not able to get that in the Senate bill. That is the kind of tough language the District would have to absorb through the Senate bill.

But the Senate bill would, at least, make this small appropriation go away. And then what would we have? Would it be one down and eight to go? I have lost count. But they have got a lot to do before they get out of here. If they want to spend their time in October and November fighting over the D.C. bill, be my guest. Because we are not going to give up without a fight.

If in fact we do not adopt the Senate version, what we are headed for is a veto and a protracted fight over the smallest appropriation consisting almost entirely of locally raised revenue. This would be an absurd fight this late in the year because it would be a fight over D.C.'s balanced budget with a surplus.

The Senate version, of course, has riders we deplore but it bears us a fight over controversial language that are the pet concerns of this Member and that Member who in the House cannot wait for the D.C. appropriation because it allows them to undemocratically micromanage their views into the appropriation of a local jurisdiction, going against all of the philosophy of devolution that is spouted by the other side daily on this floor.

Is it worth the fight to get their little curlicue in their budget and then have it vetoed by the President? I do not think so.

Usually funds have not held up the D.C. appropriations since most of the money comes from D.C. and D.C. submits balanced budgets. Not this time. This appropriation is being held up largely because of a \$35 million dispute in a \$2 trillion budget. That is what this House is all about.

Now, understand that this dispute involves priorities that were funded in the President's budget and that the District cannot do without. So that means a fight, too. They have a fight on their hands. Do they want a fight? Do they want to stick around and fight? They are going to get their fight. Because we have got to get that Metro station.

D.C. has come up with a third of the money. As far as the Metro station, one of our business people has written an extraordinary piece in the Washington Post saying he simply cannot believe that, with the millions of dollars he is pouring into the District, that the Congress would not let this Metro station go. It is key to the revitalization of the entire northeast quadrant of the city, to the city's economy itself, which is just rebounding from insolvency.

We cannot put any more of our money into it. The control board has certified that it does not have more of its money to put into it. That is going to hold this bill up. We are not going to give up without that Metro stop. If my colleagues want to hang around and fight over it, they got themselves a fight.

Members have always supported such infrastructure support. They did so when we were building the Convention Center because they knew that we were going to make millions of dollars for ourselves every year. And so the Congress funded an expansion of the Metro stop near the Convention Center when the President put the money in his budget, as he has now.

This body, in one of the great moments frankly for bipartisan support for the Nation's capital, passed the College Access Act. There was strong bipartisan support in the Senate and the House because the House understood that we are the only jurisdiction in the United States that does not have a State college system, a State university system. So that now our youngsters can go to State colleges for low in-state college tuition fees.

Why underfund in the second year, the upcoming year, when we have received such an outpouring of young people taking advantage, more than 3,000 youngsters going all over the United States? It is mean spirited to underfund that, especially since the money for it is there in the President's budget.

It is time to acknowledge the giant steps that the District has taken with its new reform mayor, Tony Williams, and its completely revitalized City Council that does tough oversight all the time. They did their homework. We found no fault with their budget.

The delay into the fiscal year has already hurt the City's priorities. As I speak, 175 police cannot be hired. As I speak, we cannot put money into an after-school program to take our kids off the street during the high crime hours between 3 and 6. And the only reason is because this body has decided to hold our budget up, our balanced budget, and we cannot move ahead on anything new until they let our budget go.

Is it worth it to put their own signature on somebody else's budget when they have done their homework? Let the District budget go.

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

Mr. Speaker, let me, as part of my response to some things that have been claimed, take issue with this idea that supposedly the bill consists almost entirely of local funds.

In this bill, of the total of about \$5.5 billion in operating expenses in the bill, about \$3 billion of it is raised locally, about \$2 billion of it is different Federal grant programs that comes from the Federal Government; and then over \$400 million of it is direct appropriation of Federal funds to the District of Columbia.

I do not consider \$2.5 billion of Federal money or \$400 million of appropriated money—and of course it exceeds that \$400 million—I do not consider that to be small potatoes. I consider that to be a lot of taxpayers' money.

We do not have that kind of direct appropriation to my hometown. It does

not go to Oklahoma City. It does not go to Sacramento. It does not go to Minneapolis or St. Paul or even Chicago. It goes to Washington, D.C., as the Nation's Capital because we have a unique constitutional perspective and mandate regarding the Nation's Capital. Otherwise, we would not have this bill, we would not have a District appropriation.

Ms. NORTON. Mr. Speaker, will the gentleman yield?

Mr. ISTOOK. I yield to the gentlewoman from the District of Columbia.

Ms. NORTON. Mr. Speaker, just for the record, I want the gentleman to know that, of the \$2 billion that the gentleman has referenced, only \$400 million of that is for direct Federal funding, but most of it is for the kind of grants they do not appropriate for anybody else in the first place.

Mr. ISTOOK. Mr. Speaker, reclaiming my time, that is not accurate. The \$2 billion in grants and such is in addition to the \$414 million that the House appropriated. So the total of those is approximately \$2.5 billion. And then we have the local funds of about \$3 billion.

This is significant taxpayers' money. Whether the figure is \$2.5 billion, \$2 billion, or \$400 million, I do not think any of us should say to the taxpayer with a straight face that that is not much money and this Congress should not be concerned about it and just let it go. We should be concerned.

Now, the Senate bill has more than the \$414 million. They have \$448 million. And that is what we have been working to reconcile.

Now, I think a false illusion, and it has been fascinating in this process, Mr. Speaker, to see efforts to create a false illusion as though the House were not trying to work, for example, on this New York Avenue Metro station project. The problem is, we do not get money from the President's budget.

I realize that Members of his own party can stand up here and say, "Oh, my goodness, they are not doing what the President's budget says." Well, if all we need is the President's budget, we do not need a House of Representatives and we do not need a Senate; just let the President call all the shots and act accordingly.

The President does not give us money. The money comes from the taxpayers. And we have budgets within the House and within the Senate. We do not say we can spend as much money as the President says we can spend. We are only allowed to spend as much money as the House says can be spent if it should be spent.

And this nonsense about saying, "Oh, they have not done what the President's budget says;" we do not always agree with the President. That may be a surprise to some people. Maybe they always do. But I do not always agree, and I try in good faith to work with everyone and work these differences out.

As we have said throughout the process, it is really sad to see this effort to try to say to the business community

and others in Washington that Congress is not helping with the New York Avenue Metro station. That is balderdash.

Number one, we funded to the full extent that we were able to do within the amount of money that had been allocated in our budget. And secondly, we have said from the beginning that we expected when we got to the conference with the Senate that the Senate would have a higher number that would enable us to add the extra money for the New York Avenue Metro station, which is exactly what is happening.

I really think it is sad to see this effort to demagogue and say, "Oh, they are not trying to help on this significant project," because we have from day one and that has been the plan all along that the extra money would be received in an allocation when we got to conference so that we would be able to do that.

Also a false argument has been made saying, "Oh, they are not taking care of the college tuition program." My goodness, we established that program in this bill last year with bipartisan support, as the gentlewoman mentions, and we have funded every penny that the program required plus a cushion of about 15 percent.

I recognize some people want to expand the program and, therefore, they want more money or they want the amount that was originally projected to be needed until they found out how many students were actually participating and we knew then what the actual number was rather than going with an estimate that was done a year or more in advance. We funded the need and then some. But some people say, "Oh, they have got to give us more than that because we created a number in advance that we projected would be necessary and we are wearing blinders as to what the actual needs of the program are."

Nevertheless, because the funds that go into that college tuition program remain available for future years and cannot be used for any other purpose we are going to increase the funding for that program. I think what we will end up doing is provide funding in advance for some of the college tuition that will not be spent until more than a year from now.

That has been the situation all along. Yet some people try to create an illusion that there has been a different approach toward the college tuition or towards the New York Avenue Metro station.

□ 1100

The bill that we have before us should be resolved very soon. We have been working with the gentleman from Virginia (Mr. MORAN), we have been working with the gentlewoman from the District of Columbia (Ms. NORTON), we have been working with the administration, and we certainly have been working with the Senate. We expect that we are going to have this con-

ference completed very quickly and the bill right back out to this Floor so that we can take care of the situation, the timing concern that the gentlewoman from the District mentions. We are sensitive to that. We are trying to move as quickly as we can. But the Senate did not pass its bill until last week, until last Thursday night. The House acted long before that. We have been waiting on the Senate. Now that the Senate has acted, we are able to go to conference, and finish up these details and get it right back here to the House floor. We expect to have this done quickly.

Mr. Speaker, I oppose the motion to instruct conferees. As I said in my earlier statement, it is going to blow holes in the District's budget. It is going to create a lot more problems than it might ever solve. I oppose the motion to instruct and ask Members to oppose the motion.

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

Mr. MORAN of Virginia. Madam Speaker, I yield myself such time as I may consume.

Let me just elaborate on a few of the comments that the gentlewoman who represents the District of Columbia made. First of all, we have an opportunity to get the District of Columbia appropriations bill passed. We have only got two out of 13 appropriation bills done now. Finally we would get a third, with 10 to go.

The second point she made is we are only asking for \$34 million more. Now, we just passed an energy and water appropriations bill that was \$880 million over the budget request. I would not want to suggest that a lot of that is pork, but I would suggest to the people who are watching this that they may want to look at some of the composition of that bill. We passed a defense appropriations bill. It was \$1.4 billion less for military readiness that the President requested, yet there is \$9 billion more for weapons programs, primarily manufactured in majority Members' districts.

We are going to go through a number of appropriation bills in the last few days of this term, and all of them are going to see major increases, increases that make this D.C. bill dwarf by comparison. I mean, when we are talking about the District of Columbia bill compared to other bills, these numbers would get lost in the rounding. We are asking for \$34 million is all, and that just brings it up to the budget request.

Let me make a third point that the gentlewoman did not discuss and, that is, with regard to the prerogatives that we assume for our own congressional district. We have been adding programs that benefit our district. That is part of our job. Whether they fit within the original budget resolution or not, we are going to do the best we can for our district. But in addition to that, we jealously guard our district from letting any other Members mess around

with it because we know our district best. We know what our priorities are.

Imagine, I would ask my colleagues, consider how you would feel if the rest of your colleagues were telling you what you ought to be doing for your congressional district, what you ought to be doing to your congressional district. We would never tolerate this kind of scrutinizing, this kind of bashing in some ways, all this kind of micromanaging. The gentlewoman from the District of Columbia is saying, weighing all the priorities, understanding my district better than any of you do, and we know that that is the truth, what she wants is for us to recede to the Senate, get this bill passed, we are already past the beginning of the fiscal year, let the District of Columbia get its appropriation bill and let it go about its business. That is all she is asking.

I am asking my colleagues, do nothing more but nothing less than we would do for our own congressional districts. Put yourselves in the gentlewoman from the District of Columbia's shoes. If you were representing the District of Columbia, what would you expect your colleagues to do? What we would expect our colleagues to do is to recede to the Senate, to get the bill passed but most importantly to listen to us, to take our advice on our congressional district.

Madam Speaker, I yield 3 minutes to the gentlewoman from the District of Columbia (Ms. NORTON) to respond to the gentleman from Oklahoma's comments, and then we will summarize our motion.

Ms. NORTON. Madam Speaker, there are two points on which I simply must take exception to the remarks of the Chair of the subcommittee when he talks about the \$6 billion budget and says almost \$4 billion of it is from the District and about \$2 billion of it is from the Federal Government. Most of that \$2 billion would never have come here until recently. In all of the years that the District budget came, Federal grants, most of them competitive Federal grants, were never even included in the District budget that came here. In recent years it has been and most of that money are grants. For example, it includes the transportation money that I get for the District out of another appropriation altogether, very large set of money, had nothing to do with this appropriation or with this chairman. It is done pursuant to a formula. And that is included in the \$2 billion. That is most of the money he is talking about when he says \$2 billion.

Let me say what I mean when I say the President put the money in the budget. This gentleman would not have had \$35 million to manipulate to other priorities. If there was not \$35 million in the budget, if there were only the money funding the functions that the Federal Government took over, we would not even be having this discussion. But the Mayor, the city council Chair, the control board Chair and I

went to the White House and said, "We are funding two-thirds of the Metro stop, can the Federal Government put in one-third?" What this chairman has done is to take a good part of that money and reallocate it to where he thinks the money should go, or else he would not have had any money to play around with at all. We do not agree with him. It is our city.

He is for some of the money, for example, into the arboretum which is in the appropriation of the agriculture committee. We are asking that the money that was added to the D.C. appropriation, funded in the President's budget, be used for the purpose he funded it for and not be used for the purposes the gentleman wants it funded for. He would not have had it to deal with at all if we had not gone to the White House. I ask him to respect the reason the money was put in there, and it was the Metro stop and the other functions that we have mentioned.

Finally, I say to my colleagues, it is not fair to you to ask you to vote against the motion to instruct because you will engage in a futile exercise. If you vote against the motion to instruct, you are voting for overtime on the smallest appropriation. You are guaranteed a fight on that appropriation. I promise you that.

Mr. ISTOOK. Madam Speaker, I yield 6 minutes to the gentleman from Kansas (Mr. TIAHRT), a member of the subcommittee.

Mr. TIAHRT. Madam Speaker, I rise in opposition to this motion to instruct, because I think it goes back on some very important priorities that are in this bill the way it currently is and that the Senate has avoided. There are things that were excluded in this bill that I think are important to the States that surround the District of Columbia, and yet we are willing to make an island under the Senate version, an island here in the District of Columbia on some important legislation such as an amendment presented by the gentleman from California (Mr. BILBRAY).

He wanted to restrict, and do it with some authority, underage smoking. If you travel across the Potomac to Virginia, you will find that they have laws to restrict underage smoking. If you go to the east on Highway 50, you drive into Maryland and you will find that they have restrictions on underage smoking. But yet we are going to create an island here under the motion to instruct for the children in the District of Columbia and allow them this underage smoking, allowing kids to drive across the bridges or come into the District of Columbia and have less fear of buying cigarettes and getting into a life-style that will shorten their lives.

In addition to that, the Senate has made the choice that they are willing to risk placing elementary school children in the proximity of drug users, people who take illegal drugs and inject them into their veins. The House version had a restriction on the needle

exchange program, saying simply that we are going to place a higher priority on children than we are on drug users.

We were going to take the very same language in the bill, we have the very same language as what the District of Columbia City Council has determined as a drug-free school zone, and we applied that to the program that gives needles to drug abusers. They will then take these needles and they inject illegal drugs into their veins. Now, there have been quite a few studies about the program, and what we have found is that in the area where needles are distributed, there are drug pushers, there are obviously drug users, and there are areas where the police have had to stay away by their own accord in order to let the program go so that we can give these needles to people who illegally use drugs.

All we were trying to do in this bill was to restrict the area where these needles were distributed. The amendment that was cut out by the Senate did not exclude the program at all. It exists on private funds today. But there are 10 distribution points in the District of Columbia. Six of them are within the area known as a drug-free school zone. Some of them are as close as across the street from where children in the District of Columbia attend school. So the Senate has made a choice, and it is now supported in this motion to instruct to place a higher priority on drug users than on the children, a very disturbing thought. We should place the children in the District of Columbia in a higher priority than we do drug users.

The Senate has gone on to take other very vital services and completely strike them out. They struck a hotline service that exists here in the District of Columbia. There are people in our society that are in dire need, they are in dire straits or in a difficult time and in the District of Columbia today you can call an 800 number and the people on that hotline will not let you off the phone until they connect you with the service that will meet your need, until that is connected, until that connection is made. But yet that was struck in this motion to instruct, that whole area is taken out. The Senate took it out, turning our backs on people that are truly in need.

They also struck the money for a mentoring service. There are kids in the District of Columbia that do not have much of a future. They are in a single-parent household, some of them are living with grandparents, aunts and uncles, and this mentor organization provides an individual to stay with them and meet their needs, if it is going to school to help them with their studies and talk with their teachers, if that is going to court with them, if it is helping them just get the medication they need. The mentoring program accompanies these children to help them get a start in life, to give them a little bit of hope in a community that is in desperate need of hope. Yet the Senate

and this motion to instruct will completely strike that program, leaving these children without the help that they need.

They also went on to cut other grassroots community organizations, and \$500,000 for a cleanup. We heard a lot of talk about how the Metro stop is more important than these programs and that we have taken money, reprioritized it through the Senate, through this motion to instruct, for a Metro stop, but we have overlooked important things in this community. We have overlooked these children, we have overlooked the hotline service, we have overlooked a program that just is trying to restrict where we distribute needles to drug abusers. We have problems in the hospital, overlooked by this motion to instruct, a hospital that has twice as many employees than they need, completely overlooked, and half a million dollars for an environmental cleanup, overlooked because we want to change it to a Metro stop. I think the Metro stop is needed. I think we need some upgrades there. But to place that at a higher priority than the children of this community I think is wrongheaded, wrongminded. I think it is the wrong direction.

I would suggest that we vote against this motion to instruct and that we keep the House version of what was passed here. It makes more sense, it is more compassionate, and it is the right thing to do.

□ 1115

Mr. MORAN of Virginia. Madam Speaker, I yield 3 minutes to the distinguished gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Madam Speaker, I thank the gentleman for yielding me the time and thank the gentleman also for his great leadership on behalf of the District of Columbia making decisions for itself.

I also want to commend the distinguished gentlewoman from the District of Columbia (Ms. NORTON) for her tireless leadership on behalf of the people of the District and on behalf of the people of our country, because the principle of local control over some of these decisions is one that serves us all well in this country.

Madam Speaker, I rise in strong support of the motion to instruct offered by my colleagues, the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Virginia (Mr. MORAN).

The House bill that this body voted on earlier unfortunately included several riders that would interfere with the District of Columbia's ability to serve its citizens. Among these riders is the Tiaht amendment, a bill that would kill the District's needle exchange programs, which have been proven effective in reducing the number of new HIV infections in the District and in this country, especially among children.

Think about the children. Approximately half of all new HIV infections

are linked to injection drug use, and three quarters of new HIV infections in children are the result of injection drug use by a parent. Why would we pass up the opportunity to save a child's life by shutting down programs that work?

Although AIDS deaths have declined in recent years as a result of new treatments and improved access to care, HIV/AIDS remains the leading cause of death among African American males age 25 to 44 in the District. In spite of these statistics, this amendment that is contained in the House bill attempts to shut down programs that the local community has established to reduce new HIV infections.

This Congress should be supporting the decisions that the local communities make about their health care and the health care of their people, not limiting local control. Numerous health organizations, including the American Medical Association, the American Public Health Association, have concluded that needle exchange programs are effective.

Madam Speaker, in addition, at my request, the Surgeon General's office has prepared a review of all peer reviewed scientific studies of needle exchange programs over the past 2 years, and they also conclusively found that needle exchange programs reduce HIV transmission and do not increase drug use.

Madam Speaker, the President will veto this bill in the present form. If we support the motion to instruct, we will be able to send this bill to the President and have it signed into law. Here we are past the date of the end of the fiscal year, and we still have 11 appropriation bills out there.

I just want to take another moment to go back, to the needle exchange program. Since the inception of the needle exchange program in the District of Columbia in the latter half of 1996 through 1999, the number of new IDU cases has fallen more than 65 percent from some 396 in 1996 to 139 in 1997, which represents the most significant decline in new AIDS cases across all transmission categories over this 4-year period.

Madam Speaker, I urge my colleagues to support the motion to instruct.

Mr. ISTOOK. Madam Speaker, if I may inquire of the gentleman from Virginia (Mr. MORAN), would it be agreeable if I take 2 minutes to close, then the gentleman take 2 minutes to close?

Mr. MORAN of Virginia. Madam Speaker, I think I may get wound up a little more. Madam Speaker, let us yield ourselves at least 3 minutes for this.

Mr. ISTOOK. Madam Speaker, I yield myself 3 minutes.

Madam Speaker, I think it is important to remember that were we to adopt the motion of the gentleman from Virginia (Mr. MORAN) and just accept everything that the Senate has

done on this bill, first, we would blow a \$61 million hole in the District's budget because we would not have the language that was intended to be put in and will be put in the conference agreement to enable the District to issue securities against the revenue they expect from the tobacco settlement and that the District is counting on in this budget this year. So we would cut out that \$61 million and blow a hole in their budget.

I do not know where they would try to make it up. If we were to adopt the gentleman's motion, we would also remove the public-private effort, not only to work with public housing but to work with the residents of public housing to improve their employment, which is part of the project of the Washington Interfaith Network that the House version funds but the Senate version does not.

Also, were we to adopt the Senate version, we would cut out the funding that the House has to help teenagers, young women, in the District to promote abstinence, to try to stop the major problem with teenage pregnancy and sex and the difficulty it leads to for so many people. We would cut out that funding if we were to adopt the gentleman's motion.

Also under the gentleman's motion, we would remove millions of dollars from the drug testing and drug treatment program that is a major effort to reduce crime in the District of Columbia. We would cut that out if we were to adopt the gentleman's motion.

Madam Speaker, the things that were mentioned by the gentlewoman from the District of Columbia (Ms. NORTON) as I tried to make clear throughout, we always expected, and it is the intention in the conference, that more funds are now being made available to the House, which is the amount that we were counting on to provide the full requested funding on the New York Avenue Metro station. That has been the plan all along, that is what is happening; but we did not have the money available to us in the House in our subcommittee previously.

It was not that we had the money and spent it elsewhere, we did not have the money. And we were going to say we are going to wipe out everything else, because we knew what was going to happen, and it has happened with or without adopting the motion of the gentleman from Virginia (Mr. MORAN), the bill, when it finally goes to the President's desk, will have the full funding for the New York Avenue Metro station and the full funding for the college tuition program, because any excess in that program would just be carried through to the next year anyway.

We have tried to make that clear. That is not an issue. That is not an issue whatsoever. In the conference report, those are the things that we intend to do, but let us not undo the work of the House of Representatives. We had amendments that this House

adopted by voice vote, because the support was so firm. We had an amendment by the gentleman from California (Mr. BILBRAY) for example that was adopted in this House by 265 votes, very strong, very bipartisan votes that the gentleman's motion would wipe out.

I urge defeat of the motion to instruct conferees, so we can very, very quickly go to conference, get these issues resolved and bring the conferecne agreement right back to this floor.

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

Mr. MORAN of Virginia. Madam Speaker, I yield myself such time as I may consume.

I would say to the gentleman from Oklahoma (Chairman ISTOOK), that while some of the points are valid with regard to the House bill and the Senate bill, the conclusion is not one we could agree with.

Let me respond to some of the points that have been made by the gentleman from Oklahoma (Chairman ISTOOK) and by my colleague, the gentleman from Kansas (Mr. TIAHRT).

My colleague, the gentleman from Kansas (Mr. TIAHRT), suggested that in some way the Senate bill shortchanges youth programs, and yet the Senate bill adds \$500,000 for a new community center for homeless runaway at-risk youth. The Senate bill adds another \$250,000 to enhance reading skills of District public school students.

There is a whole list of programs that the Senate bill has that I know that the gentleman from Kansas (Mr. TIAHRT) and the gentleman from Oklahoma (Mr. ISTOOK) would not object to, but these are good programs that are not in the House bill.

The main thing that I have to take issue with is that the gentleman from Oklahoma (Mr. ISTOOK) and the gentleman from Kansas (Mr. TIAHRT) have suggested that the House bill takes a more responsible approach to some of these difficult issues that we have been wrestling with, and I do not think that is the case.

I would remind both the gentleman from Oklahoma (Mr. ISTOOK) and the gentleman from Kansas (Mr. TIAHRT) and anyone who does not think that the Senate bill is a responsible bill that it passed the Senate unanimously, unanimously.

Madam Speaker, with regard to this needle exchange program, the Senate bill that we are asking my colleagues to accept and that the gentlewoman from the District of Columbia (Ms. NORTON) is willing to accept says we cannot use any Federal funds for needle exchange programs. We cannot use any local funds for needle exchange programs. We cannot use any public funds for needle exchange program. It is pretty tough language. But it is in the bill. And to suggest, as my friend, the gentleman from Kansas (Mr. TIAHRT), suggested that somehow the Senate is taking too liberal an approach here, I do not think that the Senate is some cabal of left-wing

ideologues. I should not characterize the Senate.

Mr. ISTOOK. Madam Speaker, will the gentleman yield?

Mr. MORAN of Virginia. I yield to the gentleman from Oklahoma.

Mr. ISTOOK. Madam Speaker, the gentleman mentioned the effort of the Senate. I was watching, and perhaps the gentleman was, when the Senate brought the bill up. Is the gentleman aware the consideration the Senate gave to this bill on the floor when they brought it up and passed it in about 30 seconds? That was the extent of the consideration, literally 30 seconds.

Mr. MORAN of Virginia. Reclaiming my time, Madam Speaker, I am very grateful for the gentleman for making note of that, because I think that is exactly what we should be doing here.

These are bills that were requested by the White House because they came from the District of Columbia City Council, the Mayor, the financial control board agreed to them. So this is a budget that already has been scrutinized. I do not know why we need to take more than 30 seconds. This is the District's bill. It makes sense. It is a responsible bill.

We want to get our appropriations bills done. It is after October 1. We have a terrific chairman, the gentleman from Oklahoma (Mr. ISTOOK), and the gentleman from Florida (Mr. YOUNG), chairman of the Committee on Appropriations, he wants to get our work done. He is upset. And it is past October 1. The fiscal year has begun.

We have an opportunity to get a bill passed that the Senate agrees to, that the White House will sign. We are only talking about \$34 million that was within the budget request. We are probably going to go \$25 billion over our budget resolution. Here we are talking \$34 million. We can get this bill out of the way. Let us get our job done. The chairman has worked so hard, we ought to let him get his job done.

Let us not mess around with these tangential issues, these ideological issues. Let us let the citizens of the District of Columbia decide what is in their best interests, let us recede to the Senate, let us get this appropriations bills signed, get our work done.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Virginia (Mr. MORAN).

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

Mr. ISTOOK. Madam 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 SPEAKER pro tempore. The Chair will reduce to 5 minutes the electronic vote on the motion to suspend the rules and pass the bill, H.R. 5212, as amended, immediately following this vote.

The vote was taken by electronic device, and there were—yeas 190, nays 219, not voting 24, as follows:

[Roll No. 510]

YEAS—190

Abercrombie	Gordon	Napolitano
Ackerman	Green (TX)	Neal
Allen	Greenwood	Oberstar
Andrews	Gutierrez	Obey
Baird	Hall (OH)	Olver
Baldacci	Hill (IN)	Ortiz
Baldwin	Hilliard	Owens
Barcia	Hinchee	Pallone
Barrett (WI)	Hinojosa	Pascrell
Becerra	Hoeffel	Pastor
Bentsen	Holt	Payne
Berkley	Hoolley	Pelosi
Berman	Inslee	Peterson (MN)
Berry	Jackson (IL)	Pomeroy
Bishop	Jackson-Lee	Porter
Blagojevich	(TX)	Price (NC)
Blumenauer	Jefferson	Rahall
Bonior	John	Rangel
Borski	Johnson, E. B.	Reyes
Boswell	Jones (OH)	Rivers
Boucher	Kanjorski	Rodriguez
Boyd	Kaptur	Rothman
Brady (PA)	Kennedy	Roybal-Allard
Brown (OH)	Kildee	Rush
Capps	Kilpatrick	Sabo
Capuano	Kind (WI)	Sanchez
Cardin	Kleczka	Sanders
Carson	Kucinich	Sandlin
Clay	LaFalce	Sawyer
Clayton	Lampson	Schakowsky
Clement	Lantos	Scott
Clyburn	Larson	Serrano
Condit	Lee	Sherman
Conyers	Levin	Sisisky
Coyne	Lewis (GA)	Slaughter
Cramer	Lipinski	Smith (WA)
Crowley	Lofgren	Snyder
Cummings	Lowey	Spratt
Danner	Luther	Stabenow
Davis (FL)	Maloney (NY)	Stark
Davis (IL)	Markey	Stenholm
DeFazio	Mascara	Strickland
DeGette	Matsui	Stupak
Delahunt	McCarthy (MO)	Tanner
DeLauro	McCarthy (NY)	Tauscher
Deutsch	McDermott	Thompson (CA)
Dicks	McGovern	Thompson (MS)
Dingell	McKinney	Thurman
Dixon	McNulty	Tierney
Doggett	Meek (FL)	Towns
Dooley	Meeks (NY)	Turner
Doyle	Menendez	Udall (CO)
Edwards	Millender	Udall (NM)
Engel	McDonald	Velazquez
Etheridge	Miller, George	Visclosky
Evans	Minge	Waters
Farr	Mink	Watt (NC)
Fattah	Moakley	Waxman
Filner	Mollohan	Weiner
Ford	Moore	Wexler
Frank (MA)	Moran (VA)	Weygand
Frost	Morella	Woolsey
Gejdenson	Murtha	Wu
Gonzalez	Nadler	Wynn

NAYS—219

Aderholt	Blunt	Castle
Archer	Boehrlert	Chabot
Armey	Boehner	Chambliss
Bachus	Bonilla	Chenoweth-Hage
Baker	Bono	Coble
Ballenger	Brady (TX)	Coburn
Barr	Bryant	Collins
Barrett (NE)	Burr	Combest
Bartlett	Burton	Cook
Barton	Buyer	Cooksey
Bass	Callahan	Costello
Bereuter	Calvert	Cox
Biggert	Camp	Crane
Bilbray	Campbell	Cubin
Bilirakis	Canady	Cunningham
Bliley	Cannon	Davis (VA)

Deal Kelly Ros-Lehtinen
 DeLay Kingston Roukema
 DeMint Knollenberg Royce
 Diaz-Balart Kolbe Ryan (WI)
 Dickey Kuykendall Ryun (KS)
 Doolittle LaHood Salmon
 Dreier Largent Sanford
 Duncan Latham Saxton
 Dunn LaTourette Scarborough
 Ehlers Leach Schaffer
 Ehrlich Lewis (CA) Sensenbrenner
 Emerson Lewis (KY) Sessions
 Everett Linder Shadegg
 Ewing LoBiondo Shaw
 Fletcher Lucas (KY) Shays
 Foley Lucas (OK) Sherwood
 Forbes Maloney (CT) Shimkus
 Fowler Manzullo Shows
 Frelinghuysen Martinez Shuster
 Gallegly McCrery Simpson
 Ganske McHugh Skeen
 Gekas McNinnis Smith (MI)
 Gibbons McIntyre Smith (NJ)
 Gilchrest McKeon Smith (TX)
 Gillmor Metcalf Souder
 Gilman Mica Spence
 Goode Miller (FL) Stearns
 Goodlatte Miller, Gary Stump
 Goodling Moran (KS) Sununu
 Goss Myrick Talent
 Graham Nethercutt Tancredo
 Granger Ney Tauzin
 Green (WI) Northup Taylor (MS)
 Gucknecht Norwood Taylor (NC)
 Hall (TX) Nussle Terry
 Hansen Ose Thomas
 Hastings (WA) Oxley Thornberry
 Hayes Packard Thune
 Hayworth Pease Tiahrt
 Herger Peterson (PA) Toomey
 Hill (MT) Petri Traficant
 Hobson Phelps Upton
 Hoekstra Pickering Vitter
 Holden Pickett Walden
 Horn Pitts Walsh
 Hostettler Pombo Wamp
 Hulshof Portman Watkins
 Hunter Pryce (OH) Watts (OK)
 Hutchinson Quinn Weldon (FL)
 Hyde Radanovich Weldon (PA)
 Isakson Ramstad Weller
 Istook Regula Whitfield
 Jenkins Reynolds Wicker
 Johnson (CT) Roemer Wilson
 Johnson, Sam Rogan Wolf
 Jones (NC) Rogers Young (AK)
 Kasich Rohrabacher Young (FL)

NOT VOTING—24

Baca Hefley McIntosh
 Brown (FL) Hilleary Meehan
 English Houghton Paul
 Eshoo Hoyer Riley
 Fossella King (NY) Skelton
 Franks (NJ) Klink Sweeney
 Gephardt Lazio Vento
 Hastings (FL) McCollum Wise

□ 1151

Mrs. BONO and Messrs. RADANOVICH, HORN, BACHUS, HOLDEN, SMITH of Texas, EWING and LUCAS of Kentucky changed their vote from “yea” to “nay”.

Ms. MILLENDER-MCDONALD and Messrs. OWENS, ORTIZ, and GREENWOOD changed their vote from “nay” to “yea”.

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mrs. BIGGERT). Without objection, the Chair appoints the following conferees: Messrs. ISTOOK, CUNNINGHAM, TIAHRT, ADERHOLT, Mrs. EMERSON, and Messrs. SUNUNU, YOUNG of Florida, MORAN of Virginia, DIXON, MOLLOHAN and OBEY.

There was no objection.

VETERANS' ORAL HISTORY PROJECT ACT

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 5212, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 5212, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 407, nays 0, not voting 26, as follows:

[Roll No. 511]
 YEAS—407

Abercrombie Costello Hall (OH)
 Ackerman Cox Hall (TX)
 Aderholt Coyne Hansen
 Allen Cramer Hastings (WA)
 Andrews Crane Hayes
 Archer Crowley Hayworth
 Arney Cubin Herger
 Bachus Cummings Hill (IN)
 Baird Cunningham Hill (MT)
 Baker Hilliard Hilliard
 Baldacci Davis (FL) Hinchey
 Baldwin Davis (IL) Hinojosa
 Ballenger Davis (VA) Hobson
 Barcia Deal Hoefl
 Barr DeFazio Hoekstra
 Barrett (NE) DeGette Holden
 Bartlett Delahunt Holt
 Barton DeLauro Hooley
 Bass DeLay Horn
 Becerra DeMint Hostettler
 Bentsen Deutsch Hulshof
 Bereuter Diaz-Balart Hunter
 Berkley Dickey Hutchinson
 Berman Dicks Hyde
 Berry Dingell Inslee
 Biggert Dixon Isakson
 Bilbray Doggett Istook
 Bilirakis Dooley Jackson (IL)
 Bishop Doolittle Jackson-Lee
 Blagojevich Doyle (TX)
 Bilely Jefferson
 Blumenauer Duncan Jenkins
 Blunt Dunn John
 Boehlert Edwards Johnson (CT)
 Boehner Ehlers Johnson, E. B.
 Bonilla Ehrlich Johnson, Sam
 Bonior Emerson Jones (NC)
 Bono Engel Jones (OH)
 Borski Etheridge Kanjorski
 Boswell Evans Kaptur
 Boucher Everett Kasich
 Boyd Ewing Kelly
 Brady (PA) Farr Kennedy
 Brady (TX) Fattah Kildee
 Brown (OH) Filner Kilpatrick
 Bryant Fletcher Kind (WI)
 Burr Foley Kingston
 Burton Forbes Kleczka
 Buyer Ford Knollenberg
 Callahan Fowler Kolbe
 Calvert Frank (MA) Kucinich
 Camp Frelinghuysen Kuykendall
 Campbell Frost LaFalce
 Canady Gallegly LaHood
 Cannon Ganske Lampson
 Capps Gejdenson Lantos
 Capuano Gekas Largent
 Cardin Gibbons Larson
 Carson Gilchrest Latham
 Castle Gillmor LaTourette
 Chabot Leach
 Chambliss Gonzalez Lee
 Chenoweth-Hage Goode Levin
 Clay Goodlatte Lewis (CA)
 Clement Goodling Lewis (GA)
 Clyburn Gordon Lewis (KY)
 Coble Linder
 Coburn Graham Lipinski
 Collins Granger LoBiondo
 Combust Green (TX) Lofgren
 Condit Green (WI) Lowey
 Conyers Greenwood Lucas (KY)
 Cook Gutierrez Lucas (OK)
 Cooksey Gutknecht Luther

Maloney (CT) Phelps Snyder
 Maloney (NY) Pickering Souder
 Manzullo Pickett Spence
 Markey Pitts Spratt
 Martinez Pombo Stabenow
 Mascara Pomeroy Stark
 Matsui Porter Stearns
 McCarthy (MO) Portman Stenholm
 McCarthy (NY) Price (NC) Strickland
 McCrery Pryce (OH) Stump
 McDermott Quinn Stupak
 McGovern Radanovich Sununu
 McHugh Rahall Talent
 McInnis Ramstad Tancredo
 McIntyre Rangel Tanner
 McKeon Regula Tauscher
 McKinney Reyes Tauzin
 McNulty Reynolds Taylor (MS)
 Meek (FL) Rivers Taylor (NC)
 Meeks (NY) Rodriguez Terry
 Menendez Roemer Thomas
 Metcalf Rogan Thompson (CA)
 Mica Rogers Thompson (MS)
 Millender-Rohrabacher Thornberry
 McDonald Ros-Lehtinen Thune
 Miller (FL) Rothman Thurman
 Miller, Gary Roukema Tiahrt
 Miller, George Roybal-Allard Tierney
 Minge Royce Toomey
 Mink Rush Towns
 Moakley Ryan (WI) Traffcant
 Mollohan Ryun (KS) Turner
 Moore Sabo Udall (CO)
 Moran (KS) Salmon Udall (NM)
 Moran (VA) Sanchez Upton
 Morella Danner Sanders
 Murtha Sandlin Velazquez
 Myrick Sanford Vitter
 Nadler Sawyer Walden
 Napolitano Saxton Walsh
 Neal Scarborough Wamp
 Nethercutt Schaffer Waters
 Ney Schakowsky Watkins
 Northup Scott Watt (NC)
 Norwood Norwood Sensenbrenner
 Nussle Serrano Watts (OK)
 Oberstar Sessions Waxman
 Obey Shadegg Weiner
 Olver Shaw Weldon (FL)
 Ortiz Shays Weldon (PA)
 Ose Sherman Weller
 Owens Sherwood Wexler
 Oxley Shimkus Weygand
 Packard Shows Whitfield
 Pallone Shuster Wicker
 Pascrell Shuster Wilson
 Pastor Simpson Wolf
 Payne Sisisky Woolsey
 Pease Sken Wu
 Pelosi Slaughter Wynn
 Peterson (MN) Smith (MI) Young (AK)
 Peterson (PA) Smith (NJ) Young (FL)
 Petri Smith (TX)
 Smith (WA)

NOT VOTING—26

Baca Hastings (FL) McIntosh
 Barrett (WI) Hefley Meehan
 Brown (FL) Hilleary Paul
 Clayton Houghton Riley
 English Hoyer Skelton
 Eshoo King (NY) Sweeney
 Fossella Klink Vento
 Franks (NJ) Lazio Wise
 Gephardt McCollum

□ 1201

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. RILEY. Mr. Speaker, I was unavoidably detained for rollcall No. 510, a bill instructing conferees on H.R. 4942, the District of Columbia Appropriations Act for Fiscal Year 2001. Had I been present I would have voted “nay.” Mr. Speaker, I was unavoidably detained for rollcall No. 511, H.R. 5212, the Veterans’ Oral History Project Act. Had I been present I would have voted “yea.”

PERSONAL EXPLANATION

Mr. FOSSELLA. Mr. Speaker, I am not recorded on rollcall Nos. 510 and 511. I was unavoidably detained and therefore could not vote for this legislation. Had I been present, I would have voted "aye" on both rollcall votes.

STEENS MOUNTAIN COOPERATIVE
MANAGEMENT AND PROTECTION
ACT OF 2000

Mrs. MYRICK. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 609 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 609

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. 4828) to designate wilderness areas and a cooperative management and protection area in the vicinity of Steens Mountain in Harney County, Oregon, 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 one hour 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 the amendment in the nature of a substitute printed in the Congressional Record and numbered 1 pursuant to clause 8 of rule XVIII. That 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 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 recommend with or without instructions.

The SPEAKER pro tempore (Mrs. BIGGERT). The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Madam Speaker, for purposes of debate only, I yield the cus-

tomary 30 minutes to the gentleman from Ohio (Mr. HALL); 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.

Madam Speaker, yesterday the Committee on Rules met and granted an open rule for H.R. 4828, the Steens Mountain Wilderness Act. The rule waives all points of order against consideration of the bill. The rule provides for 1 hour of general debate to be equally divided between the chairman and the ranking minority member of the Committee on Resources.

The rule makes in order as an original bill for the purpose of amendment the Walden amendment in the nature of a substitute printed in the CONGRESSIONAL RECORD and numbered 1, which shall be open for amendment at any point.

The rule authorizes the Chair to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD. The rule allows 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 for one motion to recommit, with or without instructions.

Madam Speaker, H. Res. 609 is a fair and open rule for a noncontroversial bill. Last year, the Secretary of the Interior told folks in southeastern Oregon that the President might designate Steens Mountain as a national monument. Steens Mountain is deserving of protection, but the local residents who live and work in the area became worried their livelihoods were in danger; that the President would impose all sorts of restrictions on land use and put them out of business.

In response to these concerns, the gentleman from Oregon (Mr. WALDEN) decided to work out a compromise solution. He brought everyone to the table, including the governor of Oregon and the Secretary of the Interior, and they worked out a compromise which protects the environment and protects ranching and recreational activities.

The entire Oregon delegation, both Democrats and Republicans, support this bill. Indeed, this is how legislation should be done, and the gentleman from Oregon (Mr. WALDEN) deserves credit for working hard to write a bill that everyone can support before it even reaches the House floor. So I urge my colleagues to support this rule and to support the underlying legislation.

Madam Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Madam Speaker, I yield myself such time as I may consume, and I thank the gentlewoman from North Carolina (Mrs. MYRICK) for yielding me the customary time.

This is an open rule. It is a bill to protect the natural resources near Steens Mountain in Oregon. As my col-

league from North Carolina has described, 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 Resources. The rule permits amendments under the 5-minute rule. This is the normal amending process in the House. All Members on both sides of the aisle will have the opportunity to offer germane amendments.

The area near Steens Mountain is home to unique land formations, beautiful lakes, and rare and diverse plants and wildlife. The bill designates wilderness areas, wild and scenic rivers, and other management arrangements to preserve the area's natural resources.

Madam Speaker, this is an open rule, it is the normal process, the bill has bipartisan support, and I support the rule and the bill.

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

Mrs. MYRICK. Madam Speaker, I have no further requests for time, 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.

The SPEAKER pro tempore (Mr. GANSKE). Pursuant to House Resolution 609 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. 4828.

□ 1211

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. 4828) to designate wilderness areas and a cooperative management and protection area in the vicinity of Steens Mountain in Harney County, Oregon, and for other purposes, with Mrs. BIGGERT 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 Utah (Mr. HANSEN) and the gentleman from California (Mr. GEORGE MILLER) each will control 30 minutes.

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

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

Madam Chairman, I rise in support of H.R. 4828, the Steens Mountain Cooperative Management and Protection Act of 2000.

Madam Chairman, today we have the opportunity to protect Steens Mountain in Oregon, one of the most beautiful areas in the West. What brings us here today is nothing more than the relentless efforts of the gentleman from Oregon (Mr. WALDEN) over the past few

months to draft this consensus legislation. The citizens of Oregon are lucky to be represented by a man who has found a way to preserve the beautiful area while at the same time respecting the people's needs and uses in the Steens Mountain area.

H.R. 4828 is the culmination of years of effort to protect this unique area. H.R. 4828 is a complicated measure that uses management prescriptions that fit the land. Steens Mountain is a 30-mile long block which rises approximately 9,700 feet above the Alvord Basin, and is home to a variety of wildlife, including sage grouse, bighorn sheep, golden eagles, deer, antelope, and many varieties of fish. Currently, the Steens Mountain recreational land consists of 147,773 acres managed by the BLM; 41,577 acres of private land; and 4,506 acres of State land.

H.R. 4828 withdraws 1.2 million acres from mining and geothermal development and designates 134,000 acres as wilderness. It would also create a non-grazing zone of approximately 100,000 acres, as well as 500,000 acres of cooperative management and protection area.

In addition, H.R. 4828 would establish the Wildlands Juniper Management Area, expand the Donner and Blitzen Wild and Scenic River, designate the Donner and Blitzen Redband Trout Reserve, authorize the Secretary of the Interior to carry out a number of land exchanges to facilitate the purpose of this legislation, and allow the conservation of these lands to remain under local management.

During full committee consideration, the issue of Federal Reserve water rights within the wilderness area was heavily debated. During the next decade, Congress will consider many BLM wilderness bills. In my State of Utah, this debate is the foremost of resource issues.

□ 1215

As Congress heads down this road of finally resolving the BLM wilderness debate in the West, we must be cautious in how we approach such areas as grazing, water, existing uses, and existing rights.

The amendment considered as original text will resolve the water issue in a matter that does not prejudice the debate in the future. The language simply repeats the 1964 Wilderness Act. This is a reasonable approach that ensures the area is protected.

Once again, I want to commend the gentleman from Oregon (Mr. WALDEN) in this effort, and I urge my colleagues to support the passage of this very worthwhile legislation.

Madam Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Chairman, I ask unanimous consent that I may yield all of the time on this side to the gentleman from Oregon (Mr. DEFAZIO) for the purposes of controlling the time.

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

There was no objection.

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

Madam Chairman, I really never thought we would get here today to the floor of the House of Representatives adopting consensus legislation on behalf of the entire Oregon delegation to protect the extraordinary beauty, ecological value of the Steens Mountains. It is a place I visited, a place I love. It is not in my district. It is actually quite far away from my district, a number of hours' drive. But it is an unbelievably beautiful, almost mystical place rising up out of arid eastern Oregon overlooking the Alvord Desert on one side and looking back to the west over sagebrush and scattered farmlands to the west.

The values in that area in terms of the environment are just amazing, not just the spectacular views but the wildlife habitat, the river canyons. This bill will provide extraordinary protections for some of the most delicate areas and the most beautiful areas in the Steens by affording, to the best of my knowledge, the first legislated cattle-free wilderness in, at least, Oregon and, I believe, throughout the western United States.

That is crucial for the delicate nature of some of the uplands and the gorges and the headwaters for their preservation.

This was not an agreement easily reached. Quite frankly, I think it was about a year ago when the gentleman from eastern Oregon (Mr. WALDEN) came to my office and said he wanted to talk about the Steens and about legislation for the Steens. I was open to meeting with him about this but did not expect much, to tell the truth.

He came in with his trusty staff person, put down a map of the Steens with which I was familiar, and then started pulling out all these velcroed sections and stickies and saying, well, I want to do this. And after he got to about the fifth "I want to do this," I said, this is a pretty good offer. And he said, well, that is not all and he kept pulling out the velcroed stickies and putting them on the map.

It was a good first offer. We have improved the bill significantly since that time. We have worked with the conservation groups who are most familiar with the Steens area, environmental groups. The gentleman has done yeoman's work in bringing along the local community and the ranchers, who are significantly impacted by this legislation.

I think it is just an extraordinary day and, in my tenure in Congress, a very unusual day when the entire Oregon delegation is unanimously in support of legislation that relates to the environment in our wonderful and beautiful State. This is not something that is frequently seen no matter how meritorious the legislation.

So I stand here in strong support of the legislation. We will hear from

other members of the Oregon delegation later, and the gentleman from California (Mr. GEORGE MILLER) I will recognize later. But at this point I want to congratulate the gentleman from Oregon (Mr. WALDEN), who represents the district, for the work he has done.

Madam Chairman, I reserve the balance of my time.

Mr. HANSEN. Madam Chairman, I ask unanimous consent that the gentleman from Oregon (Mr. WALDEN) control the remaining time on the majority side.

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

There was no objection.

Mr. WALDEN of Oregon. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, we have accomplished something unique with the drafting of this legislation. We have brought together people from very different walks of life. We have given them equal seats at the table of public policy, and we have crafted an Oregon-based solution that works for the ranchers and works for the environment.

I want to start by telling my colleagues about the people who live in Harney County and who ranch on Steens Mountain. These are people whose ancestors were encouraged by the Federal Government to take the risk of expanding our Nation's frontier, to risk life and property to settle the Wild West. They were the homesteaders of the 1800s, people of undaunted courage who followed the trail to the West blazed by Lewis and Clark some 200 years ago.

They moved to an area of Southeast Oregon later called Harney County, where cows outnumbered people and still do today. It is a county that is larger than most New England States, 143 miles long and 86.6 miles wide. There are no freeways here, no congestion, no gridlock except when they are moving cows to graze in another area.

These are people whose closest neighbor is often miles and miles away. They are self-reliant people with soft hearts but rugged spirits.

This is not the world of high-tech millionaires, BMWs, and the fast life. But it is a place where people look out for each other, take care of each other. It is a place where written contracts are not broken because usually written contracts are not needed, a man's word is all it takes, a handshake will do. They do not get much from Government other than a tax bill, and they sure do not ask for a lot in return.

And for a century or more, they have tended the land and worked in cooperative partnership with the Federal Government to ensure that the environment is protected and their ranching way of life is allowed to continue.

Steens Mountain is a checkerboard of private and public lands interrelated. In cities, fences are designed to divide

neighbor from neighbor, but here there are few fences and quite often the neighbor is the Federal Government. It is a true partnership in a wide open space that has served the mountain and served the people well.

Steens Mountain itself is as unique as the people who live on it and near it. Unlike most mountain ranges across America, Steens Mountain stands alone in the desert. Made of heavy lava, Steens Mountain is a huge, up-thrust block twenty-three miles from its base on the west to its top. But when we get to that top, we are at nearly 10,000 feet; and it is a straight drop of nearly a mile to the playa below.

Breathtaking? You bet it is.

The explorers who settled here were not stupid. They picked the best lands on the mountain for their ranches. Harney County is arid, receiving just a few inches of rainfall a year. So the ranchers went for the water and the lush valleys, as any of us would have done. But today, in this legislation, they are offering to give back some of the best they have, to put it in wilderness for public benefit for a lifetime. This is a good deal for the taxpayers, and it works for the ranchers.

Over the years, the ranchers and the Federal Government have worked together to improve the range lands, to improve the aspen groves, the watersheds and the fish habitat. It is a partnership that has served the environment well.

Well, about a year ago, Steens Mountain was discovered by the administration and a new land rush was on. One, to save the Steens, to name it a national monument to encircle the ranchers and their home places with a new set of Federal laws and restrictions like a noose that could only get tighter and tighter until it would have choked out their way of life.

Now, in some parts of the West the reaction might have been to simply go into denial. But here the ranchers and the people realized that the threat they faced was both real and unstoppable.

Over Labor Day weekend a year ago, I met with the people most affected at a community dinner in Frenchglen. We faced the challenge together: Should we simply protest the idea of a monument, knowing it would come anyway, and trust the Federal Government to write the rules, or should we try to write legislation of our own, legislation that would have to accomplish the environmental goals of the administration without choking out a way of life on the mountain and the communities that surround it.

Well, my colleagues, the legislation we are considering today here on the floor of the House of Representatives is the end result. It is the result of hundreds, if not thousands, of hours of negotiation over the last year. It is one of the few examples where the threat of a unilaterally imposed national monument of more than a million acres has been replaced by legislation written by the people most affected.

We will hear today much about the importance of this legislation in protecting and preserving Steens Mountain. And it does do that. But it does something just as important, if not more. It protects private property rights. It protects water rights. It enshrines in Federal law the spirit of cooperative management of the Federal lands that has been unique to this region.

It is nearly half the size of the Federal monument. It is a solution in keeping with the great tradition and spirit that makes Oregon unique because we have with this legislation, in a small measure, rekindled the Oregon spirit of working together to protect our special place and our special way of life while we respect the rights of individuals and preserve the environment.

Moreover, we have proven that even in the heat of an election year, people of different parties and philosophies can work together for the common good. We heard my colleague from Eugene talk about that. Rare is the time when this delegation representing many different parts of Oregon has gotten together on a piece of legislation this monumental.

Every member of the Oregon delegation supports this bill. Every member of this delegation, House and Senate, has worked in good faith to fight for the principles they believe in that are important for our future as a State.

The Governor of Oregon and the Secretary of the Interior, with whom I have obviously had disagreements over the years, support this bill and have worked in good faith to accomplish its goals. The Oregon Cattlemen's Association and the Sierra Club, both at the table, both support this legislation. The Wilderness Society and Oregon Trout support this bill.

Is it as I would have written it if I alone could have written it? No. But neither is it as those who would eliminate ranching would have written it. It is indeed what legislating is all about. It is a compromise but a compromise that is far better than a national monument twice its size. It will allow a ranching lifestyle more than a century old to continue for generations to come, and it will protect and preserve the most fragile environment in southeastern Oregon.

I have next to me here a picture of Big Indian. This is part of what we are trying to protect and preserve. This gorge that we see here rising probably 7,000 or 8,000 feet into the sky would be protected with the wilderness boundary for about as far as we could see on this picture. It is an extraordinary place. And there is one after another after another.

We declare four wild and scenic rivers in this legislation. We set up a special redband trout reserve so that the stream where this special species is will be managed and enhanced for the protection of the redband trout.

We create 174,000 acres of wilderness, 100,000 acres of which is cow free. And

yet we preserve and protect the ranching way of life in this region.

I want to close by specifically thanking and naming those people who have played such an important role in this legislation. After all, we spent more than a year working on it and clearly hundreds of hours, and we can spend a few minutes saying thanks to the people most involved.

I want to start with my former legislative director, Lindsey Slater, who has probably put more time and effort into this than any of us and has been there throughout it all with new ideas about how to make it work. It ought to be named after him, but we probably cannot go there today; and Valerie West and David Blair and Sarah Bittleman from the Senators' offices; and Amelia Jenkins, Chris, Michael, and Bill in the Members' offices; and Kevin Smith and Peter Green; and the Governor, Secretary Babbitt, along with Molly and Laurie and Roy, our legislative counsel who we have gone back to time and time again to say this is the final draft only to have to go back one more time and say, well, we found one other thing we needed to change; and to Allen Freemyer and Lisa and Liz, thank you for your help; and to the gentleman from Utah (Chairman HANSEN) and to the gentleman from Alaska (Mr. YOUNG) for their work.

To Stacy Davies, to Fred Otley and to Charlie Otley, thank you. To all the people in Harney County, thank you for staying at the table, for working hard and fighting for what you all believe in. And to Bill Marlett and Andy Kerr, representing some of the toughest negotiators in Oregon's environmental community, thank you for giving us this opportunity, as well.

So I thank the members of the delegation, our Senators, the Governor, and the Secretary for getting us to this point. Because, truly, it is a remarkable day. I thank the ranking member of the Committee on Resources, as well, both for his input and his understanding of the importance of this issue for our State and for our Nation.

Madam Chairman, I reserve the balance of my time.

□ 1230

Mr. DEFAZIO. Madam Chairman, I yield 5 minutes to the gentleman from California (Mr. GEORGE MILLER), the ranking member of the full committee.

Mr. GEORGE MILLER of California. I thank the gentleman for yielding me this time.

Madam Chairman, I want to say that no one can argue with the desire of this delegation to save Steens Mountain and the surrounding area and the importance of this environmental asset. I will, however, unfortunately, have to disagree with him about how this was gone about by the process that was used here, and I think that it is unfortunate that a number of provisions of this bill deviate from public land management and conservation designations, including those dealing with wilderness.

In addition, there are significant problems with the land exchanges proposed in this bill, including valuations and payments that have no basis in law or policy. As the General Accounting Office noted in a report done in June of this year given to our committee, many land exchanges have failed to protect the public interest or provide that the lands exchanged were of equal value. That is the law of the land.

Unfortunately, the exchanges in this bill, I believe, continue that pattern; and I find that pattern troubling because I think it raises serious questions about the public interest, about the public treasury, and about the public good. No appraisals were done in this instance. Instead, BLM at the direction of the bill's sponsors prepared a realty report. Since the lands the ranchers offered were worth significantly less than the Federal lands they wanted, the BLM was asked by the bill's sponsors to use valuation assumptions that are not found in Federal law or policy. Further, the payments to the ranchers that this bill provides are an unjustified benefit, in my opinion.

The provisions of this bill on wilderness are also troubling. First, thousands of acres of wilderness study areas are transferred to private ownership. The wilderness boundaries that were drawn in many instances follow section lines. This is both a serious management and ecological problem because those lines represent arbitrary markers and bisect resources that are hard to administer. Further, much of the wilderness is bisected by roads. While portions of the wilderness will be off-limits to cows, the Secretary is required to make other wilderness areas available to provide forage replacement.

Grazing is given a high priority in this bill, and the promotion of grazing is made one of the objectives of the area. The bill contains numerous other exemptions for grazing. While there is a general prohibition on new roads in the area, that does not apply to roads needed for livestock. Likewise, while there is a general prohibition on the construction of Federal lands, that does not apply to facilities needed for livestock. The Secretary is also required to construct fencing and water developments for livestock in the area.

I regret that the bill that is being brought to the floor today has deleted the wilderness water right language that was in the bill approved by the Committee on Resources. This is not an improvement, and in the end it will only make it harder to protect those wilderness values.

Madam Chairman, I recognize that Secretary Babbitt and the Oregon delegation have signed off on this legislation, and I recognize again that Steens Mountain is clearly an asset that is worth the kind of protection that they seek. But I think that we have to raise these questions. Otherwise, we are going to continue to see a drift in the land exchange policy of this govern-

ment that continues to ignore valuations, that continues to ignore or not require appraisals and continues to ignore the public interest.

It is clearly in the public interest to protect Steens Mountain. The question is whether or not it is in the public interest to protect it in this manner. Is it in the public interest after we make an exchange of unequal parcels recognizing that there is a difference in the forage value of these lands as properly we should, we have exchanged?

We have exchanged in Roaring Springs, we took 10,000 acres, almost 11,000 acres; and we gave back 76,000 acres, recognizing that there are distinctions. We then told the Secretary of the Interior that they shall provide the fencing and the improvements and the water on those lands. And then on top of that where these already started out unequal, we have now added on cash payments that range from almost \$3 million to \$148,000 against the policy and the recommendations of the Department of the Interior.

I realize the desire and the sense of urgency about this and the asset that is being protected, but I think that we had better take a long and hard look at the exchange policy as the GAO recommended because it has cost the taxpayers of this country millions of dollars. At some point the integrity has got to be put back into that process. I think in fact there should be a moratorium on exchanges until such time as both the BLM and the Forest Service can tell this Congress that there is integrity in that process, that the public interest is in fact being served and the treasury of the United States is being protected.

Those are my concerns. It is not with the merits of protecting Steens Mountain. The gentleman from Oregon (Mr. WALDEN) has worked very hard on this and has brought about an agreement. Much of that agreement is in fact necessary and quite proper, but I think there are questions around valuations that are serious here. But the delegation has come together on this. They believe this is the proper manner to proceed. But I think clearly in light of the GAO report and the warnings that we have been given that we ought to give due consideration to this.

Mr. DEFAZIO. Madam Chairman, I yield 7 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Madam Chairman, I appreciate the gentleman's courtesy in giving me time to speak on this bill.

I came to this, actually it was sort of interesting. Listening to my colleague, the gentleman from eastern Oregon (Mr. WALDEN), and the gentleman from California (Mr. GEORGE MILLER), for whom I have the greatest respect and admiration, I must admit that I find myself in modest disagreement with them both.

I was one of those people that did not look at the action, the attention, the interest by Secretary Babbitt as a

noose. I feel, with all due respect to my Republican colleagues, that this administration has been moving forward to attempt to protect precious jewels of resources throughout the country, and I think appropriately so. And I have been supportive of their efforts; and, candidly, at one of our early meetings, I was there to just say I did not think that monument status was a bad fallback position; and frankly, rather than a noose of Federal regulation, I am not prepared at this point to go into some debate, but I will be happy to do it with my colleague; and I am sure we will have opportunities on the campaign trail, about the Republican approach to environmental protection, hard rock mining, what has happened with grazing areas around the country; and frankly I think the vast majority of the American public supports greater protection, including many of the monument designations.

But what my friend from eastern Oregon approached, and I think rightly so, was the notion that we, because of the patchwork that has occurred in this area, in part historic accident, in part smart business practice, in part frankly we in government at all levels have been asleep at the switch, we had an opportunity to do something better. And I will add my voice and you will hear from other Members of the Oregon delegation who will come forward each with their own unique story about the treasure that is this wilderness that we are about, I hope, to designate today.

In fact, I could use all of my time, and I will not, just talking about the experience of going out at dawn on a spring morning far into the desert off a deserted road and watching the mating ritual of the sage grouse as the sun comes up. It is truly something that sends shivers down your spine and is something that is fragile in nature and something that is part of this heritage that we could lose.

And I would also take modest disagreement with my friend when he talked about this is not an area of high-tech millionaires, because it is truly a unique way of life in eastern Oregon, the ranching activities; but we have already seen that there are some of the high-tech millionaires that appreciate this. There have been sales pressures. I have visited with one gentleman in eastern Oregon recently who purchased an element that frankly we should find a way to add to the protection, because despite our vaunted land-use planning protections in Oregon, there is still much of this land that is at risk; there is much of this land that could in fact be developed in the future, and there is pressure for people to put not just mansions but massive structures which they legally would be entitled to do if we are not able to move forward in the future.

So while we are not threatened perhaps by traffic jams in this portion of eastern Oregon, we are not threatened by huge dot-com compounds that will be there, there is some of the new

money, and some old money, that has the potential of disrupting this precious area.

That is why I must take modest exception to my friend from California, because there is in fact an urgency at moving forward. And because while there may not be some areas that fit perhaps into a cookie cutter approach for land valuation and exchanges, I am convinced that the package that has been developed here as a result of painstaking effort on behalf of a number of people, the tip of the iceberg was mentioned by the gentleman from Oregon (Mr. WALDEN), and they deserve that recognition and our thanks. But what was accomplished was a package that actually is fair value for priceless resources. And it was not something that the Oregon delegation signed off on. It was a vicious process of give-and-take, of hand-wringing, that resulted in drafting our approach for Oregonians.

In addition to acknowledging the efforts of my friend, the gentleman from Oregon (Mr. WALDEN), I would like to acknowledge the gentleman from Oregon (Mr. DEFAZIO), who stepped forward at a critical time. Sometimes he can be a little cranky. He saved it, he brought it in at the right moment, and I think he helped move some things forward. The administration, and especially Secretary Babbitt, who kept the eye on what our objective was. The people from the environmental community in Oregon hammered away at things that they held dear, and they are proud supporters of this legislation, from the American Lands Alliance, the Audubon Society, Columbia Gorge Audubon, Cybil Ackerman, Mark Salvo. I do not have time to go through everybody's name. I hope somebody will at the end.

But I guess I want to conclude by the notion that this is not just recapturing the heritage of what we have in eastern Oregon and crafting an Oregon solution as a team to something that is going to last for generations. I think this is an example of how this Congress should work, because as frustrated as I am frankly by the lack of environmental progress, I think we have demonstrated today that people of disparate views could come together, one person looking at the threat of protection and somebody else looking like this was going to help us, but come together and make something that was better. And I would hope that not only would the House pass this legislation overwhelmingly; but I would hope that this would serve as a model that we could take forward to craft appropriate environmental solutions, break the logjam. There are a number of things that we could move forward with, and I think if we had the same sort of inclusive process that was demonstrated here, we could in fact reach the objections that have been advanced by our friend from California and be able to move forward with items that we can all take pride in.

Madam Chairman, I add my congratulations to the gentleman from Oregon (Mr. WALDEN), the gentleman from Oregon (Mr. DEFAZIO), our Senators and governor for making this possible.

Mr. WALDEN of Oregon. Madam Chairman, I yield myself 1 minute.

Madam Chairman, I would just like to thank my colleague, the gentleman from Portland (Mr. BLUMENAUER), for his comments. I might take exception to his comment that the gentleman from Oregon (Mr. DEFAZIO) was ever cranky. I do not recall that. Well, maybe once, but I think we all were once.

I would point out, too, that his comment about the high-tech millionaires is perhaps taken in a different context than I meant it, which is that this is not the center of industry in that respect. But he is very right in the sense that those who do have that wealth are eyeing this mountain because as people saw on this floor, the views from there are extraordinary, the pressures to sell off parcels on this mountain are only increasing; and there could be over 200 buildable lots on this mountain that even under Oregon's fairly restrictive land-use laws could be accessed, and you could have trophy homes built on. So indeed the investment we are making today is one for the future, to protect and preserve the best of this mountain and preserve the life-style.

Madam Chairman, I reserve the balance of my time.

□ 1245

Mr. DEFAZIO. Madam Chairman, I yield 5 minutes to the gentlewoman from Oregon (Ms. HOOLEY).

(Ms. HOOLEY of Oregon asked and was given permission to revise and extend her remarks.)

Ms. HOOLEY of Oregon. Madam Chairman, I thank the gentleman for yielding the time to me, and I rise in strong support of this legislation, the Steens Mountain Wilderness Act. Anyone who has ever been to Oregon and has seen the Steens Mountain and the Alvord Desert knows it is one of the most beautiful and pristine places in the world.

Madam Chairman, what is more, if you have not been to Oregon, you probably know about our passion for making sure that we keep Oregon beautiful and protecting our resources; and that is why we have before us today this wonderful, outstanding consensus piece of legislation.

H.R. 4828 is an Oregon-based solution that not only protects private property rights, but will also protect the scientifically important landscape.

Madam Chairman, I would like to thank my friend and colleague, the gentleman from Oregon (Mr. WALDEN), for his working so hard to bring this bill to the floor today. I look at how this was handled by the gentleman; and it is typical, I think, about how Oregonians solve problems. He brought everyone to the table, and he worked

very hard to find that win-win solution.

Frankly, like my colleague, the gentleman from Oregon (Mr. BLUMENAUER), I think this would be a wonderful model that we could use in Congress and do seldom use. In addition, I would like to thank Secretary Babbitt and my colleague, the gentleman from Oregon (Mr. DEFAZIO), the ranking member on the Committee on Resources, for working out all the nitty-gritty details.

I mean, this is a kind of legislation that is not only protecting this wonderful area, but how do you get all of those little details and all the staff that worked on this. Again, while not a Member of Congress, I would like to thank my staff, Chris Huckleberry, for all the hard work he did on it in the last year.

Finally, I would like to include a letter of support from the Oregon governor, John Kitzhaber, into the RECORD.

OCTOBER 4, 2000.

TO THE OREGON CONGRESSIONAL DELEGATION: The Steens Mountain Area is a state and national treasure. Its beauty and ecological value are immense. The Steens-Alvord area is home to multiple rare species, scientifically important landscapes and outstanding recreational and scenic values. It is our duty to conserve and protect it for generations to come.

The Steens Mountain Area is also home to a rich and valuable Oregon culture. From the ancestors of the Burns Paiute Native American tribe to the family ranches of today, the Steens-Alvord area has cultural, historical, and economic value. We must not lose this value. We must diligently safeguard the existing culture and way of life on the mountain, for if we do not we will surely diminish all the critical values of the mountain—its ecology, its culture, and its people.

The legislation before the House today goes a long way toward achieving these purposes and I am happy to join the Oregon congressional delegation in supporting this needed legislation.

GOVERNOR JOHN A. KITZHABER, M.D.

Madam Chairman, again, I thank all of the people that worked so hard on this. It is a wonderful solution to a problem, and it is a model this Congress could use and hopefully will use more in the future. I urge my colleagues to vote yes on this bill.

Mr. WALDEN of Oregon. Madam Chairman, I reserve the balance of my time.

Mr. DEFAZIO. Madam Chairman, I yield 5 minutes to the gentleman from Oregon (Mr. WU).

Mr. WU. Madam Chairman, I thank the gentleman for yielding me the time, and I rise in support of this bill and want to take this opportunity to recognize the tremendous hard work which the gentleman from Oregon (Mr. WALDEN) has put into this effort, the leadership of the gentleman from Oregon (Mr. DEFAZIO), and keeping all of us on track.

I would like to also recognize the governor, the administration and all the Members of the Oregon delegation

in coming together to resolve this complex set of issues the way that Oregonians traditionally have, cooperatively, with common vision, and common sense.

And what an achievement we indeed have, because from either Steens Mountain looking down to the Alvord Desert or from the Alvord Basin looking up to the mountain, the Steens Mountain is a treasure in the sky, now saved for all time.

We do a good thing today, cooperation, common sense, common vision, coming together to produce this uncommon moment.

Mr. WALDEN of Oregon. Madam Chairman, I reserve the balance of my time.

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

Madam Chairman, I want to thank my colleagues from the Oregon delegation, both for their eloquent words in support of this legislation and for the team work that went into this bill. It is, as I said earlier, in my time in Congress fairly unprecedented the degree of comity and the progress we have made as we went through very, very long and productive discussions.

One of the highlights has to have been the hour-and-a-half meeting in my office with the governor on the conference call. We are not quite sure how long he was there. He was there to help us with one key point and was subjected to listening for quite some period of time.

I also want to thank others who were involved, Lindsay Slater, as was said earlier, just did yeoman's work; and it is a real loss to the gentleman from Oregon (Mr. WALDEN) that he is taking on the task of representing an inland State, but we wish him well in his new job. Troy Tidwell, our two senators who obviously played a key role in this and will play a key role in its final enactment, since we have to deal with the other body, so-called, Governor Kitzhaber, as I said earlier, his patience, his contribution, the staff of all of these individuals.

In particular, I want to acknowledge Josh Kardon. He was in a number of meetings on this issue when Senator WYDEN had to be occupied elsewhere by his official business, and Josh played a key role in meetings with Secretary Babbitt and others. Sarah Bittleman and David Blair also on the Senator's staff. Valerie West, who did tremendous work on Senator SMITH's staff, and I have had an occasion to work with Valerie previously when she worked for Representative SMITH on the Oregon Wild and Scenic Rivers bill, and she did great work on this. Kevin Smith from the governor's office.

Madam Chairman, I had quite a number of occasions to meet with and chat with Secretary Babbitt over the phone on the development of this legislation, and he was a tremendous help, and his staff, Molly McUsic and Laurie Settlemeyer, were also tremendous contributors.

Rick Healy from the Committee on Resources did a great job in basically pointing out what he felt were concerns and deficiencies on behalf of the gentleman from California (Mr. GEORGE MILLER), the ranking member. And we addressed quite a few of those during the development of the legislation.

Madam Chairman, I am proud of this legislation. It is a day when I am just so proud to be a Member of the rather small, but sometimes powerful, Oregon delegation, because I think we are going to bowl this bill right through here today without hardly any dissent on the part of our colleagues. So congratulations to the gentleman from eastern Oregon (Mr. WALDEN), who represents this area, and my thanks to all the other Members of the delegation.

Madam Chairman, I forgot my staff, Amelia Jenkins, who did yeoman's work in this battle on a fine, wonderful resolution.

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

Mr. WALDEN of Oregon. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I just again want to thank my colleague, the gentleman from the fourth district for Oregon (Mr. DEFAZIO), for putting up with my persistence. I know there were times when I was probably a little more persistent than I needed to be, but we got here. We could not have done it without the gentleman's help, because obviously there are things that the gentleman feels very strongly about, as do others in the delegation and others in different communities, that had to be addressed, that had to be dealt with if we were going to be successful and be here today.

I appreciate the gentleman's help and that of the other members of the delegation, important roles each of you played in working this through here at the final days or week and a half, hopefully, of this legislative session.

To be at this point, I think it is truly unique and I think we have a partnership that can be used, and we have shown that the legislative process can work. I think Americans out there who probably do not have a clue about Steens Mountain have at least come to understand that you can make this process work if you allow everybody at the table to try and resolve the issues at hand; and so it is truly a delight to be here and to move this bill forward and to be in a position we are in right now. I thank each of you for your hard work, your dedication, your comments, and your support.

Madam Chairman, I urge my colleagues to support H.R. 4828, the Steens Mountain Wilderness Act of 2000.

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

The CHAIRMAN (Mrs. BIGGERT). All time for general debate has expired.

In lieu of the amendment recommended by the Committee on Re-

sources printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule an amendment in the nature of a substitute printed in the CONGRESSIONAL RECORD and numbered 1. That amendment in the nature of a substitute shall be considered read.

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

H.R. 4828

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

SECTION 1. SHORT TITLE; PURPOSES; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the "Steens Mountain Cooperative Management and Protection Act of 2000".

(b) **PURPOSES.**—The purposes of this Act are the following:

(1) To maintain the cultural, economic, ecological, and social health of the Steens Mountain area in Harney County, Oregon.

(2) To designate the Steens Mountain Wilderness Area.

(3) To designate the Steens Mountain Cooperative Management and Protection Area.

(4) To provide for the acquisition of private lands through exchange for inclusion in the Wilderness Area and the Cooperative Management and Protection Area.

(5) To provide for and expand cooperative management activities between public and private landowners in the vicinity of the Wilderness Area and surrounding lands.

(6) To authorize the purchase of land and development and nondevelopment rights.

(7) To designate additional components of the National Wild and Scenic Rivers System.

(8) To establish a reserve for redband trout and a wildlands juniper management area.

(9) To establish a citizens' management advisory council for the Cooperative Management and Protection Area.

(10) To maintain and enhance cooperative and innovative management practices between the public and private land managers in the Cooperative Management and Protection Area.

(11) To promote viable and sustainable grazing and recreation operations on private and public lands.

(12) To conserve, protect, and manage for healthy watersheds and the long-term ecological integrity of Steens Mountain.

(13) To authorize only such uses on Federal lands in the Cooperative Management and Protection Area that are consistent with the purposes of this Act.

(c) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

Sec. 1. Short title; purposes; table of contents.

Sec. 2. Definitions.

Sec. 3. Maps and legal descriptions.

Sec. 4. Valid existing rights.

Sec. 5. Protection of tribal rights.

TITLE I—STEENS MOUNTAIN COOPERATIVE MANAGEMENT AND PROTECTION AREA

Subtitle A—Designation and Purposes

Sec. 101. Designation of Steens Mountain Cooperative Management and Protection Area.

Sec. 102. Purpose and objectives of Cooperative Management and Protection Area.

Subtitle B—Management of Federal Lands

Sec. 111. Management authorities and purposes.

Sec. 112. Roads and travel access.

Sec. 113. Land use authorities.

Sec. 114. Land acquisition authority.

Sec. 115. Special use permits.

Subtitle C—Cooperative Management

- Sec. 121. Cooperative management agreements.
 Sec. 122. Cooperative efforts to control development and encourage conservation.

Subtitle D—Advisory Council

- Sec. 131. Establishment of advisory council.
 Sec. 132. Advisory role in management activities.
 Sec. 133. Science committee.

TITLE II—STEENS MOUNTAIN WILDERNESS AREA

- Sec. 201. Designation of Steens Mountain Wilderness Area.
 Sec. 202. Administration of Wilderness Area.
 Sec. 203. Water rights.
 Sec. 204. Treatment of wilderness study areas.

TITLE III—WILD AND SCENIC RIVERS AND TROUT RESERVE

- Sec. 301. Designation of streams for wild and scenic river status in Steens Mountain area.
 Sec. 302. Donner und Blitzen River redband trout reserve.

TITLE IV—MINERAL WITHDRAWAL AREA

- Sec. 401. Designation of mineral withdrawal area.
 Sec. 402. Treatment of State lands and mineral interests.

TITLE V—ESTABLISHMENT OF WILDLANDS JUNIPER MANAGEMENT AREA

- Sec. 501. Wildlands juniper management area.
 Sec. 502. Release from wilderness study area status.

TITLE VI—LAND EXCHANGES

- Sec. 601. Land exchange, Roaring Springs Ranch.
 Sec. 602. Land exchanges, C.M. Otley and Otley Brothers.
 Sec. 603. Land exchange, Tom J. Davis Livestock, Incorporated.
 Sec. 604. Land exchange, Lowther (Clemens) Ranch.
 Sec. 605. General provisions applicable to land exchanges.

TITLE VII—FUNDING AUTHORITIES

- Sec. 701. Authorization of appropriations.
 Sec. 702. Use of land and water conservation fund.

SEC. 2. DEFINITIONS.

In this Act:

(1) **ADVISORY COUNCIL.**—The term “advisory council” means the Steens Mountain Advisory Council established by title IV.

(2) **COOPERATIVE MANAGEMENT AGREEMENT.**—An agreement to plan or implement (or both) cooperative recreation, ecological, grazing, fishery, vegetation, prescribed fire, cultural site protection, wildfire or other measures to beneficially meet public use needs and the public land and private land objectives of this Act.

(3) **COOPERATIVE MANAGEMENT AND PROTECTION AREA.**—The term “Cooperative Management and Protection Area” means the Steens Mountain Cooperative Management and Protection Area designated by title I.

(4) **EASEMENTS.**—

(A) **CONSERVATION EASEMENT.**—The term “conservation easement” means a binding contractual agreement between the Secretary and a landowner in the Cooperative Management and Protection Area under which the landowner, permanently or during a time period specified in the agreement, agrees to conserve or restore habitat, open space, scenic, or other ecological resource values on the land covered by the easement.

(B) **NONDEVELOPMENT EASEMENT.**—The term “nondevelopment easement” means a bind-

ing contractual agreement between the Secretary and a landowner in the Cooperative Management and Protection Area that will, permanently or during a time period specified in the agreement—

(i) prevent or restrict development on the land covered by the easement; or

(ii) protect open space or viewshed.

(5) **ECOLOGICAL INTEGRITY.**—The term “ecological integrity” means a landscape where ecological processes are functioning to maintain the structure, composition, activity, and resilience of the landscape over time, including—

(A) a complex of plant communities, habitats and conditions representative of variable and sustainable successional conditions; and

(B) the maintenance of biological diversity, soil fertility, and genetic interchange.

(6) **MANAGEMENT PLAN.**—The term “management plan” means the management plan for the Cooperative Management and Protection Area and the Wilderness Area required to be prepared by section 111(b).

(7) **REDBAND TROUT RESERVE.**—The term “Redband Trout Reserve” means the Donner und Blitzen Redband Trout Reserve designated by section 302.

(8) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior, acting through the Bureau of Land Management.

(9) **SCIENCE COMMITTEE.**—The term “science committee” means the committee of independent scientists appointed under section 133.

(10) **WILDERNESS AREA.**—The term “Wilderness Area” means the Steens Mountain Wilderness Area designated by title II.

SEC. 3. MAPS AND LEGAL DESCRIPTIONS.

(a) **PREPARATION AND SUBMISSION.**—As soon as practicable after the date of the enactment of this Act, the Secretary shall prepare and submit to Congress maps and legal descriptions of the following:

(1) The Cooperative Management and Protection Area.

(2) The Wilderness Area.

(3) The wild and scenic river segments and redband trout reserve designated by title III.

(4) The mineral withdrawal area designated by title IV.

(5) The wildlands juniper management area established by title V.

(6) The land exchanges required by title VI.

(b) **LEGAL EFFECT AND CORRECTION.**—The maps and legal descriptions referred to in subsection (a) shall have the same force and effect as if included in this Act, except the Secretary may correct clerical and typographical errors in such maps and legal descriptions.

(c) **PUBLIC AVAILABILITY.**—Copies of the maps and legal descriptions referred to in subsection (a) shall be on file and available for public inspection in the Office of the Director of the Bureau of Land Management and in the appropriate office of the Bureau of Land Management in the State of Oregon.

SEC. 4. VALID EXISTING RIGHTS.

Nothing in this Act shall effect any valid existing right.

SEC. 5. PROTECTION OF TRIBAL RIGHTS.

Nothing in this Act shall be construed to diminish the rights of any Indian tribe. Nothing in this Act shall be construed to diminish tribal rights, including those of the Burns Paiute Tribe, regarding access to Federal lands for tribal activities, including spiritual, cultural, and traditional food gathering activities.

TITLE I—STEENS MOUNTAIN COOPERATIVE MANAGEMENT AND PROTECTION AREA

Subtitle A—Designation and Purposes

SEC. 101. DESIGNATION OF STEENS MOUNTAIN COOPERATIVE MANAGEMENT AND PROTECTION AREA.

(a) **DESIGNATION.**—The Secretary shall designate the Steens Mountain Cooperative Management and Protection Area consisting of approximately 425,550 acres of Federal land located in Harney County, Oregon, in the vicinity of Steens Mountain, as generally depicted on the map entitled “Steens Mountain Boundary Map” and dated September 18, 2000.

(b) **CONTENTS OF MAP.**—In addition to the general boundaries of the Cooperative Management and Protection Area, the map referred to in subsection (a) also depicts the general boundaries of the following:

(1) The no livestock grazing area described in section 113(e).

(2) The mineral withdrawal area designated by title IV.

(3) The wildlands juniper management area established by title V.

SEC. 102. PURPOSE AND OBJECTIVES OF COOPERATIVE MANAGEMENT AND PROTECTION AREA.

(a) **PURPOSE.**—The purpose of the Cooperative Management and Protection Area is to conserve, protect, and manage the long-term ecological integrity of Steens Mountain for future and present generations.

(b) **OBJECTIVES.**—To further the purpose specified in subsection (a), and consistent with such purpose, the Secretary shall manage the Cooperative Management and Protection Area for the benefit of present and future generations—

(1) to maintain and enhance cooperative and innovative management projects, programs and agreements between tribal, public, and private interests in the Cooperative Management and Protection Area;

(2) to promote grazing, recreation, historic, and other uses that are sustainable;

(3) to conserve, protect and to ensure traditional access to cultural, gathering, religious, and archaeological sites by the Burns Paiute Tribe on Federal lands and to promote cooperation with private landowners;

(4) to ensure the conservation, protection, and improved management of the ecological, social, and economic environment of the Cooperative Management and Protection Area, including geological, biological, wildlife, riparian, and scenic resources; and

(5) to promote and foster cooperation, communication, and understanding and to reduce conflict between Steens Mountain users and interests.

Subtitle B—Management of Federal Lands

SEC. 111. MANAGEMENT AUTHORITIES AND PURPOSES.

(a) **IN GENERAL.**—The Secretary shall manage all Federal lands included in the Cooperative Management and Protection Area pursuant to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and other applicable provisions of law, including this Act, in a manner that—

(1) ensures the conservation, protection, and improved management of the ecological, social and economic environment of the Cooperative Management and Protection Area, including geological, biological, wildlife, riparian, and scenic resources, North American Indian tribal and cultural and archaeological resource sites, and additional cultural and historic sites; and

(2) recognizes and allows current and historic recreational use.

(b) **MANAGEMENT PLAN.**—Within four years after the date of the enactment of this Act, the Secretary shall develop a comprehensive

plan for the long-range protection and management of the Federal lands included in the Cooperative Management and Protection Area, including the Wilderness Area. The plan shall—

(1) describe the appropriate uses and management of the Cooperative Management and Protection Area consistent with this Act;

(2) incorporate, as appropriate, decisions contained in any current or future management or activity plan for the Cooperative Management and Protection Area and use information developed in previous studies of the lands within or adjacent to the Cooperative Management and Protection Area;

(3) provide for coordination with State, county, and private local landowners and the Burns Paiute Tribe; and

(4) determine measurable and achievable management objectives, consistent with the management objectives in section 102, to ensure the ecological integrity of the area.

(c) MONITORING.—The Secretary shall implement a monitoring program for Federal lands in the Cooperative Management and Protection Area so that progress towards ecological integrity objectives can be determined.

SEC. 112. ROADS AND TRAVEL ACCESS.

(a) TRANSPORTATION PLAN.—The management plan shall include, as an integral part, a comprehensive transportation plan for the Federal lands included in the Cooperative Management and Protection Area, which shall address the maintenance, improvement, and closure of roads and trails as well as travel access.

(b) PROHIBITION ON OFF-ROAD MOTORIZED TRAVEL.—

(1) PROHIBITION.—The use of motorized or mechanized vehicles on Federal lands included in the Cooperative Management and Protection Area—

(A) is prohibited off road; and

(B) is limited to such roads and trails as may be designated for their use as part of the management plan.

(2) EXCEPTIONS.—Paragraph (1) does not prohibit the use of motorized or mechanized vehicles on Federal lands included in the Cooperative Management and Protection Area if the Secretary determines that such use—

(A) is needed for administrative purposes or to respond to an emergency; or

(B) is appropriate for the construction or maintenance of agricultural facilities, fish and wildlife management, or ecological restoration projects, except in areas designated as wilderness or managed under the provisions of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782).

(c) ROAD CLOSURES.—Any determination to permanently close an existing road in the Cooperative Management and Protection Area or to restrict the access of motorized or mechanized vehicles on certain roads shall be made in consultation with the advisory council and the public.

(d) PROHIBITION ON NEW CONSTRUCTION.—

(1) PROHIBITION, EXCEPTION.—No new road or trail for motorized or mechanized vehicles may be constructed on Federal lands in the Cooperative Management and Protection Area unless the Secretary determines that the road or trail is necessary for public safety or protection of the environment. Any determination under this subsection shall be made in consultation with the advisory council and the public.

(2) TRAILS.—Nothing in this subsection is intended to limit the authority of the Secretary to construct or maintain trails for nonmotorized or nonmechanized use.

(e) ACCESS TO NONFEDERALLY OWNED LANDS.—

(1) REASONABLE ACCESS.—The Secretary shall provide reasonable access to nonfeder-

ally owned lands or interests in land within the boundaries of the Cooperative Management and Protection Area and the Wilderness Area to provide the owner of the land or interest the reasonable use thereof.

(2) EFFECT ON EXISTING RIGHTS-OF-WAY.—Nothing in this Act shall have the effect of terminating any valid existing right-of-way on Federal lands included in the Cooperative Management and Protection Area.

SEC. 113. LAND USE AUTHORITIES.

(a) IN GENERAL.—The Secretary shall allow only such uses of the Federal lands included in the Cooperative Management and Protection Area as the Secretary finds will further the purposes for which the Cooperative Management and Protection Area is established.

(b) COMMERCIAL TIMBER.—

(1) PROHIBITION.—The Federal lands included in the Cooperative Management and Protection Area shall not be made available for commercial timber harvest.

(2) LIMITED EXCEPTION.—The Secretary may authorize the removal of trees from Federal lands in the Cooperative Management and Protection Area only if the Secretary determines that the removal is clearly needed for purposes of ecological restoration and maintenance or for public safety. Except in the Wilderness Area and the wilderness study areas referred to in section 204(a), the Secretary may authorize the sale of products resulting from the authorized removal of trees under this paragraph.

(c) JUNIPER MANAGEMENT.—The Secretary shall emphasize the restoration of the historic fire regime in the Cooperative Management and Protection Area and the resulting native vegetation communities through active management of Western Juniper on a landscape level. Management measures shall include the use of natural and prescribed burning.

(d) HUNTING, FISHING, AND TRAPPING.—

(1) AUTHORIZATION.—The Secretary shall permit hunting, fishing, and trapping on Federal lands included in the Cooperative Management and Protection Area in accordance with applicable laws and regulations of the United States and the State of Oregon.

(2) AREA AND TIME LIMITATIONS.—After consultation with the Oregon Department of Fish and Wildlife, the Secretary may designate zones where, and establish periods when, hunting, trapping or fishing is prohibited on Federal lands included in the Cooperative Management and Protection Area for reasons of public safety, administration, or public use and enjoyment.

(e) GRAZING.—

(1) CONTINUATION OF EXISTING LAW.—Except as otherwise provided in this section and title VI, the laws, regulations, and executive orders otherwise applicable to the Bureau of Land Management in issuing and administering grazing leases and permits on lands under its jurisdiction shall apply in regard to the Federal lands included in the Cooperative Management and Protection Area.

(2) CANCELLATION OF CERTAIN PERMITS.—The Secretary shall cancel that portion of the permitted grazing on Federal lands in the Fish Creek/Big Indian, East Ridge, and South Steens allotments located within the area designated as the “no livestock grazing area” on the map referred to in section 101(a). Upon cancellation, future grazing use in that designated area is prohibited. The Secretary shall be responsible for installing and maintaining any fencing required for resource protection within the designated no livestock grazing area.

(3) FORAGE REPLACEMENT.—Reallocation of available forage shall be made as follows:

(A) O’Keefe pasture within the Miners Field allotment to Stafford Ranches.

(B) Fields Seeding and Bone Creek Pasture east of the county road within the Miners Field allotment to Amy Ready.

(C) Miners Field Pasture, Schouver Seeding and Bone Creek Pasture west of the county road within the Miners Field allotment to Roaring Springs Ranch.

(D) 800 animal unit months within the Crows Nest allotment to Lowther (Clemens) Ranch.

(4) FENCING AND WATER SYSTEMS.—The Secretary shall also construct fencing and develop water systems as necessary to allow reasonable and efficient livestock use of the forage resources referred to in paragraph (3).

(f) PROHIBITION ON CONSTRUCTION OF FACILITIES.—No new facilities may be constructed on Federal lands included in the Cooperative Management and Protection Area unless the Secretary determines that the structure—

(1) will be minimal in nature;

(2) is consistent with the purposes of this Act; and

(3) is necessary—

(A) for enhancing botanical, fish, wildlife, or watershed conditions;

(B) for public information, health, or safety;

(C) for the management of livestock; or

(D) for the management of recreation, but not for the promotion of recreation.

(g) WITHDRAWAL.—Subject to valid existing rights, the Federal lands and interests in lands included in the Cooperative Management and Protection Areas are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws, except in the case of land exchanges if the Secretary determines that the exchange furthers the purpose and objectives specified in section 102 and so certifies to Congress.

SEC. 114. LAND ACQUISITION AUTHORITY.

(a) ACQUISITION.—

(1) ACQUISITION AUTHORIZED.—In addition to the land acquisitions authorized by title VI, the Secretary may acquire other non-Federal lands and interests in lands located within the boundaries of the Cooperative Management and Protection Area or the Wilderness Area.

(2) ACQUISITION METHODS.—Lands may be acquired under this subsection only by voluntary exchange, donation, or purchase from willing sellers.

(b) TREATMENT OF ACQUIRED LANDS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), lands or interests in lands acquired under subsection (a) or title VI that are located within the boundaries of the Cooperative Management and Protection Area shall—

(A) become part of the Cooperative Management and Protection Area; and

(B) be managed pursuant to the laws applicable to the Cooperative Management and Protection Area.

(2) LANDS WITHIN WILDERNESS AREA.—If lands or interests in lands acquired under subsection (a) or title VI are within the boundaries of the Wilderness Area, the acquired lands or interests in lands shall—

(1) become part of the Wilderness Area; and

(2) be managed pursuant to title II and the other laws applicable to the Wilderness Area.

(3) LANDS WITHIN WILDERNESS STUDY AREA.—If the lands or interests in lands acquired under subsection (a) or title VI are within the boundaries of a wilderness study area, the acquired lands or interests in lands shall—

(1) become part of that wilderness study area; and

(2) be managed pursuant to the laws applicable to that wilderness study area.

(c) APPRAISAL.—In appraising non-Federal land, development rights, or conservation easements for possible acquisition under this

section or section 122, the Secretary shall disregard any adverse impacts on values resulting from the designation of the Cooperative Management and Protection Area or the Wilderness Area.

SEC. 115. SPECIAL USE PERMITS.

The Secretary may renew a special recreational use permit applicable to lands included in the Wilderness Area to the extent that the Secretary determines that the permit is consistent with the Wilderness Act (16 U.S.C. 1131 et seq.). If renewal is not consistent with the Wilderness Act, the Secretary shall seek other opportunities for the permit holder through modification of the permit to realize historic permit use to the extent that the use is consistent with the Wilderness Act and this Act, as determined by the Secretary.

Subtitle C—Cooperative Management

SEC. 121. COOPERATIVE MANAGEMENT AGREEMENTS.

(a) **COOPERATIVE EFFORTS.**—To further the purposes and objectives for which the Cooperative Management and Protection Area is designated, the Secretary may work with non-Federal landowners and other parties who voluntarily agree to participate in the cooperative management of Federal and non-Federal lands in the Cooperative Management and Protection Area.

(b) **AGREEMENTS AUTHORIZED.**—The Secretary may enter into a cooperative management agreement with any party to provide for the cooperative conservation and management of the Federal and non-Federal lands subject to the agreement.

(c) **OTHER PARTICIPANTS.**—With the consent of the landowners involved, the Secretary may permit permittees, special-use permit holders, other Federal and State agencies, and interested members of the public to participate in a cooperative management agreement as appropriate to achieve the resource or land use management objectives of the agreement.

(d) **TRIBAL CULTURAL SITE PROTECTION.**—The Secretary may enter into agreements with the Burns Paiute Tribe to protect cultural sites in the Cooperative Management and Protection Area of importance to the tribe.

SEC. 122. COOPERATIVE EFFORTS TO CONTROL DEVELOPMENT AND ENCOURAGE CONSERVATION.

(a) **POLICY.**—Development on public and private lands within the boundaries of the Cooperative Management and Protection Area which is different from the current character and uses of the lands is inconsistent with the purposes of this Act.

(b) **USE OF NONDEVELOPMENT AND CONSERVATION EASEMENTS.**—The Secretary may enter into a nondevelopment easement or conservation easement with willing landowners to further the purposes of this Act.

(c) **CONSERVATION INCENTIVE PAYMENTS.**—The Secretary may provide technical assistance, cost-share payments, incentive payments, and education to a private landowner in the Cooperative Management and Protection Area who enters into a contract with the Secretary to protect or enhance ecological resources on the private land covered by the contract if those protections or enhancements benefit public lands.

(d) **RELATION TO PROPERTY RIGHTS AND STATE AND LOCAL LAW.**—Nothing in this Act is intended to affect rights or interests in real property or supersede State law.

Subtitle D—Advisory Council

SEC. 131. ESTABLISHMENT OF ADVISORY COUNCIL.

(a) **ESTABLISHMENT.**—The Secretary shall establish the Steens Mountain Advisory Council to advise the Secretary in managing

the Cooperative Management and Protection Area and in promoting the cooperative management under subtitle C.

(b) **MEMBERS.**—The advisory council shall consist of 12 voting members, to be appointed by the Secretary, as follows:

(1) A private landowner in the Cooperative Management and Protection Area, appointed from nominees submitted by the county court for Harney County, Oregon.

(2) Two persons who are grazing permittees on Federal lands in the Cooperative Management and Protection Area, appointed from nominees submitted by the county court for Harney County, Oregon.

(3) A person interested in fish and recreational fishing in the Cooperative Management and Protection Area, appointed from nominees submitted by the Governor of Oregon.

(4) A member of the Burns Paiute Tribe, appointed from nominees submitted by the Burns Paiute Tribe.

(5) Two persons who are recognized environmental representatives, one of whom shall represent the State as a whole, and one of whom is from the local area, appointed from nominees submitted by the Governor of Oregon.

(6) A person who participates in what is commonly called dispersed recreation, such as hiking, camping, nature viewing, nature photography, bird watching, horse back riding, or trail walking, appointed from nominees submitted by the Oregon State Director of the Bureau of Land Management.

(7) A person who is a recreational permit holder or is a representative of a commercial recreation operation in the Cooperative Management and Protection Area, appointed from nominees submitted jointly by the Oregon State Director of the Bureau of Land Management and the county court for Harney County, Oregon.

(8) A person who participates in what is commonly called mechanized or consumptive recreation, such as hunting, fishing, off-road driving, hang gliding, or parasailing, appointed from nominees submitted by the Oregon State Director of the Bureau of Land Management.

(9) A person with expertise and interest in wild horse management on Steens Mountain, appointed from nominees submitted by the Oregon State Director of the Bureau of Land Management.

(10) A person who has no financial interest in the Cooperative Management and Protection Area to represent statewide interests, appointed from nominees submitted by the Governor of Oregon.

(c) **CONSULTATION.**—In reviewing nominees submitted under subsection (b) for possible appointment to the advisory council, the Secretary shall consult with the respective community of interest that the nominees are to represent to ensure that the nominees have the support of their community of interest.

(d) **TERMS.**—

(1) **STAGGERED TERMS.**—Members of the advisory council shall be appointed for terms of three years, except that, of the members first appointed, four members shall be appointed for a term of one year and four members shall be appointed for a term of two years.

(2) **REAPPOINTMENT.**—A member may be reappointed to serve on the advisory council.

(3) **VACANCY.**—A vacancy on the advisory council shall be filled in the same manner as the original appointment.

(d) **CHAIRPERSON AND PROCEDURES.**—The advisory council shall elect a chairperson and establish such rules and procedures as it deems necessary or desirable.

(e) **SERVICE WITHOUT COMPENSATION.**—Members of the advisory council shall serve

without pay, but the Secretary shall reimburse members for reasonable expenses incurred in carrying out official duties as a member of the council.

(f) **ADMINISTRATIVE SUPPORT.**—The Secretary shall provide the advisory council with necessary administrative support and shall designate an appropriate officer of the Bureau of Land Management to serve as the Secretary's liaison to the council.

(g) **STATE LIAISON.**—The Secretary shall appoint one person, nominated by the Governor of Oregon, to serve as the State government liaison to the advisory council.

(h) **APPLICABLE LAW.**—The advisory committee shall be subject to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 132. ADVISORY ROLE IN MANAGEMENT ACTIVITIES.

(a) **MANAGEMENT RECOMMENDATIONS.**—The advisory committee shall utilize sound science, existing plans for the management of Federal lands included in the Cooperative Management and Protection Area, and other tools to formulate recommendations for the Secretary regarding—

(1) new and unique approaches to the management of lands within the boundaries of the Cooperative Management and Protection Area; and

(2) cooperative programs and incentives for seamless landscape management that meets human needs and maintains and improves the ecological and economic integrity of the Cooperative Management and Protection Area.

(b) **PREPARATION OF MANAGEMENT PLAN.**—The Secretary shall consult with the advisory committee as part of the preparation and implementation of the management plan.

(c) **SUBMISSION OF RECOMMENDATIONS.**—No recommendations may be presented to the Secretary by the advisory council without the agreement of at least nine members of the advisory council.

SEC. 133. SCIENCE COMMITTEE.

The Secretary shall appoint, as needed or at the request of the advisory council, a team of respected, knowledgeable, and diverse scientists to provide advice on questions relating to the management of the Cooperative Management and Protection Area to the Secretary and the advisory council. The Secretary shall seek the advice of the advisory council in making these appointments.

TITLE II—STEENS MOUNTAIN WILDERNESS AREA

SEC. 201. DESIGNATION OF STEENS MOUNTAIN WILDERNESS AREA.

The Federal lands in the Cooperative Management and Protection Area depicted as wilderness on the map entitled "Steens Mountain Wilderness Area" and dated September 18, 2000, are hereby designated as wilderness and therefore as a component of the National Wilderness Preservation System. The wilderness area shall be known as the Steens Mountain Wilderness Area.

SEC. 202. ADMINISTRATION OF WILDERNESS AREA.

(a) **GENERAL RULE.**—The Secretary shall administer the Wilderness Area in accordance with this title and the Wilderness Act (16 U.S.C. 1131 et seq.). Any reference in the Wilderness Act to the effective date of that Act (or any similar reference) shall be deemed to be a reference to the date of the enactment of this Act.

(b) **WILDERNESS BOUNDARIES ALONG ROADS.**—Where a wilderness boundary exists along a road, the wilderness boundary shall be set back from the centerline of the road, consistent with the Bureau of Land Management's guidelines as established in its Wilderness Management Policy.

(c) ACCESS TO NON-FEDERAL LANDS.—The Secretary shall provide reasonable access to private lands within the boundaries of the Wilderness Area, as provided in section 112(d).

(d) GRAZING.—

(1) ADMINISTRATION.—Except as provided in section 113(e)(2), grazing of livestock shall be administered in accordance with the provision of section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)), in accordance with the provisions of this Act, and in accordance with the guidelines set forth in Appendices A and B of House Report 101-405 of the 101st Congress.

(2) RETIREMENT OF CERTAIN PERMITS.—The Secretary shall permanently retire all grazing permits applicable to certain lands in the Wilderness Area, as depicted on the map referred to in section 101(a), and livestock shall be excluded from these lands.

SEC. 203. WATER RIGHTS.

Nothing in this Act shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from State water laws.

SEC. 204. TREATMENT OF WILDERNESS STUDY AREAS.

(a) STATUS UNAFFECTED.—Except as provided in section 502, any wilderness study area, or portion of a wilderness study area, within the boundaries of the Cooperative Management and Protection Area, but not included in the Wilderness Area, shall remain a wilderness study area notwithstanding the enactment of this Act.

(b) MANAGEMENT.—The wilderness study areas referred to in subsection (a) shall continue to be managed under section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)) in a manner so as not to impair the suitability of the areas for preservation as wilderness.

(c) EXPANSION OF BASQUE HILLS WILDERNESS STUDY AREA.—The boundaries of the Basque Hills Wilderness Study Area are hereby expanded to include the Federal lands within sections 8, 16, 17, 21, 22, and 27 of township 36 south, range 31 east, Willamette Meridian. These lands shall be managed under section 603(c) of the Federal Lands Policy and Management Act of 1976 (43 U.S.C. 1782(c)) to protect and enhance the wilderness values of these lands.

TITLE III—WILD AND SCENIC RIVERS AND TROUT RESERVE

SEC. 301. DESIGNATION OF STREAMS FOR WILD AND SCENIC RIVER STATUS IN STEENS MOUNTAIN AREA.

(a) EXPANSION OF DONNER UND BLITZEN WILD RIVER.—Section 3(a)(74) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(74)) is amended—

(1) by striking “the” at the beginning of each subparagraph and inserting “The”;

(2) by striking the semicolon at the end of subparagraphs (A), (B), (C), and (D) and inserting a period;

(3) by striking “; and” at the end of subparagraph (E) and inserting a period; and

(4) by adding at the end the following new subparagraphs:

“(G) The 5.1 mile segment of Mud Creek from its confluence with an unnamed spring in the SW¼SE¼ of section 32, township 33 south, range 33 east, to its confluence with the Donner und Blitzen River.

“(H) The 8.1 mile segment of Ankle Creek from its headwaters to its confluence with the Donner und Blitzen River.

“(I) The 1.6 mile segment of the South Fork of Ankle Creek from its confluence with an unnamed tributary in the SE¼SE¼ of section 17, township 34 south, range 33 east, to its confluence with Ankle Creek.”

(b) DESIGNATION OF WILDHORSE AND KIGER CREEKS, OREGON.—Section 3(a) of the Wild

and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following new paragraph:

“(____) WILDHORSE AND KIGER CREEKS, OREGON.—The following segments in the Steens Mountain Cooperative Management and Protection Area in the State of Oregon, to be administered by the Secretary of the Interior as wild rivers:

“(A) The 2.6-mile segment of Little Wildhorse Creek from its headwaters to its confluence with Wildhorse Creek.

“(B) The 7.0-mile segment of Wildhorse Creek from its headwaters, and including .36 stream miles into section 34, township 34 south, range 33 east.

“(C) The approximately 4.25-mile segment of Kiger Creek from its headwaters to the point at which it leaves the Steens Mountain Wilderness Area within the Steens Mountain Cooperative Management and Protection Area.”

(c) MANAGEMENT.—Where management requirements for a stream segment described in the amendments made by this section differ between the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.) and the Wilderness Area, the more restrictive requirements shall apply.

SEC. 302. DONNER UND BLITZEN RIVER REDBAND TROUT RESERVE.

(a) FINDINGS.—The Congress finds the following:

(1) Those portions of the Donner und Blitzen River in the Wilderness Area are an exceptional environmental resource that provides habitat for unique populations of native fish, migratory waterfowl, and other wildlife resources, including a unique population of redband trout.

(2) Redband trout represent a unique natural history reflecting the Pleistocene connection between the lake basins of eastern Oregon and the Snake and Columbia Rivers.

(b) DESIGNATION OF RESERVE.—The Secretary shall designate the Donner und Blitzen Redband Trout Reserve consisting of the Donner und Blitzen River in the Wilderness Area above its confluence with Fish Creek and the Federal riparian lands immediately adjacent to the river.

(c) RESERVE PURPOSES.—The purposes of the Redband Trout Reserve are—

(1) to conserve, protect, and enhance the Donner und Blitzen River population of redband trout and the unique ecosystem of plants, fish, and wildlife of a river system; and

(2) to provide opportunities for scientific research, environmental education, and fish and wildlife oriented recreation and access to the extent compatible with paragraph (1).

(d) EXCLUSION OF PRIVATE LANDS.—The Redband Trout Reserve does not include any private lands adjacent to the Donner und Blitzen River or its tributaries.

(e) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall administer all lands, waters, and interests therein in the Redband Trout Reserve consistent with the Wilderness Act (16 U.S.C. 1131 et seq.) and the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.).

(2) CONSULTATION.—In administering the Redband Trout Reserve, the Secretary shall consult with the advisory council and cooperate with the Oregon Department of Fish and Wildlife.

(3) RELATION TO RECREATION.—To the extent consistent with applicable law, the Secretary shall manage recreational activities in the Redband Trout Reserve in a manner that conserves the unique population of redband trout native to the Donner und Blitzen River.

(4) REMOVAL OF DAM.—The Secretary shall remove the dam located below the mouth of Fish Creek and above Page Springs if re-

moval of the dam is scientifically justified and funds are available for such purpose.

(f) OUTREACH AND EDUCATION.—The Secretary may work with, provide technical assistance to, provide community outreach and education programs for or with, or enter into cooperative agreements with private landowners, State and local governments or agencies, and conservation organizations to further the purposes of the Redband Trout Reserve.

TITLE IV—MINERAL WITHDRAWAL AREA

SEC. 401. DESIGNATION OF MINERAL WITHDRAWAL AREA.

(a) DESIGNATION.—Subject to valid existing rights, the Federal lands and interests in lands included within the withdrawal boundary as depicted on the map referred to in section 101(a) are hereby withdrawn from—

(1) location, entry and patent under the mining laws; and,

(2) operation of the mineral leasing and geothermal leasing laws and from the minerals materials laws and all amendments thereto except as specified in subsection (b).

(b) ROAD MAINTENANCE.—If consistent with the purposes of this Act and the management plan for the Cooperative Management and Protection Area, the Secretary may permit the development of saleable mineral resources, for road maintenance use only, in those locations identified on the map referred to in section 101(a) as an existing “gravel pit” within the mineral withdrawal boundaries (excluding the Wilderness Area, wilderness study areas, and designated segments of the National Wild and Scenic Rivers System) where such development was authorized before the date of enactment of this Act.

SEC. 402. TREATMENT OF STATE LANDS AND MINERAL INTERESTS.

(a) ACQUISITION REQUIRED.—The Secretary shall acquire, for approximately equal value and as agreed to by the Secretary and the State of Oregon, lands and interests in lands owned by the State within the boundaries of the mineral withdrawal area designated pursuant to section 401.

(b) ACQUISITION METHODS.—The Secretary shall acquire such State lands and interests in lands in exchange for—

(1) Federal lands or Federal mineral interests that are outside the boundaries of the mineral withdrawal area;

(2) a monetary payment to the State; or

(3) a combination of a conveyance under paragraph (1) and a monetary payment under paragraph (2).

TITLE V—ESTABLISHMENT OF WILDLANDS JUNIPER MANAGEMENT AREA

SEC. 501. WILDLANDS JUNIPER MANAGEMENT AREA.

(a) ESTABLISHMENT.—To further the purposes of section 113(c), the Secretary shall establish a special management area consisting of certain Federal lands in the Cooperative Management and Protection Area, as depicted on the map referred to in section 101(a), which shall be known as the Wildlands Juniper Management Area.

(b) MANAGEMENT.—Special management practices shall be adopted for the Wildlands Juniper Management Area for the purposes of experimentation, education, interpretation, and demonstration of active and passive management intended to restore the historic fire regime and native vegetation communities on Steens Mountain.

(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to the authorization of appropriations in section 701, there is authorized to be appropriated \$5,000,000 to carry out this title and section 113(c) regarding juniper management in the Cooperative Management and Protection Area.

SEC. 502. RELEASE FROM WILDERNESS STUDY AREA STATUS.

The Federal lands included in the Wildlands Juniper Management Area established under section 501 are no longer subject to the requirement of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)) pertaining to managing the lands so as not to impair the suitability of the lands for preservation as wilderness.

TITLE VI—LAND EXCHANGES**SEC. 601. LAND EXCHANGE, ROARING SPRINGS RANCH.**

(a) EXCHANGE AUTHORIZED.—For the purpose of protecting and consolidating Federal lands within the Cooperative Management and Protection Area, the Secretary may carry out a land exchange with Roaring Springs Ranch, Incorporated, to convey all right, title, and interest of the United States in and to certain parcels of land under the jurisdiction of the Bureau of Land Management in the vicinity of Steens Mountain, Oregon, as depicted on the map referred to in section 605(a), consisting of a total of approximately 76,374 acres in exchange for the private lands described in subsection (b).

(b) RECEIPT OF NON-FEDERAL LANDS.—As consideration for the conveyance of the Federal lands referred to in subsection (a) and the disbursement referred to in subsection (d), Roaring Springs Ranch, Incorporated, shall convey to the Secretary parcels of land consisting of approximately 10,909 acres, as depicted on the map referred to in section 605(a), for inclusion in the Wilderness Area, a wilderness study area, and the no livestock grazing area as appropriate.

(c) TREATMENT OF GRAZING.—Paragraphs (2) and (3) of section 113(e), relating to the effect of the cancellation in part of grazing permits for the South Steens allotment in the Wilderness Area and reassignment of use areas as described in paragraph (3)(C) of such section, shall apply to the land exchange authorized by this section.

(d) DISBURSEMENT.—Upon completion of the land exchange authorized by this section, the Secretary is authorized to make a disbursement to Roaring Springs Ranch, Incorporated, in the amount of \$2,889,000.

(e) COMPLETION OF CONVEYANCE.—The Secretary shall complete the conveyance of the Federal lands under subsection (a) within 70 days after the Secretary accepts the lands described in subsection (b).

SEC. 602. LAND EXCHANGES, C.M. OTLEY AND OTLEY BROTHERS.

(a) C. M. OTLEY EXCHANGE.—

(1) EXCHANGE AUTHORIZED.—For the purpose of protecting and consolidating Federal lands within the Cooperative Management and Protection Area, the Secretary may carry out a land exchange with C. M. Otley to convey all right, title, and interest of the United States in and to certain parcels of land under the jurisdiction of the Bureau of Land Management in the vicinity of Steens Mountain, Oregon, as depicted on the map referred to in section 605(a), consisting of a total of approximately 3,845 acres in exchange for the private lands described in paragraph (2).

(2) RECEIPT OF NON-FEDERAL LANDS.—As consideration for the conveyance of the Federal lands referred to in paragraph (1) and the disbursement referred to in paragraph (3), C. M. Otley shall convey to the Secretary a parcel of land in the headwaters of Kiger gorge consisting of approximately 851 acres, as depicted on the map referred to in section 605(a), for inclusion in the Wilderness Area and the no livestock grazing area as appropriate.

(3) DISBURSEMENT.—Upon completion of the land exchange authorized by this sub-

section, the Secretary is authorized to make a disbursement to C.M. Otley, in the amount of \$920,000.

(b) OTLEY BROTHERS EXCHANGE.—

(1) EXCHANGE AUTHORIZED.—For the purpose of protecting and consolidating Federal lands within the Cooperative Management and Protection Area, the Secretary may carry out a land exchange with the Otley Brother's, Inc., to convey all right, title, and interest of the United States in and to certain parcels of land under the jurisdiction of the Bureau of Land Management in the vicinity of Steens Mountain, Oregon, as depicted on the map referred to in section 605(a), consisting of a total of approximately 6,881 acres in exchange for the private lands described in paragraph (2).

(2) RECEIPT OF NON-FEDERAL LANDS.—As consideration for the conveyance of the Federal lands referred to in paragraph (1) and the disbursement referred to in subsection (3), the Otley Brother's, Inc., shall convey to the Secretary a parcel of land in the headwaters of Kiger gorge consisting of approximately 505 acres, as depicted on the map referred to in section 605(a), for inclusion in the Wilderness Area and the no livestock grazing area as appropriate.

(3) DISBURSEMENT.—Upon completion of the land exchange authorized by this subsection, the Secretary is authorized to make a disbursement to Otley Brother's, Inc., in the amount of \$400,000.

(c) COMPLETION OF CONVEYANCE.—The Secretary shall complete the conveyances of the Federal lands under subsections (a) and (b) within 70 days after the Secretary accepts the lands described in such subsections.

SEC. 603. LAND EXCHANGE, TOM J. DAVIS LIVESTOCK, INCORPORATED.

(a) EXCHANGE AUTHORIZED.—For the purpose of protecting and consolidating Federal lands within the Wilderness Area, the Secretary may carry out a land exchange with Tom J. Davis Livestock, Incorporated, to convey all right, title, and interest of the United States in and to certain parcels of land under the jurisdiction of the Bureau of Land Management in the vicinity of Steens Mountain, Oregon, as depicted on the map referred to in section 605(a), consisting of a total of approximately 5,340 acres in exchange for the private lands described in subsection (b).

(b) RECEIPT OF NON-FEDERAL LANDS.—As consideration for the conveyance of the Federal lands referred to in subsection (a) and the disbursement referred to in subsection (c), Tom J. Davis Livestock, Incorporated, shall convey to the Secretary a parcel of land consisting of approximately 5,103 acres, as depicted on the map referred to in section 605(a), for inclusion in the Wilderness Area.

(c) DISBURSEMENT.—Upon completion of the land exchange authorized by this section, the Secretary is authorized to make a disbursement to Tom J. Davis Livestock, Incorporated, in the amount of \$800,000.

(d) COMPLETION OF CONVEYANCE.—The Secretary shall complete the conveyance of the Federal lands under subsection (a) within 70 days after the Secretary accepts the lands described in subsection (b).

SEC. 604. LAND EXCHANGE, LOWTHER (CLEMENS) RANCH.

(a) EXCHANGE AUTHORIZED.—For the purpose of protecting and consolidating Federal lands within the Cooperative Management and Protection Area, the Secretary may carry out a land exchange with the Lowther (Clemens) Ranch to convey all right, title, and interest of the United States in and to certain parcels of land under the jurisdiction of the Bureau of Land Management in the vicinity of Steens Mountain, Oregon, as depicted on the map referred to in section

605(a), consisting of a total of approximately 11,796 acres in exchange for the private lands described in subsection (b).

(b) RECEIPT OF NON-FEDERAL LANDS.—As consideration for the conveyance of the Federal lands referred to in subsection (a) and the disbursement referred to in subsection (d), the Lowther (Clemens) Ranch shall convey to the Secretary a parcel of land consisting of approximately 1,078 acres, as depicted on the map referred to in section 605(a), for inclusion in the Cooperative Management and Protection Area.

(c) TREATMENT OF GRAZING.—Paragraphs (2) and (3) of section 113(e), relating to the effect of the cancellation in whole of the grazing permit for the Fish Creek/Big Indian allotment in the Wilderness Area and reassignment of use areas as described in paragraph (3)(D) of such section, shall apply to the land exchange authorized by this section.

(d) DISBURSEMENT.—Upon completion of the land exchange authorized by this section, the Secretary is authorized to make a disbursement to Lowther (Clemens) Ranch, in the amount of \$148,000.

(e) COMPLETION OF CONVEYANCE.—The Secretary shall complete the conveyance of the Federal lands under subsection (a) within 70 days after the Secretary accepts the lands described in subsection (b).

SEC. 605. GENERAL PROVISIONS APPLICABLE TO LAND EXCHANGES.

(a) MAP.—The land conveyances described in this title are generally depicted on the map entitled "Steens Mountain Land Exchanges" and dated September 18, 2000.

(b) APPLICABLE LAW.—Except as otherwise provided in this section, the exchange of Federal land under this title is subject to the existing laws and regulations applicable to the conveyance and acquisition of land under the jurisdiction of the Bureau of Land Management. It is anticipated that the Secretary will be able to carry out such land exchanges without the promulgation of additional regulations and without regard to the notice and comment provisions of section 553 of title 5, United States Code.

(c) CONDITIONS ON ACCEPTANCE.—Title to the non-Federal lands to be conveyed under this title must be acceptable to the Secretary, and the conveyances shall be subject to valid existing rights of record. The non-Federal lands shall conform with the title approval standards applicable to Federal land acquisitions.

(d) LEGAL DESCRIPTIONS.—The exact acreage and legal description of all lands to be exchanged under this title shall be determined by surveys satisfactory to the Secretary. The costs of any such survey, as well as other administrative costs incurred to execute a land exchange under this title, shall be borne by the Secretary.

TITLE VII—FUNDING AUTHORITIES**SEC. 701. AUTHORIZATION OF APPROPRIATIONS.**

Except as provided in sections 501(c) and 702, there is hereby authorized to be appropriated such sums as may be necessary to carry out this Act.

SEC. 702. USE OF LAND AND WATER CONSERVATION FUND.

(a) AVAILABILITY OF FUND.—There are authorized to be appropriated \$25,000,000 from the land and water conservation fund established under section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-5) to provide funds for the acquisition of land and interests in land under section 114 and to enter into nondevelopment easements and conservation easements under subsections (b) and (c) of section 122.

(b) TERM OF USE.—Amounts appropriated pursuant to the authorization of appropriations in subsection (a) shall remain available until expended.

The CHAIRMAN. During consideration of the bill for amendment, the Chair may accord priority in 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?

If not, the question is on the amendment in the nature of a substitute.

The amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. KNOLLENBERG) having assumed the chair, Mrs. BIGGERT, Chairman 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. 4828), to designate wilderness areas and a cooperative management and protection area in the vicinity of Steens Mountain in Harney County, Oregon, and for other purposes, pursuant to House Resolution 609, 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.

The question is on the amendment in the nature of a substitute.

The amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title of the bill was amended so as to read: "A bill to designate the Steens Mountain Wilderness Area and the Steens Mountain Cooperative Management and Protection Area in Harney County, Oregon, and for other purposes."

A motion to reconsider was laid on the table.

□ 1300

APPOINTMENT OF CONFEREES ON H.R. 820, COAST GUARD AUTHORIZATION ACT OF 1999

Mr. GILCHREST. Madam Speaker, pursuant to clause 1 of rule XXII and by direction of the Committee on Transportation and Infrastructure, I move to take from the Speaker's table the bill (H.R. 820) to authorize appropriations for fiscal years 2000 and 2001 for the Coast Guard, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Maryland (Mr. GILCHREST).

The motion was agreed to.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. SHUSTER, YOUNG of Alaska, GILCHREST, DEFAZIO, and BAIRD.

There was no objection.

APPOINTMENT OF CONFEREES ON S. 835, ESTUARY HABITAT AND CHESAPEAKE BAY RESTORATION ACT OF 2000

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees on the Senate bill (S. 835) to encourage the restoration of estuary habitat through more efficient project financing and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes:

Messrs. SHUSTER, YOUNG of Alaska, BOEHLERT, and GILCHREST, Mrs. FOWLER, and Messrs. SHERWOOD, SWEENEY, KUYKENDALL, VITTER, OBERSTAR, BORSKI, BARCIA, FILNER, TAYLOR of Mississippi, BLUMENAUER, and BALDACCI.

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 4392, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2001

Mr. GOSS. Madam Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4392) to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida? The Chair hears none and, without objection, appoints the following conferees:

From the Permanent Select Committee on Intelligence for consideration of the House bill and the Senate amendment, and modifications committed to conference:

Messrs. GOSS, LEWIS of California, MCCOLLUM, CASTLE, BOEHLERT, BASS, GIBBONS, and LAHOOD, Mrs. WILSON, Mr. DIXON, Ms. PELOSI, and Messrs. BISHOP, SISISKY, CONDIT, ROEMER, and HASTINGS of Florida.

From the Committee on Armed Services for consideration of defense tactical intelligence and related activities:

Messrs. SPENCE, STUMP, and SKELTON. There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. OSE). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore (Mr. OSE). Under a previous order of the House, the gentleman from Pennsylvania (Mr. GEKAS) is recognized for 5 minutes.

(Mr. GEKAS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

(Mr. BROWN of Ohio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. METCALF) is recognized for 5 minutes.

(Mr. METCALF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. CLAY) is recognized for 5 minutes.

(Mr. CLAY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. SMITH) is recognized for 5 minutes.

(Mr. SMITH of Michigan addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

(Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

(Mr. DUNCAN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Guam (Mr. UNDERWOOD) is recognized for 5 minutes.

(Mr. UNDERWOOD addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

(Mrs. MALONEY of New York addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

EDUCATION IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Colorado (Mr. SCHAFFER) is recognized for 60 minutes as the designee of the majority leader.

Mr. SCHAFFER. Mr. Speaker, for the next hour I will be joined by at least one other of our colleagues and perhaps others who are making their way to the floor to talk about the important issue of education in America, and specifically, the work that is being undertaken by the Republican majority in the Committee on Education and the Workforce.

It is the number one topic that voters tell us they care about, and with good reason. Education is essential and fundamental to the maintenance of our Republic. It is virtually impossible in a Nation that is devised on a philosophy where the people hold the power and loan that authority to politicians at election time to have a nation made up of an unwise electorate.

Of course, being educated liberally in the education of our history, of political philosophy, economics, science, math, and all the rest is absolutely essential in maintaining our presence in the world and on this planet as the world's freest democracy and the nation with the most economic opportunity in the world.

With that in mind, we have begun the process of looking at the United States Department of Education, an agency that spends and manages on the order of \$120 billion per year.

Now, about \$40 billion of that is annual appropriations, and that level of funding increases pretty dramatically every year, and has increased even more dramatically now that Republicans have taken over control of the House, a fact which many friends, many of my Democrat friends on the other side of the aisle, cannot seem to come to grips with, and choose to ignore the reality of that.

Not all spending in the Department of Education is good, just because we support education. I say that because of the failure to achieve our ultimate goal in education funding. Our ultimate goal where education funding is concerned is to get dollars to the class-

room, to get the money that the American people send to Washington and expect us to appropriate responsibly to the children who need it most. That is our goal. That is our mission.

Unfortunately, that does not happen to the extent we would like. I am sorry to say that the United States Department of Education, despite the best of intentions, despite the wonderful mission statement that is printed on their brochure and beneath their seal that Members will find just down the road here at the several Education Department office buildings and headquarters, wastes too much money on waste, fraud, and abuse. Money has been stolen right out from underneath the noses of the Department of Education budget managers.

I want to talk about some of those examples, because before we begin the process of trying to streamline the Federal government, trying to reorient ourselves and the way we spend money on children and the education process, we need to understand what the failures are at the Department of Education today.

As I mentioned, out of an agency that manages about \$120 billion a year, we see too much of it squandered. Again, about \$40 billion of it is appropriated annually through this Congress. The rest is managed through the loan portfolio, student loans that are managed by the United States Department of Education.

In total, it comes out to about \$120 billion, making this agency one of the largest financial institutions in the United States, and certainly one of the largest financial institutions in the world. With that much money, we should spend an inordinate amount of time, in my opinion, making sure those dollars are spent properly and correctly.

What really turned us on to this project was our efforts on the Subcommittee on Oversight and Investigations, under the leadership of the gentleman from Michigan (Mr. HOEKSTRA). Our efforts were focused on spending. We wanted to go back to the Department of Education and ask, what did they do with the money we appropriated last year?

On a number of indicators, it is unfortunate that we see the quality of education declining, borne out by the comparisons of our students in the United States in math and science. Against students in math and science in 21 of our industrialized peers around the world, we rank near the bottom. Out of those 21 countries, we are number 19, 19. It is unacceptable.

So we ask, what are they doing with all the money? Why do we continue to rank lower and lower when compared to our international peers, yet we keep spending more and more in Washington on the Federal education bureaucracy? There seems to be some problem.

So we started looking at the money. We asked some fundamental questions about how the past dollars were spent.

To our horror, we discovered that in 1998, the Department of Education could not tell us how they spent and how they managed their \$120 billion agency. They could not tell us.

See, the Congress requires every Federal agency to conduct audits of their financial activities and to rely those audits to the Congress, which we review and consider at the time when we appropriate more money. So various Federal agencies sent their audits back to the Congress.

Most Federal agencies did not do very well. Their books were not kept in a way that meets reasonable standards for accountability. But in the case of the Department of Education, it was worse than that, Mr. Speaker. In 1998, the United States Department of Education managed its books so poorly that it could not even audit the books.

When I say the word "managed," that is being generous. In reality, the Department of Education in 1998 mismanaged its books so severely that when the audit was required, the auditors, outside auditors in Ernst & Young, came back to the Congress and said, we cannot even do the audit, it is that bad. A \$120 billion agency cannot audit its books. The books were unauditible.

In 1999, things got slightly better. The Department was able to audit its books, which gave us a better idea of how it accounts for its money. It received the poorest grade possible on that financial audit. There were huge discrepancies on the order of hundreds of millions of dollars that were misplaced, that were put in the wrong accounts.

We found a grant-back account, as it is called, where the U.S. Department of Education sends a check to various vendors around the country and grant recipients, universities, mainly. At the Department they send not one check, often they send two checks. They have to set up an account to receive the second check back.

The receipt of that check is usually predicated on a conscientious university somewhere recognizing the error, recognizing that they received two identical checks for the same expenditure, and sending one back.

□ 1315

If they fail to do that, it could take years before the U.S. Department of Education ever gets around to finding the error and recovering the money.

When we looked last at that grant back account, it had a balance of about \$750 million. Now, these are funds that the Department could not really tell us where they came from, they were not sure where they were supposed to be, and they were unclear as to the status of those funds at the time we were there and where they should be properly held. Since that investigation, the balance of that fund has been dropped down. But the Department, to this day, continues to crank out duplicate checks and duplicate payments. The

Department does not have sufficient controls either to catch these errors.

What we have discovered is that system of poorly managed, of errant accounting creates an environment where waste, fraud and abuse are actually encouraged, not officially encouraged, but tacitly encouraged.

Let me give my colleagues an example that involves the State of South Dakota, and I see the gentleman from Michigan (Mr. HOEKSTRA), chairman of the Subcommittee on Oversight and Investigations, here as well as the gentleman from South Dakota (Mr. THUNE) who represents the two school districts that are in question.

It seems that some money called Impact Aid funds was supposed to be wired from the U.S. Department of Education to its intended recipients in South Dakota, two schools. But somewhere along the line, the security system was breached, and somebody rekeyed in the account codes of the schools in South Dakota, that effectively the Federal money, \$2 million worth, was wired, stolen, and diverted into private accounts.

Mr. HOEKSTRA. Mr. Speaker, will the gentleman yield?

Mr. SCHAFFER. I yield to the gentleman from Michigan to elaborate further on that story.

Mr. HOEKSTRA. Mr. Speaker, I mean, when we think about this process and we got involved in this issue, when the Department of Education failed its 1998 audit, which means the auditors came in and said the way that the numbers are reported in their financial statements, we have taken a look at their internal processes and procedures, and there is not a clear indication or there is not a high degree of confidence that the numbers that they are reporting accurately reflect what happened within the Department of Education. They did the same thing for 1999. They put some qualifications on it. The Department of Education made some progress.

The interesting thing in the 1999 audit, which bears directly on the Impact Aid that the gentleman just brought up is that, in the 1999 audit statement, which came out earlier in the year 2000, but it was as they were taking a look at how the Department of Education was processing their checks and their payments in 1999, they said in the audit report that there is no integrity in the process; that individuals within the process had too much latitude and too many responsibilities so that perhaps the same person entering the data would have the opportunity to change the data and those types of things. It appears that may be exactly what happened in this case. But it was brought out in the 1999 audit.

So what we find is they failed the 1998 audit. They failed their 1999 audit. Specifically in the 1999 audit, they raise questions about the integrity of the way that Impact Aid funds are distributed. Then we end up with the gen-

tleman from South Dakota (Mr. THUNE) here and a couple of school districts in his State not getting their Impact Aid funds. Why? Precisely the reason that was identified in the 1999 audit.

So even when these things are highlighted and specifically highlighted within the audit reports, the Department of Education has demonstrated an inability or a callousness to actually making the changes and responding to the auditors.

Mr. SCHAFFER. Mr. Speaker, we on the Republican side of the aisle are very, very serious about getting dollars to the classroom, and it does not always mean we have to spend more. What it does mean, though, is that we have to be smarter and wiser. We need to be more vigilant when it comes to streamlining the Department of Education so that we can be more efficient and squeeze more value out of every dollar that we spend.

Now, we care about this across the spectrum of the Republican majority because we care about children, and we want the hard-earned dollars of the American people going to the most important priority in our Nation. But it matters even more when one is the Congressman who represents the children who have been defrauded in the case that we just mentioned of \$2 million for some of the poorest school districts in one's constituency. Of course I am speaking of the gentleman from South Dakota (Mr. THUNE) who is here, and I yield to him to tell us what this means back home in South Dakota for him and his constituents.

Mr. THUNE. Mr. Speaker, I thank the gentleman from Colorado (Mr. SCHAFFER) and the gentleman from Michigan (Mr. HOEKSTRA) as well for the great leadership that they have taken from discovering and examining and reviewing Federal budgets, and particularly in this case the Federal Department of Education, to determine what in fact is going wrong over there, why are we failing audits and uncovering a lot of these issues.

Mr. Speaker, I just think that the gentleman from Colorado (Mr. SCHAFFER) made a good point, and that is that what we have talked about for some time is getting the Federal education dollar, in other words, the dollars the taxpayers of this country pay that goes into Washington to support education, back into the classroom and keep it from being lost in the Washington bureaucracy.

There is a perfect example of why we have to do that. We look at what happened, let us me just retell the story very briefly here because I think this paints a picture about what happened in South Dakota. One has got a school that is waiting for its money, contacted the Department of Education. The Department could not find the money, so it cut them a brand-new check.

Meanwhile, back at the ranch, as they say, two men are trying to buy a

Corvette in the State of Maryland. They fail a background check and the dealer decides to call the FBI. The FBI, of course, investigates and finds that \$2 million in Federal education dollars intended for two rural school districts in South Dakota have been diverted into private bank accounts in Maryland and were used to buy luxury SUVs and a house.

Now, the Department of Education has an enormous budget in relative terms, I think in direct expenditures somewhere around a little under \$40 billion a year. If we add all the student loans and other things that are processed there as much as \$120 billion actually goes through the Department of Education. Two million dollars, with an "M," \$2 million may not seem like a lot to them, but it means a lot to the kids and the teachers in those two schools.

Let me just very briefly talk about Wagner, South Dakota. That was one of the schools whose money was mysteriously lost by the Department of Education. Wagner is a small town, population 1,462, about a 2-hour drive from the largest city in South Dakota.

Now, there are about 780 K through 12 students in the town of Wagner, and they rely heavily on Federal education dollars because many of the students, over 50 percent in fact, live on the nearby Indian reservation.

Now, when Wagner does not get its Federal education dollars, there are very real consequences. This year, using Federal Impact Aid dollars, which is the program that we are discussing here at this point, Wagner is expanding the kindergarten program, adding chemistry and sociology classes in the high school, and hiring four new teachers this year. Real fraud means real pain to real students.

Now, some of the students at Wagner High School sent me a letter, and I would like to read it for my colleagues. Interestingly enough, this was written to the car dealer in Maryland who blew the whistle on this; and had it not been for him, we maybe never would have discovered this, but it is to the car dealer. The kids at Wagner write this.

It says: "To the honest car dealer, we are writing to thank you for being an honest and aware individual. Your awareness has helped solve a crime and your honesty has helped us to get the money we have needed for our educational programs. The money we received has helped us to build additional classroom space for the elementary, junior and senior high school. We were badly overcrowded, and this extra space helps make our daily life so much better.

"The money has also been used to provide additional computers and the educational programs we need so that we can have the best education possible. You probably have children and understand how important getting a good education is.

"For this reason, we are very grateful that there are still people in the

world who know the difference between right and wrong and choose right."

It is signed "Sincerely, students from Wagner Community School in Wagner, South Dakota," which I think is a remarkable, remarkable letter in that it acknowledges the honesty and integrity of the gentleman from Maryland, the car dealer who exposed this particular incident, brought it to our attention, and has helped us, I think, get to the bottom of a lot of other issues that are occurring at the Department of Education.

I would just simply add, Mr. Speaker, and say I think what we are talking about here is making sure that the children of this country have the best possible education, that they have the highest standards. I think, unfortunately, what happens in Washington is we tend to dumb down the standards because it is so big and so bureaucratic, and it is easy to lose a few million dollars here and a few million dollars there. Pretty soon we are talking about real money.

I am very proud of the school system in South Dakota. I have two daughters in that school system. But the reason the school system works in South Dakota is because we have local administrators, because we have school boards, because we have teachers, because we have parents who care enough about their children's education to become involved. This sort of thing would not have happened with the local school board in South Dakota.

I have to say again I appreciate the work that both the gentleman from Colorado (Mr. SCHAFFER) and the gentleman from Michigan (Mr. HOEKSTRA) are doing in exposing some of these situations, finding out more about it. The failed audits in 1998 and 1999 I think drew attention to this. Certainly the work that the gentlemen are doing is valuable to the people of this country and, more importantly, to the children who our schools are supposed to serve.

Mr. HOEKSTRA. Mr. Speaker, will the gentleman yield?

Mr. SCHAFFER. I am happy to yield to the gentleman from Michigan.

Mr. HOEKSTRA. Mr. Speaker, here is the quote out of the Ernst and Young report on internal control fiscal year 1999 audit of the Department of Education: "During testing of grant expenditures for the Impact Aid grant program," which is the program that affected the school districts of the gentleman from South Dakota (Mr. THUNE), "which incurred approximately \$1 billion of expenditures during fiscal year 1999, we," that is Ernst and Young, "noted that two individuals were able to process drawdown requests for funds and then subsequently approve their own processing of the drawdown request. Furthermore, we noted that several other individuals performed incompatible functions in the processing of Impact Aid payments. For example, certain individuals have the authority to initiate payment requests, approve payment requests, and

subsequently batch the requests and authorize payment by the finance department. Inadequate segregation of duties in sensitive areas such as payment processing can greatly increase the risk of errors or irregularities."

I guess they are using nicer English here to talk about exactly what went on. But I would guess that errors or irregularities is transferring the payment from the gentleman's two school districts in South Dakota and say let us put them into a bank account, into a personal bank account that we can use to buy SUVs or a Corvette or purchase a house.

But that is what Ernst and Young said in 1999 in their financial audit. The thing that we find is the Department of Education does not respond.

Mr. SCHAFFER. Mr. Speaker, if I can clarify, Ernst and Young was hired by the Department of Education to perform the audit on the Department's books, much like many businesses do around the country today to hire outside auditors to come in and give an objective perspective. This was an audit the Department of Education paid for presumably so they can learn from the result, not only on the financial side of the audit, but the performance side.

What I am hearing the gentleman from Michigan (Mr. HOEKSTRA) say, as what we have heard in the committee before, that the Department of Education actually had predicted, they knew. Go ahead; please clarify.

Mr. HOEKSTRA. Ernst and Young predicted.

Mr. SCHAFFER. Yes, Mr. Speaker, Ernst and Young predicted that the Department of Education had fully been apprised of their possibility that its controls were so lax and insufficient that waste, fraud and abuse could take place in the specific fund that ended up costing the constituents of the gentleman from South Dakota (Mr. THUNE) \$2 million. The thieves would have still been carrying on the caper were it not for, not the Department of Education finding this crime, but a sales agent as at a car dealership.

I would like to underscore that for a second, just that whole action, because we spend \$40 million a year in the Department of Education on accountants, on auditors, on people who are supposed to oversee the financial transactions of the Department. Their job, \$40 million worth of them, their job is to make sure this kind of crime does not take place, to read the audit and put the proper controls in place so that the money gets to the children.

They were warned. They paid for the warning. They paid for the expert advice. They ignored the warnings. The crime took place. Even with \$40 million worth of auditors and accountants, they still had no idea. It took a sales agent at a car dealership to find the \$2 million that was stolen from the South Dakota schools.

That is why I find it so remarkable and gratifying that the children are

writing letters to the proper person in this case. It is not the Department that got the money to the classroom, it was the conscientious car sales agent at the dealership in Maryland, Hyattsville, Maryland if I am not mistaken, who saved the day.

Mr. THUNE. Mr. Speaker, if the gentleman will yield, this is one particular obvious incident that we are looking at here today, and it does become somewhat personal because it was school districts in my State and school districts that are particularly in need of this support. Impact Aid is a program that supports school districts that have a heavy Federal impact in their school districts, in this case Native American populations close to reservations.

□ 1330

But if we extrapolate or expand this, Impact Aid is just one program. It is a program that has worked very effectively and one program that I have supported wholeheartedly to make sure that the resources are there to support our children, but think of all the various programs not only throughout the Department of Education but across all of government across this country, and the enormous potential for waste, fraud and abuse.

This is why when we have these broad philosophical debates in Washington about what to do with Federal surplus dollars, should we spend it in Washington or should we get it back home, this is exactly why we have to get this money out of Washington and back in the hands of the American people.

Furthermore, if we look at it in terms of a principle, again coming back to decision-making, who really cares about our children? And I think we all agree children ought to be the focus of our educational efforts. They ought to be able to learn in safe, drug-free environments, they ought to have the brightest and best teachers, and they ought to know that there will be standards and accountability. The taxpayers in this country and the parents, who pay the bills, ought to be able to know with some assurance that the dollars they are sending to Washington, D.C. to support education are not being squandered in some enormous bureaucracy, but are actually making it back into the classroom where they are improving the rate of learning for our children.

This is an issue which I just think cries out for change, in the sense that when we look at these issues, whether it is education or any other, that we have to get more of the decision-making and more of the power and more of the money out of Washington and back into the classrooms and back into the living rooms and back into the communities where it can make a difference; where there are local decision-makers who care enough about their kids not to let this sort of thing happen.

Mr. SCHAFFER. Republicans are for decentralized government. We are for

strong high-quality schools, we are for well-paid teachers who are well-trained and paid on a professional basis, and we are for money being spent on the priorities that exist in various communities around the country.

The Washington model, the liberal model, the one the Democrats and the President have espoused over in the White House is something very different. Their model is oriented toward building this large Federal bureaucracy here in Washington to make decisions for the whole country. To them, that seems more efficient. And as we are seeing, structurally it just cannot work. A large centralized education authority here in Washington takes power away from locally elected school board members. It takes decision-making away from the classroom teacher, away from the school board members, away from the principals, away from the people who know the children best and understand the priorities of a local community most; the people who can actually name the names of the children in those classrooms.

Those are the people we as Republicans trust, and that is where we want to place the authority and resources, meaning tax dollars. That is our preference. These folks over at the Department of Education are nice people. We have been down there. The gentleman from Michigan (Mr. HOEKSTRA) and I have actually walked down to the office and paid them a personal visit. We went office to office and met a lot of these folks. They are like anybody we know in our neighborhoods. They have the pictures of their kids on their desks, and they have got education systems in their neighborhoods that they care about. But just from a functional perspective, this large bureaucracy charged with trying to manage 50 State education systems, it is just not set up to do it well. It cannot succeed. It just cannot. It is too big, too impersonal, and there are too many moving parts.

There are 760-some-odd Federal programs they try to manage over there, and they manage a \$120 billion budget. So when they lose a couple million, they do not notice it. The car dealer has to notice it and the kids notice it, but the Department does not notice it. But I tell my colleagues this. If we can get that money to the local classroom, I know every single principal in my district would notice \$2 million missing. I know every school board member elected to manage schools in Colorado would notice \$2 million missing. I know every single schoolteacher would notice \$2 million missing. But over in the Department, they did not notice. It took the car sales agent to find the guy who was trying to buy a Corvette with the stolen money to notice, a real person who made a big difference for children in South Dakota in this case. And presumably for other children because we are going to crack down on this part of a failed department as well.

I yield to the gentleman from Michigan.

Mr. HOEKSTRA. I wanted to build off the comments that our friend from South Dakota made in talking about the amount of money that comes to Washington and how Washington responds.

Obviously, the Congress appropriates this money to the executive branch. What this chart points out is that there are nine major agencies or cabinet level offices that cannot get a clean audit. It means that the auditors come in and say that their internal procedures are not good enough to give a high degree of confidence that their reporting in their financial statements accurately reflects what is happening.

The first thing we ought to be really scared about is the one we have listed first, the Treasury Department. Our Treasury Department cannot get a clean audit. We have talked about education. The interesting thing here is that neither Treasury nor Education can get a clean audit, and one of the problems that we have highlighted in the education department is that they have the authority to write checks and at the end of the month, when they check what they have written against what the Treasury Department has reported as being cashed, they cannot reconcile these two numbers. So we have two major departments, Treasury and Education, which cannot get clean audits.

The Justice Department cannot get a clean audit, the Defense Department cannot get a clean audit, the Agriculture Department cannot get a clean audit, EPA, HUD, OPM, and AID. None of these agencies can get clean audits. And we know by the work we have done by taking a close look at the Department of Education, when these agencies cannot get a clean audit, they are creating an environment that is ripe for waste, fraud and abuse. We have found all of that within the Department of Education.

And I think as the gentleman from South Dakota mentioned, real problems and real mistakes impact real people. In this case, the fraud within the Department of Education impacts young people in some of the neediest schools in the country.

Mr. SCHAFFER. The Clinton-Gore administration knew that they had this problem years ago. In fact, it was the Vice President who put together a report back in 1993 called the National Performance Review report. Here it is right here. Does the gentleman have the famous quote highlighted here, by chance?

Well, somewhere in this document, this nice shiny document that apparently the Department of Education never opened up, is this quote, and remember this is a quote from the report published by the Vice President, it says, "In other words, if a publicly traded corporation kept its books the way the Federal Government does, the Securities and Exchange Commission would close it down immediately."

That is what the Vice President said in this report evaluating just what the

gentleman from Michigan had highlighted. The problems that plagued the Clinton-Gore administration's whole management style back in 1993 still exists today. In fact, it is worse. It has gotten worse over time.

Mr. HOEKSTRA. If the gentleman will yield, there are a couple of other quotes the Vice President wrote in his reinvention booklet here. Remember, now, he is talking about a department that has failed its 1998 audit, failed its 1999 audits, and has projected it will fail its next three audits. "The Department of Education has suffered from mistrust and management neglect almost from the beginning. To overcome this legacy and to lead the way in national education reform, Ed must refashion and revitalize its programs, management, and systems. AL GORE, Report of the National Performance Review." And it is dated not 2000, but "AL GORE, 1993."

Another quote: "The Department is redesigning its core financial management systems to ensure that data from accounting, grants, contracts, payments and other systems are integrated into a single system. AL GORE, Report of the National Performance Review, 1993." The end result is that we are now in the year 2000, the Department of Education is still failing its audits, and the litany of waste, fraud and abuse within this department is getting to be an embarrassment to the department and actually an embarrassment to the executive branch.

Mr. THUNE. Not only is it an embarrassment obviously to the government, I think it ought to be an embarrassment to the taxpayers. And ultimately that is what we are talking about here, the taxpayers, the people who are paying the bills here. The people who pay the freight in this country are the people who are hurt the most.

I come back to the point that in this particular case we are talking about waste, fraud and abuse as it applies to a couple of school districts in my State of South Dakota, but waste, fraud and abuse means real pain to real students. Unless we can refashion and reshape these agencies of government in a way that makes them responsive to the people that they are there to serve, we will continue, I think, to uncover incidents just like this one.

And, again, thankfully, there was a car dealer in Maryland who had the courage to recognize this incident and contact the appropriate authorities. Because, frankly, had it not been for that, who knows. Really, who knows if this ever would have been discovered. Because the Department of Education, when the shortfall became evident in the State of South Dakota in the two school districts, after a period of time, and in one school district a protracted period of time, but they just issued a new check. They just cut a new check. Hey, it is no big deal, we will just get a little more money here and we will take care of it. But that is the problem, again, when there is no accountability. And what this cries out for is

higher standards and more accountability.

And, really, it does start at the top. I appreciate all the studies that have been done, the Vice President's study back in 1993; but here we are in the year 2000, and leadership on issues like this really starts at the top, from the top all the way down through all the respective agencies. I am sure the gentlemen will find, as they continue to research the Department of Education, more incidents, more examples of waste, fraud and abuse. And certainly from the standpoint of the taxpayers, it is not a good return and it does not do anything to help the children of this country to have the taxpayers send almost \$40 billion a year, that is with a B, \$40 billion to Washington with the intention that those dollars are going to be used in some fashion to help improve the rate of learning of children in this country only to find examples like this, and the others that the gentlemen have noted and that throughout their research continue to crop up. This only continues to build the cynicism and the mistrust and everything else that exists in our culture today about the Federal Government, and that is truly unfortunate.

These are embarrassing examples not only for the agencies of government who are responsible and have the taxpayers' trust and are the stewards of those dollars; but, more importantly, these are embarrassing to the people who pay the bills in this country. If we want to build trust and confidence in the government, we cannot have these sort of things happening.

Again, in my judgment, what it does is it just points to the need to make sure that we do our job as a Congress in terms of oversight; and, secondly, to make sure that the Federal dollars that come in here are used efficiently and that we do everything we can to get them back out of Washington, back where decisions are made locally, back where decisions are made by people who care about their communities and their children.

As the gentleman mentioned, I am sure they are very well-intentioned people and good people at the Department of Education here in Washington, and they care about their children. But the reality is parents, communities, and teachers care a lot more about the children when they know their names, when they have the personal contact. And that is where the decision-making, that is where the authority, and that is where the power and resources ought to be focused, not in a Washington bureaucracy.

Mr. SCHAFFER. I have actually had superintendents of schools and school board members and principals who tell me not to spend another dime on that agency until we get it cleaned up and until we get that financial disaster corrected. They need the money. They want the dollars in the classrooms. But they also realize that when there is a Department of Education that is hem-

orrhaging cash to the extent that it is today, that it serves no one well to continue to feed more money into this machine that loses cash, has it stolen, has it squandered, cannot account for it, and, in the end, gets a fraction of the money back to children.

We have talked about the example of the \$2 million that was stolen out of the department from the children in South Dakota and used to buy cars. I would point out the thieves in this case actually did buy two cars. It was the third dealer that they went to to buy another car that realized there was a crime going on and turned them in. But my point is, this is more than a suggestion that there is a potential for more waste, fraud and abuse. We have lots of other examples, and I will go through a couple more here in the next minute or so, but I would yield to the gentleman from Michigan.

Mr. HOEKSTRA. Well, I just wanted to mention that not only did they buy cars, they bought a Lincoln Navigator, a Cadillac Escalante, they bought a house, and they were going to try to actually buy a Corvette. So it is interesting.

I was going to say we have to get to this before our time is up. We ought to go through some of these other cases of abuse, but we should also talk about what is actually happening with our kids.

□ 1345

There is a lot of information out there. Our kids are not testing well when we compare them to international standards.

It is kind of interesting. A number of the newspapers have been running an ad this week saying we are lucky this is not the Olympic scores, and they list 21 countries and the U.S. is 18. What it is is on educational achievement, on the third international math and science study. And it is disheartening. Not enough of our kids are testing at proficiency grade level.

The fastest growing program in our colleges today, we had a hearing today on overseas studies programs, that is not the fastest growing program on college campuses today. The fastest growing program on college campuses today is remedial education, taking kids who have graduated from high school, but cannot perform at basic levels in reading, writing and math so they get in college and they have the colleges and the universities to do remediation.

But that is the problem and that is the sad part here is that we have got a Department of Education with all the kinds of problems that we have outlined and at the same time we are leaving too many kids behind.

And so, if the gentleman wants to take a look at some of the other examples of waste, fraud and abuse, we can do that.

Mr. SCHAFFER. Mr. Speaker, one other example that we investigated in the Subcommittee on Oversight and In-

vestigations was a theft ring involving collaboration between outside contractors and the Department of Education employees who operated this theft ring for at least 3 years, starting in 1997; and we finally caught it almost in 2000.

They stole more than \$300,000 worth of electronic equipment. They stole computers. They stole television sets. They stole VCRs. They stole phone equipment. They stole all kinds of electronic computer equipment and so on. And they also collected more than \$600,000 in false overtime claims.

So we had people in the Department of Education who were signing these work vouchers for some pseudo contractors outside of the Department of Education so that they were getting paid for work that they did not do. Except in one case, in this particular example, the manager in the Department of Education actually sent an employee out to go out to Maryland to pick up crabcakes and bill that to the taxpayers of America.

It is just mind boggling. Here is how it worked: The Department of Education employee charged with overseeing these outside contractors would order equipment through the contractor and these were funds that were paid for, equipment that was paid for by the Department of Education, and they would have it delivered by a complicit contract employee, she had it delivered to her house and to her friends' houses.

And the contract employee also did these personal errands. I mentioned the crab cakes that this contract employee ran out to buy and bring back so she could eat them for lunch. And, in return, she signed off on these false weekends and holiday hours that were never worked. And that was paid for by the children of America. That is where the money went.

Money that we want to get to classrooms, money we Republicans think children could use, instead was going to pay almost \$600,000 worth of false overtime hours and bills and these projects where they run out and buy crab cakes for themselves.

This theft ring is still under investigation by the Justice Department. There are several who were investigated who signed guilty pleas, and seven Department of Education employees have been suspended indefinitely without pay pending the final outcome of this probe. And there are more examples.

Mr. HOEKSTRA. Mr. Speaker, if we just go through them quickly:

The Department of Education, September 1999, prints 3.5 million financial aid forms. One problem, they printed them incorrectly. It cost the American taxpayer \$720,000.

There is one that we call "dead and loving it." The Department of Education improperly discharged almost \$77 million in student loans. We have a policy in place that, if a person, a borrower, dies or they become disabled, their loans are forgiven them. In this

case, we forgave \$77 million of student loans.

Even better news for these young people is that they were not dead and they were not disabled. We just forgave them the loan improperly.

This again, where we talk about I think what we saw in South Dakota, this affects real people. Thirty-nine students were selected to receive the Jacob Javits Fellowship. This is an award given to students that are graduating from undergrad that the Federal Government agrees to pay for 4 years of graduate schoolwork for them.

Having a daughter that is just going to college, I can imagine how excited the parents would be that the tuition is covered. I can imagine how excited the student would be, and I can also imagine how excited her friends and also her academic institution would be for that kind of recognition.

The good news is we had 39 winners. The bad news is the Department of Education notified the wrong 39 young people and said, you are the winners, and 2 days later they had to call back and say, sorry, we got it wrong; you did not win.

That was February of 2000.

This year alone, the Department of Education has issued over \$150 million in what I think my colleague was talking about earlier, duplicate payments. We pay you once. We pay you twice. And that is the \$150 million of the contractors who have notified us or that the Department of Education caught. Who knows how much they have not caught.

Mr. SCHAFFER. So this is, the Department, I mentioned this before, sends duplicate payments for the same expenditures. It would be like your employer sending you two paychecks for the same month.

Mr. HOEKSTRA. Absolutely, and maybe knowing it and maybe not knowing it.

Student financial programs are annually cited. And while we are talking about real money, this is now talking 70 to 80 billion dollars of loan portfolios that they manage.

The General Accounting Office calls these high-risk programs most susceptible to waste, fraud, and abuse. And what do we know when outside experts come in and highlight these programs? They are right.

Ernst & Young says the \$40 billion that you spend is right for waste, fraud, and abuse. We have got a long list of it. Now GAO comes in and says your loan programs are high risk for waste, fraud, and abuse. And we have got all kinds of examples in that area, as well, and it gets to be real money at a time when we really ought to be focusing on getting those dollars into a classroom.

Mr. THUNE. Mr. Speaker, I would just simply add, Mr. Speaker, to what my colleagues have said here in the sense that a lot of these dollars in these various programs, I am sure there are people who appreciate it. The

people who have gotten their loans forgiven are probably real happy about this and the people who got the double payments that are being made out there. I mean, there are some beneficiaries of all this waste, fraud and abuse I am sure. But the people who are paying for it are the people who are supposed to be served by the programs and the taxpayers of this country whose dollars they are in the first place and who have high expectations about what their Government ought to be in terms of being responsible and efficient in the use of those tax dollars.

I know my colleagues are focusing on education. We had in the Committee on Agriculture the other day, and I am not on this subcommittee, but the Committee on Oversight and Investigations had a hearing. The agency or division within the Department of Agriculture that is responsible for the CRP program came up to the Committee on Agriculture to explain how \$20 million had been spent on a mural on a garage and on providing bus transportation for people to attend Sierra Club meetings.

Now, when questioned about that, how could you use those dollars in that fashion, the answer was, well, we have very broad authorities and that is a justifiable, legitimate use of taxpayer dollars.

I do not know about my colleagues, and irrespective of what they think about one organization or another, providing federally subsidized transportation to go to a Sierra Club meeting or any other club meeting seems to me to be a little bit outside of what people would expect in terms of taxpayers and the use of their tax dollars in this country.

And so, I just use that again. My colleagues are talking about educational issues and the Department of Education and clearly they have a very, very long record and have accumulated tremendous amount of evidence of the waste, fraud, and abuse that occurs there.

But as the gentleman from Michigan (Mr. HOEKSTRA) noted earlier with his chart, many other agencies of Government fail their audits, as well. And this is another example, another department of Government, a program, the Conservation Reserve Program, which is designed to benefit producers in this country and to further protect the environment, add to wildlife production and other things that is designed specifically with a purpose in mind, those dollars are being misdirected in a way that I think is totally inconsistent with the purpose and totally inconsistent with what is right with the taxpayers.

Mr. SCHAFFER. Mr. Speaker, I would submit and I know my colleague would agree that it all relates. It is all the same from a taxpayer's perspective. Back home in Ft. Collins, Colorado or Pierce, South Dakota or Holland, Michigan they are sending their money to Government. That is all they know. They are not saying an edu-

cation tax, an agriculture tax, a defense tax. They are just paying taxes, almost half their income; and they expect that somebody here in Washington is going to object for the \$20 million mural in the Department of Education. Because what every American knows is that they prefer to have that money spent on their children and schools.

So whether it is waste in the one department or any of the nine agencies that cannot even tell us how they spend their money because they fail their audits and do not do it well, from a taxpayer's perspective, they know what real priorities are in America: defending the country, educating our children, keeping the roads in operable condition, and things of that sort that are real priorities for the country.

I think we owe it to taxpayers. As Republicans, I think taxpayers rely on us to expose this kind of waste, fraud and abuse whether it is in the Department of Education, Department of Agriculture, or whether it is the million-dollar outhouses that the U.S. Park Service built out in some national park. All of these things should not go unnoticed.

I think it is the more honest approach that we have joined forces as a Republican majority to tell the truth about this waste, to expose it, to talk about it, to begin to fix these problems. Because our message is positive. We want to get resources to the top priority where they are needed most. We disagree with our Democrat colleagues who say these are problems but let us just spend more so we do not notice.

No. People work too hard for that money. It should not be wasted and squandered in accordance with these examples that we have spoken about today. Our positive agenda is to spend money wisely and to be prudent and responsible with somebody else's money, in this case the money that is taxed and sent to the Federal Government by way of tax revenues.

Mr. HOEKSTRA. Mr. Speaker, when we take a look at it again, when we see the waste fraud and abuse, I mean, it is really scary. But then it also gets to be scary when we take a look at some of the places where we consciously make the decision to spend the money.

My colleague, the gentleman from South Dakota (Mr. THUNE), talked about the mural. Somebody in Federal Government made the conscious decision that spending \$20 million of taxpayer money in that area was a good idea. Someone also made the decision consciously that taking people and busing them to these events was a good use of taxpayer money.

The Department of Education's closed captioning. We pay for this. We can watch *The Young and the Restless*; *The Bold and the Beautiful*, I never heard of that one; *Days of our Lives*; *Sunset Beach*; *Men in Tool Belts*; the *New Maury Povich Show*; *Dukes of Hazard*; *Bewitched*; *Gomer Pyle*; *Dynasty*; *WKRP in Cincinnati*. The Federal Government is paying for closed

captioning, all of those programs, to the tune of almost \$9 million dollars.

At the same time, we recognize that a lot of our kids are not reading by third grade, they are not reading by fourth grade, they are not reading by fifth grade. But we are doing these types of things, and it really is time, I think, for us not only to wipe out the waste, fraud and abuse but to take the dollars and focus them on the programs and the efforts that will make the biggest difference.

Mr. SCHAFFER. Mr. Speaker, that has been our objective here in Congress as a Republican majority is to chop this waste, fraud and abuse out of Federal agencies to begin to consolidate programs so that we can send money back to the States in larger chunks with fewer moving parts so that there is more accountability and we involve more local leaders in the disbursement of those funds.

In that way we really are not talking about spending more money on education per child but spending less over time in what is budgeted for all this wasted money that takes place here under the Clinton administration. And so, it is a positive message that we are about, it is a proactive agenda that we are trying to unfold here in Washington. It is a different agenda which our Democrat friends and the Clinton-Gore administration have presided over for the last 8 years.

□ 1400

In their own words, it could not be made any clearer by the Vice President himself when he said, in other words, if a publicly traded corporation kept its books the way the Federal Government does, the Securities and Exchange Commission would close it down immediately.

They knew that back in 1993 when they printed this. They knew that 2 years ago when Ernst & Young did the audit of the Department of Education and warned the Department of Education that there was a potential for theft to take place in the Impact Aid funds; but in all cases they were too busy trying to persuade Americans that they were not paying enough taxes and did not spend enough time making the government more efficient, and in this case and in several other cases, the children of America suffer.

We want to end the suffering. We want to end this burden of waste, fraud and abuse that has been perpetrated upon the American people. We want a brighter day for education of American students, where dollars are spent wisely, dollars get to the classroom, and Americans have their confidence restored in how their Federal Government works.

Mr. HOEKSTRA. I think we ought to take a little bit of time talking about where we are with kids. We know our kids are not tested enough, but we also have proposals to fix these problems. We have a series of objectives that say here is what we would like to do. We

have got a program called Dollars to the Classroom. It says we want to get 95 cents of every Federal education dollar back into a local classroom. We have got Ed-Flex. What is Ed-Flex? What Ed-Flex says is we know that as we have gone around America with our project called Education at a Crossroads, the States have consistently come back and said, we get 6 to 7 percent of our money from Washington; we get 50 percent of our paperwork. Ed-Flex says we are going to allow school districts and States to eliminate part of the bureaucratic nightmare that we have imposed on them.

We have a program which we call Straight A's. So we are going to get more dollars into the classroom, we are going to get rid of the red tape, and then what we are saying is we are going to allow you more discretion so that in a school district in Colorado, if they need to buy technology, they can go out and buy computers. But if a school district in my area of west Michigan says we really want to do teacher training, they can take those dollars and use the dollars for teacher training, so that we recognize that the needs of west Michigan are very different than the needs of Colorado or South Dakota, so we are going to give school districts flexibility.

The other thing that we want to do is we want to fully fund our commitment to the Individuals With Disabilities Education Act. The Federal Government committed to paying 40 percent of this mandate that was placed on our local school districts. I think this year we are going to be all the way up to a high, and that is under a Republican Congress, the other side was never able to achieve this kind of funding for IDEA, we are paying 13 percent. But that means, the other part of that mandate, the other 27 percent which we committed to pay now has to come out of a local school district's taxes. What we need to do is we need to fully fund our commitment and when we do that, we will free up local dollars to use for school construction, hiring teachers, technology, other improvements, what they believe their kids need.

Mr. SCHAFFER. We tried, you and I tried and others, the more conservative Members of Congress tried to actually put more money into that unfunded Federal mandate because we know it frees up local districts to provide pay raises for teachers, to build new classrooms, to invest in the technology. We offered amendment after amendment here on the House floor when the appropriations bill was here to beef up the funding for the Individuals With Disabilities Education Act; but AL GORE and Bill Clinton, they did not help us, they were not interested. In fact, their budget opposes what we want to accomplish with fully funding the Individuals With Disabilities Education Act.

I am hopeful and optimistic that we are on the threshold of perhaps a new day over in the White House with a

new kind of leadership that really understands education funding is about real people, real children. When the Department loses funds or squanders resources or mismanages programs, there are real Americans who suffer and suffer mightily as a result of that kind of mismanagement, and it is the same kind of mismanagement that the White House even wrote books about in 1993. It is a tragedy that they failed to follow their own advice, clean up the waste, fraud and abuse in the Department, get money to the classroom. They have had 8 years to work on it, they have squandered their opportunity, they cannot do it. We will.

Mr. HOEKSTRA. Creating a Government That Works Better and Costs Less, Report of the National Performance Review.

We can speak from experience that the redesign or the reinvention of the Education Department has been a failure. AL GORE dropped the ball at the Department of Education. The American taxpayer is paying for this. More importantly, America's children are paying the price for this failure of reinvention at the Department of Education. It was promised us in 1993 and the conditions are as bad if not worse in the year 2000 than what they were in 1993.

PIPELINE SAFETY LEGISLATION AND THE LONGHORN PARTNERS PIPELINE

The SPEAKER pro tempore (Mr. OSE). Under a previous order of the House, the gentleman from Texas (Mr. GREEN) is recognized for 5 minutes.

Mr. GREEN of Texas. Mr. Speaker, before the end of the 106th Congress, I am hopeful to be able to pass a comprehensive pipeline safety bill. On September 7, the Senate unanimously passed the Pipeline Safety Improvement Act of 2000. This bill is tough and has many public safety provisions. For example, the daily penalty for a violation of regulations increases from \$25,000 a day to \$500,000 a day. In addition, pipeline companies must now report spills in excess of five gallons as opposed to 50 barrels or 2,100 gallons under current law.

Other provisions in this bill require pipeline companies to have a detailed pipeline integrity plan as well as mandating stronger training and qualification requirements. The bill also strengthens the public's right to know and provides whistle-blower protections for pipeline employees.

I believe this bill is a good start. Although I would still like to include other public safety protections, I understand the need for a pipeline safety bill this year. I look forward to working with my colleagues on the Committee on Commerce that I serve on but also in the Committee on Transportation and Infrastructure if necessary to move even more legislation, stronger legislation next year. Pipelines have been shown to be a much

safer way to transport products than trucks or other methods and the current bill increases that safety factor.

I have also been working with several of my Texas colleagues and colleagues in the southwestern United States to secure Federal approval of a project called the Longhorn Pipeline. The Longhorn Pipeline begins at Galena Park, Texas, in east Harris County in the district I represent and goes across Texas for approximately 700 miles to El Paso, Texas.

This pipeline is intended to carry refined petroleum production from Houston to southwest markets of the United States in El Paso and Midland/Odessa and hopefully beyond. After much delay, the Federal Government now seems to be willing to move forward in the process. George Frampton, chair of the Council on Environmental Quality, has recommended the EPA and the Department of Transportation to include the analysis of the Longhorn Pipeline project by finishing the environmental assessment.

The many studies and analyses conducted by the Federal Government indicate that the extensive mitigation plan supports this action. The Longhorn Mitigation Plan protects the environment and all the people along the pipeline route and is of a scope and rigor unprecedented in the pipeline industry. It includes measures designed to reduce the probability of a spill as well as measures designed to provide greater protection to the more sensitive areas, including areas where communities and drinking water could be affected.

The Longhorn Pipeline meets or exceeds current statutory, regulatory and industry standards. The pipeline would be the safest in the history of the United States. I do not make this statement lightly. For instance, the mitigation measures are adjusted along the route of the pipeline based on the sensitivity of the area. The route was divided into approximately 8,000 segments, and the relative sensitivity at each segment was determined based on factors including the proximity to population centers, drinking water supplies, and protected species habitat.

I cannot begin to understand why the Federal Government has taken this long, and to have made such a difficult process in the regulatory lag is amazing. We still have time to salvage the good intentions and still have the success that was started with this process. But we need to act now. I say we, the Federal Government. Since Longhorn filed for the pipeline conversion in 1997, two other previous crude-oil-conversion-to-refined-products pipelines are up and running. I repeat, they are up and running with not the mitigation measures that are part of this Longhorn Pipeline.

If we are interested in pipeline safety, we need to encourage pipeline companies to establish mitigation measures such as these. Working together, we can ensure that pipelines remain a

viable transportation means while maintaining and improving public safety.

SERVING THE SAN DIEGO COMMUNITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker, I rise today to recognize the 86 years of service given to the San Diego community by the Neighborhood House Association and at the same time the 35th anniversary of Head Start, both nationwide and at this location.

Neighborhood House is a multipurpose social service agency whose goal is to improve the quality of life of the people served. It is one of the largest nonprofit organizations in San Diego, reaching more than 300,000 San Diego residents with its programs. Since Dr. Howard Carey assumed leadership as president and chief executive officer in 1972, Neighborhood House has grown from a budget of \$400,000 and a staff of 35 to the current budget of approximately \$50 million with 800 employees. Among the most important of the services of Neighborhood House is Head Start, and the 35th anniversary of Head Start is being recognized at a Gala 2000 event by the Neighborhood House Association on November 17, 2000.

As we all know, Head Start is the most successful federally funded program for children that has been created. It has touched the lives of tens of thousands of low-income preschool children and their families. The Neighborhood House Head Start serves 7,000 preschoolers and their families in 77 centers, the largest San Diego Head Start program. And plans are in place to provide for over 11,000 children to be reached in over 130 centers.

Mr. Speaker, Head Start and the Neighborhood House are in the business of helping people to help themselves. They strive for permanent changes, and long-term self-sufficiency is their goal. On the occasion of the Neighborhood House Association's Gala 2000, I am honored to congratulate both Head Start and the Neighborhood House for their many contributions to the children and families of San Diego.

PROTECTING OUR ENVIRONMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 60 minutes as the designee of the minority leader.

Mr. BLUMENAUER. Mr. Speaker, we have just witnessed last night the first of the presidential debates between the candidates of the two major parties. After a great deal of wrangling, I was pleased to see that Governor Bush agreed to the debate commission's recommendations and has agreed to share the platform. I think it is important

that we are now turning to issues that confront the American public. Unfortunately, sometimes with the barrage of issue ads that we see and at times conflicting claims, I can understand how the American public can be confused about what the actual truth may be in a particular area. But I will tell you in the areas that relate to the environment, there is really no excuse for confusion. The differences could not be clearer between the two political parties and the two major candidates.

We wanted to take a few minutes this afternoon to address those issues of the environment, where people stand and what difference it makes for the American public. I am honored to be joined in this discussion this afternoon by the gentleman from California (Mr. GEORGE MILLER), the ranking member of the Committee on Resources, a gentleman whose legacy in terms of protecting the environment, dealing with natural resources, fighting against pollution, leadership on a wide variety of issues is unparalleled.

Mr. Speaker, I yield to the gentleman from California.

Mr. GEORGE MILLER of California. I thank the gentleman very much for yielding, and I thank him for taking this time that we might have an opportunity to discuss both the environmental challenges that are presented in this election season and by this Congress and by the differences between Governor Bush and Vice President GORE.

I, as many Americans last night, was shocked when, although I guess we should not have been surprised but shocked when Governor Bush suggested that the way out of our energy crisis was to simply drill in the Arctic National Wildlife Refuge and that would in fact solve the problem.

□ 1415

As was correctly pointed out by Vice President GORE, if you simply do that, you do nothing but add a couple of months of oil supply to the total consumption of the United States, but you have done nothing on the other side, which is consumption, conservation, new technologies, all of which are necessary if we are going to use these oil resources in a wise fashion.

It is unfortunate that the first thing that Governor Bush would suggest to the American public is that we ought to, in fact, treat the Arctic National Wildlife Refuge much as we would an oil field in East Texas. There is a world of difference between those two, and perhaps Governor Bush does not understand that.

But the Arctic Wildlife Refuge is not just that. It is a refuge for wildlife, of caribou and other species, that are greatly threatened by additional development in the Arctic, and it is important that we understand that, because I think, again, as Vice President GORE pointed out, you need not destroy our environment to improve the energy situation in this country.

We know that there are all kinds of additional energy efficiencies, whether it is the insulation of our home, whether it is the improved efficiency of the generators of electricity around this country, as we are replacing old and worn out generators, whether it is the improvement of the gas mileage of our automobiles.

This Congress, the Republican Congress, has stalled year after year the consideration of improving the gas mileage of automobiles. So now where do we find ourselves? We find ourselves, essentially, where the fleet averages are going backwards to where they were in the 1970s, and now we see once again we are threatened with competition by foreign auto makers introducing hybrid cars, racing ahead on fuel cells.

We know that 70 percent of all the energy that is imported into this country is used for transportation, so to continue to waste it on the highways is a tragedy, and especially when people now are forced into paying, because of the cartel in the Middle East and the big oil companies in this country, are forced to pay in excess of \$2 a gallon. I bet most Americans wish that this Republican Congress had not kept us from reviewing those mileage standards, so that if they are going to have to pay \$2 a gallon, they might get 30 or 40 miles a gallon, as opposed to 19 or 20 miles per gallon.

I think it is an important distinction, because I think it highlights the rather cavalier attitude of Governor Bush toward the environment. It is out of step with the American public. It is clearly out of step with the American public's desire to protect the environment, to clean up the environment where it has been polluted, and to keep it from being polluted where it has not happened.

Clearly an overwhelming majority of Americans want to expand our National Park System and to protect the National Park System. They want to increase the public lands that are available to them and their families and their communities, whether those are neighborhood parks, city parks, regional parks or State park systems.

In the State of California, where I come from, the State park system is oversubscribed on every holiday, on every weekend, by people who want to take their families out and enjoy that kind of experience. They want to protect the farmlands in our growing communities so there will be open space, so there will be an opportunity to protect the habitat of endangered species, so that they can use open lands to buffer the dramatic growth that has taken place in so many of our suburban communities.

That is what the American public has said they want, and they have said that over and over and over again. Yet what we have seen in the agenda of the Republicans on the Committee on Resources on which I sit and in this House is to constantly attack the underlying

basic national laws in this country that provide for the protection of the environment, the laws of the Clean Water Act, of the Clean Air Act, of the Superfund law, of the Endangered Species Act.

Time and again in the Committee on Resources, the gentleman does not sit on the Committee on Resources, he sits on the Committee on Transportation and Infrastructure, and I think he has some similar actions that take place there, but we see constant attempts to try to override the Endangered Species Act, to try to approve projects without the consideration of the impact on the species. Yet we know that in all of the polling data, which is an indication of the American public's attitude, that 80 percent of Americans agree that protecting land, water and wildlife and other natural resources is extremely important to them and two-thirds of them believe that the Federal Government, the Federal Government, should in fact be doing more to protect our forest resources, to protect our wilderness resources, to protect the national parks and the public lands of this Nation. In fact, they go so far as to suggest they would like the Federal Government to create more of these opportunities within our society.

The gentleman from Oregon has been a leader in trying to explain that. As the Vice President pointed out last night, this is not about having to ruin one value in America to achieve another value. We would like energy independence, we would like energy efficiency, we want to make sure that we can meet the demands of our economy, but we do not have to destroy the environment in the process.

So I thank the gentleman at this time for taking this time, and I want to yield back to him so he can participate. I see we have been joined by our colleague from Maine (Mr. ALLEN).

But I want to point out that last night, to hear that that was the single strategy of Governor Bush to answer the energy question, was simply drill more, and to suggest that somehow we have not been drilling in the past, the hottest drilling area in the world is not in Russia, it is not in China, it is not in Indonesia; it is in deep water off of the coast of the Gulf Coast of the United States of America. People have been drilling here.

But it is the manner in which we have been wasting the resources. We have been wasting the resources, and we now say we are going to invade the Arctic National Wildlife Refuge in some desperate attempt to achieve energy independence. We ought to achieve energy independence, and the gentleman knows more about this and I would hope he comments on this. If 70 percent of the imported oil in this country is going into transport, that tells you that maybe where you want to start thinking about the problem is with the automobile, to make it more efficient, to do some of the things the gentleman has talked about that have

not come to pass, unfortunately, in this Congress, in terms of mass transit, in terms of the design of our communities, in terms of making them transportation-friendly to various options, whether they are trains or mass transit or buses or car pooling, these kinds of arrangements. Then you really send a message to the sheiks in the Middle East, if you will, who are running the cartel, that their market is not going to be as great because we are going to stop the waste of that energy.

I thank the gentleman for yielding, and will ask him to yield later in this special order.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's comments, and I think he hit the nail right on the head. What Vice President Gore and the Democrats in Congress have been advocating is giving the American public choices. We right now have 3 or 4 percent of the world's oil reserves. We are consuming currently 25 percent.

The gentleman rightly catalogued the efforts on the part of this Congress, Republicans, to stop us from moving forward; cutting back on energy conservation, avoiding opportunities to reinstate and even study the impact of energy efficiency in vehicles across the fleet. As the gentleman points out, it goes in the wrong direction.

It is important that we give the American public choices. If the American public had realistic choices two times a week to take mass transit, to car pool, to be able to telecommute, having the opportunity, other than just being in their own car commuting by themselves, we would not have to import any oil. But, again, Governor Bush has no initiatives in this area, and our friends in Congress have been cutting back on solid initiatives that have been advanced in the past.

I appreciate the gentleman focusing on this notion of just simply drilling in the Arctic National Wildlife Reserve. This, of course, is opposed by the overwhelming majority of the American public, even in these times of scarce energy availability. They know that opening this portion is not only an environmental threat, but it just prolongs the ultimate solution that we have. It is, at most, a 6-month supply of oil, and it would take up to 10 years for us to be able to bring that oil to market. Threatening the Arctic Reserve for something that is not going to make a difference in this crisis or the next crisis is an example of a failed one-dimensional approach from Governor Bush.

We are going to talk more, because in fact that is not unlike some of the problems that he has with his own environmental legacy in Texas.

Before elaborating on that, I did want to be able to turn, if I could, to our colleague, the gentleman from Maine (Mr. ALLEN), from the other Portland. The gentleman from Maine (Mr. ALLEN) has developed legislation, for instance, to help clean up pollution from aging power plants. He has introduced two bills to curb air pollution,

the Clean Power Plant Act and the Omnibus Mercury Emissions Reduction Act. He has been a leader as a local official, the mayor of Portland, Maine, and in his work here in Congress, not just for dealing with things like prescription drugs, but working to make sure that Americans have the quality of life that they want and they deserve.

It is my great honor to yield to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I thank the gentleman for yielding.

I have to say I am pleased we are doing this special order, because watching the debate last night, there was a striking and clear difference between AL GORE and George W. Bush on these environmental issues. In fact, just to turn for a moment back to the energy issues that the gentleman and the gentleman from California (Mr. MILLER) were discussing, if you pay attention to what has been in the news over the last several months, we had the news that the North Pole was open water, a dramatic development. The ice cap there had melted temporarily during the summer. The North Pole was no longer ice, it was water. We have also in the last few days seen news that the hole in the ozone layer over the Antarctic is now as big as it has ever been. Yet when it comes to deciding how to deal with this energy crisis, the first thing out of Governor Bush's mouth is we need to do more drilling, which means we need to have more oil, burn more oil.

Though we do, as AL GORE pointed out last night, we should bring more marginal wells into production. That is a short-term solution. There is also no reason not to proceed to make sure that we are doing energy conservation, that we are doing renewable technologies. We are looking at solar and other technologies like that, and are really moving ahead on that front.

Mr. Speaker, the basic point is this: What makes good sense for an energy policy is what makes good sense for an anti-pollution policy. As the gentleman mentioned, and I want to thank him for his leadership on these issues, I do have legislation, H.R. 2980, the Clean Power Plant Act of 1999, that would bring all of these old grandfathered plants, grandfathered under the Clean Air Act and the Clean Air Act amendments, it would bring them up to new source emission standards.

Well, what does all that mean? It turns out that these old coal- and oil-fired power plants are still major polluters in this country, and they produce nitrogen oxides, which contribute to ozone depletion and produce smog; they produce sulfur dioxide, which is a component of acid rain; they produce mercury, which poisons our waters and gets into the food chain in our lakes and streams and has led to warnings in 40 States across the country that pregnant women and children should not be eating fresh water fish; and it produces the major greenhouse gas, which is carbon dioxide. In fact, 33

to 40 percent of all the man-made carbon dioxide emissions in this country come from these old coal- and oil-fired power plants.

What we need to do is, and the technology is there, this is relatively easy stuff if you have the political will to do it, what we need to do is make sure that we are taking steps toward bringing all these power plants and other industrial plants, which I will speak about in a moment, up to new source emissions standards. Let us use the latest technology. Let us have cleaner air and let us burn less fuel.

If you turn to Texas, the record there for Governor Bush is a very different record. In fact, the Texas Air Crisis Campaign has just put out a press release indicating that in the 1999 session of the Texas legislature, an effort to mandate reductions from grandfathered industrial plants in Texas was headed off when the Governor's office asked industry representatives to draft a voluntary plan in which these grandfathered facilities could come up with voluntary cleanup plans. But now the data shows that in the past year the actual reduction in pollution is three-tenths of one percent of the total emissions from the plant.

□ 1430

There is a dispute with a Texas natural resources conservation commission. They say it is all the way up to 3 percent, but they are taking into account future reductions. The bottom line is this: the record that Governor Bush has in Texas on controlling pollution is appalling. It is appalling. And the data is here for anyone who wants to look at that record.

If it is any indication of what he would do in Texas is what he would do for this country, we all have reason to be worried when it comes to the environment.

Mr. BLUMENAUER. Mr. Speaker, we have been joined by our colleague, the gentleman from Massachusetts (Mr. MARKEY), an admitted expert in this area. Perhaps if the gentleman would like to comment on it since this has been an area of his expertise for years.

Mr. MARKEY. Mr. Speaker, I was listening to this discussion, and it occurred to me that if we just go back over the last 6 years, that is from the moment of which the Republican party took over the United States Congress, there has not been a discussion about what more can be done for the environment. The real issue was how can we do less?

I mean, their goal was to turn EPA from standing for the Environmental Protection Agency into Ever Polluters Ally. I mean they wanted to change Superfund so we played the polluters, rather than the polluters playing the American people for spoiling our natural resources.

And now as we hit this campaign year, the year 2000, GOP it used to stand for Grand Old Party; but now it stands for the Gas and Oil Party. They

do not propose to first ensure that we have more efficient society, that we bring out the waste that exists within the United States and the world in terms of our consumption of oil. Their first idea is let us go to the most pristine part of the entire country, the Arctic natural refuge area and to begin drilling, even though they still have not even begun to tap all the rest of Alaska in terms of its oil production capacity.

It is a ruse, in other words. They take every crisis not as an opportunity to explain to America how we can use these natural resources more efficiently, but rather how can we now take the most precious part of the natural resources we have in the country, in the Arctic, in these refuge areas, and begin drilling there as well? They say, well, all we will leave is human footprints there.

I do not know why these environmentalists are concerned. But the truth is that they have left a footprint over in Prudhoe Bay, and it is a human footprint indeed; but it is an industrial footprint of despoliation of the environment in that area. There has been no real protection given to the environment.

Mr. Speaker, I thank the gentleman from Oregon (Mr. BLUMENAUER) for bringing this issue up at this point, because I think it is central to the consideration of the American people, in terms of which direction they want our country to go in at this central point in our country's history.

I think last night we learned that the first thing the oil industry wants to do is go to the Arctic and to take this precious land and to begin the same process that they have already undertaken in Prudoe Bay, and I think that would be a historic mistake.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the comments of the gentleman from Massachusetts (Mr. MARKEY) and the gentleman from Maine (Mr. ALLEN) talking about the shift that has taken place. The gentleman from Maine (Mr. ALLEN) was concerned about being able to move forward in dealing with these power plants that have not been complying with the Clean Air Act.

In Texas, they are proud of a voluntary approach. They have hundreds of these old plants that are not in compliance, and this voluntary approach has resulted in a few dozen coming into compliance. It is an abject failure, and I think it would be absolutely a disaster were that approach applied here on a national level.

Mr. Speaker, we have been joined by my colleague, the gentleman from Maryland (Mr. CARDIN), a leader in areas that range from bicycles to energy conservation. The gentleman from Maryland is a distinguished member of the Committee on Ways and Means. I am privileged to yield to the gentleman.

Mr. CARDIN. First, let me thank the gentleman from Oregon (Mr.

BLUMENAUER) for holding this special order. I think this is an extremely important subject.

We are proud in Maryland that we believe that a good energy policy is a good environmental policy, and they go hand in hand. We are very proud of our environment. We cherish our life-style in the Chesapeake Bay and other great resources. We have great bike paths, and we have great greenways. We want to make sure that we are energy sufficient and we are not today.

I was struck last night in listening to the debate of just the dramatic difference between the two candidates on energy. It could not be more dramatically different. George Bush basically says that we can go into the pristine areas of this Nation and continue to use more and more energy and oil in this country, and we do not have a problem. Whereas AL GORE made it very clear that we do have an energy problem in this country and, yes, it means trying to obtain as much energy as we can among ourselves, particularly with alternative fuels.

But it also means good conservation and good energy practices and dealing with the energy problems that are out there so that we can conserve energy in this country and we can be more sensitive to our environment.

During these past 6 years, we in Congress have been fighting the Republican leadership, basically trying to stop some bad things from happening. We have not had the opportunity to move forward on an energy policy, because the Republican leadership has blocked it every step of the way. They are certainly in concert with George W. Bush in that regard.

In 1995, you saw the energy efficiency programs cut by 26 percent by the Republican leadership. I am sure George W. Bush would be pleased with that; the weatherization assistance cut by 50 percent.

Then in 1997, the Committee on the Budget recommended the abolishing of the Department of Energy and that energy conservation be cut by another 62 percent over 5 years. Once again, I think the Republican candidate for President would be very pleased with those suggestions, because he certainly does not believe in an aggressive Department of Energy here to try to find solutions to our energy problems, to develop alternative energy sources.

Then in 1999, the energy department proposed that we purchase an additional hundred million barrels of crude oil for our Strategic Petroleum Reserve. We are 115 billion barrels short. Mr. Speaker, in the next few months, people in the Northeast, including in my district, are going to be very vulnerable to heating oil prices; and we have not done what we should have done in this body in order to help my constituents and those in the Northeast who are going to be suffering from the high costs of home heating oil.

Quite frankly, as I listened last night to the debate, it is an important reason

why I hope my constituents and the voters around the Nation are very much in tune to the energy issue as we go into this fall election. There is a major difference between the two candidates.

What should we be doing? And I particularly appreciate the gentleman from Oregon (Mr. BLUMENAUER) taking this special order, because he has been the leader in this Congress on livable communities. When I first came to Congress, we were working on aspects of livable communities that came to a screeching halt under this Republican leadership. The gentleman has spoken out to the fact that we want to have a better quality of life here. We do not want to sit in traffic jams all day. We do not want to waste a lot of energy and waste a lot of our useful life by sitting in a traffic jam for hours, as many times I do between Baltimore and Washington.

Once we get that high-speed rail in, we do not have that problem. We need that desperately. We do need more intelligent transportation systems. Mass transit makes sense, and we should be looking at ways to improve the livable communities agenda.

I am proud of Vice President GORE and his leadership on these issues to talk about how we want our communities to be. We, in Maryland, as the gentleman knows, have the smart growth policy. Governor Glendening has been the leader on that. It makes sense for us to develop smart growth and livable communities. It is good for energy, good for the environment, and also good for quality of life for our people.

We should be doing that. We are not doing that. We also should be talking about being more self-sufficient in energy in this Nation, and we are not talking about that because we need a comprehensive policy. The Vice President is talking about that; the governor from Texas is not.

Mr. Speaker, I very much appreciate the gentleman taking the time here this afternoon so that we can underscore some issues that we hope this Nation will focus on as we move into the November elections. These are extremely important subjects.

This Congress, this body, should be doing more on improving livable communities and improving our energy issues and hope that we can focus the Nation in on these issues as we move on to the campaign. I thank the gentleman for the time.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the input of the gentleman from Maryland (Mr. CARDIN). We have had a number of references to the debate last night. One of the more interesting debates that is going on is to listen to our Republican colleagues debate with themselves on these issues of the environment and energy.

I found it greatly amazing actually when we had the Republican Whip, TOM DELAY, barely a week ago calling the Strategic Petroleum Reserve a na-

tional security asset and concerned about somehow it being played politics with.

Yet this was the same TOM DELAY who introduced legislation a year earlier that, along with abolishing the Department of Energy, would have sold off the Strategic Petroleum Reserve, or when we hear TOM DELAY accusing the administration of playing politics with an intervention in the market that actually drove down the price. At the same time the gentleman from New York (Mr. GILMAN), the Committee on International Relations, said that we welcome the President's announcement that he will release 30 million barrels of oil from the Strategic Petroleum Reserve.

My colleagues will recall the same day the gentleman from Texas (Mr. BARTON), the Subcommittee on Energy and Power, was saying that he was going to look at legislation potentially that would block this release. What happened?

He spiked oil prices back up again; the next day backing away from his plan saying it is time.

Well, I appreciate my colleague, the gentleman from Maryland (Mr. CARDIN), for talking about the question that we have to try and deal with putting the pieces together, promoting more livable communities, giving people more choices.

Mr. Speaker, one of the leaders in Congress doing this is the gentlewoman from Orange County, California (Ms. SANCHEZ), our colleague who has lectured at Harvard, who has toured various parts of the country, and who has one of the most challenging districts in the country but has been active with her local officials, with her citizens to help them from the government sector to be able to give them more choices and more resources.

I am pleased that the gentlewoman would be willing to join us in this discussion. I yield to her.

Ms. SANCHEZ. Mr. Speaker, I thank my colleague from Oregon (Mr. BLUMENAUER), who truly heads the livable communities task force here in the Congress, a bipartisan measure to really try to do something about planning. In the area that I represent, we have a lot of natural beauty. We have the coastline of California.

And one of the things that really concerned me last night that Governor Bush said was this whole thing about drilling in the Arctic natural wildlife refuge. Why? Because I have seen so many attacks by the Republicans here to try to drill off the shore of California, something that we as Californians really do not want.

We really want to make sure that we are not going to our natural preserves to go after oil in that manner.

Mr. Speaker, getting back to this whole issue of livable communities. The communities that I represent are pretty built out, and it really is this point about planning, planning how we do transportation, planning how we do

affordable housing, how we do the housing and job mix there, how we have urban parks, where our children go and play.

The most striking thing about Governor Bush's record in Texas, 6 years of being a governor there, and he has, the last time I checked, never visited an area along the southern border to Mexico that is called Los Colinas. This area in Texas has no planning. There are lots that are sold to individuals where there is no infrastructure. There is no sanitation. There is no water line. Nothing. No highways, no arterial highways, no local roads. Nothing. And what you get is really a shanty, not even a shanty town, but one shanty home after the other, where raw sewage is being spilled out there, where water needs to be trucked in, where people are very, very poor. There are probably about 300,000 people living in Los Colinas, this area along the border.

Mr. Speaker, a medium income of a family in a household, if you can call their house a house, is less than \$8,000 a year.

□ 1445

This guy has been Governor of Texas for 6 years and he has not ever bothered to even go down and see what is in his own backyard? I have been to Las Colonias more often than Governor Bush has. If this is the Governor's idea of livable communities, his idea of planning, his idea of how we pay for infrastructure, of how we place urban parks, there are no urban parks in Las Colonias, there is nothing. It is destitute. It is a lot.

There are not even roads decent enough to make sure that children who live in a shanty in Las Colonias can get to the schools, which are probably miles away from where the children are living. This is the record? This is what he has to go on?

This is what people have to understand. America should really understand what kind of a Governor this is, someone who really does not understand about planning, about quality of life, about looking at how we raise our children, and that environment is just not how pristine something is or how we put a monument someplace, but more importantly, it is about our lives, and it is about our children's future.

I thank my colleague, the gentleman from Oregon, for giving me some time to talk about Las Colonias.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentlewoman's focusing in for us on the concern that we should have in terms of what the Bush administration would represent based on what has happened in two terms now of the Governor of the State of Texas.

Texas, if it were a country, would have the world's seventh largest emission of carbon dioxide. Texas, under the leadership of Governor Bush, has now seen that Houston has now emerged as the number one city in the country in terms of pollution, air pollution, surpassing Los Angeles. We will be talking more about that.

I am privileged to have join us for a discussion of these issues the gentleman from New York (Mr. HINCHEY), a valuable member of the Committee on Appropriations and someone who has been a leader in environmental protection in this Congress.

I yield to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, I thank the gentleman from Oregon (Mr. BLUMENAUER) very much. I thank him particularly for organizing this special order today and giving us all an opportunity to talk about an issue that is important to the gentleman, important to me, important to many of the Members of this House, and I think important to all Americans.

That is, the quality of our natural environment, and particularly the convergence of that issue with another one that is also critically important, the issue of energy, the issue of the availability and the use of energy in the United States currently, and as we foresee the availability of energy here in our country and the use of those energy resources on into the future.

The convergence of these two issues is more than coincidental. They are inextricably intertwined, the issue of protecting the environment and the issue of the way we produce energy for our critical energy needs.

I watched the debate last night, also. I heard in response to a question on the energy issue the Governor of Texas respond that he felt that it was important for us to deal with the energy issue by expanding drilling and searching for new sources of oil.

I would simply point out that that is not going to solve our energy problem. He went on to say that we ought to be drilling in the Arctic Wildlife National Refuge, and that is a place where we would obtain significant amounts of oil for our energy future.

There are two aspects of that suggestion which deserve attention; first of all, the fragility of that environment. The Arctic National Wildlife Refuge is in fact one of the most fragile environments on the planet. It is important for us to protect it. In fact, it is an essential obligation on our part to protect that fragile environment.

We have here a photograph which I hope the camera would take an opportunity to focus upon so that those of us here in the room, as well as people watching this, can get an idea of what the Arctic Wildlife National Refuge looks like. We can see from the presence of wildlife and the presence of these huge and dramatic mountains and also the presence of the landscape, we can get an impression of the fragility of that landscape.

It is important for us to protect fragile environments. It is also important for us to be realistic about our energy needs and where we are going to obtain the energy that we are going to need, both now and in the future.

If we were to accept the Texas Governor's, Governor Bush's, recommenda-

tion that we drill to the extent that he would like to in the Arctic Wildlife National Refuge, what would be the results of that from an energy point of view?

The results would be this. The maximum amount of oil that we could draw from the Arctic Wildlife National Refuge would supply the energy needs of the United States for approximately 6 months. So what he is suggesting is ravishing this very sensitive, critical, irreplaceable environment for a 6-months supply of energy needs in our country. Obviously, it is a very foolish notion.

Furthermore, the implication that somehow this 6-months supply of oil would in some way supply our energy needs for any significant period into the future is obviously on its face just absurd.

So it is important for us to point out the factual circumstances surrounding these issues so that the American people begin to get an understanding of what this issue is all about and the dimensions of this particular debate: a 6-months supply in exchange for the ravishing of this environment. It simply makes no sense.

On the other hand, Vice President GORE laid out in some detail an energy plan that will take us where we need to be. Any energy plan that is worthy of the name must have among its components major provisions for energy conservation. We need to conserve more energy. We are simply expending too much energy in our country. We are using it, and much of the way we use it is wasteful.

For example, we need to have CAFE standards for vehicles such as the SUVs that are finding their way increasingly on the streets and highways of America. Sometimes I get the impression that people who are driving these vehicles think they are going to be taking a trip across the Kalahari Desert instead of driving around the urban area of Washington, D.C., just as an example.

These vehicles, that get about 12 miles to a gallon, are part of the problem, frankly. They are part of the problem because they are consuming precious resources in a very flagrant and sort of careless and unthinking way.

So we need to have improved standards for our transportation needs. We need to have improved standards for appliances. We need to have improved standards for energy production facilities.

If we do that, we will find that the greatest source of new energy for the United States, both now and in the future, but particularly in the future, the greatest source of our new energy needs, will be from conservation. We will have reduced the amount of fossil fuels that we are producing and thereby extended the life of the known available fossil fuels for our future energy needs.

So energy conservation is the principal component of any rational energy

plan. In fact, it is the one absolutely essential ingredient of any energy conservation or energy provision plan. We have to conserve. We have to use our energy, the energy that is available to us, much more intelligently and much more carefully than we have in the past.

I would also like to call attention to some of the issues that the gentleman was talking about a moment ago with regard to the environmental legacy in Texas.

Let me just read them here, because I think they are very illustrative of the way in which this particular Governor has husbanded the resources of this particular State of Texas. The Governor has had two terms down there. He has had an opportunity to establish the record. Let us take a look at the record and see what it looks like.

We see first of all that Houston is ranked number one for the second year as America's smoggiest city. That is an honor that I think not many cities would like to have. Houston is the worst city in America for smog. Texas ranks number one in the number of chemicals polluting its air, and the effect of that on the people of Texas is, I am sure, not very welcome. We certainly do not want to see that kind of thing happen across the country.

Texas ranks number one for the amount of toxins released into its atmosphere; again, not an enviable record. In 1997, Texas released over 260 million, 260 million pounds of toxic pollutants into the atmosphere, the number one State in the Nation in that regard, seventh biggest. If Texas were a country, it would be the world's seventh largest national emitter of carbon dioxide; again, not an enviable record.

We have here what we are calling double trouble. Since Governor Bush took office, the number of days when Texas cities exceeded Federal ozone standards has doubled. So the record of this particular Governor with regard to his husbanding of the environment in the state of Texas is a very poor one, indeed, and one that I think we would not want to see inflicted upon the American people all across the country.

I thank the gentleman very much for the opportunity to participate in this special order on an issue that is of critical importance to the future of our country.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's contribution to this discussion. I would just make two comments before turning to another of our colleagues.

First, as bad as this Texas environmental legacy is, and it is, as the gentleman pointed out, awful, what concerns me more than anything is somehow Governor Bush's lack of urgency about this. Where is his outrage about what has happened to his State in the last 6 years that he has been Governor? Where are his initiatives to try and do something about it?

I find the lack of passion on the environment inexplicable, and it is some-

thing that I think ought to be of grave concern to every American.

I do appreciate the gentleman putting up the picture of what we are talking about with the Arctic National Wildlife Refuge. This, after all, was something that was recognized as a national treasure by that radical Republican Governor, Dwight Eisenhower, in 1960, when he started setting aside these unique lands for protected status, America's Serengeti.

The gentleman has pictured on that beautiful scene of the plain some of the large caribou herds, 130,000 of them, that calve and rear their young on that coastal plain, that provide subsistence to indigenous people that have a right to rely on that, and could be destroyed by the disruption of the herd.

The gentleman has pointed out, as has our colleague, the gentleman from California (Mr. MILLER), that this refuge is much more sensitive than Prudhoe Bay, and that the American public, we have talked about 70 percent of the American public opposes drilling here, as advocated by Governor Bush.

I find even more interesting that Alaskans, who would stand to benefit from the oil drilling, even Alaskans have a slight majority, according to the public opinion polls, that oppose drilling in this precious area. It is obviously shortsighted and dangerous. I appreciate the gentleman focusing on it for us this afternoon.

Now it is my pleasure to yield to the gentlewoman from California (Ms. PELOSI), another of the environmental champions in Congress, a woman who has perhaps one of the most challenging urban districts in urban America, the one that is keenly environmentally sensitive and concerned about livable communities.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding to me. I especially want to thank him for his great leadership on protecting the environment. It is an issue about conservation and it is an issue about health. His championship of the livable communities initiative is one that will serve our children well, and their children and their children. It is about the future. That is what elections are about, especially presidential elections.

So I was very disappointed to hear last night that Governor Bush was offering old suggestions, last century proposals, to challenges that we have into this new millennium.

Livable communities, those are two words that the gentleman from Oregon (Mr. BLUMENAUER) has championed.

Community, that is what America is about: where we live, how we educate our children, where we go to work, how we get there, the air we breathe, the water we drink, how we take care of our families in a community.

Described by the word "livable," what could be more basic and more commonsensical than that?

□ 1500

That is what this discussion is about. Vice President GORE, along with House

and Senate Democrats, favor long-term solutions about our livable communities. They propose solutions which reduce our reliance on imported oil and ensure a cleaner environment by supporting investments in renewable energy and energy efficiencies.

We House Democrats support that as well. We support tax credits for producing electricity for renewable sources, expanded exploration of cleaner burning natural gas, consumer incentives to purchase energy efficient cars, trucks and homes by offering tax breaks.

In addition to investments in renewable energy, we need to expand America's transportation choices by investing in alternatives such as light rail, high-speed rail, and cleaner, safer buses and other forms of mass transit. These are real solutions that benefit the consumer and the environment and not the cycle of corporate welfare.

I think it is important to note that the Republican-led House appropriation of \$650 million for energy conservation is \$201 million less than the President's request and \$95 million below the current year funding.

We are going backward in our funding. In fact, since 1995, Republicans have slashed funding for solar renewable and conservation programs by a total of \$1.3 billion below the Clinton administration request.

I had much more to say about the Bush proposal, but he spoke for himself last night, as I say, in an old way about how we should go into the future, and I know there are other speakers here.

I just want to say that this issue about how we take up this initiative of livable communities under the leadership of the gentleman from Oregon (Mr. BLUMENAUER), this issue about energy and the environment are not just conservation environmental issues.

Where I live, the environment is not an issue in California. It is an ethic, it is a value. It is about our children's health. In other special orders, we can talk about environmental health and how we are impacted by the air we breathe, the water we drink, and what that means to our children's health and the rate of asthma among young children in African-American communities and breast cancer among so many women across the board in our community.

I want to on behalf of my constituents thank the gentleman from Oregon (Mr. BLUMENAUER) for his outstanding leadership on this issue and thank him for giving this opportunity to point out the difference between Vice President GORE and Governor Bush as far as the future is concerned.

Mr. BLUMENAUER. Mr. Speaker, I must say that I appreciate the gentlewoman from California (Ms. PELOSI) tying these pieces together, because as she mentioned, under the notion of livable communities, which the Republican leadership has attempted to sort of pass off as somehow a war against the suburbs or citizens, trying to pry

citizens from their cars, she pointed out that it is, instead, a broader concept of how we tie the pieces together, how we make our families safe, healthy and more economically secure. I could not agree with the gentlewoman more.

This administration, the Clinton-Gore administration has done more than any administration in history for the Federal Government to be a better partner, whether it is the environmental ethic, as the gentlewoman from California mentioned, that is being instilled in the Department of Defense, the General Services Administration, to the statements that the Vice President himself has made that indicates that, really, the best is yet to come if we have an opportunity for him to serve as President building on this legacy. I appreciate the gentlewoman's comments and her leadership.

Mr. Speaker, it is with great pleasure that I yield to the gentleman from New York (Mr. WEINER). There are a number of issues that impact people in urban areas. The gentleman from New York represents one of the most urbanized areas in the country and has been a champion of neighborhood livability, metropolitan livability, and Congress being a better partner.

Mr. WEINER. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I have to tell my colleagues it was almost before I learned the name of the gentleman from Oregon (Mr. BLUMENAUER) that I had learned to associate him with the idea and concept of livable communities. I want to thank him for taking this time.

Mr. Speaker, I come from a community that one might think would embrace the idea of exploring any sources of energy that we can find, perhaps even including the Alaska Arctic National Wildlife Refuge. Nothing could be further from the truth.

I represent an area in Brooklyn and Queens that has one of the largest urban national parks in the Nation. We have come to appreciate it. It is not all that we would like it to be, but we do see it as our little corner of the national park system.

One would also think that, being from the Northeast where the demand for oil has been so difficult in that high prices have caused so much harm to many of the senior citizens and those on fixed incomes, one would think that any proposal to produce more oil might meet with favorable consideration.

But, in fact, Governor Bush's proposal last night to take one of our most beautiful natural resources and drill for a few weeks' worth of oil and do irreparable harm to our environment is not being met with very much responsiveness.

I will tell my colleagues one thing the Republicans should be credited for is the diversity of their ticket. They should be commended. The President and Vice Presidential nominees come from two completely different oil companies. I think that diversity of oil

companies should not be confused with a real outlook and diverse outlook on the way we should deal with our environment.

One does not have to look very far to see how Governor Bush would serve as President. In 1997, in Texas, there was a wide-scale review of the environmental laws and the protections for consumers in that State.

So who did Governor Bush appoint to be on the panel to provide recommendations? Representatives from the oil and gas industry. They came back with proposals that might stun some in this Chamber. They said that the environmental protections in Texas should be optional for many of the largest polluters in Texas.

Well, perhaps, that is why over 230,000 Texas children are exposed to pollutants every day because there is over 295,000 tons of air pollution each year just in the 2-mile radius around schools in Texas. So it is not at all unusual to hear a proposal that would say let us soil the environment in Alaska. He has been willing to do it in his home State of Texas as well.

But this debate is not one that is just going on on the Presidential level. We here in Congress have been fighting it and the gentleman from Oregon (Mr. BLUMENAUER) for longer than I have.

There were calls in this Chamber over and over again to reduce the amount that we fund for renewable energy. In fact, George W. Bush on September 22 said that we should spend more for energy conservation. He would not have probably voted yes on any of his Republican colleagues' budgets that pass through here because conservation programs have been funded by over \$1.3 billion under the President's request since 1995.

In 1995, Republicans cut energy efficiency programs by 26 percent. For those who say we should see around the corner a little bit to see these problems coming, it is clear that that was not going on in this Chamber. If Republicans did not cut the weatherization programs in this country, over 250,000 more households today would have the benefit of those programs, reducing our dependency on oil and, frankly, energy of all kinds and increasing conservation.

Repeatedly around here we have heard calls by Republicans that say do not do anything to support domestic producers when prices are low. It was almost comical to listen to the Republicans grind their teeth and gnash their teeth and wring their hands about the release of petroleum from the Strategic Petroleum Reserve.

Putting aside that George Bush, Sr. did a similar thing, and at the time he said it was to stabilize economic pressures, the idea that we have tried to encourage, especially those of us in the Northeast as a time when oil was inexpensive, was cheap, we did not seize the opportunity to increase the amount that we had in reserve. Why did we not do that? Because Democrats were pro-

posing it and the Republicans were continually shooting it down.

So as we watch this debate go on on the Presidential level, we have to remember that, in each and every one of our congressional districts, this debate should be happening on a smaller level.

It is often said, in conclusion, Mr. Speaker, every 4 years we hear our constituents say, "You know what, every 4 years it seems like the candidates are getting closer and closer, and it seems like one giant party in this country. It seems like we are choosing the lesser of two evils."

This year, even the most creative thinker cannot say that about these two candidates. They are very far apart. There are extraordinary differences. The issues that affect livable communities and choosing between having a picture like this of pristine mountains in Alaska or having an oil rig pulling into this part of the country, that is clearly what is at stake in this election. I commend the gentleman from Oregon (Mr. BLUMENAUER) for calling attention to it.

Mr. BLUMENAUER. Mr. Speaker, we appreciate the gentleman from New York (Mr. WEINER) adding his voice and his concerns.

Mr. Speaker, I yield again to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, just quickly, because I want to follow on a point that the gentleman from New York (Mr. WEINER) made, and that is that this is not an abstract discussion. As he has pointed out and as other speakers have pointed out, when Governor Bush says that his answer is to drill in the Arctic National Wildlife Refuge, that is a matter that has been proposed and has been reported out of committee by the Republicans in the United States Senate.

The reason it will not happen this year is because of the veto threat of the Clinton-Gore administration not to do it. But that is what stopped it the last couple of years. This is not something that people are thinking about later on. They are actively trying to do it. We have seen it in our committee, in the Committee on Resources.

We have seen effort after effort reported out by the Republicans in the Congress to undermine clean water, to undermine clean air, to undermine the Endangered Species Act, to undermine the Superfund Act. The reason they have not become law is because of the Clinton-Gore administration because they say they will not accept it, that they will veto those bills, and the Republicans have to back down.

Just in the bill we passed yesterday, there were over 20 damaging environmental riders on that bill. This is not abstract. That was yesterday on a vote. The reason those riders did not end up on that bill is because the President and the Vice President said they would not accept them.

Now think, now think of Washington, D.C. and we have President George W.

Bush. No threat of a veto. Agreement on this policy. What do we end up with? We end up with, like the gentleman from New York (Mr. WEINER) pointed out, we end up looking like Texas. We end up looking like Texas.

That is not what America wants. It is completely out of step, not with the Democrats, but with America. American people do not want this kind of environmental wrecking crew ranging across the very bedrock laws of this Nation that protect our environment, that protect our quality of life, that protect our communities, and just throwing them out because the timber industry, the mining industry, the oil industry, the chemical industry are not happy with these laws.

It does not matter if one lives in New York City, if one lives in the San Francisco Bay area or Portland or lives in Upstate New York or one lives in the South or one lives in Florida. It does not matter. If one is going to drill in the Arctic, what is it that keeps Mr. Bush from drilling off the coast of California where the citizens have said no, off the coast of Florida, off the coast of the Carolinas, where people have said no we do not want our areas spoiled. If he is prepared to go into the Arctic National Wildlife Refuge, what keeps him from going off the coast of Florida and California?

What keeps those places from being drilled today? The Clinton-Gore administration, because they are the ones, they are the ones that have continued to fight for those moratoriums.

Mr. BLUMENAUER. Mr. Speaker, I do hope that this will be an opportunity over the course of the remaining month of this election for the American public to focus keenly on these issues. I think the record is clear. I think that goals that the American public want are available to us, and I am hopeful that they will figure largely in the result next November.

H-1B VISA LEGISLATION PASSES IN DARK OF NIGHT

The SPEAKER pro tempore (Mr. ISAKSON). Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, obviously we are having the opportunity to have vigorous discussions on the floor of the House. But, Mr. Speaker, I want to draw my colleagues' attention to the time. It is 3:15 Eastern Standard Time, and we are now engaged in what we call special orders, an opportunity to speak to our colleagues and others on very important issues.

I raise this point of time because yesterday in the dark of evening, with barely a 10-minute to 15-minute notice, it was found necessary to bring to the floor of the House a major piece of legislation disallowing any debate by the procedure of suspension which disallows debate and amendments to im-

prove on the status of the legislation, and it passed in the dark of night with no official rollcall vote. That legislation is H-1B nonimmigrant visas.

Let me say, Mr. Speaker, I realize that there is a great need to deal with the necessity of employment in our high-tech industry. In fact, as I look at the cap, the number of H-1B visas that would have been allowed, 195,000, I am sure if we would have been allowed to debate this legislation, we might have seen a consensus of increasing the number.

But yesterday, our Republican majority saw fit in the dark of night to bring it up when many Members were not noticed about it. What we find that has occurred, Mr. Speaker, is that American workers go longing.

American workers are not protected by ensuring that those who come into this country have the minimum salary being paid to them so that they do not come in and be underpaid what American workers can have. There is nothing in the bill that requires employers to recruit or hire or train American workers.

□ 1515

It is known that African American workers are only 11 percent of the high-tech industry, and they continue to be underemployed. There is nothing in the bill that requires the high-tech industry to file their EEO-1 forms just to ensure us that they are hiring Hispanics, African Americans and women and other minorities. There is nothing in the bill that requires employers to take constructive steps to recruit qualified American workers and to cross-train and to work with Hispanic-serving institutions and historically black colleges. There is nothing in the bill which requires the employers to comply with the Department of Labor regulations, and there is nothing in the bill that provides fairness and amnesty for certain of those who are requiring such.

But my point, Mr. Speaker, is this. This bill was worthy of a vigorous discussion. There is nothing in the bill that deals with how do we help rural Americans. Even though the economy is booming, there are certain pockets of our Nation where there is double-digit unemployment. I believe the high-tech industry has a lot to offer, so it would have been prudent for us to be on the floor of the House to tell the American worker we are not forgetting them; that as we bring in necessary immigrant workers on nonimmigrant visas from other countries that we value their contributions.

This is not an effort to start a bashing of those who serve well in this industry, but it is a disappointment to me that those of us who had other viewpoints, among the many pieces of legislation that could have been offered in amendments, we were not given the opportunity. Therefore, our constituents are left in the dark, holding the bag of unemployment because this Con-

gress refused to discuss major legislation impacting Americans in the broadness of light.

Interestingly enough, there was a legislative, a particular initiative, that included in that the employer would undertake an obligation not to displace United States workers, obligation of petitioning employers. So there was language in another bill that did not get discussed that would require those high-tech industries to at least document that they were not displacing an American worker. Can we do any less?

And then, Mr. Speaker, I would like to cite Mr. John William Templeton, a co-convenor of the Coalition for Fair Employment in Silicon Valley: "It is asserted that the digital divide has become a convenient excuse for some firms to avoid training and hiring hispanic and black workers. Instead, these companies prefer to hire foreign workers, such as those brought in under the H-1B program, who often command lower salaries." That is unfair to them as well.

So, Mr. Speaker, I offer my enormous disappointment and my commitment to continue working until the last day of this session to make sure that Americans as well as those who are needed by the industry are treated fairly; that our institutions of higher learning, who voluntarily want to participate in the high-tech industry, can get involved and that we can close the digital divide and ensure that those who are here, who want to be trained, our children in schools in both urban and rural areas, Mr. Speaker, can be the kind of skilled workers that will provide the employment base for the high-tech industry.

Good Evening, Mr. Speaker. I approach the debate on the H-1B visa program with a very heavy heart. Why? Because I have spent a considerable amount of time this year in my capacity as Ranking Member of the Subcommittee on Immigration and Claims in trying to come up with a reasonable H-1B bill that would protect American workers and meet the needs of the business community.

I have said on numerous occasions, that I support the Hi-tech industry but I also support our American workforce. I worked very hard in the House Judiciary Committee to come up with a bill that would protect American workers, and I am saddened that the bill that passed yesterday evening falls short of that requirement. The bill that passed out of the Judiciary Committee contained provisions that compelled employers to take certain steps that would protect American workers. However, what is most glaring for me are the lack of any provisions that protect minority American workers who are grossly under represented in the High-tech industry. Nothing in the bill establishes an opportunity for the hi-tech industry to work with HBCU's and Hispanic-Serving institutions and recruit minority workers.

African Americans are especially impacted by discriminatory hiring practices in the information technology field. Data from the Bureau of Labor Statistics show that the hiring of African Americans in high technology has improved only slightly during the past decade. According to a 1999 report, Silicon Ceiling:

Solutions for Closing the Digital Divide, approximately 80% of the high technology companies in Silicon Valley do not file EEO-1 forms or affirmative action reports with the Joint Reporting Committee representing federal civil rights enforcement agencies. Clearly there's work to be done to ensure that African Americans have fair access to the lucrative high tech labor market. There is nothing in the current bill that ensures that. Democrats or Republicans did not get a chance to offer any amendments; we were not afforded an opportunity to go to the Rules Committee; and we were not allowed to effect the process, to change the legislation. Democracy was absent in the consideration of this bill.

I would have surely offered an amendment that would require the H-1B employers to report to the Department of Labor how they are recruiting and hiring American workers, particularly those who are members of under represented minority groups. I do not see anything wrong with holding the High-tech community accountable for not only who they hire, but who they do not.

I am very concerned about raising the cap of these H-1B visas. Although it is true that in recent years the high tech industry has fueled enormous growth in the United States and has benefited the corporate information technology, and raising the cap on these types of specialty workers should include an increased commitment to training of U.S. workers. The growing workforce of our country and the strength and growth of the high tech industry in particular can be met effectively by fully developing the skills of our own workers as a first priority, before hiring highly specialized foreign workers. We can have the best of both worlds—expert foreign workers (which create more jobs in America) and trained professional American workers prepared to work in the most sophisticated sectors of the Hi-tech industry.

There has been a lot of discussion in recent months about including immigration provisions with the H-1B legislation. On the Senate side, they call it L.I.F.A., the Latino Immigration Fairness Act. The word "fairness" is in the title because how can we possibly lift the cap, and bring in 585,000 foreign hi-tech workers, and ignore the people who are already here? Where is our sense of justice, of equality, of fairness? This H-1B legislation should have: provided relief to late amnesty applicants who have significantly contributed to the American economy; providing parity through the 1997 NACARA law by offering amnesty to Salvadorans, Guatemalans, Hondurans, and Haitians.

Our immigration law contains a provision-called "registry"—that gives immigrants who have been here without proper documents an opportunity to adjust to permanent status if they have been here for a long enough time and have nothing in their background that would disqualify them from immigrant status. This year, a bill that I have sponsored, H.R. 4172, the "Legal Amnesty Restoration Act of 2000", is before the Congress. This legislation updates the cutoff date for the "statute of limitations," which is now set at 1972. In fact, the majority of immigrants who would benefit from updating the registry date are those who qualified to apply for legalization in the mid-1980s, but the Immigration and Naturalization Service (INS) misinterpreted the law. If their applications had been accepted and processed prop-

erly when they should have been, many, if not most of these immigrants would already be citizens. It is unfair and incorrect to refer to these people as "illegal aliens."

Instead, they have been fighting the immigration bureaucracy for more than a decade and are now threatened with deportation. The provisions in my bill which should have been included with the H-1B legislation, or considered for independent House floor action would ensure that the registry provision is continuously updated by moving the registry cutoff date to 1986. If these people are not given relief, hundreds of thousands of people will be forced to abandon their homes, will have to separate from their families, move out of their communities, be removed from their jobs, and return to countries where they no longer have ties.

The Congress also needs to address Central American and Haitian parity. It is long past time to offer Salvadorans, Guatemalans, Hondurans, and Haitians the same opportunity to apply for permanent residence as was extended to the Nicaraguans and Cubans in 1997. Because immigrants from these countries have experienced similar violence and hardship, it is unjust to continue providing unequal treatment. Additionally, while these immigrants have been waiting for their cases to be resolved, they have been contributing to our economy and are needed to support the workforce needs of this country.

I believe that the current high demand market for certain technical specialties is that it should encourage us to retrain displaced workers, attract under represented women and minorities, better educate our young people, and retrain willing and able older workers who have been forced into unemployment.

I am very pleased that Section 12 of this bill provides much needed funding to help close the Digital Divide by putting computer learning centers in Boys and Girls clubs across the country. I sponsored and introduced with Congressman LAMAR SMITH H.R. 4178, the "Kids 2000 Act", that would authorize \$20 million from the Violent Crime Reduction Trust Fund each year for the next five years to operate the PowerUP program in Boys and Girls Clubs across the country. I am pleased that the exact language from both my bill and the Senate companion version is in this bill.

This bill does not have language to ensure proper training of our incumbent workers. I believe we need more workers and we need to train more American workers as I come from a city that has over 1000 companies that specialize in information technology. This should be a non-partisan issue.

In conclusion Mr. Speaker, we need to approach the H1-B visa specialty program with two eyes wide open. One eye focused on looking out for our American workers to ensure proper training, and the other eye focused on the under representation of minorities and women in the high tech industry who currently comprise our American workforce.

I support H-1B visas, to improve our hi-tech industry but I also support our American workers. Thank-you Mr. Speaker.

H-1B VISAS

The SPEAKER pro tempore (Mr. ISAKSON). Under a previous order of the House, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, I want to express my appreciation to the gentleman from Colorado (Mr. MCINNIS) and the other Members on the other side who are allowing me to proceed.

Mr. Speaker, last night, under the cloak of darkness, without notice, without the opportunity to participate by voice vote on an unwritten suspension calendar, after we had been told there would be no further votes for the day, at a time when most Members had left the Chamber for evening activities, the House passed S. 2045, legislation related to the increase of H-1B visas.

I was not necessarily opposed to the bill, formally entitled the American Competitiveness in the 21st Century Act. I was opposed to not having a debate about it.

But with such vitally important legislation, in an area of critical importance to this Nation, immigration policy, this House should have had a chance to debate this matter, air the many views that emerged during the House committee consideration of a similar measure, and voted in the light of day on the bill.

It is wrong, Mr. Speaker. It is inexcusable. And the American people deserve to know what some in this House did. The Senate bill increased H-1B visas, in the light of day, to allow some 200,000 additional high-tech workers to come to America from other countries, to work over the next 3 years. I had amendments prepared to expand this legislation to provide these same employment opportunities and training opportunities to the United States workers in rural communities.

Professionals who work in specialty occupations are admitted to the United States on a temporary basis through the H-1B visa category, the largest category of temporary foreign workers. The increase was pushed by many in the business community, especially those in the information technology area, which is experiencing an economic explosion and unprecedented job growth.

The amendments I had prepared would have made sure that those living in rural America would have the opportunity to secure a position in this rapidly expanding job market before employers look outside the United States to bring in foreign workers. Not that we are against bringing in foreign workers, we just want the same opportunity for those who live in rural America.

The House Committee on the Judiciary marked up and reported H.R. 4227, the Technology Worker Temporary Relief Act. Among the many bills introduced, there were three others related to the same subject, increasing numerical limitations on H-1B visas, that also should be considered. Those bills were H.R. 3983, H.R. 4402, and H.R. 4200.

Despite the rosy economic picture in America, too many Americans are being left out. For those Americans, many of them living in rural America over at least a 20-year period, there has

been a troubling trend, a trend that affects the very quality of their life. During these 2 decades, income and wealth inequality, the disparity in income and wealth due to wages, accumulated wealth, investments and returns, have been well documented.

It is an alarming and disturbing trend because among those rural Americans left behind, fewer can afford healthy meals, fewer can afford health care for their families, and fewer can afford a college education for their children. It is an alarming and disturbing trend because rural America has been disproportionately affected. Consequently, rural America lags far behind other communities in personal access to the Internet as well as the total use of the Internet.

This disparity exacerbates the persistent poverty, high unemployment, inadequate health care and education resources. Thus, as the economy rapidly expands, rural communities find that it is far more difficult to participate.

Moreover, technological advances, which could provide some solutions to these conditions, elude rural communities because of digital disenfranchisement. Such advances as telemedicine, distance education and electronic government, depend upon Internet access.

It is clear that the competition among service providers that is driving the Internet explosion is not as concentrated in rural communities. The lack of population densities, the absence of essential infrastructure and the fact that rural communities are often spread over great distances are reasons cited for this lack of enthusiasm. Even the Department of Commerce has concluded in its Report, "Falling Through The Net," that, "Disparities clearly exist (and) . . . access comes hardest for Americans who are low-income . . . less educated, single-parent families, young heads-of-households, and (those) who live in the South, rural areas and central cities."

However, these barriers should not, must not remain as impediments. A rising tide should lift all boats.

It is for these reasons that this House should have had the opportunity to debate, vote on and support amendments that would require education and training for American citizens who reside in rural and other depressed areas; amendments that would require both public and private sector entities to make reasonable and diligent efforts to find American citizens who are willing to be trained in information technology positions; that would raise the H-1B visa fees; and that would use those increased revenues to, in part, carry out the other amendment mandates.

Mr. Speaker, this House has not had the will to pass a modest increase in the minimum wage, an increase to help move millions of America's workers out of poverty. But we did find the will to pass a bill that mandates that foreign workers earn a minimum of \$40,000 a year. That is what the H-1B Bill that passed provides.

Late last night, Mr. Speaker, those who favor large business interests won. But, the American people, especially those who live in rural America, the many willing and able unemployed workers and this Nation, lost.

It is clear, Mr. Speaker, that rural America indeed lost. In fact, the Nation lost. Indeed, I think we should make an opportunity for American workers as well.

TRIBUTE TO LT. BRUCE JOSEPH DONALD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mrs. KELLY) is recognized for 5 minutes.

Mrs. KELLY. Mr. Speaker, I rise today to honor a man from my district, Lieutenant Bruce Joseph Donald of Poughkeepsie, who was killed last Friday when his F-18 Hornet strike fighter crashed in the Persian Gulf.

Lieutenant Donald, known by his call sign, "Straydog," was a 1995 graduate of the Naval Academy where he earned a Bachelor of Sciences degree in Ocean Engineering. Following graduation, Lieutenant Donald spent 6 months at his alma mater on temporary duty prior to being sent to Pensacola, Florida, to begin preflight indoctrination training. Afterwards, he traveled to Corpus Christi, Texas, for primary flight training, and then completed advanced jet training in Kingsville, Texas.

According to his superior officers, Lieutenant Donald performed exceptionally during flight school and, in February of 1998, he earned his Wings of Gold and an assignment to F-18 replacement pilot training at VMFAT-101. Having successfully completed replacement training, "Straydog" reported to VFA-25 in July 1999.

As a member of the "Fist of the Fleet," he excelled as a strike fighter pilot and served as the squadron's naval aviation training and operations procedures standardization officer, air-to-ground training officer, coffee mess officer, and landing signals officer. Lieutenant Donald was an exceptional pilot with sound judgment and was a designated combat section leader.

Although we live in a time of relative peace, we must never forget that the men and women who serve this Nation are constantly putting their lives on the line. We owe a tremendous debt to these men and women and to their families who love and support them through their training and deployments so that we may continue to live in a world of hope and the promise of peace.

Having dedicated much of his young life to the service of this Nation, it is only fitting that Lieutenant Donald can be commemorated here. Lieutenant Bruce Donald is survived by his parents, Patrick and Elaine Donald, his brother Brian, all of Poughkeepsie, New York. I offer the Donald family and their friends my deepest condolences.

OIL DRILLING IN ALASKA

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from Alaska (Mr. YOUNG) is recognized for 5 minutes.

Mr. YOUNG of Alaska. Mr. Speaker, I rise today to refute some of the comments that were made previously on this floor by Members of this House that know little about what they talk about, and that is energy and energy policy.

I noticed the gentleman from New York was talking about the fragile environment in Alaska. He showed a picture, very frankly, that is not the area which would be drilled in Alaska that George W. Bush suggested last night. He showed a picture that is far south. This is the area of Prudhoe Bay, 74 miles away from the 1002 place where we would drill.

If you notice the caribou here are around the oil rigs. In fact, our caribou herd has increased tenfold from where it was prior to the exploration in Prudhoe Bay, which provided to this Nation of ours every bottom barrel that has been delivered of the 16 billion barrels of oil. That is 16 billion barrels of oil that you would not have to import from the OPEC countries.

You have to keep in mind, Mr. and Mrs. America, that we are now so totally dependent on oil, approximately 57 percent this year, that if there is not a policy change, it will be 60 percent by the year 2005.

I watched the debate last night, and everybody else watched the debate, and I would suggest respectfully that George W. Bush's idea about energy production is vital to you. As you are sitting watching this, if you are a senior citizen and worrying about heating oil prices, right now we are importing, keep in mind, about a million barrels a day from Saddam Hussein. The area which we would like to explore, which is 74 miles away from the pipeline, 74 miles, has the potential, has the potential, of 39 billion barrels of oil. We could increase the production, going through the present pipeline, about a million barrels a day, equal to what we are importing from Saddam Hussein. We would not be dependent upon the OPEC countries. But that is just a small part. Alaska is just a small part.

This administration, the Vice President and the President himself have closed 34 refineries since 1992 in the United States of America. The Vice President asked us to use our reserve to lower the prices, which it will not do so. But as we do take that oil, if he is successful in his attempt, the oil will have to be shipped and refined in Venezuela and then shipped back to the United States because they have discouraged the building of new refineries.

The refineries themselves we have in place are running around 95 percent, which is unhealthy for the refineries because it is hard to maintain them at that level.

□ 1530

We must consider the production and the refining capability, and this Nation with this administration has not done.

I am going to suggest respectfully that there is no energy policy. I have said it once and I will say it again. The only energy policy this administration has had is to be on knee pads begging OPEC to produce more oil.

That is not America. It is for us to set a policy, it is for the next President to set a policy to make sure that we are no longer dependent upon the OPEC countries.

Coal, massive amounts across the Nation and Alaska being discouraged. Nuclear is not being utilized. It is being shut down. Natural gas, the demand has gotten so high now gas has gone from \$2.15 a million to, in fact, \$5.40 today. Now, that to me is wrong.

If we can find, which we know we have when we are given the opportunities and areas are open, we can become at least 50 percent dependent upon ourselves. And my colleagues out there think businesses can be run with 57 percent of their companies owned by someone else, if they think they can do what they want to do when 57 percent is owned by someone else, they are sadly mistaken and know little about business or the economy.

And that is where the United States is today, 57 percent today, 60 percent by the year 2005 unless there is a change in the energy policy.

My State, yes, is an energy-producing State. Thank God for that. It was on this floor in the House right here in 1973 that we passed the pipeline bill that delivered to this Nation 16 billion barrels of oil spent in our country, not spent overseas, in our country. And to show my colleagues the results, the caribou herd is stronger, the environment is safer. And very frankly, this Nation needed it badly in 1973 because of the embargo; and it needs it today.

I ask America to wake up about energy. Think about where we are going to be if we do not change that policy. George W. Bush mentioned it last night in the debate. We must have an energy policy today that increases the development and the production and the ability to refine our energy policy.

NIGHTSIDE CHAT

The SPEAKER pro tempore (Mr. TANCREDO). Under the Speaker's announced policy of January 6, 1999, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes.

Mr. MCINNIS. Mr. Speaker, I have listened a good deal to the previous comments, and I was wondering if the gentleman from Alaska (Mr. YOUNG) could answer the question or go into a little more depth about the specific area in which this exploration has taken place.

It sounded as if it was in the middle of a national park in the middle of a wildlife refuge. I thought maybe it would be interesting to hear from the gentleman just the dynamics of Alaska, how much of the land is owned by Alaska, and maybe compare the size of Alaska to Texas for example. And so, I

think the comments of the gentleman are very appropriate.

Mr. Speaker, I yield to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I thank the gentleman for yielding. I am glad he asked that question. Because the area which we are talking about, the area called the 10-02 Area in the Arctic National Wildlife Range, is a very small part of 19 million acres. It is approximately 1,200,000 acres. And of that 12,000 acres would be disturbed. But it is only 74 miles away from the existing oil field and pipeline, 74 miles, which is a very small distance to tie these two areas in.

It is an area that this Congress set aside when they passed the Alaska National Land bill by Senator JACKSON and Senator STEVENS because we knew the potential of the oil being there. And by the way, Mr. and Mrs. America, this is your oil. This is not the State of Alaska's oil.

My goal is to try to make us more independent so we are not dependent on the foreign countries. This very small area that is not, by the way, the pristine area that people talked about, it is probably the most hostile area. And that is why I referred to the picture that the gentleman spoke before me about ANWAR was a picture that was false, false, false.

I want people to remember that. It is a made-up picture or a picture taken in the southern part of that 19 million acres. And I ought to know because I live in that area. And so, when people say we are going to destroy the environment, and I listened to the Vice President talking about destroying the crown jewel, Alaska is the largest State, 2½ times the size of Texas.

We have more wilderness than any other area in the United States including all the States put together. We have more pristine areas in the State of Alaska than any other area. They will never be touched by man. But this one area has the potential, very small as it is, to provide for the Nation itself so we are not dependent upon the Saddam Hussein a million barrels a day for the next 100 years.

Now, keep that in mind what I have just said, by the next 100 years. Some people say I am exaggerating, that it is not true. This is exactly fact. And when someone says, we do not need the oil, it is only 6 months' times, that means we have no other production and would be totally dependent on Alaska and we never ever expected that. But we should be able to provide at least that million barrels a day so we do not have to buy it from Saddam Hussein. That is what is important to me.

Mr. MCINNIS. Mr. Speaker, if the gentleman does not mind, as the gentleman knows, our colleagues that were up here spent most of an hour speaking about what a traumatic situation this was and how terrible this was going to be; and I do not think it was held in its proper perspective. So I think if the gentleman, for example,

would not mind going in a little more detail.

He said, when the original plan was drafted or the bill was passed, there was an area that was set aside for exploration. My understanding is now, when we talk about the 19 million acres, the gentleman said there is 1.2 million, but we are only talking about 12,000 acres of 19 million. Is that correct?

Mr. YOUNG of Alaska. It would be 12,000 acres of 19 million will be totally disturbed by mankind. The rest of it is wilderness.

By the way, the Congress set this area aside because they knew the oil was there. And that is one of the reasons it should be opened up.

To give my colleagues an example, in the last 10 years we have lost actually 77 percent of our oil rigs because this administration has not promoted oil development. They have asked us to be dependent upon the foreign country. The domestic oil and gas industry has lost 500,000 jobs in the last decade.

It is ironic to me in this political arena in which sit, Mr. GORE, the Vice President, says, big oil, big oil is bad. Foreign oil is good. Big oil is bad. Buy it from the foreign countries and be dependent. That is good. Let us be domestically dependent on the other countries. No, that is bad.

So I am suggesting that Alaska wants to contribute to the ability of this country not to have to respond to the OPEC countries. And we are so close, 74 miles away. Remember, the pipeline is 400 miles long. We have the potential of 39 billion barrels of oil, and that is the largest reserve we know in the United States today.

And yet we have people talking about destroying the environment. The environment will not be destroyed. But keep in mind, what right do we have as Americans to buy oil from Russia, and yes, we are doing that; to buy oil from the OPEC countries? Do they have any safeguards? They do not. They spill more oil in Russia in one day in the pipeline than we did in the Exxon Valdez. And yet we want to buy oil from foreign countries to feed our appetites, that I would agree with. But each day we stop domestic production makes us more dependent, more responsive to the foreign desires. And they can run that price up.

If my colleagues want to blame somebody for the high price, blame this administration. Blame this administration for really discouraging domestic production. They do not have an energy policy, none whatsoever. And if they want to read an interesting book, read AL GORE's book. He wants to destroy the combustible engine, put everybody on bicycles, like they are in China. And yet the other day he said we have got to lower the price of gasoline because it is hurting our economy and the people.

The reason the prices are high is because the policy they have is to go to the OPEC countries and beg them to

produce more oil. If we were producing our own oil, then we would not have to beg, they would be producing at a level which we would be producing it and the price would be stabilized.

Mr. MCINNIS. Mr. Speaker, reclaiming my time, I might point out that while the Vice President has proposed in the last couple of weeks because, one, we are in a political season and, two, the price of gasoline has escalated rather dramatically, if we look at the Vice President's writings on his policy, his policy actually is to increase the taxes. It is clear. I am not taking this out of context. His policy is you raise the price, you put more taxes on gasoline; and that is the only real policy I have seen.

But let me shift gears for a moment. If the gentleman would not mind, I know I am taking the time of the gentleman, but I was wondering if the gentleman would not explain, when we talk to our colleagues here about the pipeline, if he would explain a little more about what the pipeline consists of, how that project was handled and how they addressed the environmental issues when they put in ANWAR. Talk a little bit about that just to acquaint our colleagues with what is going on in Alaska.

Mr. YOUNG of Alaska. Mr. Speaker, I was the sponsor of the pipeline bill; and it passed August in 1973 because we were in an embargo. The OPEC countries placed an embargo and our gasoline went from 23 cents to 54 cents, and we were frankly out of oil.

We passed it here in 1973. We told the companies to build it in 3 years, and they did; and in 1976 they had the first barrel of oil that flowed through that line. And by the way, it all went to the United States. It did not go to Japan. All of it went to the United States. And we have produced about 16 billion barrels of oil.

At the crisis of the Gulf War, for instance, we were producing 2,200,000 barrels a day. It averaged a million barrels a day. It has the capacity of 2 million barrels. But we put that pipeline in with all the safeguards that we can possibly have available in those days. That has been a long time, approximately 28 years ago.

We put crossings for caribou to cross over at the cost of about \$50 million. And by the way, they do not use them. They crawl under the pipeline because they like to be under the pipeline.

The caribou herd has increased dramatically many fold over. Actually, the wildlife all the way around has increased. We have had, they say, a thousand spills. That is pure poppycock if I may say so. Because up there they call it a spill and they are very good about reporting it. If there is one drop of oil somewhere from a squirt gun or an oil can or the bottom of a truck, that is reported.

There has been no major spill at all in this pipeline from the time it was constructed. The one people hear about is the Exxon Valdez. That was the re-

sponsibility of one man, one captain that made an abrupt turn; and why we will never know.

But in the meantime, I remind the American people that that oil which you receive is oil that we would not have to buy from the OPEC countries; and if we could produce 2 million barrels a day, which we could with ANWAR, and, remember, it is your oil, if we could produce 2 million barrels a day, that means we would be that less dependent upon those foreign countries.

Mr. MCINNIS. Mr. Speaker, what concerns me about the discussions that we have been having on the Alaskan oil is that the emotions get in the way, I think, of looking at the facts. One, the fact of what are the requirements of the United States? What is the dependency of the United States? What happens if the United States becomes dependent, as we have seen, on foreign countries? What happens to our economy? What happens to everything from medicine and so on?

On the other hand, we need to not let our emotions become so charged with the price of oil that we ignore environmental safeguards.

And so, my reason in talking with the gentleman is for his explanations of the safeguards. And I think he has done a good job that, with the environment, we have spent \$50 million on the caribou for example. Well, that one was not justified because the caribou do not use it. There are a lot of environmental expenses that are taken into consideration and a lot of sensitivities that, rightfully so, are observed.

This is not a sign-off to some company to go up and drill where they want. This is probably the most scrutinized project in the United States I would guess.

Mr. YOUNG of Alaska. Mr. Speaker, I am glad the gentleman brought this up, because it is scrutinized Federally and by the State, the EPA, the DEC, the Corps of Engineers, the Coast Guard, and Fish and Wildlife; and it meets every criteria for safety in the promotion of wildlife.

I go back to this picture again. These are caribou, and this is the oil field. These are caribou and calves, and this is the oil field. And by the way, many times they talked about the caribou herd, the porcupine caribou herd and how their calving area will be disturbed. And I have said all along, caribou calve when they want to calve and where they want to calve. And guess what, the last 2 years they have not calved anywhere near this area we want to drill in.

The myth that is put forth by interest groups to somehow say we are better off buying oil from other countries where they do terrible damage environmentally with no safeguards when ours have all these supervisory agencies over them is wrong.

And each one of you, Mr. and Mrs. America, as you go up to that pump, you are paying the OPEC countries, you are not paying the United States.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman from Alaska (Mr. YOUNG) is reminded that he must address his remarks to the Chair.

Mr. YOUNG of Alaska. Well, Mr. and Mrs. America in the gallery, then. I can address somebody I hope.

Mr. Speaker, I want to get back to the concept. Let us look at energy.

Now, you cannot conserve your way into prosperity, nor can you conserve your way into independence with fuel or energy. And that is the suggestion of AL GORE, we are going to have conservation that will solve our problem. Not as our population increases. That is an impossibility. It is not correct.

So I am suggesting we must think about where we find our oil and our gas. And we have it in Alaska. It can be done and has been done and is environmentally safe. We must allow this to happen for America. We must not allow the OPEC countries to control us, as they are doing now.

□ 1545

They are the ones that are pulling the strings; they are the ones that raise the price of gasoline at the pump with the taxes that AL GORE added. They are the ones that make you pay more as you go to work or you take your young son to soccer or your daughter to piano lessons or vice versa. We as Americans have to have a policy. I believe our policy on energy has to be one of production, one of discovery and one of refining.

I know I am going to introduce a bill the next session to give us an expedited process to build refineries. Because I have asked people, "Why aren't you building refineries?" They say, "We can't build refineries under the present delay factors of this administration." That means we have to buy refined products from abroad. Most of the gasoline that you burn in your automobile and heating oil that you are using and the northern reserve which we are going to have after this Congress passes it comes from a foreign country, which means we are dependent.

And so I ask you to make sure everybody understands this issue. Energy is the number one problem in America today and threatens our freedom and our security because in the last 8 years, we have allowed this administration to direct us with their policy to become dependent upon foreign countries. I am trying to offset that. Anybody that steps up here and talks about my State and how bad it is in ANWR and the Arctic wildlife range has never been there, they know little of it, and they are speaking the word of a written booklet from an interest group that wants us to become more dependent upon foreign fossil fuels. As we become more dependent, we have to respond to their desires. Maybe it could be negative to the American way.

I ask everybody to wake up, all of my colleagues, and support me in the development of not only the 1002 areas in

Alaska but the other fossil fuel areas in America. I thank the gentleman for yielding.

Mr. MCINNIS. I thank the gentleman for taking time this evening. I thought it was very appropriate for the gentleman to come over here because it seemed to be one-sided, the story we just heard.

I also would like to thank the gentleman with my colleagues here for the considerations and the courtesies that he has extended to the State of Colorado over the years. We appreciate his service and his courtesies.

Mr. Speaker, I interrupted my comments because I felt it was very important that we listen to the chairman of the Committee on Resources, the gentleman who has represented the State of Alaska for a number of years. Alaska is a wonderful, wonderful State. Most of Alaska, I think in the high 90s, maybe 96 percent of Alaska is owned by the Federal Government. I wish I had time this evening to talk to my colleagues about what happens and the differences between States that are primarily owned by government and States that are primarily owned by private individuals.

Many of my colleagues here on the floor come from States where their primary ownership in their State are private individuals. Many of us come from States where the primary ownership in our States is the Federal Government. In Colorado, for example, my district is the Third Congressional District of the State of Colorado. My district geographically is larger than the State of Florida. And on the eastern line of my district, which, very simplified, runs from Wyoming down I-25 to New Mexico, it exempts out the cities as you go down, but from that eastern border to the Atlantic Ocean, that land, there is very little Federal Government ownership of lands. Out here in the East, you have the Appalachias, you have the Everglades down there and then in a lot of States you have the local courthouse, you may have a park here and there; but the reality of it is if we took a map, for example, of the United States and we looked, obviously I am not an artist, but if we took a look at my eastern border, here is Colorado, the point I am making is from this point right here to the Atlantic Ocean, Federal ownership or government ownership of land is represented about like this, with the Appalachias here, the Everglades, the park up here in the Northeast. If you were to look from my border, this district, the Third Congressional District, and go to the Pacific Ocean, you are going to find out that government ownership of land looks like this. Obviously that is a rough drawing, but that is pretty significant.

There are a lot of differences between living in areas where the ownership of the land is by individuals and living out here where our zoning and planning commissions are dictated by decisions out of Washington, D.C. For example,

my colleagues that live out here in the East, those that represent States with very little Federal ownership, when they decide they want to build a new bridge or when they decide that they want to go and have a new building or some kind of adjustment in their county or some type of development, they go to their local county planning and zoning commission. Out here in these Federal lands, anything like that, they have got to go to their planning board which is in Washington, D.C. So there are a lot of significant issues that we ask for our colleagues in the East to have an understanding of what goes on out primarily in the West. Or have an understanding of what goes on in the State of Alaska.

For example, in my district, we are totally dependent, totally, not partially, totally dependent on multiple use of public lands, for water. Every highway that we have in my district comes across Federal lands. The water, when I go back to water, it is either stored upon, originates or comes across Federal lands. All of our power lines, all of our cellular telephone towers, all of this is on Federal lands. In my particular district of which we have the premier ski areas in the world, Aspen or Vail or Telluride or Powder Horn or Purgatory, I could go on and on and on, these areas are dependent, very dependent, our tourism dollars are very dependent on these lands. We are very, very, I guess you would say over a period of time we have become encompassed by the concept of multiple use.

I want to talk just for a moment about that concept of multiple use. What happened in the early days when our country was a young country, we basically had this as our country. Our forefathers, the leaders of our country, wanted to settle the land that we had purchased. In those days, possession, that is where the saying, by the way, possession is nine-tenths of the law, possession meant everything. In the early days of our country, if you did not possess the land, somebody else could come in and they did not care whether you had a deed or a document that said you own it, they came in, they sat there with a gun and said, "I own that property."

Once our country made purchases like through the Louisiana Purchase and things like that, what happened was, taking this out for a moment, they were trying to figure out how to get people to leave the relative comforts of the East and of the settled communities in the East, how do we get them out into the new frontier. How do we encourage people to go out there and set up a home or set up towns, because as a country we need to possess the lands like the Louisiana Purchase, or we are going to lose them to some other country.

So what they decided to do was let us give land. Everybody in this country, it is an American's dream to own a little piece of land, to own your own little house. It is the American dream. So

they used this incentive, go West, young man, go West. To do that, they said, let us have a homestead. You go out into Kansas, you go out into Missouri, you go out there, you find 160 acres or you find 320 acres, you farm it for enough years and you get to keep it. It is your land.

That worked pretty well. What we saw were fairly dramatic movements of population into these areas. But when they got to the West where it is very arid, we do not have the kind of water, it does not rain in the West like it does in the East, when they got out West, the crowd started going around. Nobody was sticking around in here. Why? Because they discovered in Kansas, for example, or Missouri or even eastern Colorado or down here in some of these States, in the Midwest States, Pennsylvania and so on, they were discovering that with 160 acres, you can support a family. You have enough acreage there to grow a farm. But they also discovered that when you got to the mountains, for example, or to the more arid acres, sometimes 160 acres would not even feed one cow. So the settlers were not staying there.

At the Nation's capital, they said, what do we do about this? How do we get settlers out here before we lose this land? How do we get them to move in there? Somebody came up with the idea, it takes 160 areas of good fertile ground in Missouri for a family. That is the equivalent in the mountains of Colorado, it might take 2,000 acres. So let us give them 2,000 acres. They thought about it, the policymakers back then, and they said, "Wait a minute, we can't give that away. That is too much for one person." Then the idea was born, well, let us go ahead and have the government retain the ownership. In other words, the government will continue to own this land out here, but let us let the people use the land. That is where the concept of multiple use came from.

When the gentleman, the chairman of the Committee on Resources, stands up and talks about Alaska and talks about your oil, that is why Alaska is primarily owned by the government, because of the fact of the differences between States in the West and States in the East. And so I think it was important. I acknowledge the gentleman and appreciate him coming to speak with us.

I want to address another point. I had the opportunity to come down and listen to some of my respected colleagues prior to my having the opportunity to visit with you. It sounded like it was the George W. Bush bash hour. What can we bash George W. Bush about? That seems to be a favorite thing by some of my colleagues here lately. What policy can we find of George W. Bush? Let's just bash him.

Somebody ought to stand up here and say a few things that George W. Bush is doing right and a few ideas that I think will work for this country on a bipartisan basis, that both sides of the aisle ought to acknowledge.

Let us take an example. Let us talk about Social Security, for example. Social Security, we ought to look a little at the history. We know that we had the Depression in 1929. In 1935, the President decided and this country, and this Congress on this floor, decided that we should have a national insurance policy, a social insurance. That is where Social Security came about. But there are a few factors to remember about Social Security when it was first conceived.

Number one, for every person that was retired in 1935, we had 42 workers out there working. Forty-two workers for every person retired. What has happened over a period of time is the number of people that are working has gone down in proportion to the number of people that are retired. Today, instead of being 42 to one, today it is three to one. It is three to one. That has created a problem for Social Security.

Number two, and this is good news for all of us, colleagues. This is good news. The modern medicine that we have developed and the vaccines and the ability to fight things like chicken pox and polio and things that were horrible diseases of the past and with god-speed we can find a cure for cancer in the future but these diseases have in a large part been conquered.

The average person in the United States in 1935 could expect to live, a male 62 years old, a female 65. Today, that is almost in the 80s. We have had a dramatic increase in the life span for our citizens in this country. Unfortunately, no adjustment has ever been made in Social Security, number one, because of the number of active workers that have been reduced and, two, because of the extended life span of these individuals.

So what is happening is today we have a Social Security fund which on a cash basis, means cash in the bank, is in the plus column. But when we look on an actuarial basis, and what do I mean by that word? I mean when we look into the future and say, okay, here is the money we have, here are our future obligations, do we have enough money to cover all of these future obligations? That is what is called actuarial thinking. On an actuarial basis, Social Security is bankrupt.

And who is the individual that is running for President that has stood up and I think in a bipartisan approach come up with a plan? Now, it is a bold plan. GORE and the President, they have called it a risky plan. You have got to take some risk. You have got a plan that is in trouble. Not in trouble for my generation. I am 47. Not in trouble for my parents. My parents are going to be guaranteed, any of the colleagues, any of your seniors, their money is not going to be interrupted. Really from about 45 on up, their money is going to be there. But the young people of this country, the people that George W. Bush has talked about, the people in their 30s, the young workers that are starting out in

their 20s, those are the people that are going to face the dramatic problem on Social Security if we do not take a bold move. You can call it risky as AL GORE has called it, but the fact is you have got to do something. That is what leadership is about. If you do not want to lead, stand aside. We are not going to leave you behind.

□ 1600

But you are not a leader. Somebody has to get out there with a bold plan. I can tell you that the plan that George W. Bush has proposed is not exactly in my opinion something that is novel.

You say, what do you mean novel? Well, I think that George W. Bush and his Social Security plan, they looked around and said, gosh, how do we test market my proposal? How do we test market something for the younger generation that will save Social Security?

You know what? They found it. It has been test marketed. It has been out there and used. You know what? It is working.

The logical question that one would ask is, well, where is this test market? Where are the results? Who is using the same type of basic plan that George W. Bush is proposing for all of America? Where is your test market on that? You know, when corporations or businesses or people want to try a product, they go out and test it first. So you prove to us, MCINNIS, where is this test market?

You know where it is? It is right here on the House floor. Us. You know what? We are treated differently than other Americans. Every Federal employee is treated differently than other Americans. How? We have our own separate retirement plan.

Now, we are participants in Social Security, and we do pay into Social Security, but, as you know, we have another plan. Every Federal employee, 3 million of us in this country, have been test marketed, and that plan is called the Thrift Savings Plan.

What is the Thrift Savings Plan? Number one, it is voluntary. You are not required to participate in it; exactly what George W. Bush is saying with the partial investment of Social Security dollars.

Number two, it gives you choice; exactly what George W. Bush is talking about when he talks about his Social Security plan.

Number three, it guarantees you a payment, regardless of the choice that you make; exactly what we have in our Thrift Savings Plan and exactly what George Bush has proposed in his plan.

How does the Thrift Savings Plan work? As you know, we get our check, and there is an automatic deduction taken out of our check for Social Security. There is also an automatic deduction taken out for our retirement. So, as a Federal employee, and remember, this applies to all Federal employees, not just to the Congress, but to about three million Federal employees, so they take out a small amount, or an

amount, out of your check for your retirement. You have no choice on that. You get no choice as to where it is invested. You do not get a choice as to whether it goes into the stock market or whether it goes into bonds. You have no choice on it. On the other hand, the trade-off is you are guaranteed a payment when you retire.

But, then, after that is said and done, you get to take up to 10 percent of your pay and you can invest it through the Thrift Savings Plan, and the Federal Government will match the first 5 percent. So you get to take 10 percent, they match the first 5 percent, and you get choice. You are not required to do it, by the way. And what kind of choices do we have?

Our choices are, one, you can go into savings accounts, which are guaranteed by the government, just like if you went to a local bank, FDIC approved. You get that. But the return is low. The lower the risk, the lower the return; the higher the risk, the higher the return. The very low risk option, zero risk, almost, and you get a low return. Or you can go into something like the bond or the stock market. You have that choice.

What is wrong with George W. Bush's proposal to give choice to the American people? What is wrong with our generation, the older generation, looking to the younger generation, like my children? My children are grown now. What is wrong with my generation saying to this generation, hey, you ought to have a little choice. We ought to give you a choice on some of your investment dollars.

George W. Bush has not gone out and said take all the Social Security dollars and let this young generation decide if they want to put it all in the stock market. Of course, that would be reckless conduct. That would be careless. There is not a financial mind in the world that would tell you that would be a smart thing to do.

What George W. Bush said is give them up to 2 percent. Let us try it out. It works for American government employees, why can it not work for the young generation; the women in this country that are young and just getting into the workplace; the young men and the families.

If we do not do something, do you know what the return is? If we stick with the status proposed, which seems to be what is proposed by the Al Gore policy? Here is what your return is: 0.09 percent. That is a rotten return. That is what you get to expect, assuming that we can keep it afloat.

So a young couple today, let us say a young lady named Joyce and a young man named John, and John and Joyce go out into the workplace, and their Social Security, if we do not change this thing, number one, it probably on an actuarial basis will not be there for them; and, if it is, if the stock market continues to boom, and we know, in case you have not read in the last few weeks, it has leveled off, but if it continued to boom, which it will not do

forever, then that is about what kind of return you can expect.

How can we do this? Come on. It is an obligation, it is a fiduciary duty on every one of us in this room, to stand up for this next generation behind us and the generation behind them and the generation behind them.

If we are going to have a Social Security program, let us give them a Social Security plan that works for the American people. Let us not make American Federal Government employees an exclusive set, where they have a little different arrangement than the very people who put us here. The people that pay our checks are the taxpayers. We ought to take that into consideration. We should not treat the taxpayers of this country, who are not Federal employees, different than we treat Federal employees.

Why not change Social Security? I see positive things. Instead of standing up here in a very partisan way and bashing George W. Bush, why do we not stand up here and talk about what I think are the good policies and the good recommendations that he has made? If he becomes the President, I think you are going to see a very positive change for Social Security.

Those policies will work because they have been test marketed. It is not new. It did not just fall out of the sky. These policies work, they have been tested, and they have been tested on 3 million people. And, do you know what? The participation rates are in the high 80 or 90 percent of Federal employees that want to get into this program. Because why? Because it works. That is why they want to get into this program.

Mr. Speaker, let me change subjects, because I heard some other Bush bashing going on, and I think once again somebody has to come tell the other side of the story. Paul Harvey, who by the way, I had the privilege of meeting Paul Harvey a couple of weeks ago in Pueblo, Colorado, where we honored about 100 Medal of Honor recipients, and Paul Harvey was kind enough to come out there at his expense to speak to us. But Paul Harvey has a famous saying, you have all heard it, "and now for the rest of the story." That is exactly why I am over here this afternoon talking to you.

You heard one side of the story, Bush bashing; Bush bashing on Social Security, Bush bashing on taxes. Bush bashing. Look, do you know what? There are a lot of good things in there. Why not look for some of the good, colleagues, instead of trying to spin it out of control because of the political necessities of an election coming up here in 4 or 5 weeks?

Let us talk about taxes, and let us talk about what the Republicans, frankly, with a lot of help from conservative Democrats, have done with their tax policy.

Number one, the Republicans, again with help from conservative Democrats, who came across the aisle, we

sent to the President of this country a death tax elimination. Now, whether or not you think you are covered by the death tax, I think it is a fundamental question.

It is the same thing, by the way, with the marriage tax elimination. The Republicans, with help from some conservative Democrats, sent to the President of the United States a marriage tax elimination, to eliminate the tax, because of the fact you are married, and to eliminate the tax because of your death. On both occasions, the President vetoed both of them.

Now, let us talk about it. The basic fundamental question you need to ask about the death tax and the fundamental question you need to ask about the marriage tax is should death or marriage, should those be taxable events in our society? You know what? The majority of us stood up and said no.

Unfortunately, the administration disagreed. They think that marriage should be a taxable event. They think that death is a taxable event. Not only do they think death is a taxable event, I sit on the Committee on Ways and Means. I know about finance and taxes. The President's budget, the President and Vice President, the Clinton-Gore budget this year not only did not even consider elimination of the death tax, they actually proposed an increase of \$9.5 billion, a \$9.5 billion increase in the death tax.

You should not increase it, you should not keep it. The death tax does not collect a lot of money. Let me tell you, when you hear, and I have heard this over and over again, when you hear, well, this only benefits the upper 2 percent of a community, wake up. It does not just affect 2 percent of the community. Let me give an example.

Colorado, you take a small town in Colorado. I have a small community in Colorado where somebody who, by the way, lived the American dream, started out with nothing, worked all his life. His entire dream in life was to be successful so he could pass it on to the next generation and spread it in the community. He had a construction company. By the way, to be eligible for the death tax on a construction company, if you own free and clear, if you own much more than a bulldozer, a dump truck and a backhoe, then all of a sudden you are facing the death tax. That is right, a bulldozer, backhoe and dump truck, and you are facing the death tax.

This individual passed away. From what you would hear from the people who think that the death tax is a fair tax, that it is fair to tax somebody on property they have accumulated that they have already paid taxes on, simply by the fact that they died, what you need to look at is what the impact is on a community.

What happened, when he died they took 70-some percent; 55 percent of it for the death tax, 22 percent on capital gains, or 28 percent, excuse me, on cap-

ital gains. And they took 70-some percent of that estate and moved it out of this small town in Colorado and they moved that money to Washington, D.C. to be redistributed by a bureaucracy.

You know what? The money in a community ought to stay in a community. I do not believe you ought to be able to tax death as a taxable event, but it sure would be a lot more liveable if you went to that small community and said, look, just in spite, you had somebody who was successful, so we are going to tax them on their death, but you get to keep the money in the community.

Remember, the death tax, where it came from. The death tax came as kind of a get-even tool with the Carnegies and the Fords and the Rockefellers. That is where that thing came from, from people who wanted to declare class warfare, who said, look, this is a great country, and we say if you invent the better mouse trap, you get to reap the reward, as long as you do not reap too many rewards, because then we are going to come after you. That is exactly what happened in the twenties and so on.

This is a tax that should never have been created. It is a tax that hurts our communities. It is a tax that hurts our environment. This is a country that ought to pride itself in encouraging its citizens, encouraging its families, to pass a business from one generation to the next generation.

What builds the strength of a country is family. That is what builds our strength. And for a government to go out and discourage and actually penalize the transfer of a business or the family farm or the family hardware store from one generation to the next generation is fundamentally flawed. It is flawed with the concept of what we have as government.

Now, maybe in a communist country or in a socialist country, where everybody is not paid on what they are worth, they are paid on what they need, so no matter what they do, it is not what they do for society, it is what they need. So you equalize all those payments.

That is what the concept of a death tax or a marriage tax comes from, especially a death tax. That is not what we want in this country. That is not what ought to be happening to our communities.

By the way, you heard me right when I tell you the death tax hurts our environment. You say wait a minute, how does the death tax hurt our environment? You know how it hurts it? In my district, in Colorado, a beautiful district, I live in the highest place in the Nation, the highest elevation in the Nation. If you have been skiing in the mountains in Colorado, if you have been in the mountains in Colorado, the essence is you are in my district.

The people discover the beauty of this. What happened is we have family farms and ranches out there, and what is happening is people are coming in

and the families are having to sell these. They want to farm, they want to ranch, they want to have that piece of land, but they have to sell it. You know where that land goes? It does not continue as a ranching operation. It does not continue as a farming operation. It continues as a few hundred more condominiums, or a few hundred more townhouses, or a brand new shopping center. That is what is happening to that land out there, and a lot of it is due directly to this death tax.

So do not stand here and bash George W. Bush because he wants to eliminate the death tax. Do not stand here and bash George W. Bush because he says marriage should not be a taxable event. What you ought to do is, as some of the Democrats have done, join the Republicans in our fight to get rid of the death tax. Join the Republicans, as some conservative Democrats have done, and get rid of the marriage tax.

Instead, what happened, unfortunately, we saw the majority of Democrats go with the President and support the President's veto of getting rid of the marriage tax and support the President on this death tax. I am saying to my colleagues, work with us in a bipartisan method. We can do something for Social Security for this next generation. We can do something about that death tax. We can do something about that marriage penalty.

□ 1615

Let me tell my colleagues, in a bipartisan direction, when we have worked together in the past, the Democrats helped us pass probably the largest tax break that we have had in 20 years or 30 years; although the people do not realize what we have done. The Republicans, about 3 years ago, 2 years ago went out and said the Americans dream is about owning their own home. So we think in most families, the ownership of the home is the largest asset they have; that is usually the largest asset in a family.

What we said, the Republican bill that we got passed, with some help from some conservative Democrats, on a bipartisan working effort, the bill we passed says that if you now own a home and you sell that home for a profit, I am not talking about equity, I am talking about net income, you sell it for a profit, your first \$250,000 per person, remember most homes are owned by couples, so it is the first \$500,000 per couple, but the first \$250,000 per person goes into your pocket tax free. You get to do that every 2 years.

That is an incentive for people to go out and own homes, and that was supported on a bipartisan effort. We had conservative Democrats who helped the Republicans pass that, and that gave the American people a tax break they deserved.

For some reason, there has been a misconception down here on this floor. We seem to think that the American taxpayers ought to pay and pay and pay, and somehow people, some of my

colleagues spin it out as if we dare talk about it, hey, maybe they put in too much. George W. Bush says take half of our surplus right away and put it to reduction of the debt; that should be our priority.

Reduce that debt, but you still have a little that you ought to put into some programs like education and healthcare, and you still have a small fraction of that you ought to give back to the taxpayer, pat them on the back and say thanks for what you have done. Thanks to the productive nature of the American people, the American taxpayer, this government is sitting pretty well.

This surplus was not created by the wonderful creative thoughts of your government. It was created by our constituents, the hard workers, the 8:00 to 5:00 people or the 8:00 to 8:00 people out there who produce and create capital. Government does not create capital. Government transfers capital. Government takes it from the workers' pockets, transfers it to Washington, D.C., and then hands it out as if they worked for it. That is not what the government is about.

What I am saying is do not be ashamed to talk about a tax cut. They ought to be reasonable tax cuts. Is it unreasonable to cut out the tax of death? Is it unreasonable to cut out the tax of marriage?

I was so excited last night in that debate. I wanted to be in that debate, not as a candidate but just to get up there and say, wait a minute, Mr. Vice President, what is wrong with the policy of cutting out a death tax? What is wrong with the policy of eliminating the marriage tax? What is wrong with the homeowners tax break that we gave 2 years ago? You did not try and spin it out of control then.

I am telling my colleagues from a bipartisan point of view, we owe respect to the taxpayer; and there is no reason to back off and be ashamed, because we talk about maybe we ought to thank the taxpayer and say we got enough to operate the government. The more the taxpayer provides for the government, the sloppier the government becomes.

Sometimes it is a good idea to tighten down on the budgets. That forces efficiencies. That is why I have taken this podium today, instead of bashing Bush all the time, which I heard minute after minute after minute earlier this afternoon, why do we not stand up and say, hey, here are some policies that we can work on in a bipartisan basis; here are some positive things that he has proposed.

There are very few of my colleagues out here who could look me right in the eye and arguably tell me that our plan, our Thrift Savings Plan, should not apply to the American people and should only apply to Federal Government employees. There are very few of you, I think, that could really look me in the eye and honestly tell me, Look, SCOTT, we ought to have a death tax.

How many of my colleagues really support a death tax? How many of my

colleagues really think people ought to be penalized in tax due to the fact that they are married? How many of my colleagues really think that this government ought to engage in discouraging families from passing their hardware store or their farm or ranch from one generation to the next generation? Not a lot of my colleagues, but my colleagues ought to be identified to the American people so they know exactly where we stand.

The taxpayer does deserve some courtesy. We obviously need to reduce the death debt. We have to take care of programs like education and health care which are fundamental for the survival of the greatness of this country; but the best way that we do it is we look at it in a positive sense, and I encourage my colleagues to do just exactly that.

CITIZENS' RIGHT TO VOTE

The SPEAKER pro tempore (Mr. ISAKSON). Under the Speaker's announced policy of January 6, 1999, the gentlewoman from California (Ms. MILLENDER-McDONALD) is recognized for 60 minutes.

Ms. MILLENDER-McDONALD. Mr. Speaker, the 14th amendment of the Constitution of the United States guarantees every American citizen the right to vote.

When our country was founded, the right to vote was preserved for white men and property owners. It took the Women Suffrage Movement to enfranchise women and the Civil Rights Movement to fully enfranchise African Americans and other people of color in this country.

In the words of Susan B. Anthony, we, the people, not just the select few, but we, the whole people including all of us formed this union.

Today, we have awakened to a new challenge for this republic, restoring the voting rights of men and women who committed crime but have paid their debt to society.

While the Constitution takes away the voting rights of individuals convicted of serious crimes, the States are given the power to restore this right. Through our criminal justice system, hundreds of thousands of men and women have been politically disenfranchised, many of whom are poor and minorities who committed nonviolent crimes.

Many of these individuals have paid their debt to society; and yet some States have restored their right to vote automatically, while others hold this right hostage to politics. Laws governing the restoration of voting rights after a felony conviction are unequal throughout the country.

Persons in some States can easily regain their voting rights, while in other States persons effectively lose their rights to vote permanently.

Mr. Speaker, two States do not disenfranchise felons at all times; 46 States and the District of Columbia

have disenfranchisement laws that deprive convicted felons of the right to vote while they are in prison, and in 32 States convicted offenders may not vote while they are on parole. In 29 States, probationers may not vote; 14 States disenfranchise ex-offenders who have fully served their sentences, no matter the nature or seriousness of the offense; 17 States require gubernatorial pardon, legislative action or administrative procedures to restore the right to vote.

State disenfranchisement laws disproportionately affect the poor and ethnic minorities. They are more likely to be arrested, charged more harshly, poorly represented in court, convicted and receive harsher sentences. Whether we like these people, whether we want to know them personally, or whether we want to share private lives with them, they are part of the whole people of America. They deserve a second chance to vote.

Consider these statistics, Mr. Speaker: an estimated 3.9 million Americans, or one in 50 adults, currently cannot vote because of a felony conviction. Women represent about a half million of this total. Three-fourths, or 72 percent, of the 1.9 million disqualified voters are not in prison, but are on probation, parole or are ex-offenders.

The last decade alone, over 560,000 Americans served their entire sentence, stood free and stand free and clear of incarceration and parole and have paid their debt to society. An estimated 65,000 of these Americans are women, and they cannot vote in some States. Now, today you will hear from fellow Members of Congress who believe firmly that those individuals who have committed crimes paid their debt to society and been released free and clear should be allowed to vote.

This may seem like a radical proposition, but it is not. It is fundamentally consistent with the principles we live by in this country. When you pay your debt to society by spending time in prison, your punishment is complete. At that point, our society releases you back into society and expects you to be rehabilitated socially with family, friends, and community. They also look to ensure that you are economically upright with jobs, or should.

It is time now to pay attention to your civic rehabilitation, that is, giving one the right to vote. Minority and poor people are overrepresented in these numbers. Tonight you will hear from my colleagues why we need to enfranchise all of these women and men.

Mr. Speaker, I have introduced H.R. 5158, the Second Chance Voting Rights Act of 2000, and this bill does just that. Others, like my friends and colleagues, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Illinois (Mr. DAVIS), also have introduced legislation to enfranchise these Americans.

My bill, H.R. 5158, simply says if you have served time, you are now out and

have served your debt to society. If you are free of all parole and paroles, then you should have a restoration of your voting rights. That is only the right thing to do in this country we call America.

Those persons who have had a mishap in life should be given a second chance. My bill simply says they should in those States that will allow that, and those States you see are listed here. Clearly, the States that you see on the chart are the States that automatically will have a restoration of those voting rights, once a person has served his or her debt to society through parole and is now free and clear standing. And those States are California, Colorado, the District of Columbia, Hawaii, Idaho, Illinois, Indiana, Kansas, Maine, Massachusetts, Michigan, Montana, New York, North Dakota, Ohio, Oregon, and Pennsylvania.

□ 1630

Every vote counts. Every vote should count as we proceed into an election mode over the next month or so, a little better than a month. We should remember that the Constitution does give us this fundamental right, and we should also ensure that every person in this country has that fundamental right. We should not abridge that in any form once a person has paid his or her debt to society and is clear and free of her or his parole.

I can recall in the early sixties before the 1965 Voting Rights Act in southern States there were many who had to pay poll taxes before they were given the right to vote. There were some who had to know the Constitution verbatim before they were given the right to vote. That was a certain amount of disenfranchising in and of itself. Yet, those were persons who were people of color, primarily African-Americans.

After the 1965 Voting Rights Act that established their right to vote, then we saw large numbers of African-Americans voting, many of whom now have gone on but who recognize the type of disenfranchisement through not being able to vote unless they knew the Constitution verbatim or paid, as they had, so-called poll taxes.

My bill is simply saying that person does not have to do any of this anymore. This person will not be allowed to vote if he or she is on probation, but for the persons who have cleared themselves of all of the debt that they owe, they should have a restoration of their voting rights.

I say to the Members, Mr. Speaker, if they know of any such person who really has restored his or her rights, do let them know that they have a few days in some States; that there are some States where the deadline for voting is October 7. There are other States where the deadline is October 10.

We are encouraging all of those who want to restore their rights and to vote to call their registered Recorder's office and ask simply, where do I get the affidavit? They have that responsi-

bility to go to the registered Recorder's office and get that affidavit. We have a right to restore your rights by virtue of giving you that right through legislation.

My bill also suggests that those States that do not automatically restore that, we should give them, through the Federal law, that right to vote, especially in Federal elections such as for the President of the United States.

I do have now with me a gentleman who has made his mark early on coming to this House, who in 1999 also introduced a bill, a different bill than that of the gentleman from Michigan (Mr. CONYERS) in that year, but his bill speaks to enfranchisement and restoration of voting rights.

I yield to the gentleman from Illinois (Mr. DAVIS), an outstanding Member, to speak on his bill, and just for general statements. I thank the gentleman for being here.

Mr. DAVIS of Illinois. Mr. Speaker, I thank the gentlewoman for yielding to me. Also I want to commend her, not only for bringing an issue like this one to the floor, but for the outstanding work that she does on a regular basis on behalf of disenfranchised citizens throughout America, and her tremendous effort to make sure that those who are sometimes left out, those who are forgotten, those who are at the very bottom of everything in our society, are in fact given as much opportunity.

So I am pleased to join in this special order organized by the gentlewoman from California (Ms. MILLENDER-MCDONALD).

This issue has been neglected for too long in this country, and I am talking about those who have officially paid their debt for their infractions, but upon reentry into the mainstream were shunned by the very system that has claimed them reformed by denying them the opportunity to participate in our electoral process.

It seems to me that it is unbelievable that for individuals in a society that values democracy, in a society that talks about each and every individual having the right to participate, a society that talks about the reclamation of individuals and finding ways to bring people back into the mainstream after they have committed infractions, and yet, we deny them the most basic of all rights in a free and democratic society, and that is the right to participate.

I rise to emphatically declare that every American who commits a crime who sufficiently pays his or her debt to society and is rendered free to reenter back into society should have their right to vote fully restored upon return.

In fact, as indicated by the gentlewoman from California (Ms. MILLENDER-MCDONALD), last year I introduced legislation that would do exactly that.

The fact of the matter is clear, that the right to vote is the most basic constitutional act of citizenship. Furthermore, it is my belief that this basic right should include law-abiding citizens. Unfortunately, many people who control the courts and legislatures throughout our country are divided on this issue, and have passed laws that make it difficult if not impossible for people to come back.

Some States have passed laws which allow ex-felons to easily regain their voting rights, and as a result, these citizens are able to freely exercise their regained right and carry on as productive members of society. Other States, however, are still rooted in archaic belief systems and have kept oppressive laws on the books that permanently bar ex-felons from the basic right to vote.

It is imperative that we review these systems and establish a uniform standard which affords ex-offenders the opportunity to vote in Federal elections, but not only in Federal elections, in local elections as well. It is incredible, when we look at the number of individuals in some of our States, and especially the number of African-American males in some of our States, who have lost their right to ever participate in a meaningful way in the making of laws and the determination of who will represent them in public bodies.

If a person can pay taxes, get a job, learn a trade, learn a skill, carry on all of the functions of citizenship, then I think it begs the question as to why they cannot also vote.

So I would hope, I would hope that as we continue to look at this issue, that we would look at those States that have in fact restored and given back the right for these individuals, once they have paid their debt to society. I have not seen anything that has happened in any of these States that would cause me to believe that it is a harmful practice.

Take, for example, my State of Illinois. I consider it to be a progressive State; not as progressive, perhaps, as it will be, and not as progressive as it should be. But I say it is a progressive State because it is a State where the Governor, even as we look at the death penalty, has determined that we need to review the way in which it is administered, because for some reason, for many reasons, there seem to be an inordinate number of African-Americans, Spanish-speaking citizens, low-income, poor, uneducated, undereducated individuals who end up in the penal system on death row, in the penitentiary, and individuals even who, once they serve whatever time they have been given, still do not have the hope of voting.

So I say to the gentlewoman from California (Ms. MILLENDER-MCDONALD), I think she has in fact given the country a great service by raising this issue, because it gives us a chance to explore; to look at, first of all, why are there so many people in this country in prison? There are more than 2 million

people associated in some, way, shape, form, or fashion with our correctional system.

Here we are, 5 percent of the world's population, but 25 percent of the prison population. In a country as enlightened, we are the most technologically proficient Nation on the face of the Earth. The quality of life for mass numbers of people in this country is greater than we would find the quality of life for people anywhere in the world.

Yet, we have not found a way to, in a seriously, not only humane way, yes, we can look at it as being humane, but we can also look at it from another vantage point. It is like having a car that has six cylinders, but if only three of those cylinders are functioning, think of all the power and energy that we are losing.

Think of all the possibilities that we could have. Think of all the positive things that could take place if we would look for ways to take men and women who have committed crimes, who have been incarcerated, and while they are there, would it not make much more sense if they could learn a trade, if they could learn how to do computers, if they could acquire college degrees, if they could learn how to be carpenters and brick-layers and masons and to do maintenance work and to be office managers? Rather than coming back with no skill and not the right to vote, they could come back having paid their debt to society saying, "I am now ready to do my part. I am ready to do my share of helping to make this country the great Nation that it has the potential of being, so that it becomes even greater than what it is."

So I ask the gentlewoman to keep working, if she will, on these tough issues. Some of us will be there working with her. Ultimately, the day will come when those individuals who are now left out will in fact get cut in. I thank the gentlewoman for this evening.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I tell the gentleman from Illinois, he just says it so eloquently. I want to enter into some kind of colloquy or dialogue with the gentleman, so I do not want him to leave.

We have been joined by the outstanding gentlewoman from Indiana (Ms. CARSON), who has been in the forefront of mental health. We do recognize that a lot of those of whom we speak have a certain amount of mental health issues, yet it is not being addressed as they are being incarcerated and/or let out.

The gentlewoman from Indiana (Ms. CARSON) comes with experience, having served in the State legislature of her State, with the know-how to address and dig into this issue of mental health.

I yield to the gentlewoman from Indiana (Ms. CARSON) for her remarks on this particular issue.

Ms. CARSON. Mr. Speaker, it is an esteemed privilege and pleasure to

stand here in support of, first and foremost, a Member who hales from the State of California, who has the wisdom and foresight and the motivation and the spirit and the compassion and the humanitarianism to bring forth so many pieces of legislation on behalf of people across this country, not just confined to her own district and her own State.

□ 1645

I want to thank the gentlewoman from California (Ms. MILLENDER-MCDONALD) for allowing me an opportunity to come by just a little while and give just a few brief remarks, and to stand here with the incredibly distinguished gentleman from Illinois (Mr. DAVIS), whose district is in a State that is contiguous with my State of Indiana, and to say a few words on behalf of H.R. 5158, the Second Chance Voting Rights Act of 2000.

Certainly, there is not one among us in this country who does not seek a second chance for one reason or another. I have been given a second chance to live. I have been given a second chance to be a Member of the United States Congress and would hope that I would be given even another chance to be able to stand here with so many distinguished Representatives from across these United States of America.

I say that because, since I was a little child, we harmoniously were taught to say "My country 'tis of thee, sweet land of liberty." That is what the Second Chance Voting Rights Act of 2000 is, liberty. Liberty and justice for all is something that we were also taught to rehearse and memorize as we were growing up through the school systems and going out into the byways of life, liberties and justice for all people.

When one thinks of justice, one thinks of either Frederick Douglass or Booker T. Washington that said "Justice delayed is justice denied."

Elected officials are supposed to be the voice of the people. But what happens, when in their selection, a segment of the population is silenced? Silenced for life, not necessarily by choice, not by violent means, not through court procedures, but automatically upon conviction. A portion of our precious democracy dies and society suffers.

A very poignant point came to my attention when I first ran for Congress in 1996. The field was crowded as is in cases where a retiring Member seat exists, somebody who had held a seat for some 30-some years, and is open, and everybody jumps in it.

It was interesting that we had three people who were running for Congress who were convicted felons. The reason they chose to run for Congress instead of municipal or local office is because the State law prohibited felons from running for State office. But no law anywhere prohibited felons from running for a seat in the United States Congress. I thought that was very interesting that one could not run for a

local office but one could run for Congress because Congress has the jurisdiction in terms of determining its membership and its eligibility.

Now, would it not just make sense for here in the United States of America is the only country in the world that permanently takes away the right to vote from its citizens. In 14 States, offenders are barred from ever voting again, even after serving their time. It sounds like something we hear often about double jeopardy.

The opinions of ex-offenders are no less important than that of other citizens because they are still human beings. In matters of government action, Supreme Court Justice Thurgood Marshall recognized that and said "ex-offenders are as much affected by actions of government as any other citizen and have as much right to participate in government decision making."

It is estimated that 3.9 million citizens are barred from voting, including more than 1 million who have fully completed their sentences. How can the justice system and States say that an individual is rehabilitated and worthy of another chance in society when that individual is stripped from their voting rights in government?

This goes beyond the denial of individual voice. The policy has implications beyond an individual being denied to vote. The origins of voter disenfranchisement can be traced back to medieval times where offenders were banished from the community. It is later revived in the segregation era as a supposed race-neutral voting restriction to exclude blacks from voting.

The practice of barring ex-offenders from voting has a disproportionate racial impact, even though it may seem race neutral. Consider that the rate for voter disenfranchisement for African-American men is seven times the national average. Consider that the 1.4 million or 13 percent of African-American men are barred from voting. Consider that 36 percent of the total disenfranchised population is comprised of African-American men. Clearly, the impact of this policy falls disproportionately on our Nation's black men.

As a result, the voice of African-American communities as a whole is weakened. A large segment of our population is denied the opportunity to decide who will shape public policy, who will make our laws that affect all of us.

According to the Human Rights Watch, if this current trend continues in a dozen or more States, 30 to 40 percent of the next generation of black men will be permanently prohibited from their right to vote.

Because the States lack uniformity on this matter, the right to vote is dependent upon geography rather than reason. Some States will reinstate the right to vote only through a Governor's pardon or parole board, while in others a bill must be enacted to restore the right.

Some States like Virginia permit the restoration of voting rights. However,

in 1996 to 1997, of the 200,000 ex-convicts in Virginia, only 404 had their right to vote restored.

There is no compelling reason, Mr. Speaker, for this national policy interest to be ignored. We must understand why ex-offenders should be denied the right to vote and redress it and reverse it.

As long as America denies some citizens the most fundamental of democratic rights, the right to vote, true democracy cannot exist in silence. When you silence some, you silence all.

We bemoan the low voter participation especially in the African-American community where there is no wonder. A disproportionate number of citizens of the African-American community are in fact disenfranchised in terms of their voting opportunities.

So, Mr. Speaker, please know that I give the gentlewoman from California (Ms. MILLENDER-MCDONALD) a standing ovation, that I give her the tip of my hat for bringing this long overdue issue before the ears and eyes of America and certainly in the halls of the United States Congress.

I would trust that as we go along and begin to educate the Members about this injustice that exists, that perhaps they will decide that it will no longer persist, and rectify this situation that is a bad mark, I believe, on a Western civilization.

I thank the gentlewoman so very much for allowing me to come, and I praise her highly.

Ms. MILLENDER-MCDONALD. Mr. Speaker, the gentlewoman from Indiana (Ms. CARSON) is a gracious lady, and I appreciate her coming. The gentlewoman kind of hit the nail on the head, if you will. We all have been given second chances. So why not give those who have had a mishap through this penal system a second chance, too, to have a restoration of their voting rights.

I will be working with the gentlewoman from Indiana (Ms. CARSON), not only with this issue, but with the issue of mental health as it absolutely integrates into this whole issue of incarceration.

Mr. Speaker, we now have a man who has gained enormous respect across this country as we saw him during the impeachment process. The gentleman from Virginia (Mr. SCOTT) is known to challenge anyone on this floor when there is an infringement on the Constitution. He is highly respected in this House because of his constitutional background and expertise. But today he comes because he questions the Constitution as we talk about fundamental rights of those who should have those rights be restored.

Mr. Speaker, I yield to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, I thank the gentlewoman from California (Ms. MILLENDER-MCDONALD) for her strong support of this fundamental basic right, the right to vote.

The right to vote is among the most cherished rights we enjoy as citizens of

the United States. In fact, it is the cornerstone of our democracy. Unfortunately, many citizens have been denied that basic fundamental right. States first limited the right to vote to white men only with property, excluding women and racial and ethnic minorities.

While the post-Civil War constitutional amendments secured the right to vote for those previously excluded, many States enacted laws designed to circumvent those amendments by erecting new barriers such as the poll tax and other schemes to deny that basic right to vote. Through the passage of the Voting Rights Act of 1965, and other related legislation, we have eliminated those barriers and expanded the number of citizens who can participate in this great democracy.

Here we are today, however, because a significant segment of our population continues to be left out of the process. Specifically, many States maintain barriers to voting for former offenders, denying them the right to vote in an election.

A recent study by the Sentencing Project and the Human Rights Watch shows that some 3.9 million Americans are either currently or permanently disenfranchised as a result of State laws. Among those who are disenfranchised are 1.4 million African-American men or 13 percent of the total black population of adult men.

The disparate impact on black adult men not only denies that group the right to vote but also limits voter opposition to unfair and discriminatory crime policies which result in so many minorities being imprisoned today.

We have to put an end to this cycle of discriminatory crime policy which results in bad crime policy, resulting in the victims of that policy losing their right to vote and then they cannot complain democratically about the discriminatory policy and new policies are enacted.

I am talking about policies like racial profiling where one picks people off the street because of their race or the crack cocaine-powder cocaine disparity where crack cocaine, which is a drug of choice in the black community, one can get 5 years mandatory minimum for a weekend's worth of crack. Ninety-five percent of the defendants in those cases are African American or Hispanic, while powder cocaine one has to get caught with over \$50,000 worth before one is subjected to the same mandatory minimum. Once one is subjected to that, one cannot complain because one loses one's right to vote.

Now, I applaud the gentlewoman from California (Mrs. MILLENDER-MCDONALD) and the gentleman from Michigan (Mr. CONYERS) and the gentleman from Illinois (Mr. DAVIS) and others for their legislation to address this problem. It is a difficult problem because of the constitutional complications.

Article 1 section 2 of the Constitution shows where you find the qualifications for electors. Let me just

quote what that says: "the electors in each State shall have the qualifications requisite for electors of the most numerous Branch of the State Legislature," which means that the electors in Federal elections are those who can vote for the local State House of Representatives. The State gets to decide who can vote.

Now, the Federal Constitution in section 4 says, that the times, places and manner of holding elections for Senators and Representatives can be prescribed in each State, but Congress shall be able to make regulations involving the time, place and manner; but according to section 2, not the qualifications.

Now, the 14th amendment and equal protection clause says that the States cannot discriminate against people as they determine the qualifications except for participation in rebellion or other crime, which says specifically that the States may discriminate based on felony records.

Now, *Richardson v. Ramirez*, a 1974 case recognized that felony disenfranchisement law does not on its face violate the Constitution, and so we are somewhat limited in what we can do. But the vote to determine voter qualifications is not unlimited.

Rogers v. Lodge, 1982, held that large electoral systems are unconstitutional if conceived or operated as purposeful devices to further racial discrimination by minimizing, cancelling out, or diluting the voting strength of racial elements in a voting population.

□ 1700

Now, the court identified a number of considerations. The presence of racially polarized voting, the impact of past discrimination on the ability of African Americans to participate, the lack of responsiveness to the African American community, the depressed socioeconomic status of African Americans can all be considered. And consistent with that, in *Hunter v. Underwood*, a 1985 case, the Supreme Court determined that Alabama's felony disenfranchisement law, in fact, violated the Equal Protection Clause of the 14th amendment because "Discriminating against black as well as poor whites was a motivating factor for the law."

Thus, the standard becomes clear. Any Federal legislation on this topic must be supported by specific evidence in the record as to the discriminatory intent of each State's statute, similar to the evidence gathered when we passed the Voting Rights Act. Findings which just show a possible disproportionate impact may not be enough. But certainly if we can find intent in those State laws, we can develop legislation. This means that in States that have no minority population, we probably cannot show that those laws were affected to discriminate against minorities, but we should have a hearing record to show which States in fact do. And we can target our remedy just to those States, just like the Voting Rights Act

did where only certain States are subject to the preclearance provision. Those States were caught discriminating. We identified those States and affected the remedy just in those States and not others.

So we need to have hearings next year and establish the record that we all know is true, that felony disenfranchisement has a disparate impact on black adult men, and exists in many States because of discriminatory reasons. Laying such a foundation will permit us to establish a compelling State interest for Federal intervention and permit us to narrowly tailor the legislation to address the problem. That legislation will enable those presently disenfranchised to fully participate in our democracy, and we will be able to craft legislation which could withstand constitutional challenge.

Mr. Speaker, I commend the advocacy of the gentlewoman from California, the gentleman from Illinois, and others who have called this special order to expose the compelling issue before us; and even though the solution may be complicated constitutionally, we can work, because we must, to address this problem, and we must support our basic fundamental constitutional rights to vote.

I thank the gentlewoman from California.

Ms. MILLENDER-McDONALD. My God, you have done well by my spirit and by my soul. I will certainly call on the gentleman as we engage further in hearings, because the gentleman has given some compelling arguments with the cases that he has outlined that suggest to me that we can perhaps fight this, and we will do just that as we go around this country hearing from folks and hearing what they have to say in terms of discriminatory practices and then challenge even States and their attorneys general so that we can then fight this on this floor.

I thank the gentleman so much. I told my colleagues that he was a scholar in his constitutional knowledge and, indeed, he has reflected that today.

We have with us another great lady from the great State of California, who in her own right has worked in this House on numerous issues, but what she has been so noted for is her fight for women and children, for funding for women's health and for the HIV/AIDS epidemic in minority communities. Those of us who are people of color cannot say enough of this woman, who may not be a person of color, but she is a person of conscience.

Mr. Speaker, I would like to yield to none other than the gentlewoman from California (Ms. PELOSI). California has brought us one of its finest, and I thank her so much.

Ms. PELOSI. I thank the gentlewoman so very much. I thank her for her great leadership and that of the gentleman from Illinois (Mr. DAVIS) and the gentleman from Michigan (Mr. CONYERS) and the gentleman from Virginia (Mr. SCOTT). We have been

blessed in this institution with great legal minds and great minds that care about equality.

I support the Civil Participation Rehabilitation Act of 1999, which would grant persons, as the gentlewoman has spelled out, who have been released from incarceration, the right to vote in Federal elections.

The points have been very well made by the Members who have spoken already. I just want to give a little perspective from the standpoint of the Committee on Appropriations, on which I serve. I spent some time on the Subcommittee on Commerce, Justice, State, and Judiciary, where judges would come before us for their appropriation, and we would have the opportunity to ask them about issues like mandatory minimum sentences or making a Federal offense on certain crimes that really should not have been raised to that level.

This rampage that the Congress seemed to have been on, and not only the Congress but the State of California too, where we have the "Three Strikes You're Out," and mandatory minimum sentences, etcetera, where we have had these sentences which go beyond a year and a day and, therefore, are considered a felony, we have so many people now who run the risk of being disenfranchised.

This denying voting rights to ex-offenders is inconsistent with the twin values of democracy and rehabilitation. Felony voting restrictions only serve to alienate and isolate individuals from civil society. Americans believe in rehabilitation, that if a debt to society is paid, there is no longer a debt. Why then should we not have a universal Second Chance Voting Rights Act so that people all have a stake in America's future?

Our colleague from Virginia has mentioned the number of African American men, that there are estimates that 1.4 million African American men, or 13 percent of the total population of black adult men, have been disenfranchised either currently or permanently disenfranchised as a result of State felony voting laws. This is outrageous. This is outrageous. We have a chance here to do something about it.

And while I am at it, I have talked about people paying their dues to society and the mandatory minimum sentences which elevate some of these offenses to felonies; but, in conclusion, I want to make one other point. We do not have equal representation for all the people in our society when they are accused of a crime. It simply does not happen. It comes into play when we talk about the death penalty, which is a different issue; but when we have everyone having the same caliber of legal representation, then we can talk about everyone having the same risk in terms of where penalties are concerned.

So where we have a situation where Congress is interested in making some offenses felonies, by either making the sentence a year and a day, or we have

the situation where young people simply do not know about the "Three Strikes You're Out," the mandatory minimums, the risks they take in making mistakes when they are very young, they cannot afford to pay for the kind of representation that somebody else, who might get off because they had a much better lawyer, gets.

Also, there is an interest on the part of prosecutors sometimes for a plea, and people with information have a plea. Lots of times these kids have no information. Lots of times they just got caught with a small amount of a drug. They do not have information, so they go to jail. Somebody higher up, who has information, can plea, can afford better representation; and these kids, again, are the ones who go to jail, lose their right to vote. Even after they pay their debt to society, they may not be able to vote.

So I thank the gentlewoman for doing this. It is so fundamental to our democracy that everyone have a stake in it; that everyone be able to fully participate. We cannot say to young people who have made a mistake that they are going to pay for it forever in terms of their full enfranchisement as a citizen in our country. Certainly as long as we are a country where representation is unequal as far as representation in the courts, we cannot have these, shall we say, capital punishments, as far as voting is concerned.

So I thank the gentlewoman for what she is doing from the perspective of my district and from the perspective as a proprietor who has heard over and over and over from the judges, please, stop, Congress, from making all these mandatory minimum sentences. Give us some discretion. Stop federalizing these offenses. That takes us down a path which is exacerbated by the disenfranchisement that you are trying to correct here.

So I commend the gentlewoman and the gentleman from Illinois (Mr. DAVIS), the gentleman from Michigan (Mr. CONYERS), our distinguished ranking member on the Committee on the Judiciary; and I am pleased to join all my colleagues, the gentleman from Virginia (Mr. SCOTT) and the distinguished gentlewoman from Ohio (Mrs. JONES), as well as our colleague, the gentlewoman from Texas (Ms. JACKSON-LEE), who I know will be speaking as well, and so many Members who have spoken on this issue today.

I thank all my colleagues for their leadership. We are all in your debt.

Ms. MILLENDER-MCDONALD. I thank the gentlewoman so much. The gentlewoman has touched on an issue that we certainly will be looking at as we probe into this whole notion of discriminatory practices when it comes to voting rights, especially for those who have served their debt to society, and one is mandatory sentencing. We really need to see how that plays into the inability of one having to have the restoration of their voting rights. So that is one thing we will look at critically as we move into venues with hearings.

As I said, the gentlewoman from California may not be a woman of color, but she is a woman of conscience.

Well, Mr. Speaker, now we have a woman of color who once was a prosecutor and a judge out of the great State of Ohio. She has come in and put her paw prints on this place in such a short time. She has gone around this country talking about predatory lending.

As her predecessor said, the gentlewoman from Ohio (Mrs. JONES) is someone she knew was going to come in like a strike of lightning, and she has done just that. With her experience in the courts, with her experience in other areas of the justice system, she has certainly served us well even in her short time.

I thank the gentlewoman so much for being with us tonight.

Mrs. JONES of Ohio. Mr. Speaker, I am pleased to join the gentlewoman from California (Ms. MILLENDER-MCDONALD) this afternoon in the special order, as well as my colleagues, the gentleman from Illinois (Mr. DAVIS), the gentlewoman from California (Ms. PELOSI), and the gentleman from Virginia (Mr. SCOTT). I am pleased to stand and rise in support of the special order with regard to H.R. 5158, Second Chance Voting Rights Act of 2000 and H.R. 906, Civic Participation and Rehabilitation Act of 1999.

It is interesting that while voter registration drives move at full speed, and while campaign speeches are given to varying constituencies, one group is still left out. We always say, "It is your vote that is your voice. If you do not vote, you do not have a voice." The people without a voice today are those in the States wherein convicted felons who have completed their time in jail or who are off of parole do not have the right to vote. That is why I am proud to stand in support of both of these bills, and I urge my colleagues to do the same.

Think about it. America was founded as a second chance; a second chance for freedom, a second chance away from religious persecution. Why then are we stripping rights from people who have served their time, paid their debt to society and now want a second chance?

We must remember that this Nation stood up when it granted women the right to vote. This Nation stood up over 2 decades ago when African Americans were disenfranchised by Jim Crow, by all the poll taxes, all the literacy tests, and recognized that disenfranchisement runs counter to our democratic ideals of freedom, justice, and liberty.

In the United States, felony convictions bring civil consequences. We all know that. Offenders may lose the right to vote, sit on juries, hold offices, and obtain various licenses. The problem is that these penalties continue long after the sentence is served and long after the debt is paid. Let us give those rights back to give an oppor-

tunity for the offenders to be whole again.

Forty-six States and the District deny convicted adults in prison the right to vote; 32 States disenfranchise felons on parole; 29 disenfranchise those on probation; and 14 bar ex-offenders for life. We have already gone through the statistics. Think about it like this. My predecessors died for me to have the right to vote. What that did was it not only gave people the right to vote, but it gave them the opportunity to be heard, and it also made them responsible citizens in their community.

By disenfranchising so many people in our communities, particularly disproportionately African Americans, we disenfranchise a Nation, a generation of young people whose parents will not know about voting. So how can they take their children to the ballot box if they have not had the right to vote? If we want the people to believe that they have a part in this society, that they are useful in this society, we need to give them the opportunity and the right to vote so that they can then act responsibly and go out and vote.

Some will argue this legislation makes legislators soft on crime. Nonsense. Legislation like Second Chance and Civic Participation make legislators not soft on crime but strong on democracies. Others are concerned that victims and ex-felons might determine election outcomes, particularly where local sheriffs and judges have run tough-on-crime campaigns. Nonsense. Voting is a right that comes with citizenship. Let us give it back.

Why do I support both these pieces of legislation? Because participation aids in rehabilitation and public confidence. Ex-offenders have served their time; let us not punish them forever. And felony voting restrictions have strong racial overtones, since African Americans are disproportionately represented in the criminal justice system.

□ 1715

We must do better. If we are discouraged about low voting participation from the general public, let us do something positive about it. Let us give ex-offenders a new chance, a second chance, a new start to start their life, liberty and the pursuit of happiness.

We must clear up this stain on our Nation and support both of these pieces of legislation.

Let me finally close with a couple of anecdotes.

When I served as a judge and people I had placed on probation completed their probation and were sent out in the world, they were discouraged because they could not get a job, they were discouraged because they did not have a right to vote, they were discouraged because they could not get a license. We must give these persons an opportunity to become useful citizens in our community.

Think about it like this: Right now on the TV on the Divorce Court, we

have a young judge who was a juvenile offender. He turned his life around. He is a shining example of young people who can turn their lives around when aided and supported and make a difference in our society.

Support the right thing. Support a second chance. Support H.R. 5158 and H.R. 906.

Mr. Speaker, I thank the gentlewoman from California (Ms. MILLENDER-MCDONALD) for her leadership on this issue and I would ask all my colleagues to join in the leadership team and vote in favor in support of these pieces of legislation.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I thank the gentlewoman for her comments. I think she made a very telling statement when she says penalties last long after probationary periods. What a telling statement that is.

I am told I have a shorter period of time than I thought I had, and so I will give the remainder of the 5 minutes that I have to an outstanding young woman who hails from the great State of Texas, who everyone knows in my State because of the absolutely sterling presentation she did during the impeachment.

Mr. Speaker, I yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman from California for her leadership.

Mr. Speaker, I rise to join with my colleagues on reemphasizing to the American people and to our House colleagues and to the other body the importance of H.R. 5158, Second Chance Voting Rights of 2000, and H.R. 906, the Civic Participation and Rehabilitation Act of 1999 offered by the gentleman from Michigan (Mr. CONYERS).

I know that we have heard these numbers, but might I, Mr. Speaker, emphasize again that 3.9 million Americans, or one in 50 adults, currently cannot vote because of a felony conviction.

Now, as a member of the House Committee on the Judiciary, I think it is important for the American public to realize that we, too, uphold the Constitution and believe in its tenets, and that is the value of the right to vote, the value of democracy, but we also realize that juxtaposed alongside of the Constitution are a myriad of State criminal statutes that make our country a country of laws governed by the people. We understand that.

But in this time of great necessity of human capital, the great need for human capital, is it not shameful that we waste those individuals who have dutifully paid back to society for what they have done?

I would hope that people would understand or that, as we are participating in this discussion, that all who are listening would understand that what we are talking about are individuals who have in fact paid back their time, and yet they cannot be allowed to vote. They cannot vote in Federal elections, and many times they cannot vote in our State elections.

Let me applaud some of the work that has been done in the State of Texas which is now working to indicate to those ex-felons who have done their time that they can be re-enfranchised. This is a key element of what we are trying to do on the Federal level.

Last evening about 75 to 80 million people listened to the Presidential debates, as they will listen over the next couple of days. I would simply say that they are privileged to not only listen, but they are privileged to vote.

Why would we extinguish the valuable human capital of young people in our community, of individuals who made a mistake when they were young and have paid their dues, why would we extinguish their right to vote?

And so, I think that we must look to this Federal legislation because I believe there are only about 20 States that automatically restore the right to vote. And, therefore, this Second Chance Voting Rights Act of 2000 is to re-enfranchise our brothers, our sisters, mothers, fathers and others.

Mr. Speaker, I want to thank the gentlewoman from California for leading on this special order, not only to educate but to help us legislate freedom. Freedom is not easy. It is not cheap. Let us not deny those Americans who have now come forward and say, I know that I did not do right, but I have paid the time. Let us enfranchise them.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I thank the gentlewoman for her comments.

Mr. Speaker, I yield to the gentlewoman from the State of Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I want to express my appreciation to the leadership and for the bill that has been introduced for this subject because I think that it is of high priority.

Mr. Speaker, today I became a cosponsor of H.R. 5158, the Second Chance Voting Rights Act of 2000. The legislation, authored by my colleague Representative JUANITA MILLENDER-MCDONALD, would automatically restore federal voting rights to any formerly incarcerated person upon the unconditional release of that individual from incarceration and completion of their sentence, including parole.

This legislation is necessary because thousands of ex-offenders are denied the fundamental right to vote. Under the Constitution, states have the authority to deny the right to vote to an individual who is imprisoned and to restore that right once a person is released. Many states automatically return the right to vote once the former prisoner's sentence has been completed. However, some states require prisoners to meet certain procedural requirements to have their voting rights restored, and a few go as far as requiring a "pardon" for voting rights to be restored. In my own state of Texas, the right to vote is not restored until two years after the prisoner receives a certificate of discharge, two years after completing probation, or by pardon. In other words, former prisoners in Texas do not share in the basic rights that other Texans enjoy because they must wait two years before regaining their voting rights.

This situation in Texas and in many other parts of the country is fundamentally wrong. Citizens should not be deprived of the right to vote once they have paid their debt to society in full.

Allow me to share with you that in Texas I am coordinating with Yvonne Davis and Terry Hodge, Texas state representatives and members of the Texas Legislative Black Caucus, an effort to reach out to individuals who have been released from incarceration. The effort will involve enlisting voter education groups to reach out to these individuals and public service announcements to encourage these individuals to register and to vote on November 7th. This effort was launched in early August. It will remind individuals that although they lost many of their rights while incarcerated, they are again full-fledged Americans who have the same rights as their fellow citizens to help elect leaders who will shape the future direction of this country.

Ms. MILLENDER-MCDONALD. Mr. Speaker, the 14th Amendment to the Constitution of the United States guarantees every American citizen the right to vote. When our country was founded, the right to vote was preserved for white men and property owners. It took the women's suffrage movement to enfranchise women and the Civil Rights Movement to fully enfranchise African-Americans and other people of color in this country. In the words of Susan B. Anthony, "we the people" were not just the select few but "we," the whole people, including all of us, formed this Union.

Today, we have awakened to a new challenge for this Republic—restoring the voting rights of men and women who committed crimes but have paid their debt to society. While the Constitution takes away the voting rights of individuals convicted of serious crimes, the States are given the power to restore this right. Through our criminal justice system, hundreds of thousands of men and women have been politically disenfranchised—many of whom are poor and minority and who committed nonviolent crimes. Many of these individuals have paid their debt to society. Some States have restored their right to vote automatically while others hold this right hostage to politics.

Laws governing the restoration of voting rights after a felony conviction are unequal throughout the country. Persons in some States can easily regain their voting rights while in other States persons effectively lose their right to vote permanently.

Two States do not disenfranchise felons at all.

Forty-six States and the District of Columbia have disenfranchisement laws that deprive convicted offenders of the right to vote while they are in prison.

In thirty-two States, convicted offenders may not vote while they are on parole.

In twenty-nine States probationers may not vote.

Fourteen States disenfranchise ex-offenders who have fully served their sentences, no matter the nature or seriousness of the offense.

Seventeen States require gubernatorial pardon, legislative action, or administrative procedures to restore the right to vote.

State disenfranchisement laws disproportionately affect the poor and ethnic minorities. They are more likely to be arrested, charged more harshly, poorly represented in court, convicted and receive harsher sentences.

Whether we like these people, whether we want to know them personally, or whether we want to share private lives with them, they are part of the "whole people" of America. They deserve a second chance to vote.

Consider these statistics:

An estimated 3,900,000 Americans, or one in fifty adults, currently cannot vote because of a felony conviction. Women represent about a half million of this total.

Three-fourths (73%) of the 3,900,000 disqualified voters are not in prison, but are on probation, parole or are ex-offenders.

Over the last decade alone, over 560,000 Americans served their entire sentence, stand free and clear of incarceration and parole and have paid their debt to society. An estimated 65,000 of these Americans are women. And, they cannot vote in some States.

Today, you will hear from fellow Members of Congress who believe firmly that those individuals who have committed crimes, paid their debt to society, and been released free and clear should be allowed to vote. This may seem like a radical proposition, but it is not. It is fundamentally consistent with the principles we live by in this country—when you pay your debt to society by spending time in prison, your punishment is complete. At that point, our society releases you back into society and expects you to be rehabilitated socially with family, friends, and community, and economically with jobs. It is time now to pay attention to your civic rehabilitation.

Minority and poor people are over-represented in these numbers. Tonight, you will hear from your colleagues why we need to enfranchise all these women and men. I have introduced H.R. 5158, the Second Chance Voting Rights Act of 2000, to do just that. Others like my friends and colleagues Representative JOHN CONYERS and Representative DANNY DAVIS also have introduced legislation to enfranchise these Americans. You will hear from them now.

Representative DANNY DAVIS; Representative JULIA CARSON; Representative STEPHANIE TUBBS JONES; Representative NANCY PELOSI (maybe); Representative BOBBY SCOTT; Representative SHEILA JACKSON-LEE; and Representative EDDIE BERNICE JOHNSON; for unanimous consent.

The last day to register is coming up soon. Every person who is not registered should check with your county registrar of voters and make sure you get registered. I want to encourage all Americans of every political persuasion to register and vote on election day, November 7. I particularly want to encourage ex-offenders who live in States that have restored their voting rights automatically to register and vote. These States are: California; Colorado; District of Columbia; Hawaii; Idaho; Illinois; Indiana; Kansas; Maine; Massachusetts; Michigan; Montana; New York; North Dakota; Ohio; Oregon; and Pennsylvania.

In our great representative democracy, we must not deny anyone who is eligible to vote; even those who have paid their debts to society not be given this fundamental right.

Remember. Every vote counts and your vote can make a difference. Register to vote by October 8 and vote on November 7.

Mr. Speaker, again, thanks to all of the Members who have come tonight.

PRESCRIPTION DRUG BILL

The SPEAKER pro tempore (Mr. ISAKSON). Under a previous order of the

House, the gentleman from Pennsylvania (Mr. MASCARA) is recognized for 5 minutes.

Mr. MASCARA. Mr. Speaker, my wife Dolores and I have spoken on many occasions about the need to pass a prescription drug bill.

Some of our friends back in southwest Pennsylvania are affected by the lack of coverage. I come to the floor to express my deep concern regarding the continued lack of prescription drug coverage for many of our Nation's seniors.

I recently received a letter from a constituent who worked his entire life in a blue collar job. He retired on a small nest egg and his monthly Social Security check. Although his health is relatively good, he still spends over 40 percent of his income on health care costs, including a monthly prescription drug bill that is over \$400 a month. Unfortunately, he does not have prescription drug insurance and every month he is forced to cut back on food and medicine.

I assure my colleagues he is not alone. The AARP estimates that the average out-of-pocket prescription cost for seniors is \$349 per month. Of the nearly 40 million people on Medicare, one-third have no prescription drug coverage and 20 percent have coverage that does not last the full year.

In other words, millions of seniors are suffering in ways that are morally wrong, especially for such a wealthy and caring Nation.

How can we turn our backs on our seniors?

To paraphrase the late Senator Hubert Humphrey, the true moral test of a government is how it treats those that are in the dawn of life, our children, those who are in the twilight of life, our elderly, and those who are in the shadows of life, the sick, the disabled, and the less fortunate.

The elderly and the sick and the disabled should not have to make the terrible choice between food and medicine.

In that vein, last year I introduced H. Con. Res. 152, which called upon Congress to pass meaningful legislation that would give all seniors prescription drug coverage.

I am sure my colleagues here in the House are aware of the enormity of this issue. I am sure they know that upwards of 13 million seniors in this Nation are without any kind of prescription drug benefit and that over one-third of those currently on Medicare have no outpatient drug benefit.

Seniors are asking for a real drug benefit package. We need a reordering of priorities. During a period in our history when we are experiencing unprecedented budget surpluses, we need to include a prescription drug plan that will cover all seniors and it should be through the Medicare program, not through HMOs or private insurance companies who have failed miserably in the delivery of health care in this country.

So let us get together, let us work together and pass a piece of legislation that will help our seniors.

RURAL AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. PETERSON) is recognized for 5 minutes.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I rise today to talk about rural America.

Sometimes I think it is the forgotten part of America. Having lived my entire life there, I think it is the heart and soul of America. In my view, it is the part of this country where basic values are still important, where people believe they work hard for a day's pay and they are willing to do their fair share, they do not want a free lunch.

But as we look at the history in the last 8 years, and we will start with agriculture, in the times of unparalleled prosperity, the finest economy America has ever had, agriculture is struggling to even exist.

Family farms are leaving all parts of America. In my part of Pennsylvania, we have been watching that and they grow up into rag weed and other weeds for a few years and then they become brush and then they grow back to forests.

How could agriculture not flourish when our economy is so strong? We have had a Clinton-Gore administration that has not kept their promise to American farmers. They promised to open world markets. We have unparalleled ability in this country to produce food and fiber. But without world markets, there is no place to sell their products.

Farm products have never been cheaper. Agriculture products have never been at a lower value. And it is almost impossible for so many of our farmers to pay the bills. So agriculture has had a bad 8 years during Clinton-Gore, and I do not think we can stand 8 more. We need a leader in this country that will open our markets and help agriculture to be profitable once again.

Energy, the issue that is in the pocketbooks of all Americans. We are going to have a winter this year where the poorest of Americans will pay in some places twice as much for their home heating fuel as they paid last year.

How did that happen? How did we go from \$10 oil to \$35 oil in less than 18 months? It is because this leadership of the Clinton-Gore administration had no energy policy. They were drunk on cheap oil. They paid no attention to the oil patches of this country and the other energy resources of this country, and they allowed them to slowly go out of business.

During this administration, our dependency has gone from 36 percent to 56 percent oil not from our friends, not from our neighbors in many cases, but from unstable parts of the world who

care nothing about our economic future.

And today, the policies of this administration have put us in a position where we could be paying \$45 for oil before the year is over. And we all know what that will do to home heating, cost of trucking, cost of driving our vehicles.

A lack of an energy policy of the Clinton-Gore administration has been devastating to rural America. Because not only do we consume it, that is where we produce it.

The timber industry. In the West, we have great softwoods. In the eastern part of the United States, we have the finest hardwoods forests in the world. My district has one of the finest hardwood forests in America. But again we have watched Clinton-Gore policies that have tried to stop all timbering on public lands.

Someone might say, well, that sounds good. But you know the Federal Government owns a third of America. When we add the State governments in, we are at about 44 or 45 percent of public ownership. And when we add local governments in, we are approaching half of America is owned by government.

So government policies from an administration have an awful lot to do with whether we practice good forestry and whether we are able to timber.

Timber is a natural resource and it is a resource that replenishes itself. You could have good forestry practice on the land forever and it will continue to grow fine quality timber that we use to build our homes, make our paper, and all the things we sort of take for granted.

□ 1730

I am told we are approaching 50 percent on the importation now of softwoods in this country because we have had a policy that opposes cutting timber.

Public land ownership I have talked about. When a huge part of a State and much of rural America, that is where they own, in rural America, when you have public policy changes, you have a huge impact on the rural economies; when you no longer allow grazing; when you no longer allow mining; when you no longer allow timbering. Much of our land was purchased with a promise that it would be multi-use, it would be for recreation, it would be for natural resource supply. Today, that promise has been broken.

While we own all this land, our National Park Service and our Forest Service facilities, our Bureau of Land Management facilities and our Fish and Wildlife Service facilities have never been in greater disrepair, because we are on a land-buying grab. We are in the process of buying land and not maintaining the land we have. Many of these things and many more are the reasons why rural America has not prospered under this administration, and it needs new leadership in Washington if it is to survive.

RECESS

The SPEAKER pro tempore (Mr. ISAKSON). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 5 o'clock and 31 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1850

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 6 o'clock and 50 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2941, LAS CIENEGAS NATIONAL CONSERVATION AREA ESTABLISHMENT ACT OF 1999

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 106-935) on the resolution (H. Res. 610) providing for consideration of the bill (H.R. 2941) to establish the Los Cienegas National Conservation Area in the State of Arizona, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF S. 2311, RYAN WHITE CARE ACT AMENDMENTS OF 2000

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 106-936) on the resolution (H. Res. 611) providing for consideration of the Senate bill (S. 2311) to revise and extend the Ryan White CARE Act programs under title XXVI of the Public Health Service Act, to improve access to health care and quality of care under such programs, and to provide for the development of increased capacity to provide health care and related support services to individuals and families with HIV disease, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HEFLEY (at the request of Mr. ARMEY) for today and October 5 on account of illness.

Mr. BACA (at the request of Mr. GEPHARDT) for today on account of a family illness.

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. DIXON) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. CLAY, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. MASCARA, for 5 minutes, today.

Mr. UNDERWOOD, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Mrs. MALONEY of New York, for 5 minutes, today.

(The following Members (at the request of Mr. KUYKENDALL) to revise and extend their remarks and include extraneous material:)

Mr. METCALF, for 5 minutes, today and October 5.

Mr. PETERSON of Pennsylvania, for 5 minutes, today and October 5 and 6.

Mr. SMITH of Michigan, for 5 minutes, today and October 5, 10, and 11.

Mr. DUNCAN, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

Mrs. KELLY, for 5 minutes, today.

Mr. YOUNG of Alaska, for 5 minutes, today.

SENATE BILL AND CONCURRENT RESOLUTIONS REFERRED

A bill and concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2440. An act to amend title 49, United States Code, to improve airport security; to the Committee on Transportation and Infrastructure.

S. Con. Res. 60. Concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. *Wisconsin* and all those who serve aboard her; to the Committee on Government Reform.

S. Con. Res. 70. Concurrent resolution requesting that the United States Postal Service issue a commemorative postage stamp honoring the national veterans service organizations of the United States; to the Committee on Government Reform.

S. Con. Res. 141. Concurrent resolution to authorize the printing of copies of the publication entitled "The United States Capitol" as a Senate document; to the Committee on House Administration.

ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of following title, which was thereupon signed by the Speaker.

H.R. 4365. An act to amend the Public Health Service Act with respect to children's health.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 302. An act for the relief of Kerantha Poole-Christian.

BILLS PRESENTED TO THE
PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, bills of the House of the following titles:

On October 3, 2000:

H.R. 4115. To authorize appropriations for the United States Holocaust Memorial Museum, and for other purposes.

H.R. 3363. For the relief of Akal Security, Incorporated.

H.R. 4931. To provide for the training or orientation of individuals, during a Presidential transition, who the President intends to appoint to certain key positions, to provide for a study and report on improving the financial disclosure process for certain Presidential nominees, and for other purposes.

H.R. 5193. To amend the National Housing Act to temporarily extend the applicability of the downpayment simplification provisions for the FHA single family housing mortgage insurance program.

ADJOURNMENT

Mr. GOSS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 51 minutes p.m.), the House adjourned until tomorrow, Thursday, October 5, 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:

10436. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's "Major" final rule—Fair Market Rents: Increased Fair Market Rents and Higher Payment Standards for Certain Areas [Docket No. FR 4606-1-01] (RIN: 2501-AC75) received October 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

10437. A letter from the Executive Director, Emergency Oil and Gas Guaranteed Loan Board, transmitting the Board's final rule—Emergency Oil and Gas Guaranteed Loan Program; Financial Statements (RIN: 3003-ZA00) received October 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

10438. A letter from the Executive Director, Emergency Steel Loan Guarantee Board, transmitting the Board's final rule—Emergency Steel Guarantee Loan Program; Participation in Unguaranteed Tranche (RIN: 3003-ZA00) received October 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

10439. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans—North Carolina: Approval of Revisions to the North Carolina State Implementation Plan; Technical Correction [NC-087-9939; FRL-6881-1] received October 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10440. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air

Quality Implementation Plans; Virginia; Revised 15% Plan for Northern Virginia Portion of the Metropolitan Washington, D.C. Ozone Nonattainment Area [VA088-5051a; FRL-6880-8] received October 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10441. A letter from the Chief, Office of Plans and Policy, Federal Communications Commission, transmitting the Commission's final rule—Compatibility Between Cable Systems And Consumer Electronics Equipment [PP Docket No. 00-67] received October 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10442. A letter from the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Domestic Licensing of Special Nuclear Material; Possession of a Critical Mass of Special Nuclear Material (RIN: 3150-AF22) received September 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10443. A letter from the Director, International Cooperation, Office of the Under Secretary of Defense, Department of Defense, transmitting a copy of Transmittal No. 13-00 which constitutes a Request for Final Approval for the project arrangement with Australia concerning Advanced Armament Technologies ("Metal Storm Project"), pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

10444. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to the United Kingdom [Transmittal No. DTC 113-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10445. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Japan [Transmittal No. DTC 117-00], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

10446. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Japan [Transmittal No. DTC 096-00], pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

10447. A letter from the Director, Federal Emergency Management Agency, transmitting the revised Strategic Plan FY 2000 Through FY 2006; to the Committee on Government Reform.

10448. A letter from the Chairman and General Counsel, National Labor Relations Board, transmitting the Commercial Activities Inventory as required by the Federal Activities Inventory Reform Act of 1998 (the FAIR ACT); to the Committee on Government Reform.

10449. A letter from the Chairman, National Labor Relations Board, transmitting the Office of the Inspector General Fiscal Year 2000 A-76 Submission Annual Inventory Submission as required under the Federal Activities Inventory Reform Act of 1998; to the Committee on Government Reform.

10450. A letter from the Chairman and General Counsel, National Labor Relations Board, transmitting the National Labor Relations Board's Strategic Plan for Fiscal Years 2000 through 2002; to the Committee on Government Reform.

10451. A letter from the Director, National Science Foundation, transmitting the Government Performance and Results Act Strategic Plan for FY 2001-2006; to the Committee on Government Reform.

10452. A letter from the Commissioner, Social Security Administration, transmitting a copy of the strategic plan entitled, "Mastering the Challenge"; to the Committee on Government Reform.

10453. A letter from the Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting the Department's final rule—Landing Requirements for Passengers Arriving From Cuba [INS No. 2045-00] (RIN: 1115-AF72) received October 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

10454. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Agency, transmitting the Agency's final rule—Adjustment of Civil Penalties for Inflation Miscellaneous Administrative Changes (RIN: 3150-AG59) received October 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

10455. A letter from the Assistant Secretary of the Army, the Department of Defense, transmitting a notification from the Secretary of the Army supporting the authorization and, subject to the Sacramento Area Flood Control Agency adopting and enforcing measures which would preserve the project's level of flood protection, plans to implement the South Sacramento County Streams through the normal budget process; (H. Doc. No. 106-298); to the Committee on Transportation and Infrastructure and ordered to be printed.

10456. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Air Tour Operators in the State of Hawaii [Docket No. 27919; Special Federal Aviation Regulation (SFAR 71) (RIN: 2120-AG-44) received September 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10457. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Identification of Approved and Disapproved Elements of the Great Lakes Guidance Submission From the State of New York, and Final Rule [FRL-6881-9]—received October 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10458. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—amending the NASA Federal Acquisition Regulation Supplement (NFS) to conform to changes made in the Federal Acquisition Regulation (FAR) by Federal Acquisition Circular (FAC) 97-19 and make editorial corrections and miscellaneous changes dealing with NASA internal and administrative matters—received October 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

10459. A letter from the Regulatory Policy Officer, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting the Department's final rule—Implementation of Public Law 105-33, Section 9302, Relating to the Imposition of Permit Requirements on the Manufacturer of Roll-Your-Own Tobacco (98R-370P) [T.D. ATF-429; Ref: T.D. ATF-424, T.D. ATF-424a, T.D. ATF-427 and Notice No. 889] (RIN: 1512-AB92) received October 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

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. MCCOLLUM: Committee on the Judiciary. H.R. 5136. A bill to make permanent the authority of the Marshal of the Supreme Court and the Supreme Court Police to provide security beyond the Supreme Court building and grounds (Rept. 106-931). Referred to the Committee of the Whole House on the State of the Union.

Mr. CANADY: Committee on the Judiciary. H.R. 5018. A bill to amend title 18, United States Code, to modify certain provisions of law relating to the interception of communications, and for other purposes; with an amendment (Rept. 106-932). Referred to the Committee of the Whole House on the State of the Union.

Mr. GILMAN: Committee on International Relations. House Resolutions 596. Resolution calling upon the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide, and for other purposes; with an amendment (Rept. 106-933). Referred to the House Calendar.

Mr. YOUNG OF ALASKA: Committee on Resources. H.R. 2941. A bill to establish the Las Cienegas National Conservation Area in the State of Arizona; with an amendment (Rept. 106-934). Referred to the Committee of the Whole House on the State of the Union.

Mr. HASTINGS OF WASHINGTON: Committee on Rules. House Resolution 610. Resolution providing for consideration of the bill (H.R. 2941) to establish the Las Cienegas National Conservation Area in the State of Arizona (Rept. 106-935). Referred to the House Calendar.

Mr. GOSS: Committee on Rules. House Resolution 611. Resolution providing for consideration of the bill (S. 2311) to revise and extend the Ryan White CARE Act programs under title XXVI of the Public Health Services Act, to improve access to health care and the quality of health care under such programs, and to provide for the development of increased capacity to provide health care and related support services to individuals and families with HIV disease, and for other purposes (Rept. 106-936). 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. SMITH of Texas:

H.R. 5377. A bill to amend the Immigration and Nationality Act to extend the limitation on waivers granted under section 212(h) of that Act to aliens unlawfully present in the United States; to the Committee on the Judiciary.

By Mr. SMITH of Texas:

H.R. 5378. A bill to amend the Immigration and Nationality Act to clarify the special rule relating to continuous residence or physical presence under section 240A(d) of that Act; to the Committee on the Judiciary.

By Mr. SMITH of Texas:

H.R. 5379. A bill to amend the Immigration and Nationality Act to clarify the provisions applicable to arrest, detention, and release of criminal aliens pending removal decisions; to the Committee on the Judiciary.

By Mr. HYDE (for himself, Mr. CONYERS, Mr. GEKAS, and Mr. NADLER):

H.R. 5380. A bill to amend title 5, United States Code, to make technical amendments to certain provisions of title 5, United States Code, enacted by the Congressional Review Act; to the Committee on the Judiciary.

By Mr. FLETCHER (for himself, Mr. EWING, Mr. BOUCHER, Mr. WHITFIELD, Mr. LEWIS of Kentucky, and Mr. MCINTYRE):

H.R. 5381. A bill to provide for a more restrictive tariff-rate quota on imports of tobacco; to the Committee on Ways and Means.

By Mr. FLETCHER (for himself, Mr. EWING, Mr. BOUCHER, Mr. WHITFIELD, Mr. LEWIS of Kentucky, Mr. MCINTYRE, and Mr. GOODE):

H.R. 5382. A bill to allow the Secretary of Agriculture to use existing authorities to provide export promotion assistance for tobacco and tobacco products of the United States; to the Committee on Agriculture.

By Mr. BARRETT of Nebraska:

H.R. 5383. A bill to amend the child and adult care food program under the Richard B. Russell National School Lunch Act to provide alternative reimbursement rates under that program for family or group day care homes located in less populous areas; to the Committee on Education and the Workforce.

By Mr. BOEHLERT (for himself and Mr. LAZIO):

H.R. 5384. A bill to establish a pilot program to encourage the use of alternative fuel vehicles in public transportation, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. COBURN (for himself, Mr. ARMEY, Mr. DELAY, Mr. WATTS of Oklahoma, Mr. SMITH of New Jersey, Mr. OBERSTAR, Mr. STUPAK, Mrs. MYRICK, Mr. RAHALL, Mr. ADERHOLT, Mr. BAKER, Mr. SHIMKUS, Mrs. EMERSON, Mr. SCHAFFER, Mr. DEMINT, Mr. DOOLITTLE, Mr. WAMP, Mr. ISTOOK, Mr. HILLEARY, Mr. BURR of North Carolina, Mr. TANCREDO, Mr. VITTER, Mr. PICKERING, Mr. ENGLISH, Mr. HAYES, Mr. PETERSON of Pennsylvania, Mr. BARR of Georgia, Mr. PITTS, Mr. DICKEY, Mr. HOSTETTLER, Mr. HOEKSTRA, Mr. LARGENT, Mr. SOUDER, Mr. TIAHRT, Mr. HAYWORTH, Mrs. CHENOWETH-HAGE, Mr. SAM JOHNSON of Texas, Mr. GOODE, Mr. RYUN of Kansas, Mr. BARTLETT of Maryland, Mr. GREEN of Wisconsin, Mr. JONES of North Carolina, Mr. MANZULLO, and Mr. SHADEGG):

H.R. 5385. A bill to require the Food and Drug Administration to establish restrictions regarding the qualifications of physicians to prescribe the abortion drug commonly known as RU-486; to the Committee on Commerce.

By Mr. ISAKSON (for himself, Mr. TANNER, Mr. NORWOOD, and Mr. KINGSTON):

H.R. 5386. A bill to amend the Internal Revenue Code of 1986 to provide economic relief to farmers and ranchers, and for other purposes; to the Committee on Ways and Means.

By Mr. SMITH of Michigan:

H.R. 5387. A bill to provide a transition for railroad workers to the Social Security Program, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Transportation and Infrastructure, 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. YOUNG of Alaska (for himself, Mr. SAXTON, Mr. BLILEY, Mr. BOUCHER, Mr. DAVIS of Virginia, Mr. GOODE, Mr. GOODLATTE, Mr. MORAN of Virginia, Mr. PICKETT, Mr. SCOTT, Mr. SISISKY, and Mr. WOLF):

H.R. 5388. A bill to designate a building proposed to be located within the boundaries of the Chincoteague National Wildlife Refuge, as the "Herbert H. Bateman Educational and Administrative Center; to the Committee on Resources.

By Mr. HUNTER (for himself, Mr. BILBRAY, Mr. CUNNINGHAM, Mr. PACKARD, and Mr. FILNER):

H. Con. Res. 417. Concurrent resolution expressing the strong support of Congress that the Federal Energy Regulatory Commission execute its fundamental responsibility to reform the unjust and unreasonable electric power rates in California immediately; to the Committee on Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 515: Mr. FARR of California.
 H.R. 595: Mr. ANDREWS.
 H.R. 842: Mr. COYNE.
 H.R. 919: Ms. NORTON, Ms. SCHAKOWSKY, and Mr. WELDON of Pennsylvania.
 H.R. 1228: Mr. DEUTSCH.
 H.R. 1271: Mr. BACA, Mr. OBERSTAR, and Mr. TIERNEY.
 H.R. 1929: Mr. HOLT.
 H.R. 2200: Mr. LAZIO.
 H.R. 2631: Mr. DIAZ-BALART.
 H.R. 2720: Mr. HASTINGS of Florida.
 H.R. 2774: Mr. SANDERS.
 H.R. 2892: Ms. CARSON.
 H.R. 3192: Ms. WATERS.
 H.R. 3677: Mr. HALL of Texas.
 H.R. 3766: Ms. WATERS.
 H.R. 4003: Mr. WALDEN of Oregon.
 H.R. 4274: Mr. PASTOR, Mrs. TAUSCHER, Ms. SLAUGHTER, Mr. BARCIA, and Mr. BECERRA.
 H.R. 4277: Mr. WATKINS and Mr. SHERMAN.
 H.R. 4279: Mr. WALDEN of Oregon.
 H.R. 4308: Mr. ROTHMAN.
 H.R. 4330: Ms. CARSON.
 H.R. 4393: Mr. BENTSEN.
 H.R. 4395: Mr. ISAKSON.
 H.R. 4594: Ms. WOOLSEY and Mr. BENTSEN.
 H.R. 4728: Mr. SMITH of Texas and Mr. HOBSON.
 H.R. 4740: Mr. PASCRELL, Mr. HOLDEN, and Ms. KILPATRICK.
 H.R. 4750: Ms. WOOLSEY.
 H.R. 4780: Mr. SIMPSON and Mr. HASTINGS of Washington.
 H.R. 5005: Mr. SAXTON.
 H.R. 5068: Mr. YOUNG of Florida.
 H.R. 5146: Mr. GOODLATTE.
 H.R. 5158: Ms. LEE.
 H.R. 5179: Mr. BONIOR and Ms. ROYBAL-AL-LARD.
 H.R. 5180: Mr. RAMSTAD.
 H.R. 5186: Mr. BOSWELL.
 H.R. 5194: Mrs. MALONEY of New York.
 H.R. 5200: Mr. KINGSTON, Mr. PITTS, and Mr. HASTINGS of Washington.
 H.R. 5219: Mr. BONIOR, Mrs. CHRISTENSEN, Mr. HOUGHTON, Mr. MCGOVERN, and Mr. RAHALL.
 H.R. 5220: Mr. HALL of Texas.
 H.R. 5222: Mr. THOMPSON of California.
 H.R. 5242: Mr. HINCHEY, Mr. QUINN, Mr. OWENS, Ms. VELAZQUEZ, and Mr. LAFALCE.
 H.R. 5271: Mr. GREEN of Texas and Mr. DOOLEY of California.
 H.R. 5344: Mr. PITTS.
 H.R. 5365: Mr. OXLEY, Mr. FOSSELLA, Ms. MCCARTHY of Missouri, and Mr. KIND.
 H.R. 5375: Mr. LAFALCE and Mr. McNULTY.
 H. Con. Res. 62: Mr. ROGAN.
 H. Con. Res. 337: Mrs. TAUSCHER.
 H. Con. Res. 377: Mrs. MALONEY of New York, Mr. MCGOVERN, and Ms. SCHAKOWSKY.
 H. Con. Res. 412: Mr. SHAYS.
 H. Con. Res. 413: Mr. STEARNS.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2941

OFFERED BY: MR. HANSEN

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 1: Strike all after the enacting clause and insert the following new text:

SECTION 1. DEFINITIONS.

For the purposes of this Act, the following definitions apply:

(1) **CONSERVATION AREA.**—The term “Conservation Area” means the Las Cienegas National Conservation Area established by section 4(a).

(2) **ACQUISITION PLANNING DISTRICT.**—The term “Acquisition Planning District” means the Sonoita Valley Acquisition Planning District established by section 2(a).

(3) **MANAGEMENT PLAN.**—The term “management plan” means the management plan for the Conservation Area.

(4) **PUBLIC LANDS.**—The term “public lands” has the meaning given the term in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e)), except that such term shall not include interest in lands not owned by the United States.

(5) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

SEC. 2. ESTABLISHMENT OF THE SONOITA VALLEY ACQUISITION PLANNING DISTRICT.

(a) **IN GENERAL.**—In order to provide for future acquisitions of important conservation land within the Sonoita Valley region of the State of Arizona, there is hereby established the Sonoita Valley Acquisition Planning District.

(b) **AREAS INCLUDED.**—The Acquisition Planning District shall consist of approximately 142,800 acres of land in the Arizona counties of Pima and Santa Cruz, including the Conservation Area, as generally depicted on the map entitled “Sonoita Valley Acquisition Planning District and Las Cienegas National Conservation Area” and dated October 2, 2000.

(c) **MAP AND LEGAL DESCRIPTION.**—As soon as practicable after the date of the enactment of this Act, the Secretary shall submit to Congress a map and legal description of the Acquisition Planning District. In case of a conflict between the map referred to in subsection (b) and the map and legal description submitted by the Secretary, the map referred to in subsection (b) shall control. The map and legal description shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in such map and legal description. Copies of the map and legal description shall be on file and available for public inspection in the Office of the Director of the Bureau of Land Management, and in the appropriate office of the Bureau of Land Management in Arizona.

SEC. 3. PURPOSES OF THE ACQUISITION PLANNING DISTRICT.

(a) **IN GENERAL.**—The Secretary shall negotiate with land owners for the acquisition of lands and interest in lands suitable for Conservation Area expansion that meet the purposes described in section 4(a). The Secretary shall only acquire property under this Act pursuant to section 7.

(b) **FEDERAL LANDS.**—The Secretary, through the Bureau of Land Management, shall administer the public lands within the Acquisition Planning District pursuant to this Act and the applicable provisions of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), subject to valid existing rights, and in accordance with the management plan. Such public lands shall become part of the Conservation Area when they become contiguous with the Conservation Area.

(c) **FISH AND WILDLIFE.**—Nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State of Arizona with respect to fish and wildlife within the Acquisition Planning District.

(d) **PROTECTION OF STATE AND PRIVATE LANDS AND INTERESTS.**—Nothing in this Act shall be construed as affecting any property rights or management authority with regard to any lands or interest in lands held by the State of Arizona, any political subdivision of the State of Arizona, or any private property rights within the boundaries of the Acquisition Planning District.

(e) **PUBLIC LANDS.**—Nothing in this Act shall be construed as in any way diminishing the Secretary's or the Bureau of Land Management's authorities, rights, or responsibilities for managing the public lands within the Acquisition Planning District.

(f) **COORDINATED MANAGEMENT.**—The Secretary shall coordinate the management of the public lands within the Acquisition Planning District with that of surrounding county, State, and private lands consistent with the provisions of subsection (d).

SEC. 4. ESTABLISHMENT OF THE LAS CIENEGAS NATIONAL CONSERVATION AREA.

(a) **IN GENERAL.**—In order to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the unique and nationally important aquatic, wildlife, vegetative, archaeological, paleontological, scientific, cave, cultural, historical, recreational, educational, scenic, rangeland, and riparian resources and values of the public lands described in subsection (b) while allowing livestock grazing and recreation to continue in appropriate areas, there is hereby established the Las Cienegas National Conservation Area in the State of Arizona.

(b) **AREAS INCLUDED.**—The Conservation Area shall consist of approximately 42,000 acres of public lands in the Arizona counties of Pima and Santa Cruz, as generally depicted on the map entitled “Sonoita Valley Acquisition Planning District and Las Cienegas National Conservation Area” and dated October 2, 2000.

(c) **MAPS AND LEGAL DESCRIPTION.**—As soon as practicable after the date of the enactment of this Act, the Secretary shall submit to Congress a map and legal description of the Conservation Area. In case of a conflict between the map referred to in subsection (b) and the map and legal description submitted by the Secretary, the map referred to in subsection (b) shall control. The map and legal description shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in such map and legal description. Copies of the map and legal description shall be on file and available for public inspection in the Office of the Director of the Bureau of Land Management, and in the appropriate office of the Bureau of Land Management in Arizona.

(d) **FOREST LANDS.**—Any lands included in the Coronado National Forest that are located within the boundaries of the Conservation Area shall be considered to be a part of the Conservation Area. The Secretary of Agriculture shall revise the boundaries of the Coronado National Forest to reflect the exclusion of such lands from the Coronado National Forest.

SEC. 5. MANAGEMENT OF THE LAS CIENEGAS NATIONAL CONSERVATION AREA.

(a) **IN GENERAL.**—The Secretary shall manage the Conservation Area in a manner that conserves, protects, and enhances its resources and values, including the resources and values specified in section 4(a), pursuant to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and other applicable law, including this Act.

(b) **USES.**—The Secretary shall allow only such uses of the Conservation Area as the Secretary finds will further the purposes for which the Conservation Area is established as set forth in section 4(a).

(c) **GRAZING.**—The Secretary of the Interior shall permit grazing subject to all applicable laws, regulations, and Executive Orders consistent with the purposes of this Act.

(d) **MOTORIZED VEHICLES.**—Except where needed for administrative purposes or to respond to an emergency, use of motorized vehicles on public lands in the Conservation Area shall be allowed only—

(1) before the effective date of a management plan prepared pursuant to section 6, on roads and trails designated for use of motorized vehicles in the management plan that applies on the date of the enactment of this Act; and

(2) after the effective date of a management plan prepared pursuant to section 6, on roads and trails designated for use of motor vehicles in that management plan.

(e) **MILITARY AIRSPACE.**—Prior to the date of the enactment of this Act the Federal Aviation Administration approved restricted military airspace (Areas 2303A and 2303B) which covers portions of the Conservation Area. Designation of the Conservation Area shall not impact or impose any altitude, flight, or other airspace restrictions on current or future military operations or missions. Should the military require additional or modified airspace in the future, the Congress does not intend for the designation of the Conservation Area to impede the military from petitioning the Federal Aviation Administration to change or expand existing restricted military airspace.

(f) **ACCESS TO STATE AND PRIVATE LANDS.**—Nothing in this Act shall affect valid existing rights-of-way within the Conservation Area. The Secretary shall provide reasonable access to nonfederally owned lands or interest in lands within the boundaries of the Conservation Area.

(g) **HUNTING.**—Hunting shall be allowed within the Conservation Area in accordance with applicable laws and regulations of the United States and the State of Arizona, except that the Secretary, after consultation with the Arizona State wildlife management agency, may issue regulations designating zones where and establishing periods when no hunting shall be permitted for reasons of public safety, administration, or public use and enjoyment.

(h) **PREVENTATIVE MEASURES.**—Nothing in this Act shall preclude such measures as the Secretary determines necessary to prevent devastating fire or infestation of insects or disease within the Conservation Area.

(i) **NO BUFFER ZONES.**—The establishment of the Conservation Area shall not lead to the creation of protective perimeters or buffer zones around the Conservation Area. The fact that there may be activities or uses on lands outside the Conservation Area that would not be permitted in the Conservation Area shall not preclude such activities or uses on such lands up to the boundary of the Conservation Area consistent with other applicable laws.

(j) **WITHDRAWALS.**—Subject to valid existing rights all Federal lands within the Conservation Area and all lands and interest therein which are hereafter acquired by the United States are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws and from location, entry, and patent under the mining laws, and from operation of the mineral leasing and geothermal leasing laws and all amendments thereto.

SEC. 6. MANAGEMENT PLAN.

(a) **PLAN REQUIRED.**—Not later than 2 years after the date of the enactment of this Act,

the Secretary, through the Bureau of Land Management, shall develop and begin to implement a comprehensive management plan for the long-term management of the public lands within the Conservation Area in order to fulfill the purposes for which it is established, as set forth in section 4(a). Consistent with the provisions of this Act, the management plan shall be developed—

(1) in consultation with appropriate departments of the State of Arizona, including wildlife and land management agencies, with full public participation;

(2) from the draft Empire-Cienega Ecosystem Management Plan/EIS, dated October 2000, as it applies to Federal lands or lands with conservation easements; and

(3) in accordance with the resource goals and objectives developed through the Sonoita Valley Planning Partnership process as incorporated in the draft Empire-Cienega Ecosystem Management Plan/EIS, dated October 2000, giving full consideration to the management alternative preferred by the Sonoita Valley Planning Partnership, as it applies to Federal lands or lands with conservation easements.

(b) CONTENTS.—The management plan shall include—

(1) provisions designed to ensure the protection of the resources and values described in section 4(a);

(2) an implementation plan for a continuing program of interpretation and public education about the resources and values of the Conservation Area;

(3) a proposal for minimal administrative and public facilities to be developed or improved at a level compatible with achieving the resource objectives for the Conservation Area and with the other proposed management activities to accommodate visitors to the Conservation Area;

(4) cultural resources management strategies for the Conservation Area, prepared in consultation with appropriate departments of the State of Arizona, with emphasis on the preservation of the resources of the Conservation Area and the interpretive, educational, and long-term scientific uses of these resources, giving priority to the enforcement of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.) and the National Historic Preservation Act (16 U.S.C. 470 et seq.) within the Conservation Area;

(5) wildlife management strategies for the Conservation Area, prepared in consultation with appropriate departments of the State of Arizona and using previous studies of the Conservation Area;

(6) production livestock grazing management strategies, prepared in consultation with appropriate departments of the State of Arizona;

(7) provisions designed to ensure the protection of environmentally sustainable livestock use on appropriate lands within the Conservation Area;

(8) recreation management strategies, including motorized and nonmotorized dispersed recreation opportunities for the Conservation Area, prepared in consultation with appropriate departments of the State of Arizona;

(9) cave resources management strategies prepared in compliance with the goals and objectives of the Federal Cave Resources Protection Act of 1988 (16 U.S.C. 4301 et seq.); and

(10) provisions designed to ensure that if a road or trail located on public lands within the Conservation Area, or any portion of such a road or trail, is removed, consideration shall be given to providing similar alternative access to the portion of the Conservation Area serviced by such removed road or trail.—

(c) COOPERATIVE AGREEMENTS.—In order to better implement the management plan, the Secretary may enter into cooperative agreements with appropriate Federal, State, and local agencies pursuant to section 307(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1737(b)).

(d) RESEARCH ACTIVITIES.—In order to assist in the development and implementation of the management plan, the Secretary may authorize appropriate research, including research concerning the environmental, biological, hydrological, cultural, agricultural, recreational, and other characteristics, resources, and values of the Conservation Area, pursuant to section 307(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1737(a)).

SEC. 7. LAND ACQUISITION.

(a) IN GENERAL.—

(1) PRIORITY TO CONSERVATION EASEMENTS.—In acquiring lands or interest in lands under this section, the Secretary shall give priority to such acquisitions in the form of conservation easements.

(2) PRIVATE LANDS.—The Secretary is authorized to acquire privately held lands or interest in lands within the boundaries of the Acquisition Planning District only from a willing seller through donation, exchange, or purchase.

(3) COUNTY LANDS.—The Secretary is authorized to acquire county lands or interest in lands within the boundaries of the Acquisition Planning District only with the consent of the county through donation, exchange, or purchase.

(4) STATE LANDS.—

(A) IN GENERAL.—The Secretary is authorized to acquire lands or interest in lands owned by the State of Arizona located within the boundaries of the Acquisition Planning District only with the consent of the State and in accordance with State law, by donation, exchange, purchase, or eminent domain.

(B) SUNSET OF AUTHORITY TO ACQUIRE BY EMINENT DOMAIN.—The authority to acquire State lands under subparagraph (A) shall expire 10 years after the date of the enactment of this Act.

(C) CONSIDERATION.—As consideration for the acquisitions by the United States of lands or interest in lands under this paragraph, the Secretary shall pay fair market value for such lands or shall convey to the State of Arizona all or some interest in Federal lands (including buildings and other improvements on such lands or other Federal property other than real property) or any other asset of equal value within the State of Arizona.

(D) TRANSFER OF JURISDICTION.—All Federal agencies are authorized to transfer jurisdiction of Federal lands or interest in lands (including buildings and other improvements on such lands or other Federal property other than real property) or any other asset within the State of Arizona to the Bureau of Land Management for the purpose of acquiring lands or interest in lands as provided for in this paragraph.

(b) MANAGEMENT OF ACQUIRED LANDS.—Lands acquired under this section shall, upon acquisition, become part of the Conservation Area and shall be administered as part of the Conservation Area. These lands shall be managed in accordance with this Act, other applicable laws, and the management plan.

SEC. 8. REPORTS TO CONGRESS.

(a) PROTECTION OF CERTAIN LANDS.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall submit to Congress a report describing the most effective measures to protect the lands north of the Acquisition Planning District within

the Rincon Valley, Colossal Cave area, and Agua Verde Creek corridor north of Interstate 10 to provide an ecological link to Saguaro National Park and the Rincon Mountains and contribute to local government conservation priorities.

(b) IMPLEMENTATION OF THIS ACT.—Not later than 5 years after the date of the enactment of this Act, and at least at the end of every 10-year period thereafter, the Secretary shall submit to Congress a report describing the implementation of this Act, the condition of the resources and values of the Conservation Area, and the progress of the Secretary in achieving the purposes for which the Conservation Area is established as set forth in section 4(a).

S. 2311

OFFERED BY: MR. BLILEY

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 1: Strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ryan White CARE Act Amendments of 2000".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

TITLE I—EMERGENCY RELIEF FOR AREAS WITH SUBSTANTIAL NEED FOR SERVICES

Subtitle A—HIV Health Services Planning Councils

Sec. 101. Membership of councils.

Sec. 102. Duties of councils.

Sec. 103. Open meetings; other additional provisions.

Subtitle B—Type and Distribution of Grants

Sec. 111. Formula grants.

Sec. 112. Supplemental grants.

Subtitle C—Other Provisions

Sec. 121. Use of amounts.

Sec. 122. Application.

TITLE II—CARE GRANT PROGRAM

Subtitle A—General Grant Provisions

Sec. 201. Priority for women, infants, and children.

Sec. 202. Use of grants.

Sec. 203. Grants to establish HIV care consortia.

Sec. 204. Provision of treatments.

Sec. 205. State application.

Sec. 206. Distribution of funds.

Sec. 207. Supplemental grants for certain States.

Subtitle B—Provisions Concerning Pregnancy and Perinatal Transmission of HIV

Sec. 211. Repeals.

Sec. 212. Grants.

Sec. 213. Study by Institute of Medicine.

Subtitle C—Certain Partner Notification Programs

Sec. 221. Grants for compliant partner notification programs.

TITLE III—EARLY INTERVENTION SERVICES

Subtitle A—Formula Grants for States

Sec. 301. Repeal of program.

Subtitle B—Categorical Grants

Sec. 311. Preferences in making grants.

Sec. 312. Planning and development grants.

Sec. 313. Authorization of appropriations.

Subtitle C—General Provisions

Sec. 321. Provision of certain counseling services.

Sec. 322. Additional required agreements.

TITLE IV—OTHER PROGRAMS AND ACTIVITIES

Subtitle A—Certain Programs for Research, Demonstrations, or Training

Sec. 401. Grants for coordinated services and access to research for women, infants, children, and youth.

Sec. 402. AIDS education and training centers.

Subtitle B—General Provisions in Title XXVI

Sec. 411. Evaluations and reports.

Sec. 412. Data collection through Centers for Disease Control and Prevention.

Sec. 413. Coordination.

Sec. 414. Plan regarding release of prisoners with HIV disease.

Sec. 415. Audits.

Sec. 416. Administrative simplification.

Sec. 417. Authorization of appropriations for parts A and B.

TITLE V—GENERAL PROVISIONS

Sec. 501. Studies by Institute of Medicine.

Sec. 502. Development of rapid HIV test.

Sec. 503. Technical corrections.

TITLE VI—EFFECTIVE DATE

Sec. 601. Effective date.

TITLE I—EMERGENCY RELIEF FOR AREAS WITH SUBSTANTIAL NEED FOR SERVICES

Subtitle A—HIV Health Services Planning Councils

SEC. 101. MEMBERSHIP OF COUNCILS.

(a) IN GENERAL.—Section 2602(b) of the Public Health Service Act (42 U.S.C. 300ff-12(b)) is amended—

(1) in paragraph (1), by striking “demographics of the epidemic in the eligible area involved,” and inserting “demographics of the population of individuals with HIV disease in the eligible area involved,”; and

(2) in paragraph (2)—

(A) in subparagraph (C), by inserting before the semicolon the following: “, including providers of housing and homeless services”;

(B) in subparagraph (G), by striking “or AIDS”;

(C) in subparagraph (K), by striking “and” at the end;

(D) in subparagraph (L), by striking the period and inserting the following: “, including but not limited to providers of HIV prevention services; and”; and

(E) by adding at the end the following subparagraph:

“(M) representatives of individuals who formerly were Federal, State, or local prisoners, were released from the custody of the penal system during the preceding 3 years, and had HIV disease as of the date on which the individuals were so released.”.

(b) CONFLICTS OF INTERESTS.—Section 2602(b)(5) of the Public Health Service Act (42 U.S.C. 300ff-12(b)(5)) is amended by adding at the end the following subparagraph:

“(C) COMPOSITION OF COUNCIL.—The following applies regarding the membership of a planning council under paragraph (1):

“(i) Not less than 33 percent of the council shall be individuals who are receiving HIV-related services pursuant to a grant under section 2601(a), are not officers, employees, or consultants to any entity that receives amounts from such a grant, and do not represent any such entity, and reflect the demographics of the population of individuals with HIV disease as determined under paragraph (4)(A). For purposes of the preceding sentence, an individual shall be considered to be receiving such services if the individual is a parent of, or a caregiver for, a minor child who is receiving such services.

“(ii) With respect to membership on the planning council, clause (i) may not be construed as having any effect on entities that receive funds from grants under any of parts B through F but do not receive funds from grants under section 2601(a), on officers or employees of such entities, or on individuals who represent such entities.”.

SEC. 102. DUTIES OF COUNCILS.

(a) IN GENERAL.—Section 2602(b)(4) of the Public Health Service Act (42 U.S.C. 300ff-12(b)(4)) is amended—

(1) by redesignating subparagraphs (A) through (E) as subparagraphs (C) through (G), respectively;

(2) by inserting before subparagraph (C) (as so redesignated) the following subparagraphs:

“(A) determine the size and demographics of the population of individuals with HIV disease;

“(B) determine the needs of such population, with particular attention to—

“(i) individuals with HIV disease who know their HIV status and are not receiving HIV-related services; and

“(ii) disparities in access and services among affected subpopulations and historically underserved communities;”;

(3) in subparagraph (C) (as so redesignated), by striking clauses (i) through (iv) and inserting the following:

“(i) size and demographics of the population of individuals with HIV disease (as determined under subparagraph (A)) and the needs of such population (as determined under subparagraph (B));

“(ii) demonstrated (or probable) cost effectiveness and outcome effectiveness of proposed strategies and interventions, to the extent that data are reasonably available;

“(iii) priorities of the communities with HIV disease for whom the services are intended;

“(iv) coordination in the provision of services to such individuals with programs for HIV prevention and for the prevention and treatment of substance abuse, including programs that provide comprehensive treatment for such abuse;

“(v) availability of other governmental and non-governmental resources, including the State medicaid plan under title XIX of the Social Security Act and the State Children’s Health Insurance Program under title XXI of such Act to cover health care costs of eligible individuals and families with HIV disease; and

“(vi) capacity development needs resulting from disparities in the availability of HIV-related services in historically underserved communities;”;

(4) in subparagraph (D) (as so redesignated), by amending the subparagraph to read as follows:

“(D) develop a comprehensive plan for the organization and delivery of health and support services described in section 2604 that—

“(i) includes a strategy for identifying individuals who know their HIV status and are not receiving such services and for informing the individuals of and enabling the individuals to utilize the services, giving particular attention to eliminating disparities in access and services among affected subpopulations and historically underserved communities, and including discrete goals, a timetable, and an appropriate allocation of funds;

“(ii) includes a strategy to coordinate the provision of such services with programs for HIV prevention (including outreach and early intervention) and for the prevention and treatment of substance abuse (including programs that provide comprehensive treatment services for such abuse); and

“(iii) is compatible with any State or local plan for the provision of services to individuals with HIV disease;”;

(5) in subparagraph (F) (as so redesignated), by striking “and” at the end;

(6) in subparagraph (G) (as so redesignated)—

(A) by striking “public meetings,” and inserting “public meetings (in accordance with paragraph (7)),”; and

(B) by striking the period and inserting “; and”;

(7) by adding at the end the following subparagraph:

“(H) coordinate with Federal grantees that provide HIV-related services within the eligible area.”.

(b) PROCESS FOR ESTABLISHING ALLOCATION PRIORITIES.—Section 2602 of the Public Health Service Act (42 U.S.C. 300ff-12) is amended by adding at the end the following subsection:

“(d) PROCESS FOR ESTABLISHING ALLOCATION PRIORITIES.—Promptly after the date of the submission of the report required in section 501(b) of the Ryan White CARE Act Amendments of 2000 (relating to the relationship between epidemiological measures and health care for certain individuals with HIV disease), the Secretary, in consultation with planning councils and entities that receive amounts from grants under section 2601(a) or 2611, shall develop epidemiologic measures—

“(1) for establishing the number of individuals living with HIV disease who are not receiving HIV-related health services; and

“(2) for carrying out the duties under subsection (b)(4) and section 2617(b).”.

(c) TRAINING.—Section 2602 of the Public Health Service Act (42 U.S.C. 300ff-12), as amended by subsection (b) of this section, is amended by adding at the end the following subsection:

“(e) TRAINING GUIDANCE AND MATERIALS.—The Secretary shall provide to each chief elected official receiving a grant under 2601(a) guidelines and materials for training members of the planning council under paragraph (1) regarding the duties of the council.”.

(d) CONFORMING AMENDMENT.—Section 2603(c) of the Public Health Service Act (42 U.S.C. 300ff-12(b)) is amended by striking “section 2602(b)(3)(A)” and inserting “section 2602(b)(4)(C)”.

SEC. 103. OPEN MEETINGS; OTHER ADDITIONAL PROVISIONS.

Section 2602(b) of the Public Health Service Act (42 U.S.C. 300ff-12(b)) is amended—

(1) in paragraph (3), by striking subparagraph (C); and

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

“(7) PUBLIC DELIBERATIONS.—With respect to a planning council under paragraph (1), the following applies:

“(A) The council may not be chaired solely by an employee of the grantee under section 2601(a).

“(B) In accordance with criteria established by the Secretary:

“(i) The meetings of the council shall be open to the public and shall be held only after adequate notice to the public.

“(ii) The records, reports, transcripts, minutes, agenda, or other documents which were made available to or prepared for or by the council shall be available for public inspection and copying at a single location.

“(iii) Detailed minutes of each meeting of the council shall be kept. The accuracy of all minutes shall be certified to by the chair of the council.

“(iv) This subparagraph does not apply to any disclosure of information of a personal nature that would constitute a clearly unwarranted invasion of personal privacy, including any disclosure of medical information or personnel matters.”.

Subtitle B—Type and Distribution of Grants
SEC. 111. FORMULA GRANTS.

(a) EXPEDITED DISTRIBUTION.—Section 2603(a)(2) of the Public Health Service Act (42 U.S.C. 300ff-13(a)(2)) is amended in the first sentence by striking “for each of the fiscal years 1996 through 2000” and inserting “for a fiscal year”.

(b) AMOUNT OF GRANT; ESTIMATE OF LIVING CASES.—

(1) IN GENERAL.—Section 2603(a)(3) of the Public Health Service Act (42 U.S.C. 300ff-13(a)(3)) is amended—

(A) in subparagraph (C)(i), by inserting before the semicolon the following: “, except that (subject to subparagraph (D)), for grants made pursuant to this paragraph for fiscal year 2005 and subsequent fiscal years, the cases counted for each 12-month period beginning on or after July 1, 2004, shall be cases of HIV disease (as reported to and confirmed by such Director) rather than cases of acquired immune deficiency syndrome”; and

(B) in subparagraph (C), in the matter after and below clause (ii)(X)—

(i) in the first sentence, by inserting before the period the following: “, and shall be reported to the congressional committees of jurisdiction”; and

(ii) by adding at the end the following sentence: “Updates shall as applicable take into account the counting of cases of HIV disease pursuant to clause (i).”.

(2) DETERMINATION OF SECRETARY REGARDING DATA ON HIV CASES.—Section 2603(a)(3) of the Public Health Service Act (42 U.S.C. 300ff-13(a)(3)) is amended—

(A) by redesignating subparagraph (D) as subparagraph (E); and

(B) by inserting after subparagraph (C) the following subparagraph:

“(D) DETERMINATION OF SECRETARY REGARDING DATA ON HIV CASES.—

“(i) IN GENERAL.—Not later than July 1, 2004, the Secretary shall determine whether there is data on cases of HIV disease from all eligible areas (reported to and confirmed by the Director of the Centers for Disease Control and Prevention) sufficiently accurate and reliable for use for purposes of subparagraph (C)(i). In making such a determination, the Secretary shall take into consideration the findings of the study under section 501(b) of the Ryan White CARE Act Amendments of 2000 (relating to the relationship between epidemiological measures and health care for certain individuals with HIV disease).

“(ii) EFFECT OF ADVERSE DETERMINATION.—If under clause (i) the Secretary determines that data on cases of HIV disease is not sufficiently accurate and reliable for use for purposes of subparagraph (C)(i), then notwithstanding such subparagraph, for any fiscal year prior to fiscal year 2007 the references in such subparagraph to cases of HIV disease do not have any legal effect.

“(iii) GRANTS AND TECHNICAL ASSISTANCE REGARDING COUNTING OF HIV CASES.—Of the amounts appropriated under section 318B for a fiscal year, the Secretary shall reserve amounts to make grants and provide technical assistance to States and eligible areas with respect to obtaining data on cases of HIV disease to ensure that data on such cases is available from all States and eligible areas as soon as is practicable but not later than the beginning of fiscal year 2007.”.

(c) INCREASES IN GRANT.—Section 2603(a)(4) of the Public Health Service Act (42 U.S.C. 300ff-13(a)(4)) is amended to read as follows:

“(4) INCREASES IN GRANT.—

“(A) IN GENERAL.—For each fiscal year in a protection period for an eligible area, the Secretary shall increase the amount of the grant made pursuant to paragraph (2) for the area to ensure that—

“(i) for the first fiscal year in the protection period, the grant is not less than 98 percent of the amount of the grant made for the eligible area pursuant to such paragraph for the base year for the protection period;

“(ii) for any second fiscal year in such period, the grant is not less than 95 percent of the amount of such base year grant;

“(iii) for any third fiscal year in such period, the grant is not less than 92 percent of the amount of the base year grant;

“(iv) for any fourth fiscal year in such period, the grant is not less than 89 percent of the amount of the base year grant; and

“(v) for any fifth or subsequent fiscal year in such period, if, pursuant to paragraph (3)(D)(ii), the references in paragraph (3)(C)(i) to HIV disease do not have any legal effect, the grant is not less than 85 percent of the amount of the base year grant.

“(B) SPECIAL RULE.—If for fiscal year 2005, pursuant to paragraph (3)(D)(ii), data on cases of HIV disease are used for purposes of paragraph (3)(C)(i), the Secretary shall increase the amount of a grant made pursuant to paragraph (2) for an eligible area to ensure that the grant is not less than 98 percent of the amount of the grant made for the area in fiscal year 2004.

“(C) BASE YEAR; PROTECTION PERIOD.—With respect to grants made pursuant to paragraph (2) for an eligible area:

“(i) The base year for a protection period is the fiscal year preceding the trigger grant-reduction year.

“(ii) The first trigger grant-reduction year is the first fiscal year (after fiscal year 2000) for which the grant for the area is less than the grant for the area for the preceding fiscal year.

“(iii) A protection period begins with the trigger grant-reduction year and continues until the beginning of the first fiscal year for which the amount of the grant determined pursuant to paragraph (2) for the area equals or exceeds the amount of the grant determined under subparagraph (A).

“(iv) Any subsequent trigger grant-reduction year is the first fiscal year, after the end of the preceding protection period, for which the amount of the grant is less than the amount of the grant for the preceding fiscal year.”.

SEC. 112. SUPPLEMENTAL GRANTS.

(a) IN GENERAL.—Section 2603(b)(2) of the Public Health Service Act (42 U.S.C. 300ff-13(b)(2)) is amended—

(1) in the heading for the paragraph, by striking “DEFINITION” and inserting “AMOUNT OF GRANT”;

(2) by redesignating subparagraphs (A) through (C) as subparagraphs (B) through (D), respectively;

(3) by inserting before subparagraph (B) (as so redesignated) the following subparagraph:

“(A) IN GENERAL.—The amount of each grant made for purposes of this subsection shall be determined by the Secretary based on a weighting of factors under paragraph (1), with severe need under subparagraph (B) of such paragraph counting one-third.”;

(4) in subparagraph (B) (as so redesignated)—

(A) in clause (ii), by striking “and” at the end;

(B) in clause (iii), by striking the period and inserting a semicolon; and

(C) by adding at the end the following clauses:

“(iv) the current prevalence of HIV disease;

“(v) an increasing need for HIV-related services, including relative rates of increase in the number of cases of HIV disease; and

“(vi) unmet need for such services, as determined under section 2602(b)(4).”;

(5) in subparagraph (C) (as so redesignated)—

(A) by striking “subparagraph (A)” each place such term appears and inserting “subparagraph (B)”;

(B) in the second sentence, by striking “2 years after the date of enactment of this paragraph” and inserting “18 months after the date of the enactment of the Ryan White CARE Act Amendments of 2000”; and

(C) by inserting after the second sentence the following sentence: “Such a mechanism shall be modified to reflect the findings of

the study under section 501(b) of the Ryan White CARE Act Amendments of 2000 (relating to the relationship between epidemiological measures and health care for certain individuals with HIV disease).”;

(6) in subparagraph (D) (as so redesignated), by striking “subparagraph (B)” and inserting “subparagraph (C)”.

(b) REQUIREMENTS FOR APPLICATION.—Section 2603(b)(1)(E) of the Public Health Service Act (42 U.S.C. 300ff-13(b)(1)(E)) is amended by inserting “youth,” after “children.”.

(c) TECHNICAL AND CONFORMING AMENDMENT.—Section 2603(b) of the Public Health Service Act (42 U.S.C. 300ff-13(b)) is amended—

(1) by striking paragraph (4);

(2) by redesignating paragraph (5) as paragraph (4); and

(3) in paragraph (4) (as so redesignated), in subparagraph (B), by striking “grants” and inserting “grant”.

Subtitle C—Other Provisions

SEC. 121. USE OF AMOUNTS.

(a) PRIMARY PURPOSES.—Section 2604(b)(1) of the Public Health Service Act (42 U.S.C. 300ff-14(b)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking “HIV-related—” and inserting “HIV-related services, as follows:”;

(2) in subparagraph (A)—

(A) by striking “outpatient” and all that follows through “substance abuse treatment and” and inserting the following: “Outpatient and ambulatory health services, including substance abuse treatment,”; and

(B) by striking “; and” and inserting a period;

(3) in subparagraph (B), by striking “(B) inpatient case management” and inserting “(C) inpatient case management”;

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

“(B) Outpatient and ambulatory support services (including case management), to the extent that such services facilitate, enhance, support, or sustain the delivery, continuity, or benefits of health services for individuals and families with HIV disease.”; and

(5) by adding at the end the following:

“(D) Outreach activities that are intended to identify individuals with HIV disease who know their HIV status and are not receiving HIV-related services, and that are—

“(i) necessary to implement the strategy under section 2602(b)(4)(D), including activities facilitating the access of such individuals to HIV-related primary care services at entities described in paragraph (3)(A);

“(ii) conducted in a manner consistent with the requirements under sections 2605(a)(3) and 2651(b)(2); and

“(iii) supplement, and do not supplant, such activities that are carried out with amounts appropriated under section 317.”.

(b) EARLY INTERVENTION SERVICES.—Section 2604(b) (42 U.S.C. 300ff-14(b)) of the Public Health Service Act is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

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

“(3) EARLY INTERVENTION SERVICES.—

“(A) IN GENERAL.—The purposes for which a grant under section 2601 may be used include providing to individuals with HIV disease early intervention services described in section 2651(b)(2), with follow-up referral provided for the purpose of facilitating the access of individuals receiving the services to HIV-related health services. The entities through which such services may be provided under the grant include public health departments, emergency rooms, substance abuse and mental health treatment programs, detoxification centers, detention facilities,

clinics regarding sexually transmitted diseases, homeless shelters, HIV disease counseling and testing sites, health care points of entry specified by eligible areas, federally qualified health centers, and entities described in section 2652(a) that constitute a point of access to services by maintaining referral relationships.

“(B) CONDITIONS.—With respect to an entity that proposes to provide early intervention services under subparagraph (A), such subparagraph applies only if the entity demonstrates to the satisfaction of the chief elected official for the eligible area involved that—

“(i) Federal, State, or local funds are otherwise inadequate for the early intervention services the entity proposes to provide; and

“(ii) the entity will expend funds pursuant to such subparagraph to supplement and not supplant other funds available to the entity for the provision of early intervention services for the fiscal year involved.”

(c) PRIORITY FOR WOMEN, INFANTS, AND CHILDREN.—Section 2604(b) (42 U.S.C. 300ff-14(b)) of the Public Health Service Act is amended in paragraph (4) (as redesignated by subsection (b)(1) of this section) by amending the paragraph to read as follows:

“(4) PRIORITY FOR WOMEN, INFANTS AND CHILDREN.—

“(A) IN GENERAL.—For the purpose of providing health and support services to infants, children, youth, and women with HIV disease, including treatment measures to prevent the perinatal transmission of HIV, the chief elected official of an eligible area, in accordance with the established priorities of the planning council, shall for each of such populations in the eligible area use, from the grants made for the area under section 2601(a) for a fiscal year, not less than the percentage constituted by the ratio of the population involved (infants, children, youth, or women in such area) with acquired immune deficiency syndrome to the general population in such area of individuals with such syndrome.

“(B) WAIVER.—With respect to the population involved, the Secretary may provide to the chief elected official of an eligible area a waiver of the requirement of subparagraph (A) if such official demonstrates to the satisfaction of the Secretary that the population is receiving HIV-related health services through the State medicaid program under title XIX of the Social Security Act, the State children's health insurance program under title XXI of such Act, or other Federal or State programs.”

(d) QUALITY MANAGEMENT.—Section 2604 of the Public Health Service Act (42 U.S.C. 300ff-14) is amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(2) by inserting after subsection (b) the following:

“(c) QUALITY MANAGEMENT.—

“(1) REQUIREMENT.—The chief elected official of an eligible area that receives a grant under this part shall provide for the establishment of a quality management program to assess the extent to which HIV health services provided to patients under the grant are consistent with the most recent Public Health Service guidelines for the treatment of HIV disease and related opportunistic infection, and as applicable, to develop strategies for ensuring that such services are consistent with the guidelines for improvement in the access to and quality of HIV health services.

“(2) USE OF FUNDS.—From amounts received under a grant awarded under this part for a fiscal year, the chief elected official of an eligible area may (in addition to amounts to which subsection (f)(1) applies) use for ac-

tivities associated with the quality management program required in paragraph (1) not more than the lesser of—

“(A) 5 percent of amounts received under the grant; or

“(B) \$3,000,000.”

SEC. 122. APPLICATION.

(a) IN GENERAL.—Section 2605(a) of the Public Health Service Act (42 U.S.C. 300ff-15(a)) is amended—

(1) by redesignating paragraphs (3) through (6) as paragraphs (5) through (8), respectively; and

(2) by inserting after paragraph (2) the following paragraphs:

“(3) that entities within the eligible area that receive funds under a grant under this part will maintain appropriate relationships with entities in the eligible area served that constitute key points of access to the health care system for individuals with HIV disease (including emergency rooms, substance abuse treatment programs, detoxification centers, adult and juvenile detention facilities, sexually transmitted disease clinics, HIV counseling and testing sites, mental health programs, and homeless shelters), and other entities under section 2604(b)(3) and 2652(a), for the purpose of facilitating early intervention for individuals newly diagnosed with HIV disease and individuals knowledgeable of their HIV status but not in care;

“(4) that the chief elected official of the eligible area will satisfy all requirements under section 2604(c);”

(b) CONFORMING AMENDMENTS.—Section 2605(a) (42 U.S.C. 300ff-15(a)(1)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking “services to individuals with HIV disease” and inserting “services as described in section 2604(b)(1);” and

(B) in subparagraph (B), by striking “services for individuals with HIV disease” and inserting “services as described in section 2604(b)(1);”

(2) in paragraph (7) (as redesignated by subsection (a)(1) of this section), by striking “and” at the end;

(3) in paragraph (8) (as so redesignated), by striking the period and inserting “; and”; and

(4) by adding at the end the following paragraph:

“(9) that the eligible area has procedures in place to ensure that services provided with funds received under this part meet the criteria specified in section 2604(b)(1).”

TITLE II—CARE GRANT PROGRAM

Subtitle A—General Grant Provisions

SEC. 201. PRIORITY FOR WOMEN, INFANTS, AND CHILDREN.

Section 2611(b) of the Public Health Service Act (42 U.S.C. 300ff-21(b)) is amended to read as follows:

“(b) PRIORITY FOR WOMEN, INFANTS AND CHILDREN.—

“(1) IN GENERAL.—For the purpose of providing health and support services to infants, children, youth, and women with HIV disease, including treatment measures to prevent the perinatal transmission of HIV, a State shall for each of such populations use, of the funds allocated under this part to the State for a fiscal year, not less than the percentage constituted by the ratio of the population involved (infants, children, youth, or women in the State) with acquired immune deficiency syndrome to the general population in the State of individuals with such syndrome.

“(2) WAIVER.—With respect to the population involved, the Secretary may provide to a State a waiver of the requirement of paragraph (1) if the State demonstrates to the satisfaction of the Secretary that the population is receiving HIV-related health serv-

ices through the State medicaid program under title XIX of the Social Security Act, the State children's health insurance program under title XXI of such Act, or other Federal or State programs.”

SEC. 202. USE OF GRANTS.

Section 2612 of the Public Health Service Act (42 U.S.C. 300ff-22) is amended—

(1) by striking “A State may use” and inserting “(a) IN GENERAL.—A State may use”; and

(2) by adding at the end the following subsections:

“(b) SUPPORT SERVICES; OUTREACH.—The purposes for which a grant under this part may be used include delivering or enhancing the following:

“(1) Outpatient and ambulatory support services under section 2611(a) (including case management) to the extent that such services facilitate, enhance, support, or sustain the delivery, continuity, or benefits of health services for individuals and families with HIV disease.

“(2) Outreach activities that are intended to identify individuals with HIV disease who know their HIV status and are not receiving HIV-related services, and that are—

“(A) necessary to implement the strategy under section 2617(b)(4)(B), including activities facilitating the access of such individuals to HIV-related primary care services at entities described in subsection (c)(1);

“(B) conducted in a manner consistent with the requirement under section 2617(b)(6)(G) and 2651(b)(2); and

“(C) supplement, and do not supplant, such activities that are carried out with amounts appropriated under section 317.

“(c) EARLY INTERVENTION SERVICES.—

“(1) IN GENERAL.—The purposes for which a grant under this part may be used include providing to individuals with HIV disease early intervention services described in section 2651(b)(2), with follow-up referral provided for the purpose of facilitating the access of individuals receiving the services to HIV-related health services. The entities through which such services may be provided under the grant include public health departments, emergency rooms, substance abuse and mental health treatment programs, detoxification centers, detention facilities, clinics regarding sexually transmitted diseases, homeless shelters, HIV disease counseling and testing sites, health care points of entry specified by States or eligible areas, federally qualified health centers, and entities described in section 2652(a) that constitute a point of access to services by maintaining referral relationships.

“(2) CONDITIONS.—With respect to an entity that proposes to provide early intervention services under paragraph (1), such paragraph applies only if the entity demonstrates to the satisfaction of the State involved that—

“(A) Federal, State, or local funds are otherwise inadequate for the early intervention services the entity proposes to provide; and

“(B) the entity will expend funds pursuant to such paragraph to supplement and not supplant other funds available to the entity for the provision of early intervention services for the fiscal year involved.

“(d) QUALITY MANAGEMENT.—

“(1) REQUIREMENT.—Each State that receives a grant under this part shall provide for the establishment of a quality management program to assess the extent to which HIV health services provided to patients under the grant are consistent with the most recent Public Health Service guidelines for the treatment of HIV disease and related opportunistic infection, and as applicable, to develop strategies for ensuring that such services are consistent with the guidelines for improvement in the access to and quality of HIV health services.

“(2) USE OF FUNDS.—From amounts received under a grant awarded under this part for a fiscal year, the State may (in addition to amounts to which section 2618(b)(5) applies) use for activities associated with the quality management program required in paragraph (1) not more than the lesser of—

“(A) 5 percent of amounts received under the grant; or

“(B) \$3,000,000.”.

SEC. 203. GRANTS TO ESTABLISH HIV CARE CONSORTIA.

Section 2613 of the Public Health Service Act (42 U.S.C. 300ff-23) is amended—

(1) in subsection (b)(1)—

(A) in subparagraph (A), by inserting before the semicolon the following: “, particularly those experiencing disparities in access and services and those who reside in historically underserved communities”; and

(B) in subparagraph (B), by inserting after “by such consortium” the following: “is consistent with the comprehensive plan under 2617(b)(4) and”;

(2) in subsection (c)(1)—

(A) in subparagraph (D), by striking “and” after the semicolon at the end;

(B) in subparagraph (E), by striking the period and inserting “; and”; and

(C) by adding at the end the following subparagraph:

“(F) demonstrates that adequate planning occurred to address disparities in access and services and historically underserved communities.”; and

(3) in subsection (c)(2)—

(A) in subparagraph (B), by striking “and” after the semicolon;

(B) in subparagraph (C), by striking the period and inserting “; and”; and

(C) by inserting after subparagraph (C) the following subparagraph:

“(D) the types of entities described in section 2602(b)(2).”.

SEC. 204. PROVISION OF TREATMENTS.

(a) IN GENERAL.—Section 2616(c) of the Public Health Service Act (42 U.S.C. 300ff-26(c)) is amended—

(1) in paragraph (4), by striking “and” after the semicolon at the end;

(2) in paragraph (5), by striking the period and inserting “; and”; and

(3) by inserting after paragraph (5) the following:

“(6) encourage, support, and enhance adherence to and compliance with treatment regimens, including related medical monitoring.

“Of the amount reserved by a State for a fiscal year for use under this section, the State may not use more than 5 percent to carry out services under paragraph (6), except that the percentage applicable with respect to such paragraph is 10 percent if the State demonstrates to the Secretary that such additional services are essential and in no way diminish access to the therapeutics described in subsection (a).”.

(b) HEALTH INSURANCE AND PLANS.—Section 2616 of the Public Health Service Act (42 U.S.C. 300ff-26) is amended by adding at the end the following subsection:

“(e) USE OF HEALTH INSURANCE AND PLANS.—

“(1) IN GENERAL.—In carrying out subsection (a), a State may expend a grant under this part to provide the therapeutics described in such subsection by paying on behalf of individuals with HIV disease the costs of purchasing or maintaining health insurance or plans whose coverage includes a full range of such therapeutics and appropriate primary care services.

“(2) LIMITATION.—The authority established in paragraph (1) applies only to the extent that, for the fiscal year involved, the costs of the health insurance or plans to be

purchased or maintained under such paragraph do not exceed the costs of otherwise providing therapeutics described in subsection (a).”.

SEC. 205. STATE APPLICATION.

(a) DETERMINATION OF SIZE AND NEEDS OF POPULATION; COMPREHENSIVE PLAN.—Section 2617(b) of the Public Health Service Act (42 U.S.C. 300ff-27(b)) is amended—

(1) by redesignating paragraphs (2) through (4) as paragraphs (4) through (6), respectively;

(2) by inserting after paragraph (1) the following paragraphs:

“(2) a determination of the size and demographics of the population of individuals with HIV disease in the State;

“(3) a determination of the needs of such population, with particular attention to—

“(A) individuals with HIV disease who know their HIV status and are not receiving HIV-related services; and

“(B) disparities in access and services among affected subpopulations and historically underserved communities.”; and

(3) in paragraph (4) (as so redesignated)—

(A) by striking “comprehensive plan for the organization” and inserting “comprehensive plan that describes the organization”; and

(B) by striking “, including—” and inserting “, and that—”;

(C) by redesignating subparagraphs (A) through (C) as subparagraphs (D) through (F), respectively;

(D) by inserting before subparagraph (C) the following subparagraphs:

“(A) establishes priorities for the allocation of funds within the State based on—

“(i) size and demographics of the population of individuals with HIV disease (as determined under paragraph (2)) and the needs of such population (as determined under paragraph (3));

“(ii) availability of other governmental and non-governmental resources, including the State Medicaid plan under title XIX of the Social Security Act and the State Children’s Health Insurance Program under title XXI of such Act to cover health care costs of eligible individuals and families with HIV disease;

“(iii) capacity development needs resulting from disparities in the availability of HIV-related services in historically underserved communities and rural communities; and

“(iv) the efficiency of the administrative mechanism of the State for rapidly allocating funds to the areas of greatest need within the State;

“(B) includes a strategy for identifying individuals who know their HIV status and are not receiving such services and for informing the individuals of and enabling the individuals to utilize the services, giving particular attention to eliminating disparities in access and services among affected subpopulations and historically underserved communities, and including discrete goals, a timetable, and an appropriate allocation of funds;

“(C) includes a strategy to coordinate the provision of such services with programs for HIV prevention (including outreach and early intervention) and for the prevention and treatment of substance abuse (including programs that provide comprehensive treatment services for such abuse).”;

(E) in subparagraph (D) (as redesignated by subparagraph (C) of this paragraph), by inserting “describes” before “the services and activities”;

(F) in subparagraph (E) (as so redesignated), by inserting “provides” before “a description”; and

(G) in subparagraph (F) (as so redesignated), by inserting “provides” before “a description”.

(b) PUBLIC PARTICIPATION.—Section 2617(b) of the Public Health Service Act, as amended

by subsection (a) of this section, is amended—

(1) in paragraph (5), by striking “HIV” and inserting “HIV disease”; and

(2) in paragraph (6), by amending subparagraph (A) to read as follows:

“(A) the public health agency that is administering the grant for the State engages in a public advisory planning process, including public hearings, that includes the participants under paragraph (5), and the types of entities described in section 2602(b)(2), in developing the comprehensive plan under paragraph (4) and commenting on the implementation of such plan.”.

(c) HEALTH CARE RELATIONSHIPS.—Section 2617(b) of the Public Health Service Act, as amended by subsection (a) of this section, is amended in paragraph (6)—

(1) in subparagraph (E), by striking “and” at the end;

(2) in subparagraph (F), by striking the period and inserting “; and”; and

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

“(G) entities within areas in which activities under the grant are carried out will maintain appropriate relationships with entities in the area served that constitute key points of access to the health care system for individuals with HIV disease (including emergency rooms, substance abuse treatment programs, detoxification centers, adult and juvenile detention facilities, sexually transmitted disease clinics, HIV counseling and testing sites, mental health programs, and homeless shelters), and other entities under section 2612(c) and 2652(a), for the purpose of facilitating early intervention for individuals newly diagnosed with HIV disease and individuals knowledgeable of their HIV status but not in care.”.

SEC. 206. DISTRIBUTION OF FUNDS.

(a) MINIMUM ALLOTMENT.—Section 2618 of the Public Health Service Act (42 U.S.C. 300ff-28) is amended—

(1) by redesignating subsections (b) through (e) as subsections (a) through (d), respectively; and

(2) in subsection (a) (as so redesignated), in paragraph (1)(A)(i)—

(A) in subclause (I), by striking “\$100,000” and inserting “\$200,000”; and

(B) in subclause (II), by striking “\$250,000” and inserting “\$500,000”.

(b) AMOUNT OF GRANT; ESTIMATE OF LIVING CASES.—Section 2618(a) of the Public Health Service Act (as redesignated by subsection (a)(1) of this section) is amended in paragraph (2)—

(1) in subparagraph (D)(i), by inserting before the semicolon the following: “, except that (subject to subparagraph (E)), for grants made pursuant to this paragraph or section 2620 for fiscal year 2005 and subsequent fiscal years, the cases counted for each 12-month period beginning on or after July 1, 2004, shall be cases of HIV disease (as reported to and confirmed by such Director) rather than cases of acquired immune deficiency syndrome.”;

(2) by redesignating subparagraphs (E) through (H) as subparagraphs (F) through (I), respectively; and

(3) by inserting after subparagraph (D) the following subparagraph:

“(E) DETERMINATION OF SECRETARY REGARDING DATA ON HIV CASES.—If under 2603(a)(3)(D)(i) the Secretary determines that data on cases of HIV disease are not sufficiently accurate and reliable, then notwithstanding subparagraph (D) of this paragraph, for any fiscal year prior to fiscal year 2007 the references in such subparagraph to cases of HIV disease do not have any legal effect.”.

(c) INCREASES IN FORMULA AMOUNT.—Section 2618(a) of the Public Health Service Act

(as redesignated by subsection (a)(1) of this section) is amended—

(1) in paragraph (1)(A)(ii), by inserting before the semicolon the following: “and then, as applicable, increased under paragraph (2)(H)”; and

(2) in paragraph (2)—

(A) in subparagraph (A)(i), by striking “subparagraph (H)” and inserting “subparagraphs (H) and (I)”; and

(B) in subparagraph (H) (as redesignated by subsection (b)(2) of this section), by amending the subparagraph to read as follows:

“(H) LIMITATION.—

“(i) IN GENERAL.—The Secretary shall ensure that the amount of a grant awarded to a State or territory under section 2611 or subparagraph (I)(i) for a fiscal year is not less than—

“(I) with respect to fiscal year 2001, 99 percent;

“(II) with respect to fiscal year 2002, 98 percent;

“(III) with respect to fiscal year 2003, 97 percent;

“(IV) with respect to fiscal year 2004, 96 percent; and

“(V) with respect to fiscal year 2005, 95 percent.

of the amount such State or territory received for fiscal year 2000 under section 2611 or subparagraph (I)(i), respectively (notwithstanding such subparagraph). In administering this subparagraph, the Secretary shall, with respect to States or territories that will under such section receive grants in amounts that exceed the amounts that such States received under such section or subparagraph for fiscal year 2000, proportionally reduce such amounts to ensure compliance with this subparagraph. In making such reductions, the Secretary shall ensure that no such State receives less than that State received for fiscal year 2000.

“(ii) RATABLY REDUCTION.—If the amount appropriated under section 2677 for a fiscal year and available for grants under section 2611 or subparagraph (I)(i) is less than the amount appropriated and available for fiscal year 2000 under section 2611 or subparagraph (I)(i), respectively, the limitation contained in clause (i) for the grants involved shall be reduced by a percentage equal to the percentage of the reduction in such amounts appropriated and available.”.

(d) TERRITORIES.—Section 2618(a) of the Public Health Service Act (as redesignated by subsection (a)(1) of this section) is amended in paragraph (1)(B) by inserting “the greater of \$50,000 or” after “shall be”.

(e) SEPARATE TREATMENT DRUG GRANTS.—Section 2618(a) of the Public Health Service Act (as redesignated by subsection (a)(1) of this section and amended by subsection (b)(2) of this section) is amended in paragraph (2)(I)—

(1) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively;

(2) by striking “(I) APPROPRIATIONS” and all that follows through “With respect to” and inserting the following:

“(I) APPROPRIATIONS FOR TREATMENT DRUG PROGRAM.—

“(i) FORMULA GRANTS.—With respect to”;

(3) in subclause (I) of clause (i) (as designated by paragraphs (1) and (2)), by inserting before the semicolon the following: “, less the percentage reserved under clause (ii)(V)”; and

(4) by adding at the end the following clause:

“(ii) SUPPLEMENTAL TREATMENT DRUG GRANTS.—

“(I) IN GENERAL.—From amounts made available under subclause (V), the Secretary shall make supplemental grants to States described in subclause (II) to enable such

States to increase access to therapeutics described in section 2616(a), as provided by the State under section 2616(c)(2).

“(II) ELIGIBLE STATES.—For purposes of subclause (I), a State described in this subclause is a State that, in accordance with criteria established by the Secretary, demonstrates a severe need for a grant under such subclause. In developing such criteria, the Secretary shall consider eligibility standards, formulary composition, and the number of eligible individuals at or below 200 percent of the official poverty line to whom the State is unable to provide therapeutics described in section 2616(a).

“(III) STATE REQUIREMENTS.—The Secretary may not make a grant to a State under this clause unless the State agrees that—

“(aa) the State will make available (directly or through donations from public or private entities) non-Federal contributions toward the activities to be carried out under the grant in an amount equal to \$1 for each \$4 of Federal funds provided in the grant; and

“(bb) the State will not impose eligibility requirements for services or scope of benefits limitations under section 2616(a) that are more restrictive than such requirements in effect as of January 1, 2000.

“(IV) USE AND COORDINATION.—Amounts made available under a grant under this clause shall only be used by the State to provide HIV/AIDS-related medications. The State shall coordinate the use of such amounts with the amounts otherwise provided under section 2616(a) in order to maximize drug coverage.

“(V) FUNDING.—For the purpose of making grants under this clause, the Secretary shall each fiscal year reserve 3 percent of the amount referred to in clause (i) with respect to section 2616, subject to subclause (VI).

“(VI) LIMITATION.—In reserving amounts under subclause (V) and making grants under this clause for a fiscal year, the Secretary shall ensure for each State that the total of the grant under section 2611 for the State for the fiscal year and the grant under clause (i) for the State for the fiscal year is not less than such total for the State for the preceding fiscal year.”.

(f) TECHNICAL AMENDMENT.—Section 2618(a) of the Public Health Service Act (as redesignated by subsection (a)(1) of this section) is amended in paragraph (3)(B) by striking “and the Republic of the Marshall Islands” and inserting “the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau, and only for purposes of paragraph (1) the Commonwealth of Puerto Rico”.

SEC. 207. SUPPLEMENTAL GRANTS FOR CERTAIN STATES.

Subpart I of part B of title XXVI of the Public Health Service Act (42 U.S.C. 300ff-11 et seq.) is amended—

(1) by striking section 2621; and

(2) by inserting after section 2619 the following section:

“SEC. 2620. SUPPLEMENTAL GRANTS.

“(a) IN GENERAL.—The Secretary shall award supplemental grants to States determined to be eligible under subsection (b) to enable such States to provide comprehensive services of the type described in section 2612(a) to supplement the services otherwise provided by the State under a grant under this subpart in emerging communities within the State that are not eligible to receive grants under part A.

“(b) ELIGIBILITY.—To be eligible to receive a supplemental grant under subsection (a), a State shall—

“(1) be eligible to receive a grant under this subpart;

“(2) demonstrate the existence in the State of an emerging community as defined in subsection (d)(1); and

“(3) submit the information described in subsection (c).

“(c) REPORTING REQUIREMENTS.—A State that desires a grant under this section shall, as part of the State application submitted under section 2617, submit a detailed description of the manner in which the State will use amounts received under the grant and of the severity of need. Such description shall include—

“(1) a report concerning the dissemination of supplemental funds under this section and the plan for the utilization of such funds in the emerging community;

“(2) a demonstration of the existing commitment of local resources, both financial and in-kind;

“(3) a demonstration that the State will maintain HIV-related activities at a level that is equal to not less than the level of such activities in the State for the 1-year period preceding the fiscal year for which the State is applying to receive a grant under this part;

“(4) a demonstration of the ability of the State to utilize such supplemental financial resources in a manner that is immediately responsive and cost effective;

“(5) a demonstration that the resources will be allocated in accordance with the local demographic incidence of AIDS including appropriate allocations for services for infants, children, women, and families with HIV disease;

“(6) a demonstration of the inclusiveness of the planning process, with particular emphasis on affected communities and individuals with HIV disease; and

“(7) a demonstration of the manner in which the proposed services are consistent with local needs assessments and the statewide coordinated statement of need.

“(d) DEFINITION OF EMERGING COMMUNITY.—In this section, the term ‘emerging community’ means a metropolitan area—

“(1) that is not eligible for a grant under part A; and

“(2) for which there has been reported to the Director of the Centers for Disease Control and Prevention a cumulative total of between 500 and 1999 cases of acquired immune deficiency syndrome for the most recent period of 5 calendar years for which such data are available (except that, for fiscal year 2005 and subsequent fiscal years, cases of HIV disease shall be counted rather than cases of acquired immune deficiency syndrome if cases of HIV disease are being counted for purposes of section 2618(a)(2)(D)(i)).

“(e) FUNDING.—

“(1) IN GENERAL.—Subject to paragraph (2), with respect to each fiscal year beginning with fiscal year 2001, the Secretary, to carry out this section, shall utilize—

“(A) the greater of—

“(i) 25 percent of the amount appropriated under 2677 to carry out part B, excluding the amount appropriated under section 2618(a)(2)(I), for such fiscal year that is in excess of the amount appropriated to carry out such part in fiscal year preceding the fiscal year involved; or

“(ii) \$5,000,000;

to provide funds to States for use in emerging communities with at least 1000, but less than 2000, cases of AIDS as reported to and confirmed by the Director of the Centers for Disease Control and Prevention for the five year period preceding the year for which the grant is being awarded; and

“(B) the greater of—

“(i) 25 percent of the amount appropriated under 2677 to carry out part B, excluding the amount appropriated under section

2618(a)(2)(I), for such fiscal year that is in excess of the amount appropriated to carry out such part in fiscal year preceding the fiscal year involved; or

“(ii) \$5,000,000;

to provide funds to States for use in emerging communities with at least 500, but less than 1000, cases of AIDS reported to and confirmed by the Director of the Centers for Disease Control and Prevention for the five year period preceding the year for which the grant is being awarded.

“(2) TRIGGER OF FUNDING.—This section shall be effective only for fiscal years beginning in the first fiscal year in which the amount appropriated under 2677 to carry out part B, excluding the amount appropriated under section 2618(a)(2)(I), exceeds by at least \$20,000,000 the amount appropriated under 2677 to carry out part B in fiscal year 2000, excluding the amount appropriated under section 2618(a)(2)(I).

“(3) MINIMUM AMOUNT IN FUTURE YEARS.—Beginning with the first fiscal year in which amounts provided for emerging communities under paragraph (1)(A) equals \$5,000,000 and under paragraph (1)(B) equals \$5,000,000, the Secretary shall ensure that amounts made available under this section for the types of emerging communities described in each such paragraph in subsequent fiscal years is at least \$5,000,000.

“(4) DISTRIBUTION.—Grants under this section for emerging communities shall be formula grants. There shall be two categories of such formula grants, as follows:

“(A) One category of such grants shall be for emerging communities for which the cumulative total of cases for purposes of subsection (d)(2) is 999 or fewer cases. The grant made to such an emerging community for a fiscal year shall be the product of—

“(i) an amount equal to 50 percent of the amount available pursuant to this subsection for the fiscal year involved; and

“(ii) a percentage equal to the ratio constituted by the number of cases for such emerging community for the fiscal year over the aggregate number of such cases for such year for all emerging communities to which this subparagraph applies.

“(B) The other category of formula grants shall be for emerging communities for which the cumulative total of cases for purposes of subsection (d)(2) is 1000 or more cases. The grant made to such an emerging community for a fiscal year shall be the product of—

“(i) an amount equal to 50 percent of the amount available pursuant to this subsection for the fiscal year involved; and

“(ii) a percentage equal to the ratio constituted by the number of cases for such community for the fiscal year over the aggregate number of such cases for the fiscal year for all emerging communities to which this subparagraph applies.”.

Subtitle B—Provisions Concerning Pregnancy and Perinatal Transmission of HIV

SEC. 211. REPEALS.

Subpart II of part B of title XXVI of the Public Health Service Act (42 U.S.C. 300ff-33 et seq.) is amended—

(1) in section 2626, by striking each of subsections (d) through (f);

(2) by striking sections 2627 and 2628; and

(3) by redesignating section 2629 as section 2627.

SEC. 212. GRANTS.

(a) IN GENERAL.—Section 2625(c) of the Public Health Service Act (42 U.S.C. 300ff-33) is amended—

(1) in paragraph (1), by inserting at the end the following subparagraph:

“(F) Making available to pregnant women with HIV disease, and to the infants of women with such disease, treatment services

for such disease in accordance with applicable recommendations of the Secretary.”;

(2) by amending paragraph (2) to read as follows:

“(2) FUNDING.—

“(A) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there are authorized to be appropriated \$30,000,000 for each of the fiscal years 2001 through 2005. Amounts made available under section 2677 for carrying out this part are not available for carrying out this section unless otherwise authorized.

“(B) ALLOCATIONS FOR CERTAIN STATES.—

“(i) IN GENERAL.—Of the amounts appropriated under subparagraph (A) for a fiscal year in excess of \$10,000,000—

“(1) the Secretary shall reserve the applicable percentage under clause (iv) for making grants under paragraph (1) both to States described in clause (ii) and States described in clause (iii); and

“(II) the Secretary shall reserve the remaining amounts for other States, taking into consideration the factors described in subparagraph (C)(iii), except that this subsection does not apply to any State that for the fiscal year involved is receiving amounts pursuant to subclause (I).

“(ii) REQUIRED TESTING OF NEWBORNS.—For purposes of clause (i)(I), the States described in this clause are States that under law (including under regulations or the discretion of State officials) have—

“(I) a requirement that all newborn infants born in the State be tested for HIV disease and that the biological mother of each such infant, and the legal guardian of the infant (if other than the biological mother), be informed of the results of the testing; or

“(II) a requirement that newborn infants born in the State be tested for HIV disease in circumstances in which the attending obstetrician for the birth does not know the HIV status of the mother of the infant, and that the biological mother of each such infant, and the legal guardian of the infant (if other than the biological mother), be informed of the results of the testing.

“(iii) MOST SIGNIFICANT REDUCTION IN CASES OF PERINATAL TRANSMISSION.—For purposes of clause (i)(I), the States described in this clause are the following (exclusive of States described in clause (ii)), as applicable:

“(I) For fiscal years 2001 and 2002, the two States that, relative to other States, have the most significant reduction in the rate of new cases of the perinatal transmission of HIV (as indicated by the number of such cases reported to the Director of the Centers for Disease Control and Prevention for the most recent periods for which the data are available).

“(II) For fiscal years 2003 and 2004, the three States that have the most significant such reduction.

“(III) For fiscal year 2005, the four States that have the most significant such reduction.

“(iv) APPLICABLE PERCENTAGE.—For purposes of clause (i), the applicable amount for a fiscal year is as follows:

“(I) For fiscal year 2001, 33 percent.

“(II) For fiscal year 2002, 50 percent.

“(III) For fiscal year 2003, 67 percent.

“(IV) For fiscal year 2004, 75 percent.

“(V) For fiscal year 2005, 75 percent.

“(C) CERTAIN PROVISIONS.—With respect to grants under paragraph (1) that are made with amounts reserved under subparagraph (B) of this paragraph:

“(i) Such a grant may not be made in an amount exceeding \$4,000,000.

“(ii) If pursuant to clause (i) or pursuant to an insufficient number of qualifying applications for such grants (or both), the full amount reserved under subparagraph (B) for a fiscal year is not obligated, the require-

ment under such subparagraph to reserve amounts ceases to apply.

“(iii) In the case of a State that meets the conditions to receive amounts reserved under subparagraph (B)(i)(II), the Secretary shall in making grants consider the following factors:

“(I) The extent of the reduction in the rate of new cases of the perinatal transmission of HIV.

“(II) The extent of the reduction in the rate of new cases of perinatal cases of acquired immune deficiency syndrome.

“(III) The overall incidence of cases of infection with HIV among women of childbearing age.

“(IV) The overall incidence of cases of acquired immune deficiency syndrome among women of childbearing age.

“(V) The higher acceptance rate of HIV testing of pregnant women.

“(VI) The extent to which women and children with HIV disease are receiving HIV-related health services.

“(VII) The extent to which HIV-exposed children are receiving health services appropriate to such exposure.”; and

(3) by adding at the end the following paragraph:

“(4) MAINTENANCE OF EFFORT.—A condition for the receipt of a grant under paragraph (1) is that the State involved agree that the grant will be used to supplement and not supplant other funds available to the State to carry out the purposes of the grant.”.

(b) SPECIAL FUNDING RULE FOR FISCAL YEAR 2001.—

(1) IN GENERAL.—If for fiscal year 2001 the amount appropriated under paragraph (2)(A) of section 2625(c) of the Public Health Service Act is less than \$14,000,000—

(A) the Secretary of Health and Human Services shall, for the purpose of making grants under paragraph (1) of such section, reserve from the amount specified in paragraph (2) of this subsection an amount equal to the difference between \$14,000,000 and the amount appropriated under paragraph (2)(A) of such section for such fiscal year (notwithstanding any other provision of this Act or the amendments made by this Act);

(B) the amount so reserved shall, for purposes of paragraph (2)(B)(i) of such section, be considered to have been appropriated under paragraph (2)(A) of such section; and

(C) the percentage specified in paragraph (2)(B)(iv)(I) of such section is deemed to be 50 percent.

(2) ALLOCATION FROM INCREASES IN FUNDING FOR PART B.—For purposes of paragraph (1), the amount specified in this paragraph is the amount by which the amount appropriated under section 2677 of the Public Health Service Act for fiscal year 2001 and available for grants under section 2611 of such Act is an increase over the amount so appropriated and available for fiscal year 2000.

SEC. 213. STUDY BY INSTITUTE OF MEDICINE.

Subpart II of part B of title XXVI of the Public Health Service Act, as amended by section 211(3), is amended by adding at the end the following section:

“SEC. 2628. RECOMMENDATIONS FOR REDUCING INCIDENCE OF PERINATAL TRANSMISSION.

“(a) STUDY BY INSTITUTE OF MEDICINE.—

“(1) IN GENERAL.—The Secretary shall request the Institute of Medicine to enter into an agreement with the Secretary under which such Institute conducts a study to provide the following:

“(A) For the most recent fiscal year for which the information is available, a determination of the number of newborn infants with HIV born in the United States with respect to whom the attending obstetrician for the birth did not know the HIV status of the mother.

“(B) A determination for each State of any barriers, including legal barriers, that prevent or discourage an obstetrician from making it a routine practice to offer pregnant women an HIV test and a routine practice to test newborn infants for HIV disease in circumstances in which the obstetrician does not know the HIV status of the mother of the infant.

“(C) Recommendations for each State for reducing the incidence of cases of the perinatal transmission of HIV, including recommendations on removing the barriers identified under subparagraph (B).

If such Institute declines to conduct the study, the Secretary shall enter into an agreement with another appropriate public or nonprofit private entity to conduct the study.

“(2) REPORT.—The Secretary shall ensure that, not later than 18 months after the effective date of this section, the study required in paragraph (1) is completed and a report describing the findings made in the study is submitted to the appropriate committees of the Congress, the Secretary, and the chief public health official of each of the States.

“(b) PROGRESS TOWARD RECOMMENDATIONS.—In fiscal year 2004, the Secretary shall collect information from the States describing the actions taken by the States toward meeting the recommendations specified for the States under subsection (a)(1)(C).

“(c) SUBMISSION OF REPORTS TO CONGRESS.—The Secretary shall submit to the appropriate committees of the Congress reports describing the information collected under subsection (b).”.

Subtitle C—Certain Partner Notification Programs

SEC. 221. GRANTS FOR COMPLIANT PARTNER NOTIFICATION PROGRAMS.

Part B of title XXVI of the Public Health Service Act (42 U.S.C. 300ff-21 et seq.) is amended by adding at the end the following subpart:

“Subpart III—Certain Partner Notification Programs

“SEC. 2631. GRANTS FOR PARTNER NOTIFICATION PROGRAMS.

“(a) IN GENERAL.—In the case of States whose laws or regulations are in accordance with subsection (b), the Secretary, subject to subsection (c)(2), may make grants to the States for carrying out programs to provide partner counseling and referral services.

“(b) DESCRIPTION OF COMPLIANT STATE PROGRAMS.—For purposes of subsection (a), the laws or regulations of a State are in accordance with this subsection if under such laws or regulations (including programs carried out pursuant to the discretion of State officials) the following policies are in effect:

“(1) The State requires that the public health officer of the State carry out a program of partner notification to inform partners of individuals with HIV disease that the partners may have been exposed to the disease.

“(2)(A) In the case of a health entity that provides for the performance on an individual of a test for HIV disease, or that treats the individual for the disease, the State requires, subject to subparagraph (B), that the entity confidentially report the positive test results to the State public health officer in a manner recommended and approved by the Director of the Centers for Disease Control and Prevention, together with such additional information as may be necessary for carrying out such program.

“(B) The State may provide that the requirement of subparagraph (A) does not apply to the testing of an individual for HIV disease if the individual underwent the testing through a program designed to perform

the test and provide the results to the individual without the individual disclosing his or her identity to the program. This subparagraph may not be construed as affecting the requirement of subparagraph (A) with respect to a health entity that treats an individual for HIV disease.

“(3) The program under paragraph (1) is carried out in accordance with the following:

“(A) Partners are provided with an appropriate opportunity to learn that the partners have been exposed to HIV disease, subject to subparagraph (B).

“(B) The State does not inform partners of the identity of the infected individuals involved.

“(C) Counseling and testing for HIV disease are made available to the partners and to infected individuals, and such counseling includes information on modes of transmission for the disease, including information on prenatal and perinatal transmission and preventing transmission.

“(D) Counseling of infected individuals and their partners includes the provision of information regarding therapeutic measures for preventing and treating the deterioration of the immune system and conditions arising from the disease, and the provision of other prevention-related information.

“(E) Referrals for appropriate services are provided to partners and infected individuals, including referrals for support services and legal aid.

“(F) Notifications under subparagraph (A) are provided in person, unless doing so is an unreasonable burden on the State.

“(G) There is no criminal or civil penalty on, or civil liability for, an infected individual if the individual chooses not to identify the partners of the individual, or the individual does not otherwise cooperate with such program.

“(H) The failure of the State to notify partners is not a basis for the civil liability of any health entity who under the program reported to the State the identity of the infected individual involved.

“(I) The State provides that the provisions of the program may not be construed as prohibiting the State from providing a notification under subparagraph (A) without the consent of the infected individual involved.

“(4) The State annually reports to the Director of the Centers for Disease Control and Prevention the number of individuals from whom the names of partners have been sought under the program under paragraph (1), the number of such individuals who provided the names of partners, and the number of partners so named who were notified under the program.

“(5) The State cooperates with such Director in carrying out a national program of partner notification, including the sharing of information between the public health officers of the States.

“(c) REPORTING SYSTEM FOR CASES OF HIV DISEASE; PREFERENCE IN MAKING GRANTS.—In making grants under subsection (a), the Secretary shall give preference to States whose reporting systems for cases of HIV disease produce data on such cases that is sufficiently accurate and reliable for use for purposes of section 2618(a)(2)(D)(i).

“(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated \$30,000,000 for fiscal year 2001, and such sums as may be necessary for each of the fiscal years 2002 through 2005.”.

TITLE III—EARLY INTERVENTION SERVICES

Subtitle A—Formula Grants for States

SEC. 301. REPEAL OF PROGRAM.

(a) REPEAL.—Subpart I of part C of title XXVI of the Public Health Service Act (42 U.S.C. 300ff-41 et seq.) is repealed.

(b) CONFORMING AMENDMENTS.—Part C of title XXVI of the Public Health Service Act (42 U.S.C. 300ff-41 et seq.), as amended by subsection (a) of this section, is amended—

(1) by redesignating subparts II and III as subparts I and II, respectively;

(2) in section 2661(a), by striking “unless—” and all that follows through “(2) in the case of” and inserting “unless, in the case of”;

(3) in section 2664—

(A) in subsection (e)(5), by striking “2642(b) or”;

(B) in subsection (f)(2), by striking “2642(b) or”;

(C) by striking subsection (h).

Subtitle B—Categorical Grants

SEC. 311. PREFERENCES IN MAKING GRANTS.

Section 2653 of the Public Health Service Act (42 U.S.C. 300ff-53) is amended by adding at the end the following subsection:

“(d) CERTAIN AREAS.—Of the applicants who qualify for preference under this section—

“(1) the Secretary shall give preference to applicants that will expend the grant under section 2651 to provide early intervention under such section in rural areas; and

“(2) the Secretary shall give special consideration to areas that are underserved with respect to such services.”.

SEC. 312. PLANNING AND DEVELOPMENT GRANTS.

(a) IN GENERAL.—Section 2654(c)(1) of the Public Health Service Act (42 U.S.C. 300ff-54(c)(1)) is amended by striking “planning grants” and all that follows and inserting the following: “planning grants to public and nonprofit private entities for purposes of—

“(A) enabling such entities to provide HIV early intervention services; and

“(B) assisting the entities in expanding their capacity to provide HIV-related health services, including early intervention services, in low-income communities and affected subpopulations that are underserved with respect to such services (subject to the condition that a grant pursuant to this subparagraph may not be expended to purchase or improve land, or to purchase, construct, or permanently improve, other than minor remodeling, any building or other facility).”.

(b) AMOUNT; DURATION.—Section 2654(c) of the Public Health Service Act (42 U.S.C. 300ff-54(c)) is further amended—

(1) by redesignating paragraph (4) as paragraph (5); and

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

“(4) AMOUNT AND DURATION OF GRANTS.—

“(A) EARLY INTERVENTION SERVICES.—A grant under paragraph (1)(A) may be made in an amount not to exceed \$50,000.

“(B) CAPACITY DEVELOPMENT.—

“(i) AMOUNT.—A grant under paragraph (1)(B) may be made in an amount not to exceed \$150,000.

“(ii) DURATION.—The total duration of a grant under paragraph (1)(B), including any renewal, may not exceed 3 years.”.

(c) INCREASE IN LIMITATION.—Section 2654(c)(5) of the Public Health Service Act (42 U.S.C. 300ff-54(c)(5)), as redesignated by subsection (b), is amended by striking “1 percent” and inserting “5 percent”.

SEC. 313. AUTHORIZATION OF APPROPRIATIONS.

Section 2655 of the Public Health Service Act (42 U.S.C. 300ff-55) is amended by striking “in each of” and all that follows and inserting “for each of the fiscal years 2001 through 2005.”.

Subtitle C—General Provisions

SEC. 321. PROVISION OF CERTAIN COUNSELING SERVICES.

Section 2662(c)(3) of the Public Health Service Act (42 U.S.C. 300ff-62(c)(3)) is amended—

(1) in the matter preceding subparagraph (A), by striking “counseling on—” and inserting “counseling—”;

(2) in each of subparagraphs (A), (B), and (D), by inserting “on” after the subparagraph designation; and

(3) in subparagraph (C)—

(A) by striking “(C) the benefits” and inserting “(C)(i) that explains the benefits”; and

(B) by inserting after clause (i) (as designated by subparagraph (A) of this paragraph) the following clause:

“(i) that emphasizes it is the duty of infected individuals to disclose their infected status to their sexual partners and their partners in the sharing of hypodermic needles; that provides advice to infected individuals on the manner in which such disclosures can be made; and that emphasizes that it is the continuing duty of the individuals to avoid any behaviors that will expose others to HIV.”.

SEC. 322. ADDITIONAL REQUIRED AGREEMENTS.

Section 2664(g) of the Public Health Service Act (42 U.S.C. 300ff-64(g)) is amended—

(1) in paragraph (3)—

(A) by striking “7.5 percent” and inserting “10 percent”; and

(B) by striking “and” after the semicolon at the end;

(2) in paragraph (4), by striking the period and inserting “; and”; and

(3) by adding at the end the following paragraph:

“(5) the applicant will provide for the establishment of a quality management program—

“(A) to assess the extent to which medical services funded under this title that are provided to patients are consistent with the most recent Public Health Service guidelines for the treatment of HIV disease and related opportunistic infections, and as applicable, to develop strategies for ensuring that such services are consistent with the guidelines; and

“(B) to ensure that improvements in the access to and quality of HIV health services are addressed.”.

TITLE IV—OTHER PROGRAMS AND ACTIVITIES

Subtitle A—Certain Programs for Research, Demonstrations, or Training

SEC. 401. GRANTS FOR COORDINATED SERVICES AND ACCESS TO RESEARCH FOR WOMEN, INFANTS, CHILDREN, AND YOUTH.

(a) ELIMINATION OF REQUIREMENT TO ENROLL SIGNIFICANT NUMBERS OF WOMEN AND CHILDREN.—Section 2671(b) (42 U.S.C. 300ff-71(b)) is amended—

(1) in paragraph (1), by striking subparagraphs (C) and (D) and inserting the following:

“(C) The applicant will demonstrate linkages to research and how access to such research is being offered to patients.”; and

(2) by striking paragraphs (3) and (4).

(b) INFORMATION AND EDUCATION.—Section 2671(d) (42 U.S.C. 300ff-71(d)) is amended by adding at the end the following:

“(4) The applicant will provide individuals with information and education on opportunities to participate in HIV/AIDS-related clinical research.”.

(c) QUALITY MANAGEMENT; ADMINISTRATIVE EXPENSES CEILING.—Section 2671(f) (42 U.S.C. 300ff-71(f)) is amended—

(1) by striking the subsection heading and designation and inserting the following:

“(f) ADMINISTRATION.—

“(1) APPLICATION.—”; and

(2) by adding at the end the following:

“(2) QUALITY MANAGEMENT PROGRAM.—A grantee under this section shall implement a quality management program to assess the

extent to which HIV health services provided to patients under the grant are consistent with the most recent Public Health Service guidelines for the treatment of HIV disease and related opportunistic infection, and as applicable, to develop strategies for ensuring that such services are consistent with the guidelines for improvement in the access to and quality of HIV health services.”.

(d) COORDINATION.—Section 2671(g) (42 U.S.C. 300ff-71(g)) is amended by adding at the end the following: “The Secretary acting through the Director of NIH, shall examine the distribution and availability of ongoing and appropriate HIV/AIDS-related research projects to existing sites under this section for purposes of enhancing and expanding voluntary access to HIV-related research, especially within communities that are not reasonably served by such projects. Not later than 12 months after the date of enactment of the Ryan White CARE Act Amendments of 2000, the Secretary shall prepare and submit to the appropriate committees of Congress a report that describes the findings made by the Director and the manner in which the conclusions based on those findings can be addressed.”.

(e) ADMINISTRATIVE EXPENSES.—Section 2671 of the Public Health Service Act (42 U.S.C. 300ff-71) is amended—

(1) by redesignating subsections (i) and (j) as subsections (j) and (k), respectively; and

(2) by inserting after subsection (h) the following subsection:

“(i) LIMITATION ON ADMINISTRATIVE EXPENSES.—

“(1) DETERMINATION BY SECRETARY.—Not later than 12 months after the date of enactment of the Ryan White Care Act Amendments of 2000, the Secretary, in consultation with grantees under this part, shall conduct a review of the administrative, program support, and direct service-related activities that are carried out under this part to ensure that eligible individuals have access to quality, HIV-related health and support services and research opportunities under this part, and to support the provision of such services.

“(2) REQUIREMENTS.—

“(A) IN GENERAL.—Not later than 180 days after the expiration of the 12-month period referred to in paragraph (1) the Secretary, in consultation with grantees under this part, shall determine the relationship between the costs of the activities referred to in paragraph (1) and the access of eligible individuals to the services and research opportunities described in such paragraph.

“(B) LIMITATION.—After a final determination under subparagraph (A), the Secretary may not make a grant under this part unless the grantee complies with such requirements as may be included in such determination.”.

(f) AUTHORIZATION OF APPROPRIATIONS.—Section 2671 of the Public Health Service Act (42 U.S.C. 300ff-71) is amended in subsection (j) (as redesignated by subsection (e)(1) of this section) by striking “fiscal years 1996 through 2000” and inserting “fiscal years 2001 through 2005”.

SEC. 402. AIDS EDUCATION AND TRAINING CENTERS.

(a) SCHOOLS; CENTERS.—

(1) IN GENERAL.—Section 2692(a)(1) of the Public Health Service Act (42 U.S.C. 300ff-111(a)(1)) is amended—

(A) in subparagraph (A)—

(i) by striking “training” and inserting “to train”;

(ii) by striking “and including” and inserting “, including”; and

(iii) by inserting before the semicolon the following: “, and including (as applicable to the type of health professional involved), prenatal and other gynecological care for women with HIV disease”;

(B) in subparagraph (B), by striking “and” after the semicolon at the end;

(C) in subparagraph (C), by striking the period and inserting “; and”; and

(D) by adding at the end the following:

“(D) to develop protocols for the medical care of women with HIV disease, including prenatal and other gynecological care for such women.”.

(2) DISSEMINATION OF TREATMENT GUIDELINES; MEDICAL CONSULTATION ACTIVITIES.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall issue and begin implementation of a strategy for the dissemination of HIV treatment information to health care providers and patients.

(b) DENTAL SCHOOLS.—Section 2692(b) of the Public Health Service Act (42 U.S.C. 300ff-111(b)) is amended—

(1) by amending paragraph (1) to read as follows:

“(1) IN GENERAL.—

“(A) GRANTS.—The Secretary may make grants to dental schools and programs described in subparagraph (B) to assist such schools and programs with respect to oral health care to patients with HIV disease.

“(B) ELIGIBLE APPLICANTS.—For purposes of this subsection, the dental schools and programs referred to in this subparagraph are dental schools and programs that were described in section 777(b)(4)(B) as such section was in effect on the day before the date of the enactment of the Health Professions Education Partnerships Act of 1998 (Public Law 105-392) and in addition dental hygiene programs that are accredited by the Commission on Dental Accreditation.”;

(2) in paragraph (2), by striking “777(b)(4)(B)” and inserting “the section referred to in paragraph (1)(B)”;

(3) by inserting after paragraph (4) the following paragraph:

“(5) COMMUNITY-BASED CARE.—The Secretary may make grants to dental schools and programs described in paragraph (1)(B) that partner with community-based dentists to provide oral health care to patients with HIV disease in unserved areas. Such partnerships shall permit the training of dental students and residents and the participation of community dentists as adjunct faculty.”.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) SCHOOLS; CENTERS.—Section 2692(c)(1) of the Public Health Service Act (42 U.S.C. 300ff-111(c)(1)) is amended by striking “fiscal years 1996 through 2000” and inserting “fiscal years 2001 through 2005”.

(2) DENTAL SCHOOLS.—Section 2692(c)(2) of the Public Health Service Act (42 U.S.C. 300ff-111(c)(2)) is amended to read as follows:

“(2) DENTAL SCHOOLS.—

“(A) IN GENERAL.—For the purpose of grants under paragraphs (1) through (4) of subsection (b), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.

“(B) COMMUNITY-BASED CARE.—For the purpose of grants under subsection (b)(5), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.”.

Subtitle B—General Provisions in Title XXVI

SEC. 411. EVALUATIONS AND REPORTS.

Section 2674(c) of the Public Health Service Act (42 U.S.C. 300ff-74(c)) is amended by striking “1991 through 1995” and inserting “2001 through 2005”.

SEC. 412. DATA COLLECTION THROUGH CENTERS FOR DISEASE CONTROL AND PREVENTION.

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by inserting after section 318A the following section:

“DATA COLLECTION REGARDING PROGRAMS UNDER TITLE XXVI

“SEC. 318B. For the purpose of collecting and providing data for program planning and

evaluation activities under title XXVI, there are authorized to be appropriated to the Secretary (acting through the Director of the Centers for Disease Control and Prevention) such sums as may be necessary for each of the fiscal years 2001 through 2005. Such authorization of appropriations is in addition to other authorizations of appropriations that are available for such purpose.”

SEC. 413. COORDINATION.

Section 2675 of the Public Health Service Act (42 U.S.C. 300ff-75) is amended—

(1) by amending subsection (a) to read as follows:

“(a) **REQUIREMENT.**—The Secretary shall ensure that the Health Resources and Services Administration, the Centers for Disease Control and Prevention, the Substance Abuse and Mental Health Services Administration, and the Health Care Financing Administration coordinate the planning, funding, and implementation of Federal HIV programs to enhance the continuity of care and prevention services for individuals with HIV disease or those at risk of such disease. The Secretary shall consult with other Federal agencies, including the Department of Veterans Affairs, as needed and utilize planning information submitted to such agencies by the States and entities eligible for support.”;

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

(3) by inserting after subsection (b) the following subsection:

“(b) **REPORT.**—The Secretary shall biennially prepare and submit to the appropriate committees of the Congress a report concerning the coordination efforts at the Federal, State, and local levels described in this section, including a description of Federal barriers to HIV program integration and a strategy for eliminating such barriers and enhancing the continuity of care and prevention services for individuals with HIV disease or those at risk of such disease.”; and

(4) in each of subsections (c) and (d) (as redesignated by paragraph (2) of this section), by inserting “and prevention services” after “continuity of care” each place such term appears.

SEC. 414. PLAN REGARDING RELEASE OF PRISONERS WITH HIV DISEASE.

Section 2675 of the Public Health Service Act, as amended by section 413(2) of this Act, is amended by adding at the end the following subsection:

“(e) **RECOMMENDATIONS REGARDING RELEASE OF PRISONERS.**—After consultation with the Attorney General and the Director of the Bureau of Prisons, with States, with eligible areas under part A, and with entities that receive amounts from grants under part A or B, the Secretary, consistent with the coordination required in subsection (a), shall develop a plan for the medical case management of and the provision of support services to individuals who were Federal or State prisoners and had HIV disease as of the date on which the individuals were released from the custody of the penal system. The Secretary shall submit the plan to the Congress not later than 2 years after the date of the enactment of the Ryan White CARE Act Amendments of 2000.”.

SEC. 415. AUDITS.

Part D of title XXVI of the Public Health Service Act (42 U.S.C. 300ff-71 et seq.) is amended by inserting after section 2675 the following section:

“SEC. 2675A. AUDITS.

“For fiscal year 2002 and subsequent fiscal years, the Secretary may reduce the amounts of grants under this title to a State or political subdivision of a State for a fiscal year if, with respect to such grants for the second preceding fiscal year, the State or subdivision fails to prepare audits in accord-

ance with the procedures of section 7502 of title 31, United States Code. The Secretary shall annually select representative samples of such audits, prepare summaries of the selected audits, and submit the summaries to the Congress.”.

SEC. 416. ADMINISTRATIVE SIMPLIFICATION.

Part D of title XXVI of the Public Health Service Act, as amended by section 415 of this Act, is amended by inserting after section 2675A the following section:

“SEC. 2675B. ADMINISTRATIVE SIMPLIFICATION REGARDING PARTS A AND B.

“(a) **COORDINATED DISBURSEMENT.**—After consultation with the States, with eligible areas under part A, and with entities that receive amounts from grants under part A or B, the Secretary shall develop a plan for coordinating the disbursement of appropriations for grants under part A with the disbursement of appropriations for grants under part B in order to assist grantees and other recipients of amounts from such grants in complying with the requirements of such parts. The Secretary shall submit the plan to the Congress not later than 18 months after the date of the enactment of the Ryan White CARE Act Amendments of 2000. Not later than 2 years after the date on which the plan is so submitted, the Secretary shall complete the implementation of the plan, notwithstanding any provision of this title that is inconsistent with the plan.

“(b) **BIENNIAL APPLICATIONS.**—After consultation with the States, with eligible areas under part A, and with entities that receive amounts from grants under part A or B, the Secretary shall make a determination of whether the administration of parts A and B by the Secretary, and the efficiency of grantees under such parts in complying with the requirements of such parts, would be improved by requiring that applications for grants under such parts be submitted biennially rather than annually. The Secretary shall submit such determination to the Congress not later than 2 years after the date of the enactment of the Ryan White CARE Act Amendments of 2000.

“(c) **APPLICATION SIMPLIFICATION.**—After consultation with the States, with eligible areas under part A, and with entities that receive amounts from grants under part A or B, the Secretary shall develop a plan for simplifying the process for applications under parts A and B. The Secretary shall submit the plan to the Congress not later than 18 months after the date of the enactment of the Ryan White CARE Act Amendments of 2000. Not later than 2 years after the date on which the plan is so submitted, the Secretary shall complete the implementation of the plan, notwithstanding any provision of this title that is inconsistent with the plan.”.

SEC. 417. AUTHORIZATION OF APPROPRIATIONS FOR PARTS A AND B.

Section 2677 of the Public Health Service Act (42 U.S.C. 300ff-77) is amended to read as follows:

“SEC. 2677. AUTHORIZATION OF APPROPRIATIONS.

“(a) **PART A.**—For the purpose of carrying out part A, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.

“(b) **PART B.**—For the purpose of carrying out part B, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.”.

TITLE V—GENERAL PROVISIONS

SEC. 501. STUDIES BY INSTITUTE OF MEDICINE.

(a) **STATE SURVEILLANCE SYSTEMS ON PREVALENCE OF HIV.**—The Secretary of Health and Human Services (referred to in this section as the “Secretary”) shall request the In-

stitute of Medicine to enter into an agreement with the Secretary under which such Institute conducts a study to provide the following:

(1) A determination of whether the surveillance system of each of the States regarding the human immunodeficiency virus provides for the reporting of cases of infection with the virus in a manner that is sufficient to provide adequate and reliable information on the number of such cases and the demographic characteristics of such cases, both for the State in general and for specific geographic areas in the State.

(2) A determination of whether such information is sufficiently accurate for purposes of formula grants under parts A and B of title XXVI of the Public Health Service Act.

(3) With respect to any State whose surveillance system does not provide adequate and reliable information on cases of infection with the virus, recommendations regarding the manner in which the State can improve the system.

(b) RELATIONSHIP BETWEEN EPIDEMIOLOGICAL MEASURES AND HEALTH CARE FOR CERTAIN INDIVIDUALS WITH HIV DISEASE.—

(1) **IN GENERAL.**—The Secretary shall request the Institute of Medicine to enter into an agreement with the Secretary under which such Institute conducts a study concerning the appropriate epidemiological measures and their relationship to the financing and delivery of primary care and health-related support services for low-income, uninsured, and under-insured individuals with HIV disease.

(2) **ISSUES TO BE CONSIDERED.**—The Secretary shall ensure that the study under paragraph (1) considers the following:

(A) The availability and utility of health outcomes measures and data for HIV primary care and support services and the extent to which those measures and data could be used to measure the quality of such funded services.

(B) The effectiveness and efficiency of service delivery (including the quality of services, health outcomes, and resource use) within the context of a changing health care and therapeutic environment, as well as the changing epidemiology of the epidemic, including determining the actual costs, potential savings, and overall financial impact of modifying the program under title XIX of the Social Security Act to establish eligibility for medical assistance under such title on the basis of infection with the human immunodeficiency virus rather than providing such assistance only if the infection has progressed to acquired immune deficiency syndrome.

(C) Existing and needed epidemiological data and other analytic tools for resource planning and allocation decisions, specifically for estimating severity of need of a community and the relationship to the allocations process.

(D) Other factors determined to be relevant to assessing an individual’s or community’s ability to gain and sustain access to quality HIV services.

(c) **OTHER ENTITIES.**—If the Institute of Medicine declines to conduct a study under this section, the Secretary shall enter into an agreement with another appropriate public or nonprofit private entity to conduct the study.

(d) **REPORT.**—The Secretary shall ensure that—

(1) not later than 3 years after the date of the enactment of this Act, the study required in subsection (a) is completed and a report describing the findings made in the study is submitted to the appropriate committees of the Congress; and

(2) not later than 2 years after the date of the enactment of this Act, the study required in subsection (b) is completed and a report describing the findings made in the study is submitted to such committees.

SEC. 502. DEVELOPMENT OF RAPID HIV TEST.

(a) EXPANSION, INTENSIFICATION, AND COORDINATION OF RESEARCH AND OTHER ACTIVITIES.—

(1) IN GENERAL.—The Director of NIH shall expand, intensify, and coordinate research and other activities of the National Institutes of Health with respect to the development of reliable and affordable tests for HIV disease that can rapidly be administered and whose results can rapidly be obtained (in this section referred to a “rapid HIV test”).

(2) REPORT TO CONGRESS.—The Director of NIH shall periodically submit to the appropriate committees of Congress a report describing the research and other activities conducted or supported under paragraph (1).

(3) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.

(b) PREMARKET REVIEW OF RAPID HIV TESTS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary, in consultation with the Director of the Centers for Disease Control and Prevention and the Commissioner of Food and Drugs, shall submit to the appropriate committees of the Congress a report describing the progress made towards, and barriers to, the premarket review and commercial

distribution of rapid HIV tests. The report shall—

(A) assess the public health need for and public health benefits of rapid HIV tests, including the minimization of false positive results through the availability of multiple rapid HIV tests;

(B) make recommendations regarding the need for the expedited review of rapid HIV test applications submitted to the Center for Biologics Evaluation and Research and, if such recommendations are favorable, specify criteria and procedures for such expedited review; and

(C) specify whether the barriers to the premarket review of rapid HIV tests include the unnecessary application of requirements—

(i) necessary to ensure the efficacy of devices for donor screening to rapid HIV tests intended for use in other screening situations; or

(ii) for identifying antibodies to HIV subtypes of rare incidence in the United States to rapid HIV tests intended for use in screening situations other than donor screening.

(c) GUIDELINES OF CENTERS FOR DISEASE CONTROL AND PREVENTION.—Promptly after commercial distribution of a rapid HIV test begins, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall establish or update guidelines that include recommendations for States, hospitals, and other appropriate entities regarding the ready availability of such tests for administration to pregnant women who are in labor or in the late stage of preg-

nancy and whose HIV status is not known to the attending obstetrician.

SEC. 503. TECHNICAL CORRECTIONS.

(a) PUBLIC HEALTH SERVICE ACT.—Title XXVI of the Public Health Service Act (42 U.S.C. 300ff-11 et seq.) is amended—

(1) in section 2605(d)—

(A) in paragraph (1), by striking “section 2608” and inserting “section 2677”; and

(B) in paragraph (4), by inserting “section” before 2601(a)”; and

(2) in section 2673(a), in the matter preceding paragraph (1), by striking “the Agency for Health Care Policy and Research” and inserting “the Director of the Agency for Healthcare Research and Quality”.

(b) RELATED ACT.—The first paragraph (2) of section 3(c) of the Ryan White Care Act Amendments of 1996 (Public Law 104-146; 110 Stat. 1354) is amended in subparagraph (A)(iii) by striking “by inserting the following new paragraph:” and inserting “by inserting before paragraph (2) (as so redesignated) the following new paragraph”.

TITLE VI—EFFECTIVE DATE

SEC. 601. EFFECTIVE DATE.

This Act and the amendments made by this Act take effect October 1, 2000, or upon the date of the enactment of this Act, whichever occurs later.

Amend the title so as to read: “A bill to amend the Public Health Service Act to revise and extend programs established under the Ryan White Comprehensive AIDS Resources Emergency Act of 1990, and for other purposes.”.