The State Flexibility Clarification Act clarifies that any legislation capping or decreasing federal financial participation in state-administered entitlement programs is an intergovernmental mandate if it doesn't provide new or expanded authority for the states to deal with the change.

It would also make the cap or decrease subject to the CBO unfunded mandates scoring process and procedural points of order. This fix will help facilitate state and local input in the drafting of new federal entitlements and changes to current entitlements.

This is a commonsense technical correction to the Unfunded Mandates Reform Act, and it has been endorsed by all of the leading organizations representing state and local governments who were so instrumental in supporting UMRA, including: the National Governors Association, the National Conference of State Legislatures, and the National Association of Counties.

Nearly identical provisions have already passed the House of Representatives twice in versions of the Mandates Information Act in both the 105th and 106th Congresses.

I commend the gentleman from New York for his leadership, and I commend the Committee on Rules for moving this important correction forward.

Mr. WAXMAN. Mr. Speaker, H.R. 3257, the State Flexibility Clarification Act, amends the Unfunded Mandates Reform Act (UMRA) to require Congressional committees and the Congressional Budget Office to give States guidance on how to reach program goals if Congress decides to reduce funding to the States. This bill does not change the definition of an unfunded mandate. Therefore, only those funding reductions for programs already defined as an unfunded mandate under the existing law would be subject to these additional analyses.

As originally introduced, H.R. 3257 would have amended the definition of an unfunded mandate to include Medicaid and other entitlement programs. Under existing law, the Congressional Budget Office has determined that these entitlement programs are exempt from UMRA because States are given sufficient flexibility to meet minimum Federal requirements without undue burden. If this definition was changed to include Medicaid, then any legislation that tightens quality standards; improves nursing home requirements; protects funding for rural or community health centers with a prospective payment system; or enhances benefits or services provided under Medicaid would become subject to a point of order on the House floor and the other procedural requirements under UMRA.

Because of our concerns, the bill's sponsors agreed to remove this change in definition. The gentleman from Georgia implied in his statement that this bill would change the definition of an unfunded mandate to include Medicaid and other entitlement programs. He was referring to the bill as originally introduced. The bill we are considering today would not amend the definition of an unfunded mandate. Therefore, Medicaid and other entitlement programs would continue to not be subject to UMRA and Congress will still be able to provide necessary oversight to ensure that States are using Federal funds for these programs for their intended purposes.

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

The SPEAKER pro tempore (Mr. OSE). The question is on the motion offered by the gentleman from New York (Mr. REYNOLDS) that the House suspend the rules and pass the bill, H.R. 3257, as amended.

The question was taken.

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

The yeas and nays were ordered.

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

RELEASING REVERSIONARY INTERESTS IN CERTAIN PROPERTY IN WASHINGTON COUNTY, UTAH

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2862) to direct the Secretary of the Interior to release reversionary interests held by the United States in certain parcels of land in Washington County, Utah, to facilitate an anticipated land exchange.

The Clerk read as follows:

H.R. 2862

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

SECTION 1. RELEASE OF REVERSIONARY INTERESTS IN CERTAIN PROPERTY IN WASHINGTON COUNTY, UTAH.

(a) RELEASE REQUIRED.—The Secretary of the Interior shall release, without consideration, the reversionary interests of the United States in certain real property located in Washington County, Utah, and depicted on the map entitled ''Exchange Parcels, Gardner & State of Utah Property'', dated April 21, 1999, to facilitate a land exchange to be conducted by the State of Utah involving the property.

(b) INSTRUMENT OF RELEASE.—The Secretary shall execute and file in the appropriate office or offices a deed of release, amended deed, or other appropriate instrument effectuating the release of the reversionary interests required by this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) each will control 20 minutes.

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

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

Mr. Speaker, H.R. 2862, introduced by myself on September 14, 1999, would direct the Secretary of the Interior to release reversionary interests held by the United States in certain parcels of land in Washington County, Utah, to facilitate an anticipated land exchange.

This legislation was introduced at the request of the Bureau of Land Management. The exchange at issue was designed to facilitate desert tortoise protection. The State of Utah wants to trade certain parcels of State land to some private parties.

Unfortunately, because these parcels were originally received from the Bureau of Land Management pursuant to the Recreation and Public Purposes Act, they have a BLM reversionary clause clouding the title. If the State were to trade these parcels to a private party, the BLM could take title from the private party. This makes the land exchange unworkable unless Congress passes legislation releasing these reversionary interests.

This bill would remove those revisionary clauses so that the State could pass clear title in the land exchange. The completion of the exchange would further the habitat conservation plan for the desert tortoise.

Mr. Speaker, this is a good bill, and I urge my colleagues to support it.

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

Mr. ROMERO-BARCELÓ. Mr. Speaker, I yield myself such time as I may consume.

(Mr. ROMERO-BARCELÓ asked and was given permission to revise and extend his remarks.)

Mr. ROMERO-BARCELÓ. Mr. Speaker, H.R. 2862 would require the Secretary of the Interior to release reversionary interests held by the United States in certain parcels of land in Washington County, Utah, for the stated purpose of facilitating a land exchange.

Evidently, the lands in question were granted to the State of Utah pursuant to the Recreation and Public Purposes Act for inclusion in Snow Canyon State Park. It is our understanding that the State now wishes to exchange this land with a private party in order to acquire other lands that will be used for desert tortoise habitat.

However, under the Recreation and Public Purposes Act, the State is precluded from making such an exchange because the State park land carries a clause reverting the lands back to the United States if it is used for other than a public purpose.

H.R. 2862 is being brought to the floor without having ever been considered by the Committee on Resources, but we have been assured by the gentleman from Utah (Mr. HANSEN) that this legislation is noncontroversial. Although we have no formal views from the administration and others on this, it does appear that there is no controversy associated with the proposal.

That being the case, we will not object to the consideration of H.R. 2862 by the House today.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 2862.

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

A motion to reconsider was laid on the table.

CLARIFYING LEGAL EFFECT OF LAND ACQUISITION IN RED CLIFFS DESERT RESERVE

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2863) to clarify the legal effect on the United States of the acquisition of a parcel of land in the Red Cliffs Desert Reserve in the State of Utah.

The Clerk read as follows:

H.R. 2863

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

SECTION 1. TREATMENT OF CERTAIN LAND IN RED CLIFFS DESERT RESERVE, UTAH, ACQUIRED BY EXCHANGE.

(a) LIMITATION ON LIABILITY.—In support of the habitat conservation plan of Washington County, Utah, for the protection of the desert tortoise and surrounding habitat, the transfer of the land described in subsection (b) from the city of St. George, Utah, to the United States shall convey no liability on the United States that did not already exist with the United States on the date of the transfer of the land.

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) is a parcel of approximately 15 acres of land located within the Red Cliffs Desert Reserve in Washington County, Utah, that was formerly used as a landfill by the city of St. George.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) each will control 20 minutes.

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

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

Mr. Speaker, H.R. 2863, introduced by myself on September 14, 1999, would clarify the legal effect on the United States of the acquisition of a parcel of land in the Red Cliffs Desert Reserve in the State of Utah.

This legislation was introduced at the request of the Bureau of Land Management. This bill deals with the problem with an anticipated land exchange between the city of St. George and the BLM. This exchange is also designed to facilitate the Washington County, Utah, habitat conservation plan for the desert tortoise.

A certain parcel of land that the BLM wants to acquire used to be a landfill. The BLM wants to acquire the lands in the exchange, but they do not want to accept liability for any unknown toxic material that may be in the landfill.

This bill would leave liability for the landfill in the hands of the city. Thus, the BLM would not be forced to accept liability. The BLM refuses to go through with the lands exchange unless this bill is passed. Both the BLM and the city are in favor of this legislation. Mr. Speaker, this is a good bill, and I urge my colleagues to support it.

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

Mr. ROMERO-BARCELÓ. Mr. Speaker, I yield myself such time as I may consume.

(Mr. ROMERO-BARCELÓ asked and was given permission to revise and extend his remarks.)

□ 1230

Mr. ROMERO-BARCELÓ. Mr. Speaker, H.R. 2863 would clarify the legal effect on the United States of the acquisition of a parcel of land in the Red Cliffs Desert Reserve in Utah. It is our understanding that the Bureau of Land Management and the City of St. George, Utah, are negotiating a land exchange designed to facilitate a Habitat Conservation Plan for the desert tortoise. We have been told that one of the parcels the Bureau of Land Management wants to acquire was formally used as a landfill. Obviously, the BLM is concerned about acquiring this land and thus being liable for any unknown materials that may be in the landfill.

H.R. 2863 would leave legal liability for the landfill in the hands of the city. We understand that this is agreeable to both the city and the Bureau of Land Management.

Mr. Speaker, like H.R. 2862, this bill is also being brought to the floor without ever having been considered by the Committee on Resources. However, there appears to be a clear public benefit to the United States in this legislation and as such, we have no objection to the House considering the measure today.

Mr. Speaker, I have no other speakers, and I yield back the balance of my time.

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

The SPEAKER pro tempore (Mr. OSE). 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. 2863.

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

A motion to reconsider was laid on the table.

ADJUSTING THE BOUNDARIES OF GULF ISLANDS NATIONAL SEASHORE TO INCLUDE CAT ISLAND, MISSISSIPPI

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2541) to adjust the boundaries of the Gulf Islands National Seashore to include Cat Island, Mississippi, as amended.

The Clerk read as follows:

H.R. 2541

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

SECTION 1. BOUNDARY ADJUSTMENT.

(a) IN GENERAL.—The first section of Public Law 91–660 (16 U.S.C. 459h; 84 Stat. 1967) is amended—

(1) by redesignating paragraphs (1) through (6) as subparagraphs (A) through (F);

(2) by striking ''shall comprise the following gulf coast'' and inserting the following: ''shall comprise the following:

''(1) The gulf coast''; and

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

''(2) Only after acquisition by the Secretary from a willing seller, the approximately 2000 acres of land on Cat Island, Mississippi, generally depicted on the map entitled 'Boundary Map, Gulf Islands National Seashore, Cat Island, Mississippi', numbered 635/80085, and dated November 9, 1999 (hereinafter referred to as the 'Cat Island Map'). The Cat Island Map shall be on file and available for public inspection in the appropriate offices of the National Park Service of the Department of the Interior.''.

(b) ACQUISITION AUTHORITY.—Section 2 of Public Law 91–660 (16 U.S.C. 459h–1; 84 Stat. 1967) is amended—

(1) in the first sentence of subsection (a), by inserting ''submerged lands,'' after ''lands,''; and

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

''(e)(1) The Secretary is authorized to acquire, from a willing seller only—

''(A) the approximately 2,000 acres of land depicted on the Cat Island Map;

''(B) an easement over the approximately 150-acre parcel depicted as the 'Boddie Family Tract' on the Cat Island Map for the purpose of implementing an agreement with the owners of the parcel concerning the development and use of the parcel; and

''(C) lands and interests in lands on Cat Island outside the 2,000-acre area depicted on the Cat Island Map and submerged lands that lie within 1 mile seaward of Cat Island; however submerged lands owned by the State of Mississippi or its subdivisions may be acquired under this subsection only by donation.

''(2) Lands and interests in lands acquired under this subsection shall be administered by the Secretary, acting through the Director of the National Park Service.

''(3) The boundary of the seashore shall be modified to reflect the acquisition of such lands.''.

(c) REGULATION OF FISHING.—Section 3 of Public Law 91–660 (16 U.S.C. 459h–2; 84 Stat. 1968) is amended—

(1) by inserting ''(a)'' before ''The Secretary''; and

(2) by adding at the end the following:

''(b) Nothing in this Act shall be construed to give the Secretary authority to regulate fishing activities, including shrimping, outside of the boundaries of the seashore.''.

(d) AUTHORIZATION OF MANAGEMENT AGREEMENTS.—Section 5 of Public Law 91–660 (16 U.S.C. 459h–4; 84 Stat. 1968) is amended—

(1) by inserting ''(a)'' before ''Except''; and

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

''(b)(1) The Secretary is authorized to enter into agreements—

''(A) with the State of Mississippi and its political subdivisions for the purposes of managing resources and providing law enforcement assistance, subject to State law authorization, and emergency services on or within any lands on Cat Island and any waters and submerged lands within 1 mile seaward from Cat Island; and

''(B) with the owners of the approximately 150-acre parcel of land depicted as the 'Boddie Family Tract' on the Cat Island Map concerning the development and use of such land.

''(2) Nothing in this subsection shall be construed to authorize the Secretary to enforce Federal regulations outside the land area within the designated boundary of the seashore.''.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 11 of Public Law 91–660 (16 U.S.C. 459h–10; 84 Stat. 1970) is amended—

(1) by inserting ''(a)'' before ''There''; and

(2) by adding at the end the following: