United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 106th CONGRESS, SECOND SESSION

Vol. 146 WASHINGTON, WEDNESDAY, JUNE 14, 2000 *No. 74*

House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
June 14, 2000.

I hereby appoint the Honorable JIM GIBBONS to act as Speaker pro tempore on this day.

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

PRAYER

The Reverend Father Christian R. Oravec, President, St. Francis College, Loretto, Pennsylvania, offered the following prayer:

Lord, bless the Members of this House, chosen representatives of our Nation. Give them the wisdom and understanding, courage and patience needed for true leadership. Bless all our citizens today in celebrating Flag Day. May our flag, which adorns this Chamber and waves throughout our country and the world, serve as a constant reminder of Your gifts of life and freedom, justice and peace.

May this symbol of glory, old and still to come, fill us with pride in our achievements and humble compassion for those who suffer in any way. When we see it standing as silent sentinel over the graves of our servicemen and women, here and abroad, help us also to value the price of honor and self-sacrifice.

Lord, thank You for all your gifts, now and forever. 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.

Mr. MCNULTY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 352, nays 59, answered ''present'' 1, not voting 22, as follows:

[Roll No. 270]

YEAS—352

Abercrombie
Ackerman
Allen
Andrews
Archer
Armey
Baca
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Collins
Combest
Conyers
Cooksey
Cox
Coyne
Cramer
Crowley
Cubin
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
DeLauro
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Everett
Ewing
Farr
Fattah
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Horn
Hostettler
Houghton
Hoyer
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer

☐ 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.

Printed on recycled paper.

Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spence
Spratt
Stabenow
Stearns
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traficant
Turner
Udall (NM)
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weygand
Wilson
Wise
Wolf
Woolsey
Wynn

NAYS—59

Aderholt
Baird
Bilbray
Borski
Brady (PA)
Capuano
Chenoweth-Hage
Clay
Condit
Costello
Crane
DeFazio
Dickey
English
Evans
Filner
Gutierrez
Gutknecht
Hastings (FL)
Hefley
Hilliard
Hinchey
Hooley
Hulshof
Jones (OH)
Kucinich
LoBiondo
McDermott
McNulty
Miller, George
Moore
Oberstar
Olver
Peterson (MN)
Pickett
Ramstad
Riley
Rogan
Sabo
Schaffer
Slaughter
Stark
Stenholm
Strickland
Stupak
Sweeney
Taylor (MS)
Thompson (CA)
Thompson (MS)
Towns
Udall (CO)
Velazquez
Visclosky
Waters
Weller
Whitfield
Wicker
Wu
Young (FL)

ANSWERED ''PRESENT''—1

Tancredo

NOT VOTING—22

Barton
Burton
Coburn
Cook
Cummings
Danner
Delahunt
DeLay
Hill (MT)
Hunter
Hutchinson
Jefferson
Kasich
McIntosh
Owens
Pomeroy
Sensenbrenner
Souder
Tierney
Vento
Wexler
Young (AK)

□ 1025

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

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

Mr. LANTOS 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 bills and a joint resolution of the following titles in which the concurrence of the House is requested:

S. 1507. An act to authorize the integration and consolidation of alcohol and substance abuse programs and services provided by Indian tribal governments, and for other purposes.

S. 2722. An act to authorize the award of the Medal of Honor to Ed W. Freeman, James K. Okubo, and Andrew J. Smith.

S.J. Res. 46. Joint resolution recognizing the 225th birthday of the United States Army.

The message also announced that pursuant to Public Law 106–181, the Chair, on behalf of the Democratic Leader, appoints Ted R. Lawson of West Virginia to serve as a member of the National Commission to Ensure Consumer Information and Choice in the Airline Industry.

WELCOMING FATHER CHRISTIAN R. ORAVEC

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

Mr. SHUSTER. Mr. Speaker, I am pleased to join with my good friend and colleague, the gentleman from Pennsylvania (Mr. MURTHA), in welcoming Father Christian Oravec. Father Christian is the President of St. Francis College, one of the oldest Catholic colleges in America, which sits atop the Allegheny Mountains in Central Pennsylvania. He is the longest serving president of that college in its history, since 1977.

In addition to doing a superb job in serving our region of the country, Father Christian is a leader in the community. Indeed, he is deeply involved in 16 different civic organizations. Beyond that, he is a beloved parish priest. It is my great pleasure to help welcome him here today.

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

Mr. SHUSTER. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Speaker, let me add my welcome to Father Christian. My colleague and I share Father Christian. He is right on the border at one of the finest schools in Pennsylvania, and it is just marvelous to have him here.

His prayer was so good. He said the only problem is that they limited him to 125 words, and he can not say much in 125 words.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

CALLING ATTENTION TO SERIOUSNESS OF MISSING NUCLEAR SECRETS

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

Mr. FOLEY. Mr. Speaker, I call my colleagues' attention to an editorial in The Washington Post entitled Nuclear Nightmare: ''Guarding the nation's nuclear secrets is about the most basic duty of an administration. The danger of nuclear proliferation is so serious that the United States bombs Iraq, sanctions India and Pakistan and kowtows to North Korea, all in an attempt to prevent weapons of mass destruction from falling into the wrong hands.

□ 1030

That unidentified hands could have quietly removed, at Los Alamos, two computer drives with information on dismantling nuclear bombs is shocking. That it should happen so soon after the investigation of other security labs makes it even more credible.

That is from the Washington Post.

Now, today we are witnessing the other side of the aisle having everybody sign up because they are worried about political attack ads. Is anybody demanding the information on potential nuclear attacks?

Now, over the last couple months, the Vice President has condemned everything our nominee has said as reckless and risky. Where is his voice on this particular issue affecting America's safety and security?

Yes, I agree we have to reform politics. Yes, I agree a Buddhist temple is not the right place to have a fund-raiser. But let us look at our nuclear secrets and find out and demand answers from Secretary Richardson, President Clinton, and the Vice President of the United States.

TACTICS OF KGB ARE UNACCEPTABLE

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

Mr. LANTOS. Mr. Speaker, the KGB is back. Yesterday, the head of Russia's only free media was arrested; and as we meet here this morning, he is still in prison.

President Putin of Russia is in Madrid claiming not to know anything about this. He is either a puppet or he is a perpetrator.

I call on the Russian Government to release, without any further delay, the head of the only free media network in Russia. This is the network which reported accurately on the war in Chechnya. This is the network that can provide us with the hope of building a democratic society in Russia.

The tactics of the KGB are unacceptable in the 21st century.

HUMAN RIGHTS SITUATION IN RUSSIA

(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, I also rise out of concern for the human rights situation in Russia.

Yesterday, the Government of Russia took a giant step backwards in human

rights as Vladimir Goussinsky, the CEO of Media Most, was arrested, imprisoned and is at present being interrogated.

So much for freedom of speech and freedom of the press in Russia.

Mr. Goussinsky has been the most pro-Western and independent of Russia's media entrepreneurs and has rallied strong support for democratic reforms in Russia.

This arrest comes on the heels of the raid of Media Most offices several weeks ago and demonstrates how human rights, particularly freedom of the press, is deteriorated under the administration of President Putin.

The Putin administration has taken extreme measures to control information. Government officials report about the ''problem'' of the media giving airtime and print space to views of ''terrorists.''

Mr. Speaker, expressing political and religious views, even if it is in opposition to the government, is not terrorism. It is freedom.

I urge the Russian people to speak out against the latest abuse of freedom by the Putin administration and call on President Clinton to pressure the administration to release Mr. Goussinsky.

FACES OF GUN VIOLENCE VIGIL

(Mrs. McCARTHY of New York asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MCCARTHY of New York. Mr. Speaker, tonight at 6 o'clock we will be seeing the faces of gun violence. We are going to have a vigil. I invite all the Members here to take part in that.

Six and a half years ago, James Gorycki and his wife, Joyce, who were friends of mine, and my husband, Dennis, were killed.

Joyce has one daughter. I have one son. Today happens to be my son's birthday, and I am very happy that he is still with me.

It has been one year since we debated on closing the gun show loophole, and we have done nothing about it. I am hoping that still before this session ends that we will meet and try to reduce gun violence in this country.

It has been one month since we have had the Million Mom March, where moms and dads and families across this Nation came and said to Congress, let us do something about gun violence.

We live in the United States of America. We can do a better job on reducing gun violence. And tonight, unfortunately, we will see the faces of so many men, women, and children that have died.

I hope that my colleagues will join us.

SCHOOL BREAKFAST AND LUNCH PROGRAMS

(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, part of providing our children with quality education is making sure they are healthy and well fed. School breakfast and lunch programs which provide free or discounted meals to low-income children are an integral part of a child's school day.

The program relies on families to truthfully reveal their incomes when applying for subsidized meals and schools and administrators to implement the programs honestly and efficiently. And when parents or schools fail to do this, it is the children who suffer.

Take the case of the Commonwealth of Puerto Rico, which overcharged the Federal Government an estimated $23 million for its school lunch program. The Commonwealth failed to pay $11.5 million of its share of program expenses, which were instead billed to Washington. It also served free meals to all of the schoolchildren, including those from upper and middle class and wealthy families.

Now, that $23 million could have fed thousands of indigent schoolchildren. What a senseless waste, Mr. Speaker.

NATION THAT DOES NOT HONOR FLAG DOES NOT HONOR FREEDOM

(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, in America it is illegal to burn trash. It is a $10,000 fine to damage a mailbox. But even though it is Flag Day in America, we can burn the flag today, we can trash the flag, we can even urinate on the flag.

Think about it. Is it any wonder that Americans are losing respect for our Government?

Soldiers literally died carrying our flag into battle, and Congress protects mailboxes.

Beam me up, Mr. Speaker.

A Nation that does not respect nor honor their flag is a Nation that does not respect their people nor honor their freedom.

I yield back the pledge of allegiance to our flag and to the Republic for which our flag stands.

PRESCRIPTION DRUG COVERAGE

(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, no senior citizen or disabled American should be forced to choose between buying food and paying for the prescription drugs they need. It is that simple. Yet, for thousands of seniors, this is a choice they have to make.

The average Medicare recipient uses 18 and a half prescriptions a year. Some conditions are treated very successfully with medication, but it frequently comes at a high price.

For example, stroke patients take clot-busting jobs that can cost upward of $1,700 a year. For seniors on a fixed income, this is a staggering sum.

The Republican plan helps seniors facing this choice. It offers affordable options that allow Medicare recipients to choose a plan best fitting their unique medical needs.

By providing prescription drug coverage for everyone, Republicans want to make sure that no senior citizen or disabled American falls through the cracks.

SECTION 527 GROUPS POSE THREAT TO DEMOCRATIC PROCESS

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

Mrs. CAPPS. Mr. Speaker, I am deeply disappointed that the House leadership has continued to delay debate on real campaign finance reform.

According to a Washington Post editorial, they claim to be seeking only to strengthen reform. In fact, their goal is to kill it. It turns out they do not like disclosure, they like the dark.

527 groups are tax-exempt, political organizations which try to influence elections. They raise and spend millions of dollars to influence our Federal campaigns, with no disclosure whatsoever.

These groups pose a grave threat to our democratic process. The American public is demanding action now.

The gentleman from Texas (Mr. DOGGETT) and the gentleman from Kansas (Mr. MOORE) have good bills that deal with a real issue at hand, plugging the loophole in the Tax Code that allows undisclosed funding and unlimited spending.

This discharge petition is about bringing these bills to the floor for a vote. We need to bring a little sunshine into this system. Let us pass a meaning disclosure bill.

PRESCRIPTION DRUG COVERAGE FOR ALL AMERICANS

(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, in 1968, the average senior citizen spent just $64 a year on prescription drugs. Thirty years later, the average senior spends about $848 a year on prescription drugs.

In 1968, seniors spent about 2.4 percent of their annual income on prescription drugs. And in 1998, seniors spent a little over 4 percent. That is almost double in just 30 years.

Some seniors even have to choose between food and filling their prescriptions. This inevitably leads to higher costs for Medicare. And more importantly, some of these seniors suffer despite the fact that their illness is treatable.

We can work together for a responsible and effective plan to provide prescription drug coverage for all, and it is coverage that will be affordable and available for all seniors.

INTERNATIONAL ABDUCTION

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

Mr. LAMPSON. Mr. Speaker, I rise today to talk about another of the 10,000 American children who have been abducted to foreign countries.

Miranda Budiman was abducted from Georgia by her father, Mr. Clements Iwan Budiman, on Halloween of 1998 when she was 4 years.

Mr. Budiman and his wife, Tara, were separated prior to the abduction and Ms. Budiman had primary custody of Miranda.

On October 29, 1998, Mr. Budiman had taken $10,000 cash advance from his credit card and bought two airplane tickets on Japanese Airlines. Mr. Budiman and Miranda left on a jet to Tokyo on November 2, 1999.

There is currently a felony kidnapping out for Mr. Budiman. He was born in Indonesia and has family in Jakarta. But the whereabouts of he and Miranda remain unknown. Miranda's mother has not had any contact with her since the abduction.

Mr. Speaker, we need to do everything possible to reunite parents and children like Miranda and Tara Budiman. We must continue to focus on this issue of abducted United States citizens and bring our children home.

GREENHOUSE EFFECT IS GLOBAL CHALLENGE

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

Mr. GILCHREST. Mr. Speaker, I would like to share with the House some interesting observations from a recent book that I just read called ''Laboratory Earth'' by Dr. Schneider from Stanford University.

Our atmosphere has a very tiny trace amount of carbon dioxide, which is natural for the atmosphere, but that tiny trace amount has a substantial effect on the atmospheric heat balance of our planet, which we call the ''greenhouse effect.''

In the last 100 or so years, we have increased because of our energy needs the amount of that trace gas in the atmosphere by about 30 percent, which is fairly extraordinary when we think that minute amount that causes a balance of heat on the planet.

Think about this observation, and I think it is interesting: When we burn a lump of coal today, we are recovering the carbon dioxide and solar heat of dinosaur times in fossil organic matter. While it took millions of years to make a coal deposit, we are releasing that same amount of carbon dioxide and other embedded elements in tens of years.

The speed of this human accelerated process creates one of the biggest global challenges that face us today. An interesting observation.

PASSING OF EARL SHINHOSTER

(Ms. MCKINNEY asked and was given permission to address the House for 1 minute.)

Ms. MCKINNEY. Mr. Speaker, our Nation has lost one of its bravest warriors. Mr. Earl Shinhoster was one of Georgia's finest, one of America's finest.

This brave warrior fought for over 30 years with the NAACP to make America a better place for all of us. He worked tirelessly to empower the powerless and to give hope to the hopeless. He labored thanklessly to make a difference. He certainly made a difference in my life. I knew him to be a loving husband, an understanding father, and a great friend to all of us.

Earl Shinhoster has now received his very last battle scar, but his memory will never fade. His mantle may not have been filled with trophies. His battles were not put to song. No chest of shiny medals. But true warriors do not wear medals. They wear scars.

Earl Shinhoster was a warrior in the truest sense of the word, and he will surely be missed by us all.

MIAMI RIVER CLEANUP

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

Ms. ROS-LEHTINEN. Mr. Speaker, I rise in continuing support of securing Federal funds to dredge the Miami River located in my congressional district.

The 5½ mile River runs through the heart of Miami and is in desperate need of cleaning. Dredging of the River is necessary because sediment buildup in the River has impaired the $5 billion cargo trade of the shipping industry. Many ships cannot load to capacity and are restricted to sailing only at high tide. The dredging is a key element of the River's revitalization.

□ 1045

The project has the support of our local business and environmental communities. And we have a funding partnership with the State of Florida, Miami-Dade County as well as the city of Miami.

Mr. Speaker, I urge a full cleanup of the Miami River, as it will result in economic improvements to the private riverside development by stimulating the shipping industry and providing much needed inner-city jobs. Federal funding for this project would also restore the environmental quality of the river and improve the quality of life for local residents and neighborhoods.

We have the U.S. Army Corps of Engineers and all of our local partners ready to do the work. Let us get going.

COMMEMORATING FLAG DAY

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

Mr. CARDIN. Mr. Speaker, on this date, in 1777, 223 years ago, the Continental Congress approved the first flag of our Nation. June 14 is now known as Flag Day. It also represents today the 21st anniversary of the annual national pause for the pledge of allegiance that will take place this evening 7 p.m. at Fort McHenry in Baltimore, Maryland. I think my colleagues are aware of the importance of Fort McHenry in our national history and the importance of our flag, particularly as an inspiration to Francis Scott Key and writing our national anthem.

Mr. Speaker, I urge all Americans to join those that will be gathered at Fort McHenry this evening at 7 p.m. to pause for one moment and pledge allegiance to our flag.

WAKE UP, WHITE HOUSE, AMERICANS ARE BEING GOUGED AT THE GAS PUMPS

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

Mr. CHABOT. Mr. Speaker, I realize that Secretary Richardson has his hands full trying to find our nuclear secrets from Los Alamos that were apparently lost when they were moved to protect them from the out-of-control fire that was actually started by our own government.

Nevertheless, the Secretary and other high-ranking administration officials need to acknowledge and respond to what has become a critical problem throughout the country. Working families in Cincinnati, my district and elsewhere, are facing skyrocketing prices at the gas pump, and they need relief now.

Earlier this year, Secretary Richardson responded to rising gasoline prices by saying, we were caught napping. We got complacent. Earlier this week, White House Press Secretary Joe Lockhart said, but we are in the busy season where prices generally go up a bit. Well, they are closing in on $2 a gallon in Cincinnati. That is not a bit; that is a lot.

President Clinton has substantial executive powers that can be used to send a strong message to the price-fixing OPEC cartel. He has chosen not to use them. It is time we got serious about this and let us do something about the gas prices in this country.

CAMPAIGN FINANCE REFORM LEGISLATION

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

Mr. DOGGETT. Mr. Speaker, our effort to mandate full disclosure from clandestine political organizations

began with a bipartisan appeal. Unfortunately, it has gone largely unanswered. Unlike the Senate, where an idea that began here in the House, was approved last week as the McCain-Feingold-Lieberman amendment, the House Republican leadership has steadfastly opposed reform.

Finally, last week, they promised a vote on this vital reform issue during this month. This morning we have a way to assure that promise is fulfilled through the signing of this discharge petition. I call on my colleagues, both Democratic and Republican, to join with us on the petition to guarantee that we get at least a little campaign finance reform in time for this year's election.

The developments since last week have not been all that promising. One Republican says their bill may exempt this year's election. Another says that TOM DELAY, who has been so involved in promoting these organizations is a principal advisor in drafting the reforms. Let us clean up this mess now. It can be done. It must be done. We can yet achieve a bipartisan victory on campaign finance reform, just as the Senate has done, by signing this discharge petition and having a full debate concerning reform this very month.

DISCHARGING ALL OF OUR MILITARY SECRETS

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

Mr. HAYWORTH. Mr. Speaker, let me assure this House and the American people that there will be full disclosure, and it will not be limited to 527 organizations. No, we will turn to those on a bipartisan basis, I might add, who willfully reach into the pockets and paychecks of union members, and we will make sure that real reform takes place.

Mr. Speaker, for purposes of full disclosure, we should point out another discharge petition, not on the floor of this House as apparently been put in motion, the effort by the Clinton-Gore administration to discharge all of our military secrets to foreign powers, the latest revelation, our most sensitive nuclear secrets of Los Alamos. By the way, they were swiped 4 days before the fire, Mr. Speaker, and of course, Bernard Schwartz, the largest contributor to the Democrat National Committee and his firm, Loral Aerospace, giving nuclear technology to the Communist Chinese. Oh, yes, my colleagues, the discharge has started, the discharge of our military secrets.

CAMPAIGN FINANCE REFORM LEGISLATION

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute.)

Ms. WOOLSEY. Our constituents have every right to know exactly who is financing political campaign. That is why we must pass campaign finance reform. We must do it now, and this reform must require that all contributors and expenditures, including nonprofits, are disclosed.

Currently, many expenditures are protected from disclosure under section 527 of the Tax Code. We hear from the Republicans that they favor reforming the Tax Code. Well, I suggest a perfect place to start is with 527 disclosure. With that start, we will restore faith in government. We will give our children a system that they will want to participate in. The American people want campaign finance reform.

I urge my colleagues to sign the 527 discharge petition today. Our children are counting on us.

PRESCRIPTION DRUG COVERAGE FOR SENIOR CITIZENS

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

Mr. WELDON of Florida. Mr. Speaker, in this Chamber we will soon be discussing the very important issue of prescription drug coverage for America's senior citizens. I am pleased that the House leadership has developed a bipartisan plan that will provide American seniors with comprehensive prescription drug coverage.

No senior should have to choose between food for their table or their prescription drugs. As a physician, myself, I know the importance of these drugs to the health of our seniors. Many of these drugs cost a lot of money. It takes years to develop them, sometimes even decades; and then after they are approved by the FDA, it can take months to promote them amongst physicians for their proper use.

Unfortunately, today while many excellent prescription drugs for arthritis, stroke prevention and high blood pressure are critical to the health of seniors, many of them cannot afford them. Our bipartisan plan will ensure that voluntary, affordable and comprehensive prescription drug coverage is available to all seniors. I encourage all of my colleagues to support this legislation.

REJECT REPUBLICAN EDUCATION COSTS

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

Mr. ETHERIDGE. Mr. Speaker, I rise today to call on this House to reject the Republican leadership's bill to cut education to pay for a massive tax cut. This Congress must invest in our schools so that students get individual attention, discipline and quality instruction so they can learn the skills that they need to succeed in the new economy.

But the Republican bill would cut $2.9 billion from next year's education budget. It does not provide one plug nickel to repair crumbling schools or to build new schools to get our children out of trailers.

No school can provide adequate education if children are subject to substandard facilities.

Mr. Speaker, budget choices are about values. Do we not value investment in our Nation's future by providing our children unless we give them the best education they can have in this world? Or do we take this opportunity to fritter away the future by acting like drunk sailors with the Republicans' massive irresponsible tax scheme?

I support responsible tax relief for middle-class families, but we must not raid the Treasury and jeopardize our ability to make investments in our children and in our future.

SUPPORT THE BIPARTISAN PRESCRIPTION DRUG BENEFIT

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

Mr. WATTS of Oklahoma. Mr. Speaker, no American should be forced to choose between the food they need to live and the medicine they need to stay healthy. Yet that is the choice many of our senior citizens face each day.

Republicans are doing something about this. Working with our Democrat friends, we are proposing a bipartisan prescription drug plan that offers seniors the coverage they need.

Our bipartisan plan strengthens Medicare and provides prescription drug coverage for all seniors and disabled Americans, including those in rural areas like Pauls Valley, Altus, Walters, Waurika and Purcell, Oklahoma.

Our plan is voluntary. It is also affordable and available to all, no matter where you live, no matter what your income.

I urge my colleagues to work with us to make this prescription drug plan a reality so our seniors never again have to choose between buying food and buying medicine.

CHALLENGE TO SECRETARY SHALALA

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

Mr. HALL of Ohio. Mr. Speaker, I rise today to respectfully challenge Secretary Donna Shalala.

Madam Secretary, there is something sad out there that I would like you to see. At the National Nutrition Summit, you said: ''Except for a few isolated pockets, we have succeeded at ending hunger in America.'' That is not true.

According to dozens of American organizations, fighting on poverty's front lines, according to respected international organizations, like the WHO and UNICEF, according to what I have

seen too many times, and I am shocked that a cabinet secretary would be so clearly out of touch with reality.

Secretary Shalala, I challenge you to meet me in any American community at any time for a look at the food banks and soup kitchens filled with senior citizens, children, American veterans, and working families.

Hunger is a fact. It is the underbelly of our booming economy. You can choose not to look at it; but it is real, and it is ugly. It plagues 26 million of our fellow Americans each year. Please come take a look.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER pro tempore (Mr. WATTS of Oklahoma). Members should direct their remarks in debate to the Chair and not to others in the second person.

CELEBRATING FLAG DAY

(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, ladies and gentlemen, today is Flag Day, of course, and a day to honor the symbol of our Nation, a symbol of our independence and a symbol of American ideals.

Historically, the idea of celebrating an annual holiday honoring the United States flag and the anniversary of the official adoption of ''The Stars and Stripes'' is believed to have first originated in 1885 by a school teacher in Wisconsin.

In the years following, the tradition grew; and in 1916, President Woodrow Wilson established Flag Day by a proclamation.

Over 3 decades later, President Truman would sign an Act of Congress officially designating June 14 of each year as National Flag Day.

I, like many Americans, look at our flag and see our history, our triumphs; and most importantly, I see our future.

Today is a day to unite to pay tribute to the symbol which has grown with our country and represented our Nation's ideas since it first flew as ''The Stars and Stripes'' in 1777.

On this day, I am proud to honor our flag and all that it represents.

PAYING TRIBUTE TO THE PEOPLE OF TROY

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

Mr. MCNULTY. Mr. Speaker, on this Flag Day 2000, I rise to salute and pay tribute to the people of Troy and surrounding areas for the wonderful display of patriotism which I witnessed over this past weekend. On Sunday, tens of thousands of people from Troy and surrounding areas came together to celebrate the fact that we live in the freest and most open democracy on the face of the Earth.

They actually recognized the fact that freedom is not free, and that we paid a tremendous price for it. And so today, I remember with gratitude all of those who, like my brother, Bill, made the supreme sacrifice, all of those who in the past wore the uniform of the United States military, like some of the people I am looking at in this very Chamber.

Also, I thank all of those who currently are in active service in our military protecting our interests here at home and around the globe.

□ 1100

CHRISTIAN MEN'S FREEDOM FORUM 2000

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

Mr. CLYBURN. Mr. Speaker, on July 4, 2000, I will join the gentleman from Maryland (Mr. CUMMINGS), the gentleman from Florida (Mr. HASTINGS), the gentlewoman from Ohio (Mrs. JONES), the gentlewoman from Florida (Ms. BROWN) and the gentleman from Mississippi (Mr. THOMPSON) at the Firstar Center in Cincinnati, Ohio. As members of the Congressional Black Caucus, we join in support of the goals and objectives of the Christian Men's Freedom Forum 2000, which will convene on the eve of the African Methodist Episcopal Church's Quadrennial.

We will interact with men and women from across the United States who appreciate and recognize the positive effect an open and honest exchange of ideas can bring to the body politic in this great Nation. It is the goal of the Christian Men's Freedom Forum'S National Chair, Bishop Vincent R. Anderson, whose keen vision set in motion this extraordinary challenge to acknowledge our ideological differences while embracing our core common ideals. As we prepare to celebrate Independence Day, all Americans should seek to embrace and replicate this initiative.

Bishop Anderson is to be congratulated for this tremendous undertaking. This nonpartisan, nondenominational forum is the kind of collective effort that has, in the past, and could today, help to close the gap between those who have strong voices and those who feel they have no voices at all.

Mr. Speaker, let me close with the hope that on Independence Day we will find it within ourselves to not only commemorate our Nation's founding, but also to celebrate such constructive undertakings.

WORLD AWAITING RESULTS OF IRANIAN TRIAL OF JEWISH HOSTAGES

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

Mr. WEINER. Mr. Speaker, today the world awaits the result of the show trial of 13 Jewish hostages in Iran. They have been held for over a year simply because they are Jewish. Without evidence, without a chance to confront their accusers, without lawyers of their own choosing, these 13 hostages have been subjected to a kangaroo court.

But Iran's new so-called moderate government is also on trial here. If Iran does not free these hostages, and soon, it should be a clear sign that that country has not changed its stripes.

Our response? Well, we should offer no more favorable trade agreements, such as the ones we did for rugs and pistachios recently. We should offer no more IMF or World Bank loans.

The fate of these 13 Iranian Jewish hostages should be our litmus test of Iran's new-found moderation. The world, Mr. Speaker, is watching.

MOURNING CHILD VICTIMS OF GUN VIOLENCE

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, today is Flag Day, and I rise to salute the flag, for the flag symbolizes freedom. But it should also symbolize safety.

This evening I will mourn the thousands upon thousands of children who die every day at the hand of gun violence. It is time that we recognize as Americans that we can pass real gun safety legislation in this House and in the Senate, if it would adhere to the values of this Nation.

How tragic it is in my own community, Sunday, June 11, that a 14-year-old girl shot and killed a 16-year-old boy; to find out that a 3-year-old accidently shot himself in the foot with his father's gun, found in a linen closet; that on June 8, a 12-year-old middle school student in Chesapeake, Virginia, was charged after he brought a gun to school; that a 13-year-old shot a teacher; that a 6-year-old-shot another 6-year-old; and that the overall rate of firearm deaths for children younger than 15 years of age is 12 times greater than the other 25 industrialized nations.

How much longer will we mourn? It is time now to stand up for our children and pass real gun safety legislation.

PROVIDING FOR CONSIDERATION OF S. 761, ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 523 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 523

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (S. 761) to regulate interstate commerce by electronic means by permitting and encouraging the continued expansion of electronic commerce through the operation of free market forces, and other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

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

(Mr. SESSIONS asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. SESSIONS. Mr. Speaker, the legislation before us today on this beautiful Flag Day provides for the consideration of S. 761, the Electronic Signatures in Global and National Commerce Act. The rule waives all points of order against the conference report and against its consideration. The rule provides that the conference report shall be considered as read.

Mr. Speaker, today the House takes a step forward towards promoting the new economy and facilitating the growth of electronic commerce. Important legislation to update the laws that govern how business is transacted will be considered by Congress with the passage of this law. Furthermore, the underlying legislation will allow all Americans to benefit from the efficiencies resulting from advances in technology.

Under current law, contracts and agreements among businesses and individuals are considered binding when the second party indicates agreement to terms with that signature. This system has worked fine for many years. However, the widespread use of computers and electronic means of communication have made this system antiquated and inefficient. The Electronic Signatures in Global and National Commerce Act will ensure that the United States will remain the leader in the 21st Century marketplace by giving legal and uniform status to electronic signatures. Electronic signatures would become binding, just like a handwritten signature.

Under the legislation, Americans would still be covered by the existing consumer protection laws should they choose to use this type of signature. Additionally, the legislation requires consent of the consumer to use electronic signature. No consumer would be forced into using electronic signature if they would feel more comfortable using a handwritten or normal signature.

Electronic signatures will change the way businesses interact with other businesses, how business works with their customers, and even how government serves its citizenry. Electronic signatures will make it easier for people to pay their bills, apply for a loan, trade securities, purchase goods, and contract services. Electronic signatures will also give greater protections to consumers through advanced encryption technologies. Not only is it far more difficult to fraudulently use an electronic signature than traditional signature, but electronic signatures leave a trail that would lead to the door of those who seek to defraud us.

Much has been done by this Congress to encourage the development of so-called new economy industries. Last summer, this Congress passed legislation that helped all but eliminate the computer glitch known as the Y2K bug. A few months later, the Republican majority brought legislation to the House floor to protect patents for Americans inventors and innovators. Recently, the House passed a moratorium on taxation of the Internet.

The legislation we are considering today is yet another effort by the Republican-led Congress to ensure that our Nation remains at the forefront of the emerging electronic global marketplace.

I would urge my colleagues to support this rule.

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

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

Mr. Speaker, I thank the gentleman from Texas (Mr. SESSIONS) for yielding me time.

Mr. Speaker, as my colleague from Texas has explained, this rule waives all points of order against the conference report.

Electronic commerce is growing at an explosive rate. In a recent survey of top business executives, it indicates that in the next 2 years, many companies expect a seven-fold increase in their Internet sales. By the year 2002, on-line sales could make up 25 percent of total sales. That is a revolution in the way Americans do business.

However, our laws are still written for the pen and paper days. We must adopt our legal system to keep pace with the digital age.

The measure before us would give legal validity to electronic signatures on business transactions, and this will help e-commerce by providing a uniform standard among the states. I am pleased that this conference agreement includes protections aimed at reducing consumer fraud.

This conference agreement represents a bipartisan consensus with broad support among high-tech companies, State Attorneys General and consumer groups. My understanding is that the President will sign it. It looks like a good bill and a good rule. I support the rule and the conference report.

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

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

Mr. Speaker, a lot of the work that has been done on this, not only the bill but also the conference report, is directly as a result of those Members who serve on the Committee on Commerce. Today I am pleased to be with the gentleman from Louisiana (Mr. TAUZIN), who is a part of not only this negotiation, but also the ongoing effort to make this bill and further bills that may be in our future better for consumers of America.

Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana (Mr. TAUZIN).

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

Mr. TAUZIN. Mr. Speaker, I rise in support of this rule and encourage Members not only to support the rule, but to adopt this conference report. This is the culmination of several attempts in this Congress and other Congresses to find a compromise with the other body and with Members of this body that would properly and legally make valid signatures of Americans, and, in fact, signatures of citizens of the world, in the electronic commerce age, and also to make the records, electronic records behind the documents and agreements we reach electronically, legally binding records upon the parties who sign those agreements and enter into those contracts in the electronic age.

Americans tell us that privacy and security are the two biggest concerns as we enter this new e-commerce age, making sure in effect that as we enter this age, that citizens who take advantage of electronic commerce, both to sell their products and services, or to purchase them, will have the knowledge that, number one, they are dealing in a secure system, so this bill is written in a way that is technologically neutral and calls upon the genius and creativity of this amazing new marketplace to develop the highly encrypted products that are going to make commerce in the electronic age even more secure than commerce in the paper age.

Secondly, I want to commend this House and this Congress for the activities we have already undertaken to protect privacy in the key areas that are most of concern to Americans, the areas of medical information privacy, the area of children's information privacy, and, most recently, in the financial services bill, in protecting people's privacy as they deal with their financial records, with mortgages and bank accounts and security transactions in the Internet age.

I also want to point out that there are some people that are afraid of this age. I suppose every time there were major changes in the way Americans did business, in the way we interacted with one another, there was fear.

When the telegraph first came upon the scene, I can assure you there were the similar fears that the telegraph was somehow going to create a world that people would live in fear of. In fact, there is a wonderful book called ''The Victorian Internet'' which traces the history of the telegraph and speaks of the same concerns that people in the world had about the telegraph that we hear about the Internet today.

But what was true with the telegraph is also true with the Internet and electronic commerce: It is upon us, it is an age which is arriving rapidly, and more and more Americans are finding that they can have more efficient businesses and more efficient transactions when they in fact become conversant with the Internet and conversant with the possibilities of the Internet in learning and trading and in long distance medicine, in amazing new opportunities it will make for the people of the world.

This bill is a major step forward in making sure that that world is secure; that there are legally binding, responsible actions taken as a result of interacting on the Internet; that when I sell my products to you and you sign up, it is as valid a deal as if you came to my store and purchased my products.

□ 1115

I can count on them to honestly keep their contract, and they can honestly count on me to live up to my agreement to sell them those products and services according to the terms of our agreement.

Like many bills, this is a compromise. This bill contains in my opinion a little overreach. It contains a little too much bureaucracy, a little too much in the way in which we insist that people consent first to join this Internet world. It may need some work in the future for us to improve it.

I am the first to tell Members it is not perfect in that regard. It literally goes overboard to make sure that when people consent to be part of the electronic age, that they really consent. It even has language in it that says that we have to prove that we are capable of receiving all the documents and notices and information that we are consenting to be part of in the electronic age; not just giving our e-mail address as we would give our phone number and address in the paper age, but actually proving that our computer is capable of handling all the information that is going to be faxed or e-mailed to us as part of the electronic transaction.

Let me also say that nothing in this bill requires one to be part of this electronic commerce age if they do not want to be, no more than one is required to own a credit card if they do not want to. My father, whom I lost 9 years ago and miss dearly, and will this summer when we always celebrate his birthday, I do not think he ever owned a credit card. He never made a credit purchase. I have made up for it, believe me. I use a lot of credit.

But the bottom line is that nothing requires an American to use the services of the Internet or to use this bill to sign electronically for purchases and sales. This is purely voluntary. It is an opt-in system. We have to consent to it. We have to know what we are consenting to. We have to prove we are capable of literally giving the consent, prove we have the equipment and means by which to engage in electronic business in this new age. It is a pretty extensive consent agreement provision.

It also contains language making sure that the consumer protection laws of every State are incorporated, that they are maintained. Nothing takes away from the protections that consumers now enjoy from those who would like to defraud us.

The beautiful thing about this new age is that electronic signatures can be more precise, much more precisely identified, than the signature we write on a paper that can be copied by some people. Electronic signatures with heavy encryption can be much more secure than the world of paper we now live in.

Secondly, it can be much more efficient. I want to invite all Americans to think of this. When we used to have a business in the old brick and mortar age before the Internet that depended upon citizens being able to come into the store, get to the store in a car, by bike, by foot, we had a limited marketplace.

Today with the Internet the marketplace is global. Today, with a little store in Chack Bay, Louisiana, selling tobasco or other great seasonings, we can enjoy now a worldwide market on the Internet and sell to a whole community of people that is global.

Making that system work efficiently and creating legally binding agreements in that system is what this bill is all about, literally to facilitate global commerce. The bill contains features that insist that our government negotiate with other countries, to insist that they have similar legally binding provisions in their laws so when our citizens interact and sell products to their citizens or vice versa, when we buy products from them, we both have legally binding agreements, just as much as we do here in the good old U.S.A. on this great Flag Day.

This is again not a perfect bill, it may need refinements in the future. I think it is a little too bureaucratic than I would like, but it is a great step forward. I endorse it fully. This rule ought to be adopted. We need to pass this bill.

Mr. Speaker, I would urge my colleagues not only to pay this bill some attention, but also to do what they can to inform the citizens on their own websites about this new capability that Congress is enacting today to further advance the security of transaction in the e-commerce age and to further advance the ability of Americans to be part of this incredible new opportunity age that the Internet and e-commerce is going to make for all of our citizens.

Mr. SESSIONS. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), who has been an active participant in ensuring that not only e-commerce but the financial services of this country are not only market-based and leading edge, but also consumer-friendly.

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

Mr. DREIER. Mr. Speaker, I thank my friend for yielding time to me. I congratulate him on the fine work that he has done on this extremely important issue.

Mr. Speaker, I rise in strong support of this rule because it provides for the consideration of a conference report that is critically important to businesses and consumers in the 21st century information economy.

Senate Bill 761 will empower consumers of financial products and other goods and services, and establish the framework for competition in the emerging electronic marketplace. For this, I want to applaud the gentleman from Virginia (Chairman BLILEY) for his strong efforts and the great work he has done in moving this legislation forward.

I know I saw my friend, the gentleman from Louisiana (Mr. TAUZIN) someplace. There he is, and I want to congratulate him, too, for all the effort he has put into this.

Enactment of this e-sign conference report will transform the way we work, the way we are educated, the way we contract for goods and services, and the way we are governed. The next great transition in the 21st century economy is likely to result in many large corporations moving the bulk of their inventory, production, and supply operations to an online environment.

Establishment of a clear, uniform national framework governing both digital signatures and records will allow American businesses to become significantly more efficient and productive through business-to-business use of the Internet.

Mr. Speaker, as important as this measure is to our high-tech economy, it is not just about the way business will do business. Our actions today will impact people. We all know how the quality of life of so many hard-working American families is tied directly to the amount of quality time away from the work and chores of daily life.

This landmark legislation will make it easier for people using just a computer and a modem to pay their bills, apply for mortgages, trade securities, and purchase goods and services wherever and whenever they choose. That will be a win-win clearly for millions of American working families.

As important as this bill is to today's global electronic marketplace, we need to be prepared to deal with the reality that the pace of innovation and change in the new Internet economy has a direct impact on the pace of legislative innovation required here in the Congress.

It is not a criticism of this very strong legislation to recognize that when the U.S. computer industry operates with a 3-month innovation cycle, the new economy may render some of its provisions obsolete unless we move quickly on follow-up legislation.

There is a need, for example, to clarify the legality and reliability of electronic authentication applications. There is also concern that S. 761 will impose unnecessary burdens on businesses and consumers, and the ambiguities in the conference report may actually create new avenues for class action litigation.

For example, under the conference report, consumers who initially consent in paper and ink to receive electronic records will need to either reconsent or reconfirm or confirm their consent by electronic means. Then each time there are changes in any of the hardware or software requirements for accessing a record that consumers have consented to receive electronically, the provider must obtain new consents from all of the affected consumers.

In addition, it must be possible to ''reasonably demonstrate'' that a consumer will be able to access the various forms of electronic records that the consumer has consented to receive. This is a requirement that has no parallel in the paper world. To ensure that consumers can get the full benefits of these electronic records provisions, consumers should only need to consent once either on paper or electronically, with the ability to withdraw their consent if changes create a problem for them.

There is concern that S. 761 may actually create a new basis for denying legal effect to electronic records if they are not in a form that could be retained and accurately reproduced for later reference by any parties who are entitled to retain them. It is my hope, Mr. Speaker, that Congress will be able to respond effectively to these and other challenges that would be brought on by the rapidly changing nature of the Internet economy.

In the meantime, as I have said, this is a bill that deserves overwhelmingly strong bipartisan support. I join again in congratulating my colleagues, who have worked long and hard on this. I am proud to have been a strong supporter of this effort for the past several years, and I urge adoption of the rule and the conference report.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I thank the gentleman from Ohio for yielding time to me.

Mr. Speaker, I rise to support the conference report on the e-sign bill. I want to congratulate the gentleman from Virginia (Chairman BLILEY) for his excellent leadership on this bill, along with the gentleman from Michigan (Mr. DINGELL), the gentleman from Louisiana (Mr. TAUZIN), the gentleman from Ohio (Mr. OXLEY). This is an historic day on the floor of the House.

The legislation will create a legal framework for electronic commerce in the new economy, but the new economy must have old values. That is the formula that we are constructing here on the floor today. It will grow, electronic commerce, as an increasingly important part of our economy, and increasingly it will be important for us to be able to authenticate and to validate electronic transaction.

This is important for both ends of the transaction. For both the buyer and the seller there has to be a way in which there is authentication. There has to be a way in which there is validation.

As we come here today, we begin the new era of a digital John Hancock which can ensure that an electronic signature is valid and that records are established that guarantee that both ends of the transaction are in fact valid.

Today many secure electronic technologies such as cryptographic digital signatures allow consumers and businesses to send a file across the Internet embodying a contract, a signed contract, that can be authenticated on the other end of the transmission. The increased comfort people will have with the technology and their legal rights will serve to enhance electronic commerce and continue to drive electronic growth.

Think of this: In 1999, there was $3.4 trillion worth of electronic commerce in the United States, $3.4 trillion. How much of that was online? Pick a number in your own minds of the $3.4 trillion; $20 billion, that is all, about 7/10ths of 1 percent. As each year goes by there is going to be a dramatic increase.

In order to make people feel comfortable to move their transactions from the real world to the virtual world, we must give them the same kinds of guarantees. This legislation strikes the right balance by clarifying that electronic contracts or agreements that are otherwise required to be in writing must accurately reflect the information set forth in the contract after it was first generated, and must remain accessible for later reference, transmission, and printing.

So Mr. Speaker, this is a great day. I think a new era is dawning. I want to congratulate the gentleman from Virginia (Mr. BLILEY) once again for his great leadership, and the gentleman from Michigan (Mr. DINGELL), the gentleman from Louisiana (Mr. TAUZIN), and the gentleman from Ohio (Mr. OXLEY).

Mr. Speaker, I rise to support the conference report on the ESIGN bill and I want to congratulate Chairman BLILEY for his fine work in the conference and commend Mr. DINGELL, Mr. TAUZIN, and Mr. OXLEY for their excellent work as well.

We return to the House today with a conference report that advances the needs of the Digital Age without compromising fundamental consumer protections.

This legislation provides a legal framework for electronic commerce in the new economy. It's clear that as electronic commerce grows it will become increasingly important to authenticate and validate electronic transactions. This is important for both ends of any transaction, for both the buyer and the seller. Effective authentication of electronic signatures will help to reduce fraud and financial losses.

Technology exists today that permits an electronic signature—a 'digital John Hancock'—to be affixed to computer files in a manner that is difficult to reproduce. Today, many secure electronic technologies such as cryptographic digital signatures, allow consumers and businesses to send a file across the Internet embodying a contract, a signed contract, that can be authenticated on the other end of the transmission. The increased comfort that people will have with the technology and their legal rights will serve to enhance electronic commerce and continue to drive economic growth.

Many current laws, however, do not legally recognize the validity of electronic signatures, contracts, or records. Many laws, regulations and procedures require ''written,'' real world signatures on documents, or the provision of ''paper'' records, both for commercial transactions.

Without question many existing requirements for written records are antiquated whose provision or availability in an electronic version of the same information can suffice to meet any legal requirements or policy goals.

However, there are many other existing requirements for written records which are not antiquated and whose provision or availability in written form serves clear consumer protection goals. As we progress into the digital future, this conference report is careful not to jettison prematurely many important consumer protection provisions simply to demonstrate our enthusiasm for all things digital.

The legislation strikes the right balance by clarifying that electronic contracts or agreements that are otherwise required to be in writing must accurately reflect the information set forth in the contract after it was first generated and must remain accessible for later reference, transmission, and printing. The conference report also preserves a consumers right to receive records in writing. If a consumer wants a record that is required to be in writing to be provided in writing, a consumer still has that right while allowing other consumers, who may prefer to receive records in electronic form, to elect to do so.

This conference report also fixes and vastly improves the process by which consumers may ''opt-in'' to receiving electronic records. A consumer wishing to receive specific records in electronic form must separately and affirmatively consent to the provision of such records in electronic form in order for a vendor to provide electronic records.

In addition this legislation also safeguards the consumer protection policies that have historically served to adequately inform consumers of potentially life-changing events or safety issues. The conference report wisely requires written notices for any notice dealing with court orders and official court documents—including legal briefs and court pleadings, any notice concerning the cancellation of utility services such as water, heat or power service, for foreclosure or eviction notices. It also would require the continuation of written

notices for the cancellation or termination of health insurance or benefits or life insurance benefits.

We are still a long way from the day when computers will be as ubiquitous as the telephone, but this conference report helps set the legal framework for that day. The ''ESIGN'' bill takes that important step into the Digital Age.

I again, want to commend Chairman BLILEY on this landmark bill and commend Mr. DINGELL, Chairman TAUZIN, and Mr. OXLEY for their fine bipartisan work.

Mr. Speaker, I also want to mention of few items related to the financial implications of the conference report. As many members may recall, H.R. 1714, the House version of the Conference Report, initially contained a separate securities law title. Although the Conference Report does not include separate securities title, it contains language intended to resolve satisfactorily the various issues that were addressed by the House securities title and which were the subject of SEC Chairman Levitt's April 21, 2000 letter to the conferees.

For example, Section 104(a) of the Conference Report protects standards and formats developed by the SEC for electronic filing systems such as EDGAR and the IARD, as well as for systems are developed by securities industry self-regulatory organization filing systems such as the CRD, which the NASD and the states use for registering securities firms and their personnel.

Section 101(d) recognizes the importance of accuracy and accessibility in electronic records, which is of utmost importance for investor protection and prevention of fraud. Section 104(b)(3) recognizes the need for agencies, such as the SEC, to provide performance standards relating to accuracy, document integrity, and accessibility in their electronic recordkeeping and retention rules. This is intended to preserve requirements such as the SEC's existing electronic recordkeeping rule, Rule 17a–4(f), which specifies that electronic recordkeeping systems must preserve records in a non-rewriteable and non-erasable manner. The Conferees also expect the SEC to work with the securities SROs to the extent necessary to ensure that accuracy, accessibility, and integrity standards also cover SRO recordkeeping requirements in an electronic environment.

Section 104 of the Conference Report specifically permits federal regulatory agencies, such as the SEC, to interpret the law to require retention of written records in paper form if there is a compelling governmental interest in law enforcement for imposing such requirement, and if, imposing such requirement is essential to attaining such interest. For example, we specifically expect the SEC would be able to use this provision to require brokers to keep written records of all disclosures and agreements required to be obtained by the SEC's penny stock rules.

Finally, the Conference Report's consent provisions similar to much of the SECs guidance in the electronic delivery area. Section 104(d)(1) permits agencies such as the SEC to continue to provide flexibility in interpreting consent provisions anticipated by the Conference Report. In addition, a specific provision contained in Section 104(d)(2) anticipates that the SEC will act to clarify that documents, such as sales literature, that appear on the same website as, or which are hyperlinked to, the final prospectus required to be delivered under the federal securities laws, can continue to be accessed on a website as they are today under SEC guidance for electronic delivery.

Mr. HALL of Ohio. Mr. Speaker, I yield myself the balance of my time, although I really do not have much to add. The rule and resolution looks in very good shape. Many of us really support it.

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

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

Mr. Speaker, it would be wonderful if we all agreed on all points of legislation like we are agreeing today on this conference report. What we have heard today described is an agreement that we have made between the parties, the Democrats and the Republicans, about a new way of doing business.

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In fact, the agreement that we believe that this conference report represents is not exactly leading edge but it is a beginning. It is a start of an opportunity for consumers, for retailers, for people who are engaged in financial transaction and financial services to encourage a new world that is there.

We have heard the gentleman from Louisiana (Mr. TAUZIN) describe his view and vision, along with the chairman of the Committee on Rules, that they felt like that there were too many roadblocks that are put in the way of consumers and too many things that were required, answers back and forth and limitations being placed upon consumers.

This is a good start and it does not take a complete agreement to have a deal. What we have today is a deal. What we have today is a rule that has been agreed to, where both sides have come to the table, have openly agreed; and so we are going to support this conference report.

I would submit an article of some writing that has been in the paper today about how we are going to have to continue in our endeavor to make sure that in the future that we come back and readdress this issue so that consumers and people engaged in financial services have fewer roadblocks in order to get their job done. I support this rule.

[From the Financial Times, June 12, 2000]

CAVEAT SURFER SHOULD BE THE E-COMMERCE MOTTO

(By Amity Shlaes)

Perhaps the most exciting thing about the new internet world is that it undermines the assumptions of the old one. In the internet world, we get along without many things we were long assured had to be: centralised authority, standardised addresses and so on. Technologies that would have been dismissed as chaotic a few years ago turn out to function very well without extra regulation, thank you.

The new world has already found its own muse—the writer Virginia Postrel. She calls for the combating of what she dubs an ideology of stasis—''the notion that the good society is one of stability, predictability and control, and government's responsibility is to curb, direct or end unpredictable market evolution''.

But chaos, even functioning chaos, is not to everyone's liking. Governments these days are desperate to claim the new e-territory, even to dominate it. On the level of instinct, this strikes most people as laughable. Nothing, not even fund-raising controversy, has subjected Al Gore to more ridicule than his statement that he fathered the internet.

This naturally does not stop governments from trying. Fear is their main weapon. Without new protections, they suggest, the internet will give rise to Hollywood-type nightmares—abuses of consumers, online perverts who prey on eight-year-olds, global financial crashes and so on. Some concerns are legitimate—the most serious being Napster—style raids on intellectual property. But governments also raise these issues as a political device.

In this context, the humdrum push-and-pull about bits of technology legislation making their way through the various Western legislatures takes on new meaning. Consider a skirmish in Washington this week about legislation on internet contracts. Like a new British law, it would allow firms and customers to conclude paper-free transactions. The fact that Congress has made the digital signatures bill the centrepiece of new internet legislation should come as good news to freedom-loving types. For contract law is by its nature private: contracts require only two parties, and diminish, even obviate, the need for nosy government.

But the e-signature bill also caught the interest of the centralisers. Lawmakers led by Tom Bliley, a Republican Congressman from Virginia, insisted that the old culture of contracts cannot protect consumers from the fresh dangers of the internet. So they inserted requirements so onerous as to deter online consumers, not a crowd noted for its patience in the first place.

Under the bill as it stood late last week, internet users would have been required to send any number of repeated e-mails reconfirming their consent to the contract at every stage of a transaction, as well as demonstrating that they had absorbed every bit of legal boilerplate. Predictably, this provoked the concern of the Charles Schwabs, Dreyfuses and banks of this world. The financial community has the most to lose if the new law deters customers.

But the extra consumer measures also gave pause to Phil Gramm, chairman of the Senate banking committee. Mr. Gramm is less worried by brokerages than by principle—the principle that the online frontier not be colonised by the old regulatory culture. He points out that the new bill goes beyond anything that already applies in contract law.

''What happened to 'Let the buyer beware?'' he asks. ''Common law and a thousand years of paper contracts established duties and responsibilities for people participating in commerce. You don't want to change that relationship so that e-commerce undermines contracts and commerce.'' On Friday, enough of the obstacles were stripped out to win Mr. Gramm's grudging support, but others remained.

''We have gone from having two different versions of a bill that would have been an A or an A minus, to a low B at best,'' says James Lucier of Prudential Securities. Henry Judy, a lawyer with the Washington office of Kirkpatrick & Lockhart, has compared US and UK legislation. He says the latter ''is broader, but some of the precise consumer issues dealt with by the US legislation are left in the UK bill to later administrative decisions''. The British e-consumer is not safe from government fiat—as another bill allowing e-mail surveillance shows.

Nor are e-signatures the only area where the control question is a matter of legislative controversy. During the spring the US media have made internet privacy for shoppers a huge issue. The finance editor of Consumer Reports has demanded that websites create ''in your face'' privacy warnings. The Federal Trade Commission is now pushing Congress to regulate websites.

On the tax front, the freedom types have been victorious—but only for now. Lawmakers led by Congressman Chris Cox of California recently succeeded in extending a moratorium on new taxes on the internet. But this expires in five years and many states are lobbying hard for a nationally coordinated sales tax regime.

Across the Atlantic, the European Commission has been lobbying so strongly for new taxing authority that it has stirred the ire of the US Treasury. Of course, it is easier to bash someone else's tax arrangements than to stand firm on taxes at home. Globally, the tax issue remains in play; the internet may end up bringing more taxation, rather than less.

Particularly troubling here is the assumption that the internet is inherently more treacherous than the telegraph, the telephone or any other new medium that went before. That is questionable. A few years into the internet era, we have yet to see the electronic world wreak huge damage. Five months and a few days later, concerns about the Year 2000 bug already seem an irrelevance.

Why not proceed with optimism? After all, we were wise enough to let the internet happen. Now the challenge is to be wise enough to let it grow.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. BLILEY. Mr. Speaker, pursuant to House Resolution 523, I call up the conference report on the Senate bill (S. 761) to regulate interstate commerce by electronic means by permitting and encouraging the continued expansion of electronic commerce through the operation of free market forces, and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mr. GIBBONS). Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of June 8, 2000, at page H4115).

The SPEAKER pro tempore. The gentleman from Virginia (Mr. BLILEY) and the gentleman from Michigan (Mr. DINGELL) each will control 30 minutes.

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

GENERAL LEAVE

Mr. BLILEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to insert extraneous material on the conference report on S. 761.

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

There was no objection.

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

Mr. Speaker, for thousands of years dating back to the ancient Egyptians, pen and paper has been the medium by which so much of everyday life has been conducted. Paper has been the lifeblood of commerce for centuries, but that is changing. Now with the Internet age upon us, paper does not have the hold that it once had on so many of us. More and more Americans are getting their news from the Internet rather than a newspaper. E-mail is replacing handwritten letters. Consumers are using e-tickets instead of paper airline tickets. In less than 6 years, the Internet has revolutionized the way people communicate and conduct business.

Every day, the line between what has to be done in paper and what can be done electronically is being moved. The Internet is stretching the creativity and ingenuity of some of the brightest people in our society today. It is altering the practices and lives of all of our Nation's citizens, and much more is to come. It is appropriate that in the first year of the new millennium, Congress is ready to give final approval to the legislation before us today that will further move us from the paper age to the digital age.

I think we are all in agreement that Congress should not do anything that would stifle the growth of the Internet and electronic commerce. That is why 2 years ago the Committee on Commerce began an intensive initiative to better understand the issues surrounding the Internet and electronic commerce. As a result of those hearings, we saw the need to provide legal vitality to electronic documents and electronically signed contracts and agreements if electronic commerce was to grow and flourish. Rather than seeking to regulate, the committee chose to remove those legal roadblocks to unfettered growth of electronic commerce. It has been my mantra that when approaching electronic commerce issues, Congress' first obligation is to do no harm.

Last November, the House overwhelmingly passed H. 1714, the Electronic Signatures in Global and National Commerce Act, better known as E-Sign. The House-passed bill was a very good foundation to get us to this end product.

Working with our colleagues in the other body, we were able to craft a bipartisan consensus conference report that will stand the test of time.

Mr. Speaker, this conference report is founded on a simple premise. Any requirement in law that a contract be signed or that a document be in writing can be met by an electronically signed contract or an electronic document. We are simply giving the electronic medium the same legal effect and enforceability as the medium of paper.

This conference report will allow consumers to engage in a whole host of activities on the Internet that today are not possible. For example, today a consumer can apply for a mortgage or get a quote on a life insurance policy; but when it comes time to close the deal, a consumer must physically sign the contract.

E-Sign will allow the entire transaction to be done electronically, and the transaction will have the same legal effect and enforceability as a paper contract.

Equally important, the conference report extends the same principle to electronic records.

Mr. Speaker, I do want to take a moment to discuss the important consumer provisions in this bill which were the subject of much discussion throughout the negotiating process. First, under E-Sign, engaging in electronic transactions is purely voluntary.

No one will be forced into using or accepting an electronic signature or record. Consumers that do not want to participate in electronic commerce will not be forced or duped into doing so.

Second, all existing Federal and State consumer protection laws remain in place.

Third, we have included a strong consumer consent provision whereby consumers are provided clear disclosure of terms before they consent to any agreement. We also have included an important provision to ensure that consumers will be able to access any electronic record that is sent to them.

Mr. Speaker, E-Sign is about the future. It is about laying the legal foundation of electronic commerce for many years to come. It is about promoting the development of new technologies that will enable consumers and businesses to have a greater certainty and security in their transactions. It is also about developing new products and new services that few of us can even imagine today. E-Sign is the most important high technology vote that this Congress will undertake. If one supports the U.S. high-tech industry, they will vote yes on this bill, which has unanimous support among the high-tech community. A vote in support of S. 761 is a vote in support of providing consumers with great confidence and certainty in on-line transactions. It is a vote in support of allowing businesses to provide new and innovative services on-line.

I urge my colleagues to support the conference report on E-Sign.

Before I conclude, I would like to extend my appreciation to all of the members of the conference committee for their work and thoughtfulness. I extend my thanks to my friend, the gentleman from Michigan (Mr. DINGELL), the ranking member of the Committee on Commerce, for his assistance. In addition, I thank the fine help of the other House conferees, the gentleman from Louisiana (Mr. TAUZIN), the gentleman from Ohio (Mr. OXLEY), and the gentleman from Massachusetts (Mr. MARKEY). Each has made a valuable addition to the process.

Further, I want to thank the members of the other body for their contributions. Republican and Democrat Senators from the commerce, banking and judiciary committees were critical to reaching final support for the conference report. This is truly a remarkable day, and I thank the participants for helping to bring this overwhelming victory to the American people.

The following statement is intended to serve as a guide to the provisions of the conference report accompanying S. 761, the Electronic Signatures in Global and National Commerce Act. The differences between the Senate bill, House amendment, and substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the managers, and minor drafting and clerical changes.

SHORT TITLE

Senate bill

Section 1 establishes the short title of the bill as the ''Millennium Digital Commerce Act.''

House amendment

Section 1 establishes the short title of the bill as the ''Electronic Signature in Global and National Commerce Act''.

Conference substitute

The conference report adopts the House provision.

ELECTRONIC RECORDS AND SIGNATURES IN COMMERCE

GENERAL RULE OF VALIDITY

Senate bill

Section 5(a) of the Senate bill sets forth the general rules that apply to electronic commercial transactions affecting interstate commerce. This section provides that in any commercial transaction affecting interstate commerce a contract may not be denied legal effect or enforceability solely because an electronic record was used in its formation.

Section 5(b) authorizes parties to a contract to adopt or otherwise agree on the terms and conditions on which they will use and accept electronic signatures and electronic records in commercial transactions affecting interstate commerce.

House amendment

Section 101(a) of the House amendment establishes a general rule that, with respect to any contract or agreement affecting interstate commerce, notwithstanding any statute, regulation or other rule of law, the legal effect, validity, and enforceability of such contract or agreement shall not be denied on the ground that: (1) the contract or agreement is not in writing if the contract or agreement is an electronic record; and (2) the contract or agreement is not signed or affirmed by written signature if the contract or agreement is signed or affirmed by an electronic signature.

Section 101(b) provides that with respect to contracts or agreements affecting interstate commerce, the parties to such contracts or agreements may establish procedures or requirements regarding the use and acceptance of electronic records and electronic signatures acceptable to such parties. Further, the legal effect, validity, or enforceability for such contracts or agreements shall not be denied because of the type or method of electronic record or electronic signature selected by the parties.

Nothing in section 101(b) requires a party to enter into any contract or agreement utilizing electronic signatures or electronic records. Rather, it gives the parties the option to enter freely into online contracts and agreements.

Conference Substitute

The conference report adopts a substitute provision that follows the House amendment.

The general rule provides that notwithstanding any statute, regulation, or other rule of law (other than titles one and two) with respect to any transaction in or affecting interstate or foreign commerce: (1) a signature, contract, or other record relating to such transaction may not be denied legal effect, validity, or enforceability solely because it is in electronic form, and (2) a contract relating to such transaction may not be denied legal effect, validity, or enforceability solely because an electronic signature or electronic record was used in its formation.

The conference report makes clear that title I of the conference substitute does not (1) limit, alter, or otherwise affect any requirements imposed by a statute, regulation, or rule of law relating to the rights and obligations of persons under such statute, regulation, or rule of law other than requirements that contracts or other records be written, signed, or in non-electronic form; or (2) require any person, with respect to a record other than a contract, to agree to use or accept electronic records or electronic signatures.

The conference report includes an opt-in provision allowing consumers to consent to receive electronic records as described below. If a statute, regulation, or other rule of law requires that a record relating to a transaction in or affecting interstate or foreign commerce be provided or made available to a consumer in writing, an electronic record may be substituted if (1) the consumer affirmatively consents to receive an electronic record and has not withdrawn such consent, (2) the consumer, prior to consenting, is provided with a clear and conspicuous statement informing the consumer of rights or options to have the record provided or made available on paper, and the right of the consumer to withdraw the consent to electronic records and of any conditions, consequences (which may include termination of the parties' relationships), or fees in the event of withdrawal of consent. Further, the consumer is informed of whether the consent applies only to the initial transaction or to identified categories of records that follow the initial transaction. Disclosure must also be made describing the procedures the consumer must use to withdraw consent and to update information needed to contact the consumer electronically. The consumer must also be informed of how after the consent, the consumer may, upon request, obtain a paper copy of electronic records, and whether any fee will be charged for such copy.

Pursuant to subsection (c)(1)(C)(i), the consumer must be provided, prior to consenting, with a clear and conspicuous statement describing the hardware and software requirements to access and retain electronic records.

Subsection (c)(1)(C)(ii) requires that the consumer's consent be electronic or that it be confirmed electronically, in a manner that reasonably demonstrates that the consumer will be able to access the various forms of electronic records to which the consent applies. The requirement of a reasonable demonstration is not intended to be burdensome on consumers or the person providing the electronic record, and could be accomplished in many ways. For example, the ''reasonable demonstration'' requirement is satisfied if the provider of the electronic records sent the consumer an e-mail with attachments in the formats to be used in providing the records, asked the consumer to open the attachments in order to confirm that he could access the documents, and requested the consumer to indicate in an e-mailed response to the provider of the electronic records that he or she can access information in the attachments. Similarly, the ''reasonable demonstration'' requirement is satisfied if it is shown that in response to such an e-mail the consumer actually accesses records in the relevant electronic format. The purpose of the reasonable demonstration provision is to provide consumers with a simple and efficient mechanism to substantiate their ability to access the electronic information that will be provided to them.

Subsection (c)(1)(D) requires that after the consent of a consumer if a change in the hardware or software requirements needed to access or retain electronic records creates a material risk that the consumer will not be able to access or retain a subsequent electronic record that was the subject of the consent, the person providing the electronic record must provide the consumer with a statement of the revised hardware and software requirements for access to and retention of the electronic records, and the right to withdraw consent without the imposition of any fees for such withdrawal and without the imposition of any condition or consequence that was not disclosed. Further, the provider must, pursuant to subparagraph (C)(ii) perform the consumer access test again.

Subsection (c)(2) includes a savings clause making clear that nothing in this title affects the content or timing of any disclosure or other record required to be provided or made available to any consumer under any statute, regulation, or other rule of law. Further, subsection (c)(2) provides that if a law that was enacted prior to this Act expressly requires a record to be provided or made available by a specified method that requires verification or acknowledgment of receipt, the record may be provided or made available electronically only if the method used provides verification or acknowledgment of receipt (whichever is required).

Section 101(c)(3) makes clear that an electronic contract or electronic signature cannot be deemed ineffective, invalid, or unenforceable merely because the party contracting with a consumer failed to meet the requirements of the consent to electronic records provision. Compliance with the consent provisions of section 101(c) is intended to address the effectiveness of the provision of information in electronic form, not the validity or enforceability of the underlying contractual relationship or agreement between the parties. In other words, a technical violation of the consent provisions cannot in and of itself invalidate an electronic contract or prevent if from being legally enforced. Rather, the validity and enforceability of the electronic contract is evaluated under existing substantive contract law, that is, by determining whether the violation of the consent provisions resulted in a consumer failing to receive information necessary to the enforcement of the contract or some provision thereof. For example, if it turns out that the manner in which a consumer consented did not ''reasonably demonstrate'' that she could access the electronic form of the information at a later date, but at the time of executing the contract she was able to view its terms and conditions before signing, the contract could still be valid and enforceable despite the technical violation of the electronic consent provision.

Subsection (c)(4) provides that withdrawal of consent by a consumer shall not affect the

legal effectiveness, validity, or enforceability of electronic records provided or made available to that consumer in accordance with paragraph (1) prior to implementation of the consumer's withdrawal of consent. A consumer's withdrawal of consent shall be effective within a reasonable period of time after receipt of the withdrawal by the provider of the record. Failure to comply with paragraph (1)(D) may, at the election of the consumer, be treated as a withdrawal of consent for purposes of this paragraph.

Subsection (c)(5) makes clear that this subsection does not apply to any records that are provided or made available to a consumer who has consented prior to the effective date of this title to receive such records in electronic form as permitted by any statute, regulation, or other rule of law.

Subsection (c)(6) provides an oral communication or a recording of an oral communication shall not qualify as an electronic record for purposes of this subsection except as otherwise provided under applicable law.

Section 101(d) addresses statutory and regulatory record retention requirements. It states that when a statute, regulation, or other rule of law requires that a record, including a contract, be retained that requirement is satisfied by the retention of an electronic record, if two criteria are met. First, the electronic record must accurately reflect the information set forth in the contract or record required to be retained. Second, that electronic record must remain accessible to all parties who by law are entitled to access the record for the period set out in that law. Moreover, the electronic record must be in a form capable of accurate reproduction for later reference. The reproduction may be by way of transmission, printing or any other method of reproducing records.

Section 101(e) addresses statutory and regulatory requirements that certain records, including contracts, be in writing. The statute of frauds writing requirement exemplifies one such legal requirement. The section states that an electronic record or contract may be denied legal effect and enforceability under section 101(a) of this Act, if such an electronic record is not in a form that is capable of being retained and accurately reproduced for later reference by all parties entitled to retain that contract or record. This provision is intended to reach two qualities of ''a writing'' in the non-electronic world. The first such quality of ''a writing'' is that it can be retained, e.g., a contract can be filed. The second such quality of ''a writing'' is that it can be reproduced, e.g., a contract can be copied.

Subsection (f) clarifies that nothing in title I affects the proximity requirement of any statute, regulation, or other rule of law with respect to any warning, notice, disclosure, or other record required to be posted, displayed, or publicly affixed.

Subsection (g) provides that if a statute, regulation, or other rule of law requires a signature or record to be notarized, acknowledged, verified, or made under oath, that requirement is satisfied if the electronic signature of the person authorized to perform those acts, together with all other information required to be included by other applicable statute, regulation, or rule of law, is attached to or logically associated with the signature or record. This subsection permits notaries public and other authorized officers to perform their functions electronically, provided that all other requirements of applicable law are satisfied. This subsection removes any requirement of a stamp, seal, or similar embossing device as it may apply to the performance of these functions by electronic means.

Subsection (h) provides legal effect, validity and enforceability to contracts and record relating to a transaction in or affecting interstate or foreign commerce that were formed, created or delivered by one or more electronic agents.

Subsection (i) makes clear that the provisions of title I and II cover the business of insurance.

Subsection (j) provides protection from liability for an insurance agent or broker acting under the direction of a party that enters into a contract by means of an electronic record or electronic signature if: (1) the agent or broker has not engaged in negligent, reckless, or intentional tortious conduct; (2) the agent or broker was not involved in the development or establishment of such electronic procedures; and (3) the agent or broker did not deviate from such procedures.

AUTHORITY TO ALTER OR SUPERSEDE GENERAL RULE

Senate bill

Section 5(g) of the Senate bill provides that section 5 does not apply to any State in which the Uniform Electronic Transaction Act is in effect.

House amendment

Section 102(a) of the House amendment provides that a State statute, regulation or other rule of law enacted or adopted after the date of enactment of H.R. 1714 may modify, limit, or supersede the provisions of section 101 (except as provided in section 102(b)) if that State action: (1) is an adoption or enactment of the UETA as reported by the NCCUSL or specifies alternative procedures or requirements recognizing the legal effect, validity and enforceability of electronic signatures; and (2) for statutes enacted or adopted after the date of enactment of this Act, makes specific reference to the provisions of section 101.

Section 102(b) provides that no State statute, regulation, or rule of law (including those pertaining to insurance), regardless of date of enactment, that modifies, limits, or supersedes section 101 shall be effective to the extent that such statute, regulation, or rule of law: (1) discriminates in favor of or against a specific technology, method, or technique; (2) discriminates in favor of or against a specific type or size of entity engaged in the business of facilitating the use of electronic signatures and electronic records; (3) is based on procedures or requirements that are not specific and that are not publicly available; and (4) is otherwise inconsistent with the provisions of section 101.

Section 103(c) provides that a State may, by statute, regulation or rule of law enacted or adopted after the date of enactment of this Act, require specific notices to be provided or made available in writing if such notices are necessary for the protection of the public health or safety of consumers. A consumer may not, pursuant to section 101(b)(2) consent to the provision or availability of such notice solely as an electronic record.

Conference substitute

The conference report adopts a substitute provision. Section 102 of the conference report provides a conditioned process for States to enact their own statutes, regulations or other rules of law dealing with the use and acceptance of electronic signatures and records and thus opt-out of the federal regime. The preemptive effects of this Act apply to both existing and future statutes, regulations, or other rules of law enacted or adopted by a State. Thus, a State could not argue that section 101 does not preempt its statutes, regulations, or other rules of law because they were enacted or adopted prior to the enactment of this Act.

Section 102(a) provides that a State statute, regulation or other rule of law may modify, limit, or supersede the provisions of section 101 only if that State action: (1) constitutes an adoption or enactment of the Uniform Electronic Transactions Act (UETA) as reported and recommended for enactment by the National Conference of Commissioners on Uniform State Laws (NCCUSL) in 1999; or (2) specifies alternative procedures or requirements (or both) for the use or acceptance of electronic signatures or electronic records for establishing the legal effect, validity and enforceability of contracts or records.

It is intended that any State that enacts or adopts UETA in its State to remove itself from Federal preemption pursuant to subsection (a)(1) shall be required to enact or adopt UETA without amendment. Any variation or derivation from the exact UETA document reported and recommended for enactment by NCCUSL shall not qualify under subsection (a)(1). Instead, such efforts and any other effort may or may not be eligible under subsection (a)(2). Thus, a State that enacted a modified version of UETA would not be preempted to the extent that the enactment or adoption by a State met the conditions imposed in subsection (a)(2).

Subsection (a)(1) places a significant limitation on a State that attempts to avoid Federal preemption by enacting or adopting a clean UETA. Section 3(b)(4) of UETA, as reported and recommended for enactment by NCCUSL, allows a State to exclude the application of that State's enactment or adoption of UETA for any ''other laws, if any, identified by State.'' This provision provides a potential enormous loophole for a State to prevent the use or acceptance of electronic signatures or electronic records in that State. To remedy this, subsection (a)(1) requires that any exception utilized by a State under section 3(b)(4) of UETA shall be preempted if it is inconsistent with title I or II, or would not be preempted under subsection (a)(2)(ii) (technology neutrality).

As stated above, subsection (a)(2) is designed to cover any attempt except a strict enactment or adoption of UETA (which would be covered by subsection (a)(1)), by a State to escape Federal preemption by enacting or adopting specific alternative procedures or requirements for the use or acceptance of electronic signatures or records. This includes any regulations or State action taken to implement a clean enactment or adoption of UETA. Thus, a regulation or other rule of law issued to implement a State's enactment or adoption of a clean UETA would fall under and be tested against the standards contained in subsection (a)(2) if it strays in any manner from the strict, specific text of UETA, as reported and recommended for enactment by NCCUSL.

Further, some States are enacting or adopting a strict, unamended version of UETA as well as enacting or adopting a companion or separate law that contains further provisions relating to the use or acceptance of electronic signatures or electronic records. Under this Act, such action by the State would prompt both subsection (a)(1) (for the strict enactment or adoption of UETA) and subsection (a)(2) (for the other companion or separate legislation). Subsection (a)(2) would also apply for any amendments made by a state in the future to their statutes, regulations or rules of law pertaining to the original enactment or adoption of UETA that qualified under subsection (a)(1).

Subsection (a)(2) contains two important conditions that limit the extent to which a state could utilize it to opt-out of the federal regime. Specifically, such alternative procedures or requirements: (1) must be consistent with this title and title II; and (2) do not require, or accord greater legal status or effect

to, the implementation or application of a specific technology or technological specification for performing the functions of creating, storing, generating, receiving, communicating, or authenticating electronic signatures or records. It is not intended that the singular use of technology or technological specification in subsection (a)(2)(A)(ii) allows a State to set more than one technologies at the expense of other technologies in order to meet this standard. Instead, this limitation is intended to prevent States from setting any specific technology or technological specification, unless otherwise specifically permitted. Further, inclusion of the ''or accord greater legal status or effect to'' is intended to prevent a state from giving a leg-up or impose an additional burden on one technology or technical specification that is not applicable to all others.

In addition, subsection (a)(2)(B) requires that a State that utilizes subsection (a)(2) to escape federal preemption must make a specific reference to this Act in any statute, regulation, or other rule of law enacted or adopted after the date of enactment of this Act. This provision is intended, in part, to make it easier to track action by the various States under this subsection for purposes of research.

Section 102(b) provides a specific exclusion to the technology neutrality provisions contained in subsection (a)(2)(A)(ii) for procurement by a state, or any agency or instrumentality thereof.

Section 102(c) makes clear that subsection (a) cannot be used by a State to circumvent this title or title II through the imposition of nonelectronic delivery methods under section 8(b)(2) of UETA. Any attempt by a State to use 8(b)(2) to violate the spirit of this Act should be treated as effort to circumvent and thus be void.

SPECIFIC EXCLUSIONS

Senate bill

Section 5(d) of the Senate bill excludes from the application of this section any statute, regulation or other rule of law governing: (1) the Uniform Commercial Code as in effect in any state, other than sections 1–107 and 1–206 and Articles 2 and 2A; (2) premarital agreements, marriage, adoption, divorce, or other matters of family law; (3) documents of title which are filed of record with a governmental unit until such time that a State or subdivision thereof chooses to accept filings electronically; (4) residential landlord-tenant relationships; and (5) the Uniform Health-Care Decisions Act as in effect in a State.

House amendment

Section 103(a) of the House amendment excludes from the application of section 101 any contract, agreement or record to the extent that it is covered by: (1) a statute, regulation or rule of law governing the creation and execution of wills, codicils, or testamentary trusts; (2) a statute, regulation or other rule of law governing adoption, divorce, or other matters of family law; (3) the Uniform Commercial Code as in effect in any state, other than sections 1–107 and –206 and Articles 2 and 2A; (4) any requirement by a Federal regulatory agency or self-regulatory agency that records be filed or maintained in a specified standard or standards (except that nothing relieves any Federal regulatory agency of its obligation under the Government Paperwork Elimination Act, title XVII of Public Law 105–277); (5) the Uniform Anatomical Gift Act; or (6) the Uniform Health-Care Decisions Act.

Section 103(b) excludes from the application of section 101: (1) any contract, agreement or record between a party and a State agency if the State agency is not acting as a market participant in or affecting interstate commerce; (2) court orders or notices or official court documents (including briefs, pleading and other writings) required to be executed in connection with court proceedings; or (3) any notice concerning: (A) the cancellation or termination of utility services, (B) default, acceleration, repossession, foreclosure or eviction, or the right to cure under a credit agreement secured by, or a rental agreement for, a primary residence of an individual or the cancellation or termination of health insurance or benefits or life insurance benefits (excluding annuities).

Conference substitute

The conference report adopts a substitute provision that follows the House amendment.

Section 103(a) excludes from the application of section 101 any contract, agreement or record to the extent that it is covered by: (1) a statute, regulation or rule of law governing the creation and execution of wills, codicils, or testamentary trusts; (2) a statute, regulation or other rule of law governing adoption, divorce, or other matters of family law; (3) the Uniform Commercial Code as in effect in any state, other than sections 1–107 and 1–206 and Articles 2 and 2A.

Section 103(b) excludes from the application of section 101: (1) court orders or notices or official court documents (including briefs, pleading and other writings) required to be executed in connection with court proceedings; or (2) any notice of: (A) the cancellation or termination of utility services, (B) default, acceleration, repossession, foreclosure or eviction, or the right to cure under a credit agreement secured by, or a rental agreement for, a primary residence of an individual or the cancellation or termination of health insurance or benefits or life insurance benefits (excluding annuities).

The exclusion pertaining to utility services applies to essential consumer services including water, heat and power. This provision does not apply to notices for other broadly used important consumer services, such as telephone, cable television, and Internet access services, etc. Electronic cancellation or termination notices may be used in association with those other services, assuming all of the other elements of Section 101 are met.

Section 103(c)(1) directs the Secretary of Commerce, acting through the Assistant Secretary for Communication and Information, to review the operation of the exclusions in subsections (a) and (b) over a period of three years to determine if such exclusions are necessary for the protection of consumers. The Assistant Secretary shall submit the findings of this review to Congress within three years of the date of enactment of this Act.

Section 103(c)(2) provides that a Federal regulatory agency, with respect to matter within its jurisdiction, may extend, after proper notice and comment and publishing a finding that one or more of exceptions in subsections (a) or (b) are not longer necessary for the protection of consumers and eliminating such exceptions will not increase the material risk of harm to consumers, the application of section 101 to such exceptions.

APPLICABILITY TO FEDERAL AND STATE GOVERNMENTS

Senate bill

The Senate bill contained no provision affecting the authority of Federal regulatory agencies.

House amendment

The House amendment provided in Section 103 that the authority of Federal regulatory agencies would be preserved over records filed or maintained in a specific standard or standards.

Conference substitute

The conference report adopts a substitute provision that follows the House amendment.

Section 104(a) provides that subject to section 104(a)(2), a Federal regulatory agency, a self-regulatory organization, or State regulatory agency may specify standards or formats for the filing of records with that agency or organization, including requiring paper filings or records. While the conference report preserves such authority to such agencies or organizations, it is intended that use of such authority is rarely exercised. Section 104(b)(1) provides that subject to section 104(b)(2) and section 104(c), a Federal regulatory agency or State regulatory agency that is responsible for rulemaking under any other statute may interpret section 101 with respect to such statute through (1) the issuance of regulations pursuant to a statute; or (2) to the extent such agency is authorized by statute to issue orders or guidance, the issuance of orders or guidance of general applicability that are publicly available and published (in the Federal Register in the case of an order or guidance issued by a Federal regulatory agency). However, this does not grant any Federal regulatory agency or State regulatory agency authority to issue regulations, orders, or guidance pursuant to any statute that does not authorize issuance of orders or guidance.

Section 104(b)(2) provides for limitations on the interpretational authority of agencies. Specifically, a Federal regulatory agency shall not adopt any regulation, order, or guidance described in section 104(b)(1), and a State regulatory agency is preempted by section 101 from adopting any regulation, order, or guidance described above unless: (1)—(A) such regulation, order, or guidance is consistent with section 101; (B) such regulation, order, or guidance does not add to the requirements of such section; and (C) such agency finds, in connection with the issuance of such regulation, order, or guidance, that—(i) there is a substantial justification for the regulation, order, or guidance; (ii) the methods selected to carry out that purpose—(I) are substantially equivalent to the requirements imposed on records that are not electronic records; and (II) will not impose unreasonable costs on the acceptance and use of electronic records; and (iii) the methods selected to carry out that purpose doe not require the implementation or application of a specific technology or technological specification for performing the functions of creating, storing, generating, receiving, communicating, or authenticating electronic records or electronic signatures.

The conference report provides for more limited Federal and State interpretative authority over other functions related to records. This Act grants no additional or new rulemaking authority to any Federal or State agency. The conference report provides that if Federal or State regulators possessed specific rulemaking authority under their organic statutes, they could use that rulemaking authority to interpret section 101 subject to strict conditions. Those conditions include determinations that such regulation, order or guidance: (1) is consistent with section 101; and (2) does not add to the requirements of the section. Additionally, the conference report requires that any Federal agency show conclusively that: (a) there is a substantial justification for the regulation and the regulation is necessary to protect an important public interest; (b) the methods used to carry out that purpose are the least restrictive alternative consistent

with that purpose; (c) the methods are substantially equivalent to the requirements imposed or records that are not electronic records; and (d) such methods will not impose new costs on the acceptance and use of electronic records. The conference report requires strict technological neutrality of any Federal or State regulation, order or guidance. Absent such technological neutrality, any such regulation, order or guidance is void.

The conference report is designed to prevent Federal and State Regulators from undermining the broad purpose of this Act, to facilitate electronic commerce and electronic record keeping. To ensure that the purposes of this Act are upheld, Federal and State regulatory authority is strictly circumscribed. It is expected that Courts reviewing administrative actions will be rigorous in seeing that the purpose of this Act, to ensure the widest use and dissemination of electronic commerce and records are not undermined.

Subsection (b)(3)(A) provides authority to a Federal or State regulatory agency to interpret section 101(d) in a manner to specify specific performance standards to assure accuracy, record integrity, and accessibility of records that are required to be retained. Subsection (b)(3) extends this authority to override the technology neutrality provision contained in subsection (b)(2)C)(iii) but only if doing so (1) serves an important governmental objective; and (2) is substantially related to the achievement of that objective. Further, subsection (b)(3)(A) does not allow a Federal or State regulatory agency to require the use of a particular type of software or hardware in order to comply with 101(d).

Subsection (b)(3)(B) provides authority to a Federal or State regulatory agency to interpret section 101(d) to require retention of paper records but only if (1) there is a compelling government interest relating to law enforcement or national security for imposing such requirement, and (2) imposing such requirement is essential to attaining such interest. It is important to note that the test in subsection (b)(3)(B) is higher and more stringent than in subsection (b)(3)(A). This is intentional as it is an effort to impose an extremely high barrier before a Federal or State regulatory agency will revert back to requiring paper records. However, this does not diminish the test contained subsection (b)(3)(A). It, too, is intended to be an extremely high barrier for a Federal or State regulatory agency to meet before the technology neutrality provision is violated. It is intended that use of either of these tests will be necessary in only a very, very few instances. It is expected that Federal and State agencies take all action and exhaust all other avenues before exercising authority granted in paragraph (3).

Subsection (b)(4) exempts procurement by a Federal or State government, or any agency or instrumentality thereof from the technology neutral requirements of subsection (b)(2)(C)(iii).

Subsection (c)(1) makes clear that nothing in subsection (b), except subsection (b)(3)(B), allows a Federal or State regulatory agency to impose or reimpose any requirement that a record be in paper form.

Subsection (c)(2) makes clear that nothing in subsection (a) or (b) relieves any Federal regulatory agency of its obligations under the Government Paperwork Elimination Act.

Subsection (d)(1) provides authority to a Federal or State regulatory agency to exempt without condition a specified category or type of record from the consent provisions in section 101(c) if such exemption is necessary to eliminate a substantial burden on electronic commerce and will not increase the material risk of harm to consumers. It is intended that the test under subsection (d)(1) not be read too limiting. There are vast numbers of instances when section 101(c) may not be appropriate or necessary and should be exempted by the appropriate regulator.

Subsection (d)(2) requires the Securities and Exchange Commission, within 30 days after date of enactment, to issue a regulation or order pursuant to subsection (d)(1) exempting from the consent provision any records that are required to be provided in order to allow advertising, sales literature, or other information concerning a security issued by an investment company that is registered under the Investment Company Act of 1940, or concerning the issuer thereof, to be excluded from the definition of a prospectus under section 2(a)(10)(A) of the Securities Act of 1933.

Section 104(e) provides that the Federal Communications Commission shall not hold any contract for telecommunications service or letter of agency for a preferred carrier change, that otherwise complies with the Commission's rules, to be legally ineffective, invalid or unenforceable solely because an electronic records or electronic signature was used in its formation or authorization.

The Federal Communications Commission (FCC) has been very slow, even reticent, to clearly authorize the use of an Internet letter of agency for a consumer to conduct a preferred carrier change. As a result of the Commission's repeated failure to act on this matter, the conference report provides specific direction to the Commission to recognize Internet letters of agency for a preferred carrier change.

STUDIES

Senate bill

Section 7 of the Senate bill directs the Department of Commerce and Office of Management and Budget (OMB) to report to Congress within 18 months on Federal laws and regulations that might pose barriers to electronic commerce, including suggestions for reform.

House amendment

Section 104 of the House amendment directs the Secretary of Commerce (the Secretary), acting through the Assistant Secretary for Communications and Information, to conduct an inquiry regarding any State statute, regulation, or rule of law enacted or adopted after enactment on the extent to which such statute, regulation, or rule of law complies with section 102(b). Section 104(b) requires the Secretary to submit the report described in paragraph(a) at the conclusion of the five year period.

Section 104(c) requires the Secretary, within eighteen months after the date of enactment, to conduct an inquiry regarding the effectiveness of the delivery of electronic records to consumers using electronic mail as compared with the delivery of written records by the United States Postal Service and private express mail services. The Secretary shall submit a report to Congress regarding the results of such inquiry at the conclusion of the eighteen month period.

Conference substitute

The Senate recedes to the House with an amendment. Specifically, the conference report retains subsection 104(c) of the House amendment and redesignates it as section 104(a) of the conference report. Further, the conference report includes a new subsection (b) that requires the Secretary of Commerce and the Federal Trade Commission, within one year after date of enactment, to submit a report to the Congress analyzing: (1) the benefits provided to consumers by the consumer access test of the consent provision (section 101(c)(1)(C)(ii)); (2) any burdens imposed on electronic commerce by the provision, whether the benefits outweigh the burdens; (3) whether the absence of such procedure would increase consumer fraud; and (4) any suggestions for revising the provision. In conducting the evaluation, the Secretary of Commerce and FTC shall solicit the comments of the public, consumer representatives, and electronic commerce businesses.

DEFINITIONS

Senate bill

Section 4 sets forth the definitions of terms used in the bill: ''electronic;'' ''electronic agent;'' ''electronic record;'' ''electronic signature;'' ''governmental agency;'' ''record;'' ''transaction;'' and ''Uniform Electronic Transaction Act.''

House amendment

Section 104 of the House amendment defines the following terms: ''electronic record;'' ''electronic signature;'' ''electronic;'' ''electronic agent;'' ''record;'' ''Federal regulatory agency;'' and ''self-regulatory agency.''

Conference substitute

The conference report adopts a substitute provision adopting definitions for the following terms: ''consumer;'' ''electronic;'' ''electronic agent;'' ''electronic record;'' ''electronic signature;'' ''Federal regulatory agency;'' ''information;'' ''person;'' ''record;'' and ''transaction.''

EFFECTIVE DATES

Senate bill

The Senate bill contained no provision.

House amendment

The House amendment contained no provision.

Conference substitute

The conference report creates a general delayed effective date for the bill, and creates specific delayed effective dates for certain provisions of the bill. Subsection (a) establishes that, except as provided in subsections (b), the provisions of the bill are effective October 1, 2000. Subsection (b) delays the effective date of the records retention provision until March 1, 2001 unless an agency has initiated, announced, proposed but not completed an action under subsection 104(b)(3), in which case it would be extended until June 1, 2001. Subsection (b)(2) delays the effective date of this Act by one year with regards to any transaction involving a loan guarantee or loan guarantee commitment made by the United States Government. The one year delay was granted to permit the federal government time to institute safeguards necessary to protect taxpayers from risk of default on loans guaranteed by the federal government.

Subsection (d) delays the effective date of section 101(c) for any records provided or made available to a consumer pursuant to title IV of the High Education Act of 1965 until the Secretary of Education publishes revised promissory notes under section 432(m) of such Act or one year after the date of enactment, whichever is earlier.

TRANSFERABLE RECORDS

TRANSFERABLE RECORDS

Senate bill

The Senate bill contained no provision.

House amendment

The House amendment contained no provision.

Conference substitute

The conference report adopts a new provision in recognition of the need to establish a uniform national standard for the creation, recognition, and enforcement of electronic negotiable instruments. The development of

a fully-electronic system of negotiable instruments such as promissory notes is one that will produce significant reductions in transaction costs. This provision, which is based in part on Section 16 of the Uniform Electronic Transactions Act, sets forth a criteria-based approach to the recognition of electronic negotiable instruments, referred to as ''transferable records'' in this section and in UETA. It is intended that this approach create a legal framework within which companies can develop new technologies that fulfill all of the essential requirements of negotiability in an electronic environment, and in a manner that protects the interests of consumers.

The conference report notes that the official Comments to section 16 of UETA, as adopted by the National Conference of Commissioners on Uniform State Laws, provide a valuable explanation of the origins and purposes of this section, as well as the meaning of particular provisions.

The conference report notes that, pursuant to sections 3(c) and 7(d) of the UETA, an electronic signature satisfies any signature requirement under Section 16 of the UETA. It is intended that an electronic signature shall satisfy any signature requirement under this provision, as well. The conference report further notes that the reference in section 201(a)(1)(C) to loans''secured by real property'' includes all forms of real property, including single-family and multi-family housing.

Development and Adoption of Electronic Signature Products

TREATMENT OF ELECTRONIC SIGNATURES IN INTERSTATE AND FOREIGN COMMERCE

Senate bill

Section 6 of the Senate bill sets out the principles that the United States Government should follow, to the extent practicable, in its international negotiations on electronic commerce as a means to facilitate cross-border electronic transactions.

Paragraph (1) advocates the removal of paper-based obstacles to electronic transactions. This can be accomplished by taking into account the enabling provisions of the Model Law on Electronic Commerce adopted by the United Nations Committee on International Trade Law (UNCITRAL) in 1996. Paragraph (2) permits that parties to a transaction shall have the opportunity to choose the technology of their choice when entering into an electronic transaction. Paragraph (3) permits parties to a transaction the opportunity to prove in a court or other proceeding that their authentication approach and transactions are valid. Paragraph (4) adopts a nondiscriminatory approach to electronic signatures.

House amendment

Section 201(a) of the House amendment directs the Secretary of Commerce, acting through the Assistant Secretary for Communications and Information, to conduct an annual inquiry identifying: (1) any domestic or foreign impediments to commerce in electronic signature products and services and the manner and extent to which such impediments inhibit the development of interstate and foreign commerce; (2) constraints imposed by foreign nations or international organizations that constitute barriers to providers of electronic signature products and services; and (3) the degree to which other nations and international organizations are complying with the principles in section 201(b)(2).

Under subsection (a)(2), the Secretary is required to report to Congress the findings of each inquiry 90 days after completion of such inquiry.

Section 201(b) directs the Secretary of Commerce, acting through the Assistant Secretary for Communications and Information, to promote the acceptance and use of electronic signatures on an international basis in accordance with section 101 of the bill and with designated principles. In addition, the Secretary of Commerce is directed to take all actions to eliminate or reduce impediments to commerce in electronic signatures, including those resulting from the inquiries required pursuant to subsection (a).

The designated principles are as follows: free-markets and self-regulation, rather than government standard-setting or rules, should govern the development and use of electronic signatures and electronic records; neutrality and nondiscrimination should be observed among providers of and technologies for electronic records and electronic signatures; parties to a transaction should be allowed to establish requirements regarding the use of electronic records and electronic signatures acceptable to the parties; parties to a transaction should be permitted to determine the appropriate authentication technologies and implementation for their transactions with the assurance that the technology and implementation will be recognized and enforced; the parties should have the opportunity to prove in court that their authentication approaches and transactions are valid; electronic records and signatures in a form acceptable to the parties should not be denied legal effect, validity, or enforceability because they are not in writing; *de jure* or *de facto* imposition of electronic signature and electronic record standards on the private sector through foreign adoption of regulations or policies should be avoided; paper-based obstacles to electronic transactions should be removed.

Section 201(c) requires the Secretary of Commerce to consult with users and providers of electronic signatures and products and other interested parties in carrying out actions under this section.

Section 201(d) clarifies that nothing requires the Secretary or Assistant Secretary to take any action that would adversely affect the privacy of consumers.

Section 201(e) provides that the definitions in section 104 apply to this title.

Conference Substitute

The conference report adopts a substitute provision. Section 301(a)(1) directs the Secretary of Commerce to promote the acceptance and use of electronic signatures on an international basis in accordance with section 101 of the bill and with the set principles listed in subsection (a)(2). In addition, the Secretary of Commerce is directed to take all actions to eliminate or reduce impediments to commerce in electronic signatures.

Section 301(a)(2) lists the principles as follows: (1) Removal of paper-based obstacles to electronic transactions. This can be accomplished by taking into account the enabling provisions of the Model Law on Electronic Commerce adopted by the United Nations Committee on International Trade Law (UNCITRAL) in 1996; (2) Parties to a transaction shall have the opportunity to choose the technology of their choice when entering into an electronic transaction. Parties to a commercial transaction should be able to chose the appropriate authentication technologies and implementation models for their transactions. Unnecessary regulation of commercial transactions distorts the development and efficient operation of markets, including electronic markets. Moreover, the rapid development of the electronic marketplace is resulting in new business models and technological innovations. This is an evolving process. Therefore, government attempts to regulate may impede the development of newer alternative technologies; (3) Parties to a transaction the opportunity to prove in a court or other proceeding that their authentication approach and transactions are valid. Parties should have the opportunity to prove in court that the authentication methods that they select are valid and reliable; and (4) Adoption of a nondiscriminatory approach to electronic signatures and authentication methods from other jurisdictions.

Section 301(c) directs the Secretary to consult with users and providers of electronic signature products and services and other interested parties. Section 301(d) applies the definitions of ''electronic signature'' and ''electronic record'' in section 107 to this title.

Increasingly, online transactions are not just interstate but international in nature and this creates a clear need for international recognition of electronic signatures and records that will not create barriers to international trade. Title III directs the Secretary of Commerce to take an active role in bilateral and multilateral talks to promote the use and acceptance of electronic signatures and electronic records worldwide. It is intended that the Secretary promote the principles contained in this Act internationally. However, it is possible that some foreign nations may choose to adopt their own approach to the use and acceptance of electronic signatures and electronic records. In such cases, the Secretary should encourage those nations to provide legal recognition to contracts and transactions that may fall outside of the scope of the national law and encourage those nations to recognize the rights of parties to establish their own terms and conditions for the use and acceptance of electronic signatures and electronic records.

There is particular concern about international developments that seek to favor specific technologies of processes for generating electronic signatures and electronic records. Failure to recognize multiple technologies may create potential barriers to trade and stunt the development of new and innovative technologies.

Unfortunately, international developments on recognizing electronic signatures are troubling. The German Digital Signature Law of July 1997 runs counter to many of the widely accepted principles of electronic signature law in the United States. For example, the German law provides legal recognition only to signatures generated using digital signature technology, establishes licensing for certificate authorities, and sets a substantial role for the government in establishing technical standards. Further, a position paper on international recognition of electronic signatures released by the German government (International Legal Recognition of Digital Signatures, August 28, 1998) seeks to apply these principles internationally. This policy statement reemphasizes the principle that uniform security standards are necessary for all uses of digital signatures regardless of their use, supports mutual recognition of digital signatures only to those nations which have a similar regulatory structure for certification authority, and fails to provide legal effect to electronic signatures generated by other technologies.

The European Community is considering a framework for the use and acceptance of electronic signatures for its member countries. ''Directive 1999/93/EC of the European Parliament and of the Council of 13 December 1999 on a Community Framework for electronic signatures'' lays out the European Community's approach to electronic signature legislation. Of particular interest is Article 7, International Aspects, which recognizes the legal validity of digital certificates issued in a non-European Community country. While international recognition of electronic signatures is important, there is concern that this approach will not recognize

non-certificate based electronic signatures, such as those based on biometric technologies. The conference report notes that negotiations with the European Union on electronic signatures is a top priority.

COMMISSION ON CHILD ONLINE PROTECTION

AUTHORITY TO ACCEPT GIFTS

Senate bill

The Senate bill contains no similar provision.

House amendment

The House amendment contains no similar provision.

Conference substitute

The conference report adopts a provision to amend section 1405 of the Child Online Protection Act by adding a new subsection (h), which allows the Commission on Online Child Protection to accept, use and dispose of gifts, bequests or devises of services or property for the purpose of aiding or facilitating the work of the Commission.

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

Mr. DINGELL. Mr. Speaker, I yield myself 3 minutes.

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

Mr. DINGELL. Mr. Speaker, I rise in support of this conference report and urge its adoption by the House.

I want to begin by paying tribute to my good friend, the chairman of the committee, the gentleman from Virginia (Mr. BLILEY), for his leadership in this matter.

Pieces of legislation which would not have met the test of the public interest have been reformed in the conference, and his leadership has played a significant part in those events, for which I salute him and thank him.

The conference report confers legal validity on electronic signatures and contracts involving transactions in interstate commerce and allows required consumer disclosures and other records to be transmitted and retained by businesses electronically rather than on paper.

This is the most far-reaching e-commerce legislation to be considered by this Congress. No one could be more pleased nor indeed more surprised than I am at the successful outcome of this conference.

As I mentioned, we started with a version that was anti-consumer and opposed by the Democratic conferees, by the administration, by all the States and by consumer groups. The Department of Justice and the State attorneys general submitted letters to the conference committee, pointing out how the draft would have undermined the government's ability to enforce civil and criminal laws against waste, fraud and abuse and would have destroyed many popular laws protecting consumers.

What then happened? Under the leadership of our friend and colleague, the gentleman from Virginia (Mr. BLILEY), chairman of the Committee on Commerce and the chairman of the conference, and Senator JOHN MCCAIN, chairman of the Committee on Commerce in the other body, a majority of the Republican conferees agreed to address these concerns. They recognized that this legislation must have adequate consumer protections or consumers would never have the necessary confidence to make e-commerce work.

I also want to commend Senators HOLLINGS, SARBANES, WYDEN, and LEAHY for their outstanding work on these issues. Without their assistance, certainly this matter would have been concluded differently and probably unsuccessfully.

These joint efforts led to the adoption of strong consumer consent provisions. These provisions require that consumers affirmatively consent to receive information in electronic form. Furthermore, these provisions require that the consumer actually demonstrate its ability to be open and to gain access to the information in the format that it will be transmitted. Other consumer protections contained in the conference report include requirements relating to integrity of records and security to guard against tampering. Federal regulatory agencies may grant exemptions from the consent requirements under certain limited circumstances. Businesses may be required to maintain paper copies of contracts or records, if there is a compelling law enforcement or national security interest.

Moreover, many critical documents continue to be provided and retained on papers, such as wills, adoption, divorce matters, court orders, utility termination notices, foreclosure and eviction notices, insurance cancellation, product recalls, and warnings required to accompany transportation of hazardous materials.

I am happy to report that all Democratic conferees and a majority of our Republican conferees have agreed to the conference report which we are considering today.

The conference report is also supported by the administration, the States, and consumer groups.

This bipartisan conference agreement is balanced, and it is fair to businesses, fair to consumers. It should become law.

Let me discuss a few of the details of the agreement.

I want to draw my colleagues attention to some important provisions to which the Conferees agreed during the conference.

Scope of Requirement.—Section 101(a). In recommending that the House vote to pass this conference report, I would like to clarify for members the kind of transactions that are covered by the bill. You will note that the definition of ''transaction'' includes business, commercial, or consumer affairs. The Conferees specifically rejected including ''governmental'' transactions. Members should understand that this bill will not in any way affect most governmental transactions, such as law enforcement actions, court actions, issuance of Government grants, applications for or disbursement of Government benefits, or other activities that the Government conducts that private actors would not conduct. Even though some aspects of such governmental transactions (for example, the Government's issuance of a check reflecting a Government benefit) are commercial in nature, they are not covered by this bill because they are part of a uniquely governmental operation. Likewise, activities conducted by private parties principally for governmental purposes are not covered by this bill. Thus, for example, the act of collecting signatures to place a nomination on a ballot would not be covered, even though it might have some nexus with commerce (such as the signature collectors' contract of employment).

General Rule of Validity.—Section 101(a)(1) and (2). The Conferees added the word ''solely'' in both sections 101(a)(1) and (2) to ensure that electronic contracts and signatures are not inadvertently immunized by this Act from challenge on grounds other than the absence of a physical writing or signature.

Preservation of Rights and Obligations.—Section 101(b)(1). The Conferees added a new Section 101(b)(1) which provides that this Title I does not ''limit, alter, or otherwise affect any requirement imposed by a statute, regulation, or rule of law relating to the rights and obligations of persons under such statute, regulation, or rule of law other than a requirement that contracts or other records be written, signed, or in nonelectronic form.'' This savings clause makes clear that existing legal requirements that do not involve the writing, signature, or paper form of a contract or other record are not affected by Title I. Thus, for example, a transaction into which a consumer enters electronically is still subject to scrutiny under applicable State and Federal laws that prohibit unfair and deceptive acts and practices. So, if a consumer were deceived or unfairly convinced in some way to enter into the electronic transaction, State and Federal unfair and deceptive practices laws might still apply even though the consumer was properly notified of their rights under Section 101(c) and consent to the electronic notices and contracts was properly obtained. In other words, compliance with the Act's consumer consent requirements does not make it unnecessary for the transaction and parties to the transaction to comply with other applicable statutes, regulations or rules of law.

Preservation of Rights and Obligations.—Section 101(b)(2). The Act specifically avoids forcing any contracting party—whether the Government or a private party—to use or accept electronic records and electronic signatures in their contracts. Thus, for example, where the Government makes a direct loan, the bill would not require the use or acceptance of electronic records or signatures in the loan transaction, because the Government would be a party to the loan contract. The Conferees recognized that, in some instances, parties to a contract might have valid reasons for choosing not to use electronic signatures and records, and it is best to allow contracting parties the freedom to make that decision for themselves.

Protections Against Waste, Fraud and Abuse.—Sections 101(b)(2), 102(b) and 104(b)(4). Members should note that several provisions of the conference report are designed to address concern about protecting taxpayers from waste, fraud and abuse in connection with government contracting or other instances in which the Government is a market participant. For example, Sections 101(b)(2) 102(b) and 104(b)(4) and others

give agencies significant latitude to accept, reject, or place conditions on the use of electronic signatures and records when the Government is acting like a market participant.

Consent to Electronic Record.—Section 101(c)(1). The House bill included an amendment that required that consumers affirmatively consent before they can receive records (including required notices and disclosures and statements) electronically that are legally required to be provided or made available in writing. Among other changes to this section made in conference, the Conferees added an important new element: Section 101(c)(1)(C) of the conference report requires that the consumer ''consents electronically, or confirms his or her consent electronically, in a manner that reasonably demonstrates that the consumer can access information in the electronic form that will be used to provide the information that is the subject of the consent.'' The purpose of this provision is to ensure that, when consumers agree to receive notices electronically, they are able to make an informed decision and that they can actually open, read, and retain the records that they will be sent electronically.

Today, many different technologies can be used to deliver information—each with its own hardware and software requirements. An individual may not know whether the hardware and software on his or her computer will allow a particular technology to operate. (All of us have had the experience of being unable to open an e-mail attachment.) Most individuals lack the technological sophistication to know the exact technical specifications of their computer equipment and software, especially if they are not at home when consent is sought. For these reasons, it is appropriate to require companies to establish an ''electronic connection'' with their customers in order to provide assurance that the consumer will be able to access the information in the electronic form in which it will be sent. This one-time ''electronic check'' can be as simple as an e-mail to the customer asking the customer to confirm that he was able to open the attachment (if the company plans to send notices to the customer via e-mail attachments) and a reply from the customer confirming that he or she was able to open the attachment. This responsibility is not unduly burdensome to e-commerce. As a matter of good customer relations, any legitimate company would want to confirm that it has a working communications link with its customers.

Preservation of Consumer Protections.—Section 101(c)(2)(A). The Conferees preserved an important provision from the House bill which provides that: ''nothing in this title affects the content or timing of any disclosure or other record required to be provided or made available to any consumer under any statute, regulation, or other rule of law.'' So, for example, if a statute requires that a disclosure be provided within 24 hours of a certain event and that the disclosure include specific language set forth clearly and conspicuously, that requirement could be met by an electronic disclosure provided within 24 hours of that event, which disclosure included the specific language, set forth clearly and conspicuously. However, simply providing a notice electronically does not obviate the need to satisfy the underlying statute's requirements for timing and content.

Retention of Contracts and Records.—Section 101(d)(1) and Section 104(b)(3). The Conferees added provisions that state: ''if a statute, regulation, and other rule requires that a contract or other record relating to a transaction . . . be retained,'' the requirement is met by retaining an electronic record of the information that ''accurately reflects the information'' and ''remains accessible'' to all who are entitled to it ''in a form that is capable of being accurately reproduced for later reference. . . .'' Moreover, Federal or State regulatory agencies may interpret this requirement to specify performance standards to ''assure accuracy, record integrity, and accessibility of records that are required to be retained.'' Moreover, these performance standards can be specified in a manner that does not conform to the technology neutrality provisions, provided that the requirement serves, and is substantially related to the achievement of, an important governmental objective. These record retention provisions are essential to the capacity of federal and State regulatory and law enforcement agencies to ensure compliance with laws. For example, the only way in which a Government agency can determine if participants in large Government programs are complying with financial and other requirements of those programs may be to require that records be retained in a form that can be readily accessible to government auditors. Similarly, agencies must be able to require that companies implement anti-tampering protections to ensure that electronic records cannot be altered easily by money launderers or embezzlers or others seeking to hide their illegal activity. Without the ability of these agencies to ascertain program compliance through electronic record retention, taxpayers could be exposed to far greater risk of fraud and abuse. Similarly, bank and other financial regulators need to require that records be retained in order that their examiners can insure the safety and soundness of the institutions and their compliance with all relevant regulatory requirements. The standards set forth in the SEC's existing electronic recordkeeping rule, Rule 17a–4(f), such as the requirement that an electronic recordkeeping system preserve records in a non-rewritable and non-erasable manner, are essential to the SEC's investor protection mission and are consistent with the provisions of the conference report. The Conferees also expect the SEC to work with the securities self-regulatory organizations (SROs) to the extent necessary to ensure that accuracy, accessibility, and integrity standards also cover SRO recordkeeping requirements in an electronic environment.

Section 104(b)(3)(B) of the conference report permits Federal regulatory agencies to interpret the law to require retention of written records in paper form, if there is a compelling governmental interest in law enforcement for imposing such requirement, and if imposing such requirement is essential to attaining such interest. The Conferees expect the SEC would be able to use this provision to require brokers to keep written records of agreements required to be obtained by the SEC's penny stock rules.

Exemptions to Preemption.—Section 102(a). This subsection expressly gives the States the authority to modify, limit or supersede provisions of Section 101 in certain ways if the State enacts the provisions of the Uniform Electronic Transactions Act as approved and recommended for enactment by the National Conference of Commissioners on Uniform State Laws in 1999 (UETA).

Prevention of Circumvention.—Section 102(c). Under Section 102(a), States may supersede this Act if they adopt UETA, subject to certain limitations section forth in Section 102(a). Section 8(b)(2) of UETA allows States to impose delivery requirements. Section 102(c) makes clear that States retain the authority provided under Section 8(b)(2), provided that the State does not circumvent Titles I or II of this Act by imposing nonelectronic delivery methods. Thus, provided that the delivery methods required are electronic and do not require that notices and records be delivered in paper form, States retain their authority under Section 8(b)(2) of UETA to establish delivery requirements.

Filing and Access Requirements.—Section 104(a) of the conference report protects standards and formats developed by a Federal regulatory agency, self-regulatory organization, or State regulatory agency for records required to be filed with it. Thus standards and formats developed by the SEC for electronic filings for systems such as EDGAR and IARD, and similarly, the CRD system, a joint federal-state system for registering securities firms and their personnel, all would be covered by Section 104(a). The standards and formats for EDGAR, the IARD, and the CRD have been developed over many years, and both the SEC and securities industry have expended significant resources to make these complex systems work for regulators and investors alike. The importance of this provision has been intensified by the very real threat of security breaches by computer hackers.

Preservation of Existing Rulemaking Authority.—Section 104(b). This Act will affect requirements that are imposed by Federal and state statutes, regulations, and rules of law. No one agency is charged with interpreting its provisions; instead, under Section 104(b), regulatory agencies that have authority to interpret other statutes may interpret Section 101 with respect to those statutes to the extent of their existing interpretative authority. This provision provides important protection to both affected industry and consumers. It is impossible to envision all of the ways in which this Act will affect existing statutory requirements. This interpretative authority will allow regulatory agencies to provide legal certainty about interpretations to affected parties. Moreover, this authority will allow regulatory agencies to take steps to address abusive electronic practices that might arise that are inconsistent with the goals of their underlying statutes. For example, if a broker were to deceive a person into pledging equity in their home for a loan based on false representations about the loan's terms and conditions, the broker's action could be challenged under any applicable statute that prohibited such deception and false representations, even if the consumer executed the loan documents electronically and consented to the use of the electronic contract and records in compliance with the terms of this Act. Without this authority, predators might argue that this Act somehow immunizes the abusive practice, notwithstanding the underlying statutory requirement, and consumers and competitors would have to wait for resolution of the issue through litigation.

I would also like to clarify the nature of the responsibility of Government agencies in interpreting this bill. As the bill makes clear, each agency will be proceeding under its preexisting rulemaking authority, so that regulations or guidance interpreting section 101 will

be entitled to the same deference that the agency's interpretations would usually receive. This is underlined by the bill's requirements that regulations be consistent with section 101, and not add to the requirements of that section, which restate the usual Chevron test that applies to and limits an agency's interpretation of a law it administers. Giving each agency authority to apply section 101 to the laws it administers will ensure that this bill will be read flexibly, in accordance with the needs of each separate statute to which it applies.

Any reading under which courts would apply an unusual test in reviewing an agency's regulations would generate a great deal of litigation, creating instability and needlessly burdening the courts with technical determinations. Likewise, because these regulations will be issued under preexisting legal authority, any challenges to those regulations will proceed through the methods prescribed under that preexisting authority, whether pursuant to the Administrative Procedure Act or some other statute. Again, this will ensure that any challenges to such regulations are resolved promptly and minimize any resulting instability and burden. Of course, such regulations must satisfy the requirements of the Act.

Authority To Exempt From Consent Provision.—Section 104(d)(1) and (2). It is my understanding that the conference report's consent provisions are similar to much of the SEC's guidance in the electronic delivery area. Section 104(d)(1) permits agencies such as the SEC to continue to provide flexibility in interpreting the consent provisions anticipated by the conference report. In addition, a specific provision contained in Section 104(d)(2) anticipates that the SEC will act to clarify that documents, such as sales literature, that appear on the same Web site as, or which are hyperlinked to, the final prospectus required to be delivered under the federal securities laws, can continue to be accessed on a Web site as they are today under SEC guidance for electronic delivery.

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

Mr. BLILEY. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. DAVIS).

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

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to express my strong support for S. 761, the Electronic Signatures in Global and National Commerce Act. This legislation marks a critical positive step towards promoting the growth and development of electronic commerce which has emerged as the driving force in our Nation's economy.

Today there are approximately 17 million households on-line and that number is expected to almost triple by 2004. Revenue generated from the Internet increased by 62 percent and totaled $524 billion in 1999. That figure is likely to reach $850 billion by the end of 2000 and a staggering $1.6 trillion by 2003.

Now what these figures demonstrate is the seemingly boundless potential that electronic commerce has to offer our economy in terms of both economic prosperity and ease of communication. Our computers are windows to a diverse and limitless electronic venue that mimics the traditional free market but which is still developing in terms of the parameters under which consumers and businesses interact with each other.

The E-Sign bill adopts one of the most critical components of any successful market economy to the digital environment: The existence of the rule of law and the enforcement of written agreements and transactions that follow predetermined rules of notice, disclosure rights and obligations. All other things being equal, when parties know that the signatures guarantee accountability, that they gain benefits, and at the same time undertake certain obligations in return, their behavior is necessarily shaped by the certainty which results when parties are contractually bound. Of course, this paradigm which has been rooted in common law for centuries and dominates contracts course work during the first year of law school, is the essence of paper-based contracts and transactions.

Now, as we enter the digital age and the dynamic electronic marketplace expands, the absence of a uniform legal mechanism for digital signatures and records threatens to restrain the booming commerce that is taking place over the Internet.

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With the Internet as the marketplace of the 21st century, increasing its use depends on developing and retaining consumer and business confidence in the legal enforcement of digital signatures.

S. 761 creates this necessary legal certainty. By allowing American businesses and individuals the ability to engage in commerce, knowing that their transactions are full and legal and valid, I believe we will see enormous savings to business, greater efficiency in the market, and faster paperless transactions that will translate into lower costs for consumers.

Another important objective in passing this legislation is the assurance that American principles on the use and acceptance of electronic signatures and records will be emulated overseas, ensuring that American businesses will not be put at a competitive disadvantage by restrictive foreign laws.

Let me finish by thanking the gentleman from Virginia (Mr. BLILEY), who has worked very hard to bring this well thought-out and critical measure to the floor today. S. 761 is an important step in reconciling our legal system with modern-day technology. It is essential to fostering the continued growth of electronic commerce that is propelling America's economic prosperity in the Information Age. I urge all my colleagues to vote in favor of this conference report.

Mr. DINGELL. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank the very distinguished gentleman from Michigan (Mr. DINGELL), our senior Democrat in the Congress, for yielding me this time and for his strong support of this conference report.

Mr. Speaker, the Internet has become an integral part of our daily lives at work and at home. Because of the Internet, the American people have access to services and information that were unheard of 5 or 10 years ago. Approval of this conference report is a step towards ensuring that American businesses and consumers are able to take the fullest advantage of the digital revolution by being able to contract as well as to communicate over the Internet.

This legislation promotes the use of electronic signatures by providing a consistent and predictable national framework of rules governing the use of electronic signatures. It will provide consumers and companies doing business on the Internet legal certainty over electronic signatures until all 50 States pass their own legislation on the legality of electronic transactions under the Uniform Electronic Transaction Act.

It is not an attempt to regulate electronic commerce. It merely declares the validity of electronically created contracts and records. But it retains individual choice and personal security. As the supportive statements of the gentleman from Virginia (Chairman BLILEY) and the gentleman from Michigan (Mr. DINGELL), the ranking Democrat, have underscored, this is balanced, bipartisan legislation that will allow the American people to utilize the Internet to its fullest potential. So I urge a unanimous vote on this conference report.

Mr. BLILEY. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana (Mr. TAUZIN), chairman of the subcommittee.

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

Mr. TAUZIN. Mr. Speaker, let me first thank the gentleman from Virginia (Mr. BLILEY), the chairman of our Committee on Commerce and the leader of our conference with the Senate, for the production of this incredibly, I think, historic act today. Let me also thank the gentleman from Michigan (Mr. DINGELL) and the gentleman from Massachusetts (Mr. MARKEY), who joined the gentleman from Ohio (Mr. OXLEY) and I as the five Members of the conference committee who duked it out with 17 Senators on the conference committee in order to produce this, I think, very good result, and, as I said, which we endorse today, albeit the fact that we believe at some point we are going to have to come back and make some repairs in it in order to make sure this does not become a haven for civil class-action lawsuits.

Having said that, let me also use this moment to pay special homage and thanks to the gentleman from Richmond, Virginia (Mr. BLILEY), the chairman of the Committee on Commerce,

who is today adding another star on the chest of this warrior for telecommunications reform.

The gentleman from Virginia (Mr. BLILEY), as my colleagues know, was our chairman when he produced the historic 1996 Telecommunications Act that rewrote the 1930s laws on telecommunications, something we have been trying to do for a decade, and accomplished under his chairmanship.

The gentleman from Virginia (Mr. BLILEY) recently produced for us the conference report and the final action on the bill to deregulate satellites in this country and around the world, and that was an amazing and important accomplishment of his tenure.

I mentioned earlier the on-line privacy acts that are going to provide Americans with much more security and privacy as they enter this new world of electronic commerce. Much of it is the work of the gentleman from Virginia (Chairman BLILEY).

The national 911 bill that will provide a national number for people to call in terms of emergencies on the Nation's highways is a product of his tenure as chairmanship; now this historic digital signature act of the year 2000.

But the gentleman from Virginia (Mr. BLILEY) is not through. This afternoon, we take up anti-spam legislation to protect Americans on the Internet from the avalanche of damaging and very disruptive spam operations that hurt electronic commerce and damage our capacity to use the Internet efficiently to communicate with one another.

He is a cosponsor with me of the Truth in Billing Act to do something about making sure the telephone company bills we get clearly disclose what all those charges are about so Americans understand what is on that massive and complicated telephone bill. The gentleman from Virginia (Mr. BLILEY) has been truly a warrior of the telecommunications reform.

Today, we not only celebrate a historic, I think, beginning of making sure that electronic commerce is secure and legal and binding into the future, but I also see the gentlewoman from California (Ms. ESHOO), who I want to commend for her early work on this issue for many years. But today we not only celebrate the passage of this act, we celebrate, as the gentleman from Virginia (Mr. BLILEY) is nearing his retirement, an incredible series of accomplishments on behalf of the chairman of our Committee on Commerce.

Mr. Speaker, today I rise in support of the Conference Report to accompany S. 761, the ''Electronic Signatures in Global and National Commerce Act.'' This historic legislation, I believe, will promote the growth of electronic commerce and the Internet economy.

For the first time in our nation's history, this legislation mandates that electronic signatures and records may take the place of handwritten signatures and hard, or paper, documents. And for the first time in our history, electronic signatures and records will have full legal validity.

This bill, once enacted into law, will bring enormous savings to business through greater efficiency, faster transactions, and reduced paperwork. Moreover, consumers will save from lower transactions costs.

S. 761, I must also mention, provides for extensive consumer protection. Not only are existing state and federal consumer protection laws unaffected, but the provisions regarding consent afford consumers with the greatest possible safeguards against fraud imaginable. Consumers must opt-in to electronic transactions, receive full disclosure of terms and conditions, and ultimately prove that they can electronically access and retain the information that is the subject of the consent. I submit that in all my time in Congress, I have never seen a more involved statutory framework for purposes of manifesting consent.

In addition, S. 761 does not ignore international developments. It directs the Secretary of Commerce to examine foreign laws that may be an impediment to the use and acceptance of electronic signatures and records. The Secretary must also promote e-signatures overseas and work to remove the foreign barriers and impediments to commerce in electronic signatures and records.

Finally, this legislation before us technology neutral. Mr. Speaker, in developing this legislation, the Conference Committee recognizes that certain technologies are more secure than others. The Committee also recognizes that consumers and businesses must as well be free to select the technology that is most appropriate for their particular needs, taking into account the importance of a transaction, the special nature of a transaction, and the corresponding need for assurances. To this extent, S. 761 is consistent with the ''Government Paperwork Elimination Act'' that we passed last Congress.

Mr. DINGELL. Mr. Speaker, I yield 3½ minutes to the distinguished gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I thank the gentleman from Michigan for yielding me this time. I would like to engage in a colloquy, if I may, with the gentleman from Virginia (Mr. BLILEY) on the consumer consent provision in the conference report on electronic signatures.

Is it the understanding of the gentleman from Virginia, Mr. Speaker, that pursuant to subsection 101(c)(1)(C)(ii) of the conference report, a consumer's affirmative consent to the receipt of electronics records needs to ''reasonably demonstrate'' that the consumer will be able to access the various forms of electronic records to which the consent applies?

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

Mr. MARKEY. I am glad to yield to the gentleman from Virginia.

Mr. BLILEY. Yes, Mr. Speaker. The conference report requires a ''reasonable demonstration'' that the consumer will be able to access the electronic records to which the consent applies. By means of this provision, the conferees sought to provide businesses and consumers with a simple and efficient mechanism to substantiate consumers' ability to access the electronic information that will be provided to them.

Mr. MARKEY. Mr. Speaker, I agree. The conferees did not intend that the ''reasonable demonstration'' requirement would substantially burden either consumers or the person providing the electronic record. In fact, the conferees expect that a ''reasonable demonstration'' could be satisfied in many ways.

Does the gentleman from Virginia agree with me that conferees intend that the reasonable demonstration requirement is satisfied if the provider of the electronic records sent the consumer an e-mail with attachments in the formats to be used in providing the records, asked the consumer to open the attachments in order to confirm that he could access the documents, and requested the consumer to indicate in an e-mail response to the provider of the electronic records that he or she can access information in the attachments?

Mr. BLILEY. Mr. Speaker, will the gentleman further yield?

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

Mr. BLILEY. Yes, Mr. Speaker. An e-mail response from a consumer that confirmed that the consumer can access the electronic records in the formats provided to the consumer as e-mail attachments would satisfy the reasonable demonstration requirement.

Mr. MARKEY. Mr. Speaker, does the gentleman from Virginia also agree with me that the reasonable demonstration requirement is satisfied if it is shown that, in response to such an e-mail, the consumer actually accesses records in the relevant electronic format?

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

Mr. BLILEY. Yes, Mr. Speaker. The requirement is satisfied if it is shown that, in response to such an e-mail, the consumer actually accesses the information contained in electronic records in the relevant format.

Mr. MARKEY. Mr. Speaker, on another matter, with respect to penny stocks, would the gentleman from Virginia agree that conference reports preserve the ability of the SEC to require written customer statements with respect to a purchase of penny stocks, as was required in the House-passed version of this bill?

Mr. BLILEY. Mr. Speaker, if the gentleman will yield, the gentleman from Massachusetts is correct. Following enactment of the Penny Stock Reform Act of 1990, the SEC has developed a cold call rule that requires brokers to obtain a signed customer statement regarding any penny stock to be purchased before any transaction takes place.

In addition, customers are provided with important written disclosures involving risks of investing in penny stocks. Section 104 of the conference report specifically permits Federal regulatory agencies, such as the SEC, to

interpret the law to require retention of written records in paper form if there is a compelling governmental interest in law enforcement for imposing such a requirement and if imposing such a requirement is essential to attaining such interest. The conferees expect the SEC would be able to use this provision to require brokers to keep written records of all disclosures and agreements required to be obtained by the SEC's penny stock rule.

Mr. MARKEY. Mr. Speaker, without question, penny stocks are a very special category of extremely dangerous investments that I think will require that the SEC needs to be able to ensure additional disclosure and agreements to continue to be done in writing to help protect consumers against fraud and facilitate the SEC securities law enforcement mission. I thank the gentleman from Virginia (Mr. BLILEY) very much for his assistance.

The SPEAKER pro tempore (Mr. GIBBONS). The Chair advises the Members that the gentleman from Virginia (Mr. BLILEY) has 18 minutes remaining, and the gentleman from Michigan (Mr. DINGELL) has 22 minutes remaining.

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

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

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

Mr. Speaker, I rise in support of the E-Sign conference report. This legislation is deceptively simple. It provides that anywhere in law a written signature or paper record is required, that requirement can be satisfied by an electronic signature or electronic record. Other than repealing some of our law school educations, this legislation provides a real future for electronic commerce.

Its application is clearly sweeping. It will promote legal certainty in all on-line transactions. In so doing, it will accelerate the growth of electronic commerce. E-Sign is a rare example of legislation in which Congress is being proactive rather than reactive.

Because the access to financial information has improved dramatically, the Internet provides significant opportunities for more Americans to become directly involved in the capital markets.

Be it trading stocks on-line, assembling a retirement portfolio or getting a mortgage on-line, E-Sign will allow consumers to do it faster, cheaper, and better.

Today, millions of Americans trade securities and manage their investments on-line. The cost savings to investors are enormous. Full-service brokerage can cost as much as $400 per trade. On-line brokerage costs less than $10 per trade at some firms.

One goal of E-Sign is to allow consumers to open accounts on-line without mandating a physical signature or a brokerage agreement and mailing it back to the broker. E-Sign will lower transaction costs to firms and improve the audit trail for customers.

E-Sign will also facilitate an increase of the provision of insurance products on-line and provide for on-line mortgages. It has been estimated that consumer savings will amount to $5 billion in mortgages alone.

I want to highlight two other provisions to which I contributed. The first is the amendment that I sponsored to allow letters of agency, or LOAs, to be submitted over the Internet for the purpose of changing telecommunications carriers.

The second provision of which I took special interest is intended to limit the liability exposure of insurance agents so they are not liable for deficiencies in electronic procedures.

I want to take this opportunity to commend the gentleman from Virginia (CHAIRMAN BLILEY) for his leadership once again on this important legislation. It is a fitting legacy to his chairmanship, along with Gramm-Leach-Bliley, Litigation Reform, and the Telecommunications Act, among many others. Under the gentleman's leadership, the Committee on Commerce has become the e-commerce committee.

I also want to thank the gentleman from Michigan (Mr. DINGELL), the gentleman from Massachusetts (Mr. MARKEY), and the gentleman from Louisiana (Mr. TAUZIN) for their work on the conference.

E-Sign is not just a bill that will benefit companies that develop new technology. It will also help American businesses, large and small, use technology to develop their businesses and provide new and innovative services to consumers.

This a proud day for the Congress, a proud day for the Committee on Commerce.

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Mr. DINGELL. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, I thank the gentleman from Michigan (Mr. DINGELL), the ranking member, and also the gentleman from Virginia (Mr. BLILEY), the chairman of the committee, for their yeomen's efforts on this bill.

Our signature is our word. It binds all agreements. The signatures of our forefathers freed our country. Today, in many respects, we are going to free the American consumer. The legislation before us today will allow an electronic signature to replace a written signature for many business transactions.

The electronic signature, in many instances, will speed transactions between consumers and businesses across States and across nations. Not having to sign and mail important documents does come, however, at a price. As a member of the Committee on Commerce and the Subcommittee on Telecommunications, Trade, and Consumer Protection, I supported ensuring that consumers are protected from the fraudulent use of their name. To this end, a balanced disclosure policy that allows consumers the choice of receiving important documents either on paper or electronically has been incorporated in this legislation.

While there are a great many people in this country that are computer literate, there are those that are more comfortable in signing their names to paper. This bill accommodates those people. I also want to point out that not all documents are eligible for the electronic signature. Wills, court orders, foreclosures, termination of health benefits are just examples of the documents that must be delivered and signed directly by the consumer.

This legislation will continue our progress into the new digital millennium, and I am pleased the conference committee produced this solid bipartisan legislation that helps and protects the American consumers.

Mr. Speaker, this is a good piece of legislation, and again I thank the chairman of the committee and also our ranking member for their efforts on this.

Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. ARMEY), the distinguished majority leader.

Mr. ARMEY. Mr. Speaker, I thank the gentleman from Virginia for yielding me this time, and let me thank the Committee on Commerce for another very, very good piece of legislative work. Not only was it an outstanding job in committee, preparing this bill for the floor, but even in the sometimes more rigorous business of working with the other body in conference committee we find the dedication of the committee to be excellent, and we have before us an excellent product.

Mr. Speaker, we live in a world of innovation and invention that boggles the mind. Each day we use dozens of new technologies that we would not even have imagined a few short years ago. Today, we are removing government obstacles that prevent consumers and businesses from making the most of these wonders of technology. We are checking off a major item in our e-contract with high-tech America.

Most of us see the advantages of technology in our daily lives as consumers, but there is a larger, invisible benefit: Increasing productivity in every business in America. Our modern economy makes it possible for a business to go on-line and order supplies quickly and accurately. It is simple and it is paperless, with one little hitch: Today, no sale is a legal contract without a piece of paper on file somewhere. The materials are ordered, the products are custom made, the special delivery instructions are carried out, all with just a few strokes of the keyboard. But for legal backup that paper must always be stored in a file cabinet somewhere.

This bill changes all that. Now, an electronic document will be considered a contract for legal purposes. A simple change with a dramatic impact. Just think of all those file cabinets full of purchase orders and invoices that will be no longer needed.

Consumers will see the benefits in their lives, too. Today, they can go on-line to buy a car, do all the research, figure out what they want to buy and find the exact car they want among all the dealerships nationwide. But when they go to finally settle on the deal, today, they have got to commit pen to paper and wait on regular mail.

A consumer can go on-line to research and find a mortgage but, again, that last step must be on paper and delivered by snail mail. We can get a world of information on mutual funds by searching on-line; but, again, that last step has to be on paper, delivered by the post office.

This bill changes all that. It eliminates the paper, the delay, the inconvenience by letting the consumer open that account on-line, confident that the transaction has the same standing in law as if they had signed a contract on paper at a bank or investment company. More importantly, we consumers can choose to have information about our accounts sent to us electronically rather than on paper. Instead of storing shoe boxes full of monthly statements, we can receive statements by e-mail and save them on our computers.

With this bill, Mr. Speaker, each of us will have increased confidence that an on-line transaction has the same legal standing as if we had traveled down to the bank, stood in line for an hour, and signed a bunch of papers. What we get from this bill, Mr. Speaker, is paperless transactions. What we receive is electronic records. With this bill, we save our time, we save frustration, and we save trees.

Mr. DINGELL. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I thank the ranking member, who is also the dean of our caucus, for his leadership on this issue and so many others and, of course, the gentleman from Virginia (Mr. BLILEY).

We are at the beginning of a new century which is more information, more wired, and technology driven. Our ever-more global new economy is changing the way Americans work and communicate with each other. This conference committee report is part of that change, and I fully endorse it.

This legislation knocks down another barrier to a fully incorporated digital information-based economy. The bill requires that e-signatures be treated legally, the same as written ones, for commercial contracts, agreements and records. For consumers, this bill means less paperwork, major time savings and reduced costs. This will greatly increase the attractiveness and efficiency of on-line commerce.

An important privacy protection will require consumers to opt in to receive records electronically. This strikes an important balance, ensuring that consumers' interests are adequately protected as transactions are increasingly completed in digital form.

While the information economy is changing the way people live around the world, it is having an even more profound impact on the congressional district in New York City, which I represent, particularly the silicon alley area. The technology industry is responsible for 100,000 new jobs in New York City alone in the 1990s. These are highly desirable, professional jobs that are an important addition to our city. This bill is an important step in keeping this progress moving forward.

I thank the conferees for their important work on this bipartisan issue, and I urge its passage.

Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. COX), a member of the committee and chairman of the Republican Policy Committee.

Mr. COX. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in strong support of this conference report. I would like to thank the chairman of the full committee for his leadership of our House effort in the House-Senate conference. It is a very, very important step for this Congress that we are completing action on this legislation.

The growing use of the Internet, of course, gave rise to the need for this legislation. It created questions about whether or not a piece of paper, pen and ink, would be necessary in order to make a contract that otherwise was negotiated and agreed to on-line.

We have just started a new millennium. In the last millennium, several centuries ago, there were similar questions about whether one could form a contract in some way other than with a stamp and hot wax, and I am happy to say that with such high-tech inventions as the ballpoint pen at hand, legislatures all over the world recognized the efficiency of permitting people to make agreements that were legally binding without a stamp and hot wax. Now, in the 21st century, we are asking ourselves again whether the latest technology will be sufficient to form an agreement. We have agreed that the answer must be yes.

No longer will there be inconsistency among the 50 States over the question of whether a contract is a contract just because it was made over the Internet. Now, an electronic signature, that is an individual's agreement given on-line, will be just as legally valid as the handwritten signature. And this is a good thing, because they are not just mere substitutes for one another.

In fact, an electronic signature is more secure. Present-day technology permits us to ascertain more accurately whether or not the individual is actually the person making the agreement or whether the person at the other side of the contract is the contracting party much more so than signatures, which can more easily be forged. Digital signatures also permit us to ascertain whether or not the contract itself is the very contract that we thought we were signing or whether it has been altered in some way. These are real benefits over paper and ink.

There is one other thing about this conference report that is worth mentioning, and that is that it permits the parties themselves to agree on the specific technologies that they find satisfactory in coming to a meeting of the minds. When we pass legislation that is going to be valid not just for a month or for a year; but for the indefinite future, it is vitally important we permit technology to advance, that we not impede it with our legislative enactments. And this flexibility, my colleagues, I think, is a very important aspect of this legislation.

Finally, I am pleased that this legislation directs the Commerce Department, the executive branch of our government to work with foreign governments to make sure that this rule, which will now apply in the 50 States, also applies worldwide.

Mr. DINGELL. Mr. Speaker, I yield 2½ minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Speaker, I rise in support of this very important conference report that is before us today. As so many of my colleagues have mentioned, we have moved into a new era, from pen and quill, from wax, from all kinds of imprints that would conclude a contractual agreement between parties.

Back in 1996, I believe I was the first to establish a virtual district office, where constituents could go on-line to fill out the government forms. But I very quickly realized that they could not sign off on these forms. So it was in that Congress that I brought to my colleagues the whole issue of digital signatures.

The government now, because of the legislation that I had introduced in the last Congress, and it became law, now allows for digital signatures. But today, this legislation, very importantly, recognizes that electronic commerce is here, here to stay, and that we, too, have to extend across the States to businesses and to individuals the allowance of what we now call a digital signature.

I am very proud of the work that we did that is reflected in the legislation that I introduced, and building on it, of course, what our chairman and so many others have done. Two very important aspects of this legislation are that the financial services community is included in this and, very importantly, that there are consumer protections. Our chairman accepted the work that some of us did. There was a very important amendment that the gentleman from Washington (Mr. INSLEE), the gentleman from Virginia (Mr. MORAN), myself, and others introduced. That strengthened the backbone of this

bill. It has made it better for the consumer. It has made it better for our Nation. I salute him for his leadership.

Mr. Speaker, I thank those that have worked as conferees and have held onto this. And I think that as we embark upon this Internet revolution, this new economy, that there are more challenges upon us. And I think the first, and one of the major steps, is being taken today. So I urge my colleagues to accept this conference report. It is a very important one.

I look to the future of building on the issues of privacy, of cyber security, of intellectual property, of copyright and also of financial reporting standards. Please vote for this. This is a step that matches the new century, and I salute our chairman for his leadership on it.

Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. FOSSELLA), a member of the committee.

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

□ 1215

Mr. FOSSELLA. Mr. Speaker, I thank the chairman of the committee for yielding me the time and to add to those who have said prior how this will add, I think, to a wonderful legacy that the gentleman from Virginia (Chairman BLILEY) has earned as chairman of the Committee on Commerce and the ranking member and others who participated.

Mr. Speaker, I rise today in support of the conference report to S. 761, the Electronic Signatures in Global and National Commerce Act.

The most recent Commerce Department report on the digital economy released last week was aptly titled Digital Economy 2000. Interestingly, this is a change from the two previous reports, which were entitled The Emerging Digital Economy.

The Commerce Department's reasoning for the title change was simple: the digital economy is no longer emerging but, rather, it has already arrived.

The Electronic Signatures in Global and National Commerce Act, better known as E–SIGN, is the most important step that Congress has taken to date ensuring that not only the benefits of the digital economy are sustained but, more importantly, that those benefits are grown and enhanced substantially.

By according electronic records and signatures the same legal effect and enforceability as those enjoyed by nonelectronic records and signatures, E–SIGN enables more complex transactions to take place among a wider range of economic participants.

For example, the American consumer no longer will be limited to purchases of books or CDs on-line. Rather, with the enactment of E–SIGN, the American consumer can participate in complex on-line transaction, such as the purchase of a home, a life insurance policy, or the establishment of an IRA, to name but a few.

Moreover, E–SIGN will empower small businesses to more effectively compete with large corporations. Those businesses will be empowered to engage in on-line transactions which are more complex in nature and greater in value.

Both the American consumer and the small businessman can more fully harness the efficiencies and the value of the digital economy with E–SIGN.

America's larger economies will also benefit from the added legal certainty brought to the digital marketplace with E–SIGN.

With that, and for all those reasons mentioned above, Mr. Speaker, I urge strong support of this legislation.

Mr. DINGELL. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California (Mr. BERMAN).

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

Mr. Speaker, I am very pleased to rise in support of passage of the conference report.

When the bill first came before the House, I had some very serious concerns that it might undermine the many consumer laws that we have fought hard to develop, the laws that are the very basis of relationships of trust between consumers and merchants.

At that time, many of us warned that a bill unfriendly to consumers would not be good for the very industries that wanted it, those moving into the new world of electronic commerce.

Validating electronic signatures and contracts is essential for the continued growth and security of e-commerce. But this important goal is expanded by some with the aim of eliminating virtually all paper requirements; and that expansion, to my way of thinking, was excessive.

For instance, H.R. 1714 as originally passed allowed regulated industries to eliminate paper records but did not require businesses to maintain their records in a form that could be accessed by government regulators.

Our efforts to oppose the worst of this legislation have led to a very good result. The conference has reshaped the bill to protect consumers from fraud and to provide assurances that consumers will know their legal rights before they opt-in in receiving electronic records, understand what records will be affected, and to be able to get the records in paper should they need to.

Further, the report preserves State and Federal unfair deceptive practices laws.

The conference report establishes a principle that the Internet must be a safe place for consumers. I credit my Democratic colleagues, the gentleman from Michigan (Mr. DINGELL) and his other colleagues on the conference committee, for defending the need to preserve consumer protections and the excellent leadership of the gentleman from Virginia (Chairman BLILEY) in achieving an appropriate balance in an excellent piece of legislation.

I am confident that, in passing this report, we will be passing a bill that will enable electronic conference to go ahead without undermining consumer protections or the Government's ability to fulfill its role in industry oversight. A very good job has been done by the conference committee.

I urge the passage of the bill.

Mr. BLILEY. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I thank the gentleman for yielding me the time. I also thank the gentleman from Virginia (Chairman BLILEY) for the leadership he has shown in bringing this bill to the floor and all the other achievements in this Congress and previous Congresses. We are going to miss him. And again, I appreciate seeing him in this real successful effort.

The gentleman from Michigan (Mr. DINGELL), the ranking member, has been great. A lot of people have worked on this conference report. I and the American public appreciate that very much.

I certainly am in strong support of the bipartisan conference report on the Electronic Signatures in Global and National Commerce Act. I am delighted to see such a comprehensive agreement has been reached.

The fast growth of electronic commerce that has fueled the economic boom in recent years needs to be fostered, and this bill does that.

By validating electronic contracts, placing them with an equal legal standing as paper contracts, while assuring essential consumer protections, this conference report will further ensure that the scope of private enterprise on the Internet remains limited only by imagination. All of these elements have been considered.

As the States continue to set up their own regulations, Federal guidelines need to be in place which establish a framework for handling electronic signatures. I am encouraged that such a mechanism has been constructed that does not impede on the State's role of protecting consumers and the solvency of our Nation's financial institutions.

This legislation in many ways is a recognition of a new era of human history. For thousands of years, paper has been the foundation of commerce. All contracts and official records needed to be physically kept. They had to make their mark in ink.

But every day more shopping, lending, and a myriad of other business transactions are conducted over the Internet. The concept is simple, but it signifies a major change. The pen is replaced by the keyboard. The paper is replaced by disk drives. The result is the promotion of e-commerce and the high-tech explosion that has so drastically altered today's society.

This conference report, however, does not take this step lightly. There is an understanding of the newness of the

medium. And to balance the concerns of cautious consumers, the legislation includes provisions meant to protect their interests.

For instance, businesses must receive the consumer's consent before they conduct their dealings electronically. Also, very sensitive information still must be transmitted physically. Cancellation or termination of health insurance cannot be done via e-mail.

As is often the case, society acts and Congress follows. By enacting this legislation today, we begin to remove some barriers to the electronic revolution to clear the Internet open for business.

Mr. DINGELL. Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from Washington State (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, I rise with a note of personal satisfaction that the House has been able to succeed in fashioning a true bipartisan bill. I think that is largely due to the efforts of the gentleman from Michigan (Mr. DINGELL), the ranking member, and the gentleman from Virginia (Chairman BLILEY). Their years in service and experience have really paid off here in leading this House to be able to find this consensus.

Sometimes new Members, like myself, need to recognize the ability for experience to pay off here; and that has happened in this case.

Mr. Speaker, this is a great bill because, simply, it will allow business to move at the speed of light rather than the speed of paper. I think in the halls of Congress we have got to recognize that there is incredible genius out there every minute of every hour creating new products, new consumer benefits. And we in the House have to make sure that we help them do that; we remove barriers that are standing in their way.

I represent an extremely high-tech district, Redmond, Washington, north of Seattle, where every day there are geniuses coming up with new technologies. And this is really a single statement, I think, that the House is going to move ahead and recognize a new fact. And that new fact is this: there are no just high-tech issues anymore. Everything is high tech. This is a statement that the House understands that.

Secondly, Mr. Speaker, I want to say that we have achieved a market success in making sure that consumer rights are protected when this new technology is used.

Several of us had an amendment when the bill was in the House that made sure that all consumer protections in the country, all the substantive notices and consumer protections, in fact those protections of consumers will remain in under this new law.

In addition, it will make sure that only when consumers want to use electronic measures will they be used. So it is a great day.

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

Mr. INSLEE. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Speaker, I think the gentleman is raising an issue which is important. I would like to observe that the House and, I think, the people of the country owe the gentleman from Washington (Mr. INSLEE) a substantial vote of thanks for his leadership on this matter.

He offered the amendment which very significantly improved the legislation by affording very significant protections to consumers and to the public who would use this legislation. That amendment remains in the legislation, and it is going to be very helpful.

I hope the gentleman is proud of what he has done, because the country owes him a debt for his significant accomplishment in this matter.

Mr. INSLEE. Mr. Speaker, I thank the gentleman for his comments. I will always yield to anyone who has comments of that nature. I thank the gentleman so much. That is high praise from the source.

Mr. Speaker, it is a good day for the House.

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

Mr. Speaker, as we approach the end of this process on this historic piece of legislation, I do want to take a moment to recognize the hard work of our respective staffs who were instrumental in getting us here today.

First let me thank my staff: Paul Scolese; Ramsen Betfarhard; David Cavicke; Linda Bloss-Baum, by the way who just gave birth to a new baby girl named Alexandra; and Mike O'Rielly. These guys did an outstanding job on this bill, and they know more about the substance of this bill than anyone.

I also want to thank Consuela Washington and Bruce Gwinn on the staff of the gentleman from Michigan (Mr. DINGELL) and Colin Crowell and Jeff Duncan from the staff of the gentleman from Massachusetts (Mr. MARKEY).

Further, let me thank the diligent staff from the other body, especially Maureen McLaughlin from the Senate Commerce Committee. Maureen was an outstanding asset to the conference committee.

I must also express deep thanks to Andy Pincus of the Department of Commerce. His willingness to work on this issue in a constructive manner is one of the reasons we are here today.

All of these people have made this successful day possible, and I extend my heartfelt gratitude. I thank them for their tireless work and dedication.

I would also take a moment to read through a sampling of the groups that support this legislation:

Business Software Alliance, Microsoft, America Online, Information Technology Association of America, American Express Company, DLJDirect, American Bankers Association, Citigroup, Information Technology Industry Council, American Electronics Association, Fannie Mae, Freddie Mac, National Association of Realtors, Oracle, Cable & Wireless, Sallie Mae, U.S. Chamber of Commerce, Real Estate Roundtable, Consumer Mortgage Coalition, Mortgage Bankers Association, Electronic Financial Services Council, Intuit, Federal Express, National Association of Manufacturers, Coalition of Electronic Authentication, America's Community Bankers, and Investment Company Institute.

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

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

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

Mr. Speaker, I thank the gentleman from Michigan (Mr. DINGELL) for his cooperation and particularly the hard work of his staff, as I said before. This is a good bill.

I would just like to say in closing a word about process. We have said about as much as needs to be said about this bill. But I would like to say to all of my colleagues that I find that, if we sit down at the table with our colleagues on the other side of the aisle and we respect their positions, their opinions, they will respect ours; and if we are sincere about reaching an agreement, we usually can do so.

It is better to do that than to stand on opposite sides of a room and throw rhetorical grenades at each other. We do too much of that.

The American people sent us up here to do a job. We are doing that in the finest tradition with this bill.

Mr. CROWLEY. Mr. Speaker, I would like to express my strong support for the electronic signatures legislation.

As legislators, it is part of our job to help ensure a sound economy. Supporting the growing high-tech industry helps us accomplish this important part of our job.

That is why I am proud to support the Electronic Signatures in Global and National Commerce Act and the Conference Report. This much needed legislation will provide legal certainty and a national standard for business-to-business contracts and some consumer contracts that were agreed to on-line, as well as ensure important consumer protections.

As anyone who has taken out a mortgage knows, courier and other fees can be a substantial cost to consumers. By allowing for on-line transactions, we can help bring down the costs associated with contracts for anything we can purchase on-line.

Mr. Speaker, back in the 80's, pundits were predicting the paperless office. Well, it's the year 2000 and we're still not there. Part of the problem is our antiquated system of rules and differing state laws, which although important, can serve as a hindrance to interstate commerce over the Internet.

With this legislation, we will be effectively removing one of the greatest roadblocks to Internet services. I was proud to cast my vote in support of

this legislation in November, and I am proud to cast my vote in support of the conference report today.

I would like to commend the conferees for agreeing to this balanced report and for all of their hard work. This is an important and complicated piece of legislation and I believe they deserve a great deal of credit for preparing this package.

I urge all of my colleagues to support this important legislation.

Mr. SANDLIN. Mr. Speaker, today I voice my support for the conference report on S. 761, Electronic Signatures in Global and National Commerce Act. Now, more than ever, business is conducted through the Internet and the need for a federal standard on electronic contracts, agreements and records is critical to the integrity of many of these transactions.

This historic piece of legislation will essentially give the electronic signature the same legal effect as a written signature. Although 40 states already have enacted laws to provide for the use of electronic signatures, these laws vary greatly. The new federal law, as proposed in this conference agreement, would allow states to modify the law, provided that the modifications are consistent with the federal standard and technology neutral.

Not only does the proposed national standard give states flexibility with regards to its implementation, but it also protects the consumer. Under this agreement, a business must present the consumer with a statement informing them of their right to have notices and records provided electronically or in writing. Consumer protections are further ensured by allowing the consumer to withdraw the original consent agreement and requiring the business to provide the alternative source of transmission.

Mr. Speaker, I look forward to the new freedom that this conference report will provide in interstate and foreign commerce. Consumers will now have complete confidence that their electronic contracts, agreement and records carry the full weight of law. The E-signature conference report is a landmark in that it aligns federal law with the latest technology without being partial to the technology industry itself. I commend my colleagues for all of the hard work they have done on this historic piece of legislation to ensure its swift passage into law.

Mr. LAFALCE. Mr. Speaker, I rise today in strong support of the conference report. The Congress today takes an important step in recognizing the importance to our economy of electronic commerce. In so doing, Congress also ensures that millions of Americans can begin to enjoy the benefits of a safe, reliable, and consumer-friendly electronic marketplace. As President Clinton has indicated, the bipartisan agreement we are adopting today is responsible and balanced, and includes protections to provide consumers with the confidence that is essential to conduct on-line transactions in a safe, reliable, and trustworthy manner. As a result, this legislation comes to the House floor with strong bipartisan and Administration support. President Clinton, in fact, has urged the Congress to send the legislation to his desk for his immediate signature. I am therefore proud to support this bipartisan agreement.

The legislation achieves the important objective of facilitating the use of electronic records and signatures in interstate and foreign commerce. The bill also provides that agreements, records, or contracts entered into have the same legal effect and recognition as paper transactions. Both of these objectives are complemented with provisions to ensure that consumers receive the same level of legal protection regardless of whether they conduct their transactions on paper or on line. For example, consumers must affirmatively consent electronically to receiving electronic records in a manner that reasonably demonstrates that they can access the information provided. In addition, the legislation provides that certain notices must be provided in paper, such as notices critical for the protection of consumers and public health and safety, notices of cancellation of all forms of insurance and insurance benefits, notices of default or actions to collect debts, and others.

When this legislation was initially debated on the House floor last year, I expressed concerns about its impact on existing consumer and fair lending laws and regulations. My concern centered on the potential for consumers to receive one level of protection for in-person, paper transactions, and another for on-line transactions. I was also concerned about the potential for unscrupulous and predatory practices. As a result, Banking Committee Chairman Leach and I, at my behest, wrote to the Federal Reserve to elicit their views on the legislation. The Federal Reserve, which administers consumer financial services and fair lending laws, shared my concerns and agreed that preserving its regulatory authority was essential to protecting consumers under existing consumer laws. I am happy to note that the conference report preserves this important regulatory authority, which has the dual benefit of protecting consumers from predatory practices, and providing the legal clarity that spares businesses from unnecessary litigation.

Mr. Speaker, as electronic commerce continues its rapid expansion, I fully support an approach that facilitates this growth while also protecting the rights of consumers. This conference report accomplishes both of these important goals. As our economy moves into the Electronic Age, this legislation will provide American consumers with the basic protections that they have come to know and expect from their financial service providers and from commerce in general.

Mr. WELLER. Mr. Speaker, thank you for this opportunity to support S. 761, the Conference Report on the Electronic Signatures in Global and National Commerce Act. This effort is groundbreaking, as this conference report is largest and most significant legislation on electronic commerce to date.

This bill ensures that electronic signatures and electronic records transferred via the Internet will have the same legal effect, validity or enforceability as contracts and other records signed by hand on paper. The scope of this legislation is broad and will protect interstate commerce. I am certain that the result of this important legislation will be greater confidence and security in conducting business and transactions over the Internet.

In the recent months, we have come far in our efforts to promote and encourage the growth of Internet use and e-commerce. A few weeks ago, the House voted to extend the existing moratorium on Internet taxation for an additional 5 years. I believe that this important step will give the new e-economy the time it needs to grow and flourish at a time when the number of new websites and Internet users is doubling every 100 days!

Additionally, the House passed legislation recently to eliminate the outdated 3 percent excise tax on telephone use. This tax was originally collected to help pay the Spanish-American War, a war that ended more than 100 years ago! Today, more than 90% of Internet users access the Web over telephone lines. I believe it is time to repeal this outdated tax and make the information highway just that—a freeway not a tollway.

Mr. Speaker, I am proud to support the Conference Report on S. 761. I encourage my colleagues to do the same.

Mr. CONYERS. Mr. Speaker, the Internet has the potential to be the most pro-consumer development in recent history. It can empower consumers to obtain more useful information about products—such as price comparisons, safety information, and features—and to help consumers make more educated purchases.

But the Internet will never reach its full potential if consumers do not feel secure in the electronic marketplace. If we allow the Internet to become a lawless ''Wild Wild West'' and a safe-haven for fraudulent businesses, people will simply refuse to engage in on-line commerce. Ultimately, this is a bad result both for the Internet and for consumers.

The electronic signature legislation that the House passed last fall was deeply flawed. It set up a false choice between consumer protection and electronic commerce. In fact, the two can—and should—go hand in hand.

While I supported legislation that validated electronic signatures and contracts, I opposed H.R. 1714 because it left consumers vulnerable to fraud, and it undermined numerous federal and state consumer protection laws.

H.R. 1714 also weakened the ability of federal and state regulators to enforce important safety regulations and monitor industries such as the financial services industry, and the insurance industry.

As a result of the hard work of House and Senate Democrats and the Administration, the Conference Report that is before us today is a great improvement over the House-passed bill.

The Conference Report contains several new provisions to protect consumers. Unlike the House bill, the Conference Report requires that consumers receive a notice of their rights before they consent to receive documents electronically. Now, there will truly be ''informed consent'' by the consumer.

Equally important, under the Conference Report, the consumer's consent must be in the electronic form that will be used to provide the information. This is a vast improvement over the original bill because it ensures that a consumer can actually receive and open the electronic notices that are provided to him or her.

The Conference Report also creates a framework so that federal regulatory agencies can use their rulemaking authority to create guidelines for how to properly deliver and manage electronic records. This way, the government has the flexibility and authority to prevent abuses and fraud.

Some Senate Republicans oppose this Conference Report. They say it gives consumers too many rights and does not do enough to grease the wheels for the financial services industry. I could not disagree more.

The Conference Report demonstrates that Congress can facilitate electronic commerce at the same time that we protect consumers. I am confident that this is what is best for the Internet in the long run.

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

The previous question was ordered.

The SPEAKER pro tempore (Mr. FOLEY). The question is on the conference report.

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

Mr. BLILEY. 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, further proceedings on this motion will be postponed.

□ 1230

RECESS

The SPEAKER pro tempore (Mr. FOLEY). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 30 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1531

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LAHOOD) at 3 o'clock and 31 minutes p.m.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

CONFERENCE REPORT ON S. 761, ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT

The SPEAKER pro tempore. The pending business is the question of agreeing to the conference report on the Senate bill, S. 761, on which the yeas and nays are ordered.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the conference report.

The vote was taken by electronic device, and there were—yeas 426, nays 4, not voting 4, as follows:

[Roll No. 271]

YEAS—426

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—4

Chenoweth-Hage
Paul
Stump
Taylor (MS)

NOT VOTING—4

Cook
Danner
Sensenbrenner
Vento

□ 1553

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT REGARDING PLANS TO ATTEND ''TO KILL A MOCKINGBIRD'' AT KENNEDY CENTER

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

Mr. CALLAHAN. Mr. Speaker, many of my colleagues are interested tonight in attending the performance of ''To Kill a Mocking Bird'' at the Kennedy Center, and we are trying desperately to work out arrangements with the leadership to roll the votes. If votes are rolled, there will be three buses waiting at the foot of the Capitol steps between 6:30 p.m. and 7:00 p.m. to take my colleagues to the Kennedy Center and then bring them back after the performance.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 518 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4577.

□ 1556

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4577) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes, with Mr. PEASE (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Tuesday, June 13, 2000, the bill had been read through page 84, line 21.

Mr. PORTER. Mr. Chairman, I move to strike the last word for the purpose of entering into a colloquy with the gentleman from New York (Mr. QUINN).

Mr. Chairman, I yield to the gentleman from New York (Mr. QUINN) for an explanation of his concerns.

Mr. QUINN. Mr. Chairman, I want to begin by thanking the gentleman from Illinois (Mr. PORTER) for the fine job and the hard work he has done, not only for the job he has done this year in a very difficult year, but over the years for our Labor-HHS bill.

□ 1600

Mr. Chairman, as a former teacher, funding for elementary and secondary education programs is a top priority for me as well as many other Members here in the House. I have several concerns regarding education funding levels in this bill. I am particularly concerned that the title I education programs have been level funded at fiscal year 2000 levels. These title I programs are vital for school districts like the Buffalo area and many more. Title I educational assistance programs target low-income and disadvantaged areas providing accelerated instruction, smaller classes, extra time to learn after school and during the summer, and computer-based instruction. Buffalo receives approximately $23 million a year in title I funding alone.

As my colleague can see, this is critical for many districts. I have been working closely with our colleague, the gentleman from New York (Mr. MCHUGH), to ensure full funding for this program.

Secondly, Mr. Chairman, I also want to talk with the gentleman for a moment about other programs we have discussed. It has been argued that a nearly $200 million cut in the dislocated workers assistance program, run by the Department of Labor, can be justified by our Nation's strong economy. While that may be true in some parts of the country, unfortunately, in my district, in our area of the State and many other Rust Belt communities throughout the country, workers who are permanently separated from their jobs depend on this program to return to productive unsubsidized employment.

Lastly, the one-stop career centers were not funded in the bill this year. The elimination of these one-stop career centers would threaten the division of Veterans Employment and Training Services efforts toward establishing licensing and certification of military skills for the civilian economy. This would affect the licensing and certification language in the new Montgomery GI Bill legislation, which was passed in the House in May. It would also have a negative effect on Veterans Employment and Training legislation which the subcommittee will introduce later this summer. Everyone has worked extremely hard to ensure these programs exist for our Veterans.

These three concerns, Mr. Chairman, lead me to look forward to working closely with the gentleman from Illinois in the weeks to come so that these programs receive adequate funding in the final version of the legislation, and I appreciate the opportunity for this discussion.

Mr. PORTER. Mr. Chairman, reclaiming my time, I thank the gentleman for bringing this to my attention. Because of budget restraints, we were not able to provide an increase in these programs in the House bill.

However, I understand the gentleman's concerns and will assure him that I will do my best to work with my colleagues in conference to ensure that these programs receive adequate funding.

Mr. Chairman, I include the following material for the RECORD.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
TITLE I - DEPARTMENT OF LABOR						
EMPLOYMENT AND TRAINING ADMINISTRATION						
TRAINING AND EMPLOYMENT SERVICES						
Grants to States:						
Adult Training, current year	238,000	238,000	145,000	-93,000	-93,000	D FF
Advance from prior year	---	(712,000)	(712,000)	(+712,000)	---	NA
FY02	712,000	712,000	712,000	---	---	D
Adult Training, program level	950,000	950,000	857,000	-93,000	-93,000	
Youth Training	1,000,965	1,022,465	1,000,965	---	-21,500	D FF
Dislocated Worker Assistance, current year	529,025	710,510	322,025	-207,000	-388,485	D FF
Advance from prior year	---	(1,060,000)	(1,060,000)	(+1,060,000)	---	NA
FY02	1,060,000	1,060,000	1,060,000	---	---	D
Dislocated Worker Assistance, program level	1,589,025	1,770,510	1,382,025	-207,000	-388,485	
Federally administered programs:						
Native Americans	58,436	55,000	55,000	-3,436	---	D FF
Migrant and Seasonal Farmworkers	74,195	74,445	78,000	+3,805	+3,555	D FF
Job Corps:						
Operations	633,140	681,669	688,625	+55,485	+6,956	D FF
Advance from prior year	---	(591,000)	(591,000)	(+591,000)	---	NA
FY02	591,000	591,000	591,000	---	---	D
Construction and Renovation (1)	33,636	20,375	20,375	-13,261	---	D FF
Advance from prior year	---	(100,000)	(100,000)	(+100,000)	---	NA
FY02	100,000	100,000	100,000	---	---	D
Subtotal, Job Corps, program level	1,357,776	1,393,044	1,400,000	+42,224	+6,956	

(1) Three year forward funded availability.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
National activities:						
Pilots, Demonstrations and Research	65,095	35,000	35,000	-30,095	---	D FF
Responsible Reintegration of Youthful Off	13,907	75,000	13,907	---	-61,093	D FF
Evaluation	9,098	12,098	9,098	---	-3,000	D FF
Fathers Work/Families Win	---	255,000	---	---	-255,000	D
Incumbent Workers	---	30,000	---	---	-30,000	D
Safe Schools/Healthy Students	---	40,000	---	---	-40,000	D
Youth Opportunity Grants	250,000	375,000	175,000	-75,000	-200,000	D FF
Other	5,000	15,000	5,000	---	-10,000	D FF
Subtotal, National activities	343,100	837,098	238,005	-105,095	-599,093	
Subtotal, Federal activities	1,833,507	2,359,587	1,771,005	-62,502	-588,582	
Total, Workforce Investment Act	5,373,497	6,102,562	5,010,995	-362,502	-1,091,567	
Women in Apprenticeship	927	---	1,000	+73	+1,000	D
Skills Standards	7,000	3,500	3,500	-3,500	---	D FF
Subtotal, National activities, TES	351,027	840,598	242,505	-108,522	-598,093	
School-to-Work (1)	55,000	---	---	-55,000	---	D FF
Total, Training and Employment Services	5,436,424	6,106,062	5,015,495	-420,929	-1,090,567	
Current Year	(2,973,424)	(3,643,062)	(2,552,495)	(-420,929)	(-1,090,567)	
Advance year	(2,463,000)	(2,463,000)	(2,463,000)	---	---	
COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS	440,200	440,200	440,200	---	---	D FF

(1) 15 month forward funded availability.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES						
Trade Adjustment	349,000	342,400	342,400	-6,600	---	M
NAFTA Activities	66,150	64,150	64,150	-2,000	---	M
Total	415,150	406,550	406,550	-8,600	---	
STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS						
Unemployment Compensation:						
State Operations	2,256,375	2,349,283	2,256,375	---	-92,908	TF
National Activities	10,000	10,000	10,000	---	---	TF
Subtotal, Unemployment Comp (trust funds)	2,266,375	2,359,283	2,266,375	---	-92,908	
Employment Service:						
Allotments to States:						
Federal Funds	23,452	23,452	23,452	---	---	D FF
Trust Funds	738,283	788,283	738,283	---	-50,000	TF
Subtotal	761,735	811,735	761,735	---	-50,000	
National Activities:						
Trust Funds	55,670	44,180	49,680	-5,990	+5,500	TF
Subtotal, Employment Service	817,405	855,915	811,415	-5,990	-44,500	
Federal funds	23,452	23,452	23,452	---	---	
Trust funds	793,953	832,463	787,963	-5,990	-44,500	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
One stop Career/Labor Market Information:						
Federal Funds	110,000	154,000	---	-110,000	-154,000	D
Work Incentives Grants	20,000	20,000	20,000	---	---	D FF
Total, State Unemployment	3,213,780	3,389,198	3,097,790	-115,990	-291,408	
Federal Funds	153,452	197,452	43,452	-110,000	-154,000	
Trust Funds	3,060,328	3,191,746	3,054,338	-5,990	-137,408	
ADVANCES TO THE UI AND OTHER TRUST FUNDS (1)	356,000	435,000	435,000	+79,000	---	M

(1) Two year availability.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
PROGRAM ADMINISTRATION						
Adult Employment and Training	29,986	33,113	29,986	---	-3,127	D
Trust Funds	2,420	2,797	2,420	---	-377	TF
Youth Employment and Training	34,086	37,660	34,086	---	-3,574	D
Employment Security	4,952	5,119	4,952	---	-167	D
Trust Funds	41,302	43,855	41,302	---	-2,553	TF
Apprenticeship Services	19,141	22,069	19,141	---	-2,928	D
Executive Direction	6,348	6,660	6,348	---	-312	D
Trust Funds	1,334	1,383	1,334	---	-49	TF
Welfare to Work	6,431	6,655	6,431	---	-224	D
Total, Program Administration	146,000	159,311	146,000	---	-13,311	
Federal funds	100,944	111,276	100,944	---	-10,332	
Trust funds	45,056	48,035	45,056	---	-2,979	
Total, Employment & Training Administration	10,007,554	10,936,321	9,541,035	-466,519	-1,395,286	
Federal funds	6,902,170	7,696,540	6,441,641	-460,529	-1,254,899	
Current Year	(4,439,170)	(5,233,540)	(3,978,641)	(-460,529)	(-1,254,899)	
Advance Year, FY02	(2,463,000)	(2,463,000)	(2,463,000)	---	---	
Trust funds	3,105,384	3,239,781	3,099,394	-5,990	-140,387	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
PENSION AND WELFARE BENEFITS ADMINISTRATION						
SALARIES AND EXPENSES						
Enforcement and Compliance	78,283	83,652	78,283	---	-5,369	D
Policy, Regulation and Public Service	16,803	20,205	16,803	---	-3,402	D
Program Oversight	3,848	3,975	3,848	---	-127	D
Total, PWBA	98,934	107,832	98,934	---	-8,898	
PENSION BENEFIT GUARANTY CORPORATION						
Program Administration subject to limitation (TF)	11,148	11,871	11,148	---	-723	TF
Termination services not subject to limitation (NA)	(153,599)	(164,834)	(153,599)	---	(-11,235)	NA
Total, PBGC (Program level)	(164,747)	(176,705)	(164,747)	---	(-11,958)	
EMPLOYMENT STANDARDS ADMINISTRATION						
SALARIES AND EXPENSES						
Enforcement of Wage and Hour Standards	141,893	152,688	141,893	---	-10,795	D
Office of Labor-Management Standards	29,308	30,556	29,308	---	-1,248	D
Federal Contractor EEO Standards Enforcement	73,250	76,308	73,250	---	-3,058	D
Federal Programs for Workers' Compensation	79,968	88,873	79,968	---	-8,905	D
Trust Funds	1,740	1,985	1,740	---	-245	TF
Program Direction and Support	12,611	13,066	12,611	---	-455	D
Total, ESA salaries and expenses	338,770	363,476	338,770	---	-24,706	
Federal funds	337,030	361,491	337,030	---	-24,461	
Trust funds	1,740	1,985	1,740	---	-245	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
SPECIAL BENEFITS						
Federal employees compensation benefits	75,000	53,000	53,000	-22,000	---	M
Longshore and harbor workers' benefits	4,000	3,000	3,000	-1,000	---	M
Total, Special Benefits	79,000	56,000	56,000	-23,000	---	
BLACK LUNG DISABILITY TRUST FUND						
Benefit payments and interest on advances	963,506	975,343	975,343	+11,837	---	M
Employment Standards Adm. S&E	28,676	30,393	30,393	+1,717	---	M
Departmental Management S&E	20,783	21,590	21,590	+807	---	M
Departmental Management, Inspector General	312	318	318	+6	---	M
Subtotal, Black Lung Disablty	1,013,277	1,027,644	1,027,644	+14,367	---	
Treasury Administrative Costs	356	356	356	---	---	M
Total, Black Lung Disability Trust Fund	1,013,633	1,028,000	1,028,000	+14,367	---	
Total, Employment Standards Administration	1,431,403	1,447,476	1,422,770	-8,633	-24,706	
Federal funds	1,429,663	1,445,491	1,421,030	-8,633	-24,461	
Trust funds	1,740	1,985	1,740	---	-245	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION						
SALARIES AND EXPENSES						
Safety and Health Standards	12,700	15,093	12,700	---	-2,393	D
Federal Enforcement	141,000	153,073	139,229	-1,771	-13,844	D
State Programs	82,000	88,493	83,771	+1,771	-4,722	D
Technical Support	17,959	20,149	17,959	---	-2,190	D
Compliance Assistance:						
Federal Assistance	54,154	67,073	54,154	---	-12,919	D
State Consultation Grants	42,854	47,903	42,854	---	-5,049	D
Subtotal	97,008	114,976	97,008	---	-17,968	
Safety and Health Statistics	22,753	25,637	22,753	---	-2,884	D
Executive Direction and Administration	8,200	8,562	8,200	---	-362	D
Total, OSHA	381,620	425,983	381,620	---	-44,363	
MINE SAFETY AND HEALTH ADMINISTRATION						
SALARIES AND EXPENSES						
Coal Enforcement	110,570	114,774	111,070	+500	-3,704	D
Metal/Non-Metal Enforcement	49,693	55,240	51,818	+2,125	-3,422	D
Standards Development	1,509	1,762	1,545	+36	-217	D
Assessments	3,896	4,267	3,983	+87	-284	D
Educational Policy and Development	26,855	26,977	28,437	+1,582	+1,460	D
Technical Support	25,312	27,069	25,828	+516	-1,241	D
Program Administration	10,222	12,158	10,319	+97	-1,839	D
Total, Mine Safety and Health Administration	228,057	242,247	233,000	+4,943	-9,247	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
BUREAU OF LABOR STATISTICS						
SALARIES AND EXPENSES						
Employment and Unemployment Statistics	125,329	137,317	130,322	+4,993	-6,995	D
Labor Market Information (Trust Funds)	66,363	67,257	67,257	+894	---	TF
Prices and Cost of Living	128,753	135,408	132,707	+3,954	-2,701	D
Compensation and Working Conditions	68,921	71,186	71,037	+2,116	-149	D
Productivity and Technology	7,785	9,262	8,024	+239	-1,238	D
Economic Growth and Employment Projections	5,047	6,721	5,202	+155	-1,519	D
Executive Direction and Staff Services	24,693	26,481	25,451	+758	-1,030	D
Consumer Price Index Revision (1)	6,986	---	---	-6,986	---	D
Total, Bureau of Labor Statistics	433,877	453,632	440,000	+6,123	-13,632	
Federal Funds	367,514	386,375	372,743	+5,229	-13,632	
Trust Funds	66,363	67,257	67,257	+894	---	

(1) Two year availability.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
DEPARTMENTAL MANAGEMENT						
SALARIES AND EXPENSES						
Executive Direction	26,436	46,491	26,436	---	-20,055	D
Departmental IT Crosscut	---	54,444	---	---	-54,444	D
Legal Services	68,928	74,502	68,928	---	-5,574	D
Trust Funds	310	319	310	---	-9	TF
International Labor Affairs	70,000	167,006	70,000	---	-97,006	D
Administration and Management	26,609	24,768	26,609	---	+1,841	D
Adjudication	23,664	25,070	23,664	---	-1,406	D
Women's Bureau	8,824	9,596	8,824	---	-772	D
Civil Rights Activities	5,684	6,384	5,684	---	-700	D
Chief Financial Officer	5,793	5,972	5,793	---	-179	D
Disability Policy	8,641	23,002	8,641	---	-14,361	D
Total, Salaries and expenses	244,889	437,554	244,889	---	-192,665	
Federal funds	244,579	437,235	244,579	---	-192,656	
Trust funds	310	319	310	---	-9	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
VETERANS EMPLOYMENT AND TRAINING						
State Administration:						
Disabled Veterans Outreach Program	80,215	81,615	80,215	---	-1,400	TF
Local Veterans Employment Program	77,253	77,253	77,253	---	---	TF
Subtotal, State Administration	157,468	158,868	157,468	---	-1,400	
Federal Administration	26,873	29,045	26,873	---	-2,172	TF
Homeless Veterans Program	9,636	15,000	9,636	---	-5,364	D
Veterans Workforce Investment Programs	7,300	7,300	7,300	---	---	D FF
Total, Veterans Employment and Training	201,277	210,213	201,277	---	-8,936	
Federal Funds	16,936	22,300	16,936	---	-5,364	
Trust Funds	184,341	187,913	184,341	---	-3,572	
OFFICE OF THE INSPECTOR GENERAL						
Program Activities	42,346	44,563	42,346	---	-2,217	D
Trust Funds	3,830	4,770	3,830	---	-940	TF
Executive Direction and Management	5,749	6,814	5,749	---	-1,065	D
Total, Office of the Inspector General	51,925	56,147	51,925	---	-4,222	
Federal funds	48,095	51,377	48,095	---	-3,282	
Trust funds	3,830	4,770	3,830	---	-940	
Total, Departmental Management	498,091	703,914	498,091	---	-205,823	
Federal funds	309,610	510,912	309,610	---	-201,302	
Trust funds	188,481	193,002	188,481	---	-4,521	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request
Total, Labor Department	13,090,684	14,329,276	12,626,598	-464,086	-1,702,678
Federal funds	9,717,568	10,815,380	9,258,578	-458,990	-1,556,802
Current Year	(7,254,568)	(8,352,380)	(6,795,578)	(-458,990)	(-1,556,802)
Advance Year, FY02	(2,463,000)	(2,463,000)	(2,463,000)	---	---
Trust funds	3,373,116	3,513,896	3,368,020	-5,096	-145,876

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
TITLE II - DEPARTMENT OF HEALTH AND HUMAN SERVICES						
HEALTH RESOURCES AND SERVICES ADMINISTRATION						
HEALTH RESOURCES AND SERVICES						
Community health centers	1,018,700	1,068,700	1,100,000	+81,300	+31,300	D
National Health Service Corps:						
Field placements	38,182	38,116	39,823	+1,641	+1,707	D
Recruitment	78,625	78,625	81,524	+2,899	+2,899	D
Subtotal	116,807	116,741	121,347	+4,540	+4,606	
Health Professions						
Training for Diversity:						
Centers of excellence	25,641	30,641	28,197	+2,556	-2,444	D
Health careers opportunity program	27,799	32,799	30,570	+2,771	-2,229	D
Faculty loan repayment	1,100	1,100	1,210	+110	+110	D
Scholarships for disadvantaged students	38,099	38,099	41,896	+3,797	+3,797	D
Subtotal	92,639	102,639	101,873	+9,234	-766	
Training in Primary Care Medicine and Dentistry	78,267	---	86,068	+7,801	+86,068	D
Interdisciplinary Community-Based Linkages:						
Area health education centers	28,587	28,587	31,436	+2,849	+2,849	D
Health education and training centers	3,765	3,765	4,140	+375	+375	D
Allied health and other disciplines	7,355	3,838	7,076	-279	+3,238	D
Geriatric programs	10,640	---	11,701	+1,061	+11,701	D
Quentin N. Burdick pgm for rural training	5,132	4,720	5,644	+512	+924	D
Subtotal	55,479	40,910	59,997	+4,518	+19,087	
Health Professions Workforce Info & Analysis	714	714	785	+71	+71	D

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
Public Health Workforce Development:						
Public health, preventive med. & dental pgms.....	8,121	8,121	8,930	+809	+809	D
Health administration programs.....	1,112	---	1,223	+111	+1,223	D
Subtotal.....	9,233	8,121	10,153	+920	+2,032	
Children's Hospitals Graduate Medical Educ.....	40,000	80,000	80,000	+40,000	---	D
Advanced Education Nursing.....	50,597	50,597	55,640	+5,043	+5,043	D
Basic nurse education and practice.....	10,968	10,968	12,061	+1,093	+1,093	D
Nursing workforce diversity.....	4,010	4,010	4,410	+400	+400	D
Consolidated Health Professions.....	---	---	---	---	---	D
Subtotal, Health professions.....	341,907	297,959	410,987	+69,080	+113,028	
Other HRSA Programs:						
Hansen's Disease Services.....	20,042	17,016	17,016	-3,026	---	D
Maternal & Child Health Block Grant.....	709,130	709,130	709,130	---	---	D
Abstinence Education						
Advance from prior year.....	---	(20,000)	(20,000)	(+20,000)	---	NA
Pres. Proposed Rescission.....	---	(-20,000)	---	---	(+20,000)	NA
FY02.....	20,000	---	30,000	+10,000	+30,000	D
Healthy Start.....	90,000	90,000	90,000	---	---	D
Universal Newborn Hearing.....	3,375	3,375	8,000	+4,625	+4,625	D
Organ Transplantation.....	10,000	15,000	10,000	---	-5,000	D
Health Teaching Facilities Interest Subsidies.....	150	---	---	-150	---	D
Bone Marrow Program.....	18,000	17,959	22,000	+4,000	+4,041	D
Rural outreach grants.....	35,880	38,892	30,867	-5,013	-8,025	D
Rural Health Research.....	33,201	11,713	11,713	-21,488	---	D

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
Critical care programs:						
Emergency medical services for children.....	17,000	15,000	19,000	+2,000	+4,000	D
Poison control.....	3,000	1,500	6,600	+3,600	+5,100	D
Subtotal, Critical care programs.....	20,000	16,500	25,600	+5,600	+9,100	
Black lung clinics.....	5,943	5,943	5,943	---	---	D
Nursing loan repayment for shortage area service..	2,279	2,279	2,279	---	---	D
Payment to Hawaii, treatment of Hansen's.....	2,045	2,045	2,045	---	---	D
Subtotal, Other HRSA programs, FY01.....	950,045	929,852	934,593	-15,452	+4,741	
FY 02.....	20,000	---	30,000	+10,000	+30,000	
Ryan White AIDS Programs:						
Emergency Assistance.....	546,500	586,500	586,500	+40,000	---	D
Comprehensive Care Programs.....	824,000	864,000	864,000	+40,000	---	D
AIDS Drug Assistance Program (ADAP) (NA).....	(528,000)	(554,000)	(554,000)	(+26,000)	---	NA
Early Intervention Program.....	138,400	171,400	173,900	+35,500	+2,500	D
Pediatric HIV/AIDS.....	51,000	60,000	60,000	+9,000	---	D
AIDS Dental Services.....	8,000	8,500	9,000	+1,000	+500	D
Education and Training Centers.....	26,650	29,150	31,600	+4,950	+2,450	D
Subtotal, Ryan White AIDS programs.....	1,594,550	1,719,550	1,725,000	+130,450	+5,450	
Family Planning.....	238,932	273,932	238,932	---	-35,000	D
Health Care and Other Facilities.....	112,408	---	---	-112,408	---	D
Buildings and Facilities.....	250	250	250	---	---	D
Rural Hospital Flexibility Grants.....	25,000	25,000	25,000	---	---	D
National Practitioner Data Bank.....	16,000	17,200	17,200	+1,200	---	D
User Fees.....	-16,000	-17,200	-17,200	-1,200	---	D

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
Health Care Integrity and Protection Data Bank.....	3,238	4,317	4,317	+1,079	---	D
User Fees.....	-3,238	-4,317	-4,317	-1,079	---	D
Health Care Access for the Uninsured.....	40,000	125,000	---	-40,000	-125,000	D
Program Management.....	123,864	124,353	128,123	+4,259	+3,770	D
Total, Health resources and services.....	4,582,463	4,681,337	4,714,232	+131,769	+32,895	
Current year.....	(4,562,463)	(4,681,337)	(4,684,232)	(+121,769)	(+2,895)	
Advance Year, FY02.....	(20,000)	---	(30,000)	(+10,000)	(+30,000)	
MEDICAL FACILITIES GUARANTEE AND LOAN FUND:						
Interest subsidy program.....	1,000	---	---	-1,000	---	M
HEALTH EDUCATION ASSISTANCE LOANS PROGRAM (HEAL):						
Liquidating account.....	(15,000)	(10,000)	(10,000)	(-5,000)	---	NA
Program management.....	3,687	3,679	3,679	-8	---	D
VACCINE INJURY COMPENSATION PROGRAM TRUST FUND:						
Post-FY88 claims.....	62,301	114,355	114,355	+52,054	---	M
HRSA administration.....	2,999	2,992	2,992	-7	---	D
Total, Vaccine inquiry.....	65,300	117,347	117,347	+52,047	---	
Total, Health Resources & Services Admin.....	4,652,450	4,802,363	4,835,258	+182,808	+32,895	
Current year.....	(4,632,450)	(4,802,363)	(4,805,258)	(+172,808)	(+2,895)	
Advance Year, FY02.....	(20,000)	---	(30,000)	(+10,000)	(+30,000)	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
CENTERS FOR DISEASE CONTROL AND PREVENTION						
DISEASE CONTROL, RESEARCH AND TRAINING						
Preventive Health Services Block Grant						
Program	176,043	175,004	175,964	-79	+960	D
Salaries and Expenses	3,286	4,246	3,286	---	-960	D
Subtotal, Preventive Health Services Block Grant	179,329	179,250	179,250	-79	---	
Prevention Centers						
Program	17,119	14,080	23,000	+5,881	+8,920	D
Salaries and Expenses	633	665	2,000	+1,367	+1,335	D
Subtotal, Prevention Centers	17,752	14,745	25,000	+7,248	+10,255	
CDC/HCFA vaccine program						
Childhood immunization						
Program (1)	432,966	442,505	447,966	+15,000	+5,461	D
Salaries and Expenses	56,909	62,138	56,909	---	-5,229	D
Subtotal, Childhood immunization	489,875	504,643	504,875	+15,000	+232	
HCFA vaccine purchase (NA)	(545,043)	(469,054)	(469,054)	(-75,989)	---	NA
Subtotal, CDC/HCFA vaccine program level	1,034,918	973,697	973,929	-60,989	+232	
Communicable Diseases						
AIDS						
Program (2)	572,715	608,791	612,367	+39,652	+3,576	D
Salaries and Expenses	122,036	125,612	122,036	---	-3,576	D
Subtotal, HIV/AIDS	694,751	734,403	734,403	+39,652	---	

(1) $25 million of the President's request has been moved to PHSSEF for comparison purposes for global polio.

(2) $61 million of the President's request has been moved to PHSSEF for comparison purposes for global HIV/AIDS.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
Tuberculosis						
Program	120,420	113,413	120,364	-56	+6,951	D
Salaries and Expenses	7,308	14,259	7,308	---	-6,951	D
Subtotal, Tuberculosis	127,728	127,672	127,672	-56	---	
Sexually Transmitted Diseases						
Program	121,809	131,978	136,743	+14,934	+4,765	D
Salaries and Expenses	13,925	18,690	13,925	---	-4,765	D
Subtotal, Sexually Transmitted Diseases	135,734	150,668	150,668	+14,934	---	
Chronic Diseases						
Chronic and Environmental Disease Prevention						
Program	286,545	293,114	317,374	+30,829	+24,260	D
Salaries and Expenses	78,180	91,440	78,180	---	-13,260	D
From PHSSEF	10,000	---	---	-10,000	---	D
Subtotal, Chronic & Environmental	374,725	384,554	395,554	+20,829	+11,000	
Breast and Cervical Cancer Screening						
Program	156,016	160,235	160,941	+4,925	+706	D
Salaries and Expenses	10,479	11,185	10,479	---	-706	D
Subtotal, Breast & Cervical Cancer Screening	166,495	171,420	171,420	+4,925	---	
Infectious Diseases						
Program (1)	86,610	92,168	101,622	+15,012	+9,454	D
Salaries and Expenses	80,000	89,454	80,000	---	-9,454	D
From PHSSEF	9,000	---	---	-9,000	---	D
Subtotal, Infectious diseases	175,610	181,622	181,622	+6,012	---	

(1) $19.9 million of the President's request has been moved to PHSSEF for comparison purposes for NEDSS/EID.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
Lead Poisoning Prevention						
Program	31,036	30,978	31,019	-17	+41	D
Salaries and Expenses	7,207	7,248	7,207	---	-41	D
Subtotal, Lead Poisoning Prevention	38,243	38,226	38,226	-17	---	
Injury Control						
Program	66,298	71,060	66,298	---	-4,762	D
Salaries and Expenses	23,840	24,035	23,840	---	-195	D
Subtotal, Injury Control	90,138	95,095	90,138	---	-4,957	
Occupational Safety and Health (NIOSH) (1)						
Program	86,819	91,534	86,346	-473	-5,188	D
Salaries and Expenses	127,833	128,022	127,833	---	-189	D
Subtotal, Occupational Safety and Health	214,652	219,556	214,179	-473	-5,377	
Epidemic Services						
Program	30,374	30,254	155,338	+124,964	+125,084	D
Salaries and Expenses	55,484	55,568	55,484	---	-84	D
Subtotal, Epidemic Services	85,858	85,822	210,822	+124,964	+125,000	
Office of the Director						
Budget Authority	39,920	35,564	37,245	-2,675	+1,681	D
Office of the Director	39,920	35,564	37,245	-2,675	+1,681	

(1) Includes Mine Safety and Health.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
National Center for Health Statistics						
Program Operations						
Budget Authority	15,069	13,981	15,069	---	+1,088	D
Salaries and expenses						
Budget Authority	18,241	19,314	18,241	---	-1,073	D
1% evaluation funds (NA)	(71,690)	(76,690)	(71,690)	---	(-5,000)	NA
Subtotal, Health Statistics program level	(105,000)	(109,985)	(105,000)	---	(-4,985)	
Buildings and Facilities	57,131	127,074	145,000	+87,869	+17,926	D
Prevention research						
Program	13,000	13,386	14,000	+1,000	+614	D
Salaries and Expenses	2,000	1,607	2,000	---	+393	D
Subtotal, Prevention research	15,000	14,993	16,000	+1,000	+1,007	
Health disparities demonstration						
Program	27,199	31,468	32,184	+4,985	+716	D
Salaries and Expenses	2,801	3,517	2,801	---	-716	D
Subtotal, Health disparities demonstration	30,000	34,985	34,985	+4,985	---	
Total, Disease Control	2,966,251	3,133,587	3,290,369	+324,118	+156,782	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
NATIONAL INSTITUTES OF HEALTH						
National Cancer Institute	3,310,992	3,505,072	3,793,587	+482,595	+288,515	D
AIDS (NA)	---	(255,342)	---	---	(-255,342)	NA
Subtotal, NCI	(3,310,992)	(3,505,072)	(3,793,587)	(+482,595)	(+288,515)	
National Heart, Lung, and Blood Institute	2,026,006	2,136,757	2,321,320	+295,314	+184,563	D
AIDS (NA)	---	(67,175)	---	---	(-67,175)	NA
Subtotal, NHLBI	(2,026,006)	(2,136,757)	(2,321,320)	(+295,314)	(+184,563)	
National Institute of Dental & Craniofacial Research	269,129	284,175	309,007	+39,878	+24,832	D
AIDS (NA)	---	(21,100)	---	---	(-21,100)	NA
Subtotal, NIDR	(269,129)	(284,175)	(309,007)	(+39,878)	(+24,832)	
National Institute of Diabetes and Digestive and Kidney Diseases	1,141,176	1,209,173	1,315,530	+174,354	+106,357	D
AIDS (NA)	---	(22,907)	---	---	(-22,907)	NA
Subtotal, NIDDK	(1,141,176)	(1,209,173)	(1,315,530)	(+174,354)	(+106,357)	
National Institute of Neurological Disorders & Stroke	1,029,528	1,084,828	1,185,767	+156,239	+100,939	D
AIDS (NA)	---	(34,416)	---	---	(-34,416)	NA
Subtotal, NINDS	(1,029,528)	(1,084,828)	(1,185,767)	(+156,239)	(+100,939)	
National Institute of Allergy and Infectious Diseases	1,776,571	1,906,213	2,062,126	+285,555	+155,913	D
AIDS (NA)	---	(971,047)	---	---	(-971,047)	NA
Subtotal, NIAID	(1,776,571)	(1,906,213)	(2,062,126)	(+285,555)	(+155,913)	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
National Institute of General Medical Sciences	1,353,660	1,428,188	1,548,313	+194,653	+120,125	D
AIDS (NA)	---	(38,696)	---	---	(-38,696)	NA
Subtotal, NIGMS	(1,353,660)	(1,428,188)	(1,548,313)	(+194,653)	(+120,125)	
National Institute of Child Health & Human Development	859,079	904,705	984,300	+125,221	+79,595	D
AIDS (NA)	---	(94,204)	---	---	(-94,204)	NA
Subtotal, NICHD	(859,079)	(904,705)	(984,300)	(+125,221)	(+79,595)	
National Eye Institute	450,007	473,952	514,673	+64,666	+40,721	D
AIDS (NA)	---	(11,176)	---	---	(-11,176)	NA
Subtotal, NEI	(450,007)	(473,952)	(514,673)	(+64,666)	(+40,721)	
National Institute of Environmental Health Sciences	442,596	468,649	506,730	+64,134	+38,081	D
AIDS (NA)	---	(7,678)	---	---	(-7,678)	NA
Subtotal, NIEHS	(442,596)	(468,649)	(506,730)	(+64,134)	(+38,081)	
National Institute on Aging	687,717	725,949	790,299	+102,582	+64,350	D
AIDS (NA)	---	(4,298)	---	---	(-4,298)	NA
Subtotal, NIA	(687,717)	(725,949)	(790,299)	(+102,582)	(+64,350)	
National Institute of Arthritis and Musculoskeletal and Skin Diseases	349,407	368,712	400,025	+50,618	+31,313	D
AIDS (NA)	---	(5,233)	---	---	(-5,233)	NA
Subtotal, NIAMS	(349,407)	(368,712)	(400,025)	(+50,618)	(+31,313)	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
National Institute on Deafness and Other Communication Disorders	263,606	278,009	301,787	+38,181	+23,778	D
AIDS (NA)	---	(1,591)	---	---	(-1,591)	NA
Subtotal, NIDCD	(263,606)	(278,009)	(301,787)	(+38,181)	(+23,778)	
National Institute of Nursing Research	89,521	92,524	102,312	+12,791	+9,788	D
AIDS (NA)	---	(7,810)	---	---	(-7,810)	NA
Subtotal, NINR	(89,521)	(92,524)	(102,312)	(+12,791)	(+9,788)	
National Institute on Alcohol Abuse and Alcoholism	293,173	308,661	349,216	+56,043	+40,555	D
AIDS (NA)	---	(20,083)	---	---	(-20,083)	NA
Subtotal, NIAAA	(293,173)	(308,661)	(349,216)	(+56,043)	(+40,555)	
National Institute on Drug Abuse	687,232	725,467	788,201	+100,969	+62,734	D
AIDS (NA)	---	(229,173)	---	---	(-229,173)	NA
Subtotal, NIDA	(687,232)	(725,467)	(788,201)	(+100,969)	(+62,734)	
National Institute of Mental Health	974,470	1,031,353	1,114,638	+140,168	+83,285	D
AIDS (NA)	---	(135,294)	---	---	(-135,294)	NA
Subtotal, NIMH	(974,470)	(1,031,353)	(1,114,638)	(+140,168)	(+83,285)	
National Human Genome Research Institute	335,792	357,740	386,410	+50,618	+28,670	D
AIDS (NA)	---	(4,313)	---	---	(-4,313)	NA
Subtotal, NHGRI	(335,792)	(357,740)	(386,410)	(+50,618)	(+28,670)	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
National Center for Research Resources	674,913	714,192	832,027	+157,114	+117,835	D
AIDS (NA)	---	(111,464)	---	---	(-111,464)	NA
Subtotal, NCRR	(674,913)	(714,192)	(832,027)	(+157,114)	(+117,835)	
National Center for Complementary and Alternative Medicine	68,997	72,392	78,880	+9,883	+6,488	D
AIDS (NA)	---	(1,030)	---	---	(-1,030)	NA
Subtotal, NCCAM	(68,997)	(72,392)	(78,880)	(+9,883)	(+6,488)	
John E. Fogarty International Center	43,319	48,011	50,299	+6,980	+2,288	D
AIDS (NA)	---	(15,479)	---	---	(-15,479)	NA
Subtotal, FIC	(43,319)	(48,011)	(50,299)	(+6,980)	(+2,288)	
National Library of Medicine	215,154	230,135	256,281	+41,127	+26,146	D
AIDS (NA)	---	(5,193)	---	---	(-5,193)	NA
Subtotal, NLM	(215,154)	(230,135)	(256,281)	(+41,127)	(+26,146)	
Office of the Director	281,941	308,978	342,307	+60,366	+33,329	D
AIDS (NA)	---	(46,522)	---	---	(-46,522)	NA
Subtotal, OD	(281,941)	(308,978)	(342,307)	(+60,366)	(+33,329)	
Buildings and facilities:						
Current year	125,350	148,900	178,700	+53,350	+29,800	D
Advance from prior year	(40,000)	---	---	(-40,000)	---	NA
Office of AIDS Research	---	(2,111,224)	---	---	(-2,111,224)	NA
Total, National Institutes of Health:						
Current Year, FY01	17,749,336	18,812,735	20,512,735	+2,763,399	+1,700,000	
Advance from prior year	40,000	---	---	-40,000	---	
Total N.I.H. program level	17,789,336	18,812,735	20,512,735	+2,723,399	+1,700,000	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION						
Mental Health:						
Knowledge development and application	136,875	166,875	132,749	-4,126	-34,126	D
Mental Health Performance Partnership	356,000	416,000	416,000	+60,000	---	D
Children's Mental Health	82,763	86,763	86,763	+4,000	---	D
Grants to States for the Homeless (PATH)	30,883	35,883	30,883	---	-5,000	D
Protection and Advocacy	24,903	25,903	24,903	---	-1,000	D
Subtotal, mental health	631,424	731,424	691,298	+59,874	-40,126	
Substance Abuse Treatment:						
Knowledge Development and Application	214,566	258,420	213,716	-850	-44,704	D
Substance Abuse Performance Partnership	1,600,000	1,631,000	1,631,000	+31,000	---	D
Subtotal, Substance Abuse Treatment	1,814,566	1,889,420	1,844,716	+30,150	-44,704	
Substance Abuse Prevention:						
Knowledge Development and Application	139,824	135,229	132,742	-7,082	-2,487	D
High Risk Youth Grants	7,000	7,000	---	-7,000	-7,000	D
Subtotal, Substance abuse prevention	146,824	142,229	132,742	-14,082	-9,487	
Program Management and Buildings and Facilities	58,528	59,943	58,870	+342	-1,073	D
Total, Substance Abuse and Mental Health	2,651,342	2,823,016	2,727,626	+76,284	-95,390	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
AGENCY FOR HEALTHCARE RESEARCH AND QUALITY						
Research on Health Costs, Quality, and Outcomes:						
Federal Funds	107,718	---	121,169	+13,451	+121,169	D
1% evaluation funding (NA)	(52,576)	(206,593)	(59,130)	(+6,554)	(-147,463)	NA
Subtotal	(160,294)	(206,593)	(180,299)	(+20,005)	(-26,294)	
Health insurance and expenditure surveys						
1% evaluation funding (NA)	(36,000)	(40,850)	(40,850)	(+4,850)	---	NA
Program Support	2,484	---	2,500	+16	+2,500	D
1% evaluation funding (NA)	---	(2,500)	---	---	(-2,500)	NA
Total, AHRQ	(198,778)	(249,943)	(223,649)	(+24,871)	(-26,294)	
Federal Funds	110,202	---	123,669	+13,467	+123,669	
1% evaluation funding (non-add)	(88,576)	(249,943)	(99,980)	(+11,404)	(-149,963)	
Total, Public Health Service	28,129,581	29,571,701	31,489,657	+3,360,076	+1,917,956	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
HEALTH CARE FINANCING ADMINISTRATION						
GRANTS TO STATES FOR MEDICAID						
Medicaid current law benefits	109,321,600	116,507,700	116,507,700	+7,186,100	---	M
State and local administration	6,379,800	7,258,500	7,258,500	+878,700	---	M
Vaccines for Children	465,383	469,054	469,054	+3,671	---	M
Subtotal, Medicaid program level, current year	116,166,783	124,235,254	124,235,254	+8,068,471	---	
Less Medicare Transfer (P.L. 105-33)	-50,000	-60,000	-60,000	-10,000	---	M
Less funds advanced in prior year	-28,733,605	-30,589,003	-30,589,003	-1,855,398	---	M
Total, request, current year	87,383,178	93,586,251	93,586,251	+6,203,073	---	
New advance 1st quarter, FY02	30,589,003	36,207,551	36,207,551	+5,618,548	---	M
PAYMENTS TO HEALTH CARE TRUST FUNDS						
Supplemental medical insurance	68,690,000	69,777,000	69,777,000	+1,087,000	---	M
Hospital insurance for the uninsured	349,000	321,000	321,000	-28,000	---	M
Federal uninsured payment	121,000	132,000	132,000	+11,000	---	M
Program management	129,100	151,600	151,600	+22,500	---	M
Total, Payments to Trust Funds, current law	69,289,100	70,381,600	70,381,600	+1,092,500	---	
PROGRAM MANAGEMENT						
Research, demonstration, and evaluation: Regular Program	64,892	55,000	55,000	-9,892	---	TF
Medicare Contractors	1,244,000	1,301,287	1,165,287	-78,713	-136,000	TF
User fee legislative proposal	---	---	(-136,000)	(-136,000)	(-136,000)	NA
H.R. 3103 funding (NA)	(630,000)	(680,000)	(630,000)	---	(-50,000)	NA
Subtotal, Contractors program level	(1,874,000)	(1,981,287)	(1,795,287)	(-78,713)	(-186,000)	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
State Survey and Certification	204,674	234,147	171,147	-33,527	-63,000	TF
User fee legislative proposal	---	---	(-63,000)	(-63,000)	(-63,000)	NA
Federal Administration						
Federal Administration	484,900	497,942	476,942	-7,958	-21,000	TF
User Fees	-2,026	-2,074	-2,074	-48	---	TF
User fee legislative proposal	---	---	(-21,000)	(-21,000)	(-21,000)	NA
Subtotal, Federal Administration	482,874	495,868	474,868	-8,006	-21,000	
Total, Program management	1,996,440	2,086,302	1,866,302	-130,138	-220,000	
Total, Program management, program level	(2,626,440)	(2,766,302)	(2,496,302)	(-130,138)	(-270,000)	
Medicare Trust Fund Activity:						
Hospital Insurance TF (1)	(6,800,000)	(8,300,000)	(8,300,000)	(+1,500,000)	---	NA
Supplemental Medical Ins. TF (2)	(300,000)	(-2,800,000)	(2,800,000)	(+2,500,000)	(+5,600,000)	NA
Total, Health Care Financing Administration	189,257,721	202,261,704	202,041,704	+12,783,983	-220,000	
Federal funds	187,261,281	200,175,402	200,175,402	+12,914,121	---	
Current year	(156,672,278)	(163,967,851)	(163,967,851)	(+7,295,573)	---	
New advance, 1st quarter, FY02	(30,589,003)	(36,207,551)	(36,207,551)	(+5,618,548)	---	
Trust funds	1,996,440	2,086,302	1,866,302	-130,138	-220,000	

(1) Intermediate estimates: Page 37 of the 1999 Annual Report of the Board of Trustees of the Federal Hospital Insurance Trust Fund.

(2) Intermediate estimates: Page 32 of the 1999 Annual Report of the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
ADMINISTRATION FOR CHILDREN AND FAMILIES						
FAMILY SUPPORT PAYMENTS TO STATES						
Payments to territories	23,000	23,000	23,000	---	---	M
Emergency assistance	98,000	---	---	-98,000	---	M
State & Local Administrative Training	2,000	---	---	-2,000	---	M
Repatriation	1,000	1,000	1,000	---	---	M
Subtotal, Welfare payments	124,000	24,000	24,000	-100,000	---	
Child Support Enforcement:						
State and local administration	2,818,800	3,089,800	3,089,800	+271,000	---	M
Federal incentive payments	371,000	404,000	404,000	+33,000	---	M
Hold Harmless payments	11,000	11,000	11,000	---	---	M
Access and visitation	---	10,000	10,000	+10,000	---	M
Subtotal, Child Support Enforcement	3,200,800	3,514,800	3,514,800	+314,000	---	
Total, Payments, current year program level	3,324,800	3,538,800	3,538,800	+214,000	---	
Less funds advanced in previous years	-750,000	-650,000	-650,000	+100,000	---	M
Total, payments, current request	2,574,800	2,888,800	2,888,800	+314,000	---	
New advance, 1st quarter, FY02	650,000	1,000,000	1,000,000	+350,000	---	M

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
LOW INCOME HOME ENERGY ASSISTANCE PROGRAM						
Advance from prior year (NA)	(1,100,000)	(1,100,000)	(1,100,000)	---	---	NA EMG
Emergency Allocation	300,000	300,000	300,000	---	---	D EMG
Advance funding FY02	1,100,000	1,100,000	1,100,000	---	---	D
REFUGEE AND ENTRANT ASSISTANCE						
Transitional and Medical Services	220,620	225,176	225,176	+4,556	---	D
Social Services	143,621	143,316	143,621	---	+305	D
Preventive Health	4,835	4,835	4,835	---	---	D
Targeted Assistance	49,477	49,477	49,477	---	---	D
Victims of Torture	7,265	9,765	10,000	+2,735	+235	D
Total, Refugee and entrant assistance	425,818	432,569	433,109	+7,291	+540	
CHILD CARE AND DEVELOPMENT GRANT						
Advance funding from prior year (NA)	(1,182,672)	(1,182,672)	(1,182,672)	---	---	NA
Current year additional request	---	817,328	400,000	+400,000	-417,328	D
Advance funding FY02	1,182,672	2,000,000	2,000,000	+817,328	---	D
SOCIAL SERVICES BLOCK GRANT (TITLE XX)	1,775,000	1,700,000	1,700,000	-75,000	---	M

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
CHILDREN AND FAMILIES SERVICES PROGRAMS						
Programs for Children, Youth, and Families:						
Head Start, current funded	3,867,000	4,867,000	4,267,000	+400,000	-600,000	D
Advance from prior year	---	(1,400,000)	(1,400,000)	(+1,400,000)	---	NA
FY02	1,400,000	1,400,000	1,400,000	---	---	D
Subtotal, Head Start program level	5,267,000	6,267,000	5,667,000	+400,000	-600,000	
Consolidated Runaway, Homeless Youth Programs	---	---	64,155	+64,155	+64,155	D
Runaway and Homeless Youth	43,652	43,652	---	-43,652	-43,652	D
Runaway Youth Transitional Living	20,503	20,503	---	-20,503	-20,503	D
Strengthening Parent/Child Relationships	---	10,000	---	---	-10,000	D
Subtotal, runaway	64,155	74,155	64,155	---	-10,000	
Child Abuse State Grants	21,026	21,026	21,026	---	---	D
Child Abuse Discretionary Activities	18,028	18,028	18,028	---	---	D
Abandoned Infants Assistance	12,207	12,207	12,207	---	---	D
Child Welfare Services	291,986	291,986	291,986	---	---	D
Child Welfare Training	7,000	7,000	7,000	---	---	D
Adoption Opportunities	27,419	27,419	27,419	---	---	D
Adoption Incentive	20,000	20,000	20,000	---	---	D
Adoption Incentive (no cap adjustment)	21,791	21,791	23,000	+1,209	+1,209	D
Social Services and Income Maintenance Research	27,491	6,500	27,491	---	+20,991	D
Community Based Resource Centers	32,835	32,835	32,835	---	---	D

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
Developmental disabilities program:						
State Councils	65,750	65,803	65,803	+53	---	D
Protection and Advocacy	28,110	28,110	28,110	---	---	D
Developmental Disabilities Special Projects	10,244	10,244	10,244	---	---	D
Developmental Disabilities University Affiliated	18,171	18,171	18,171	---	---	D
Subtotal, Developmental disabilities	122,275	122,328	122,328	+53	---	
Native American Programs	35,420	44,420	35,420	---	-9,000	D
Community services:						
Grants to States for Community Services	527,700	510,000	527,700	---	+17,700	D
Community initiative program:						
Economic Development	30,040	5,500	30,040	---	+24,540	D
Individual Development Account Initiative	10,000	25,000	10,000	---	-15,000	D
Rural Community Facilities	5,321	---	5,321	---	+5,321	D
Subtotal, discretionary funds	45,361	30,500	45,361	---	+14,861	
National Youth Sports	15,000	---	16,000	+1,000	+16,000	D
Community Food and Nutrition	6,315	---	6,315	---	+6,315	D
Subtotal, Community services	594,376	540,500	595,376	+1,000	+54,876	
Runaway Youth Prevention	14,999	14,999	14,999	---	---	D
Domestic Violence Hotline	1,957	2,157	1,957	---	-200	D
Battered Women's Shelters	101,118	116,918	101,118	---	-15,800	D
Program Direction	146,820	164,448	147,908	+1,088	-16,540	D
Total, Children and Families Services Programs	6,827,903	7,805,717	7,231,253	+403,350	-574,464	
Current Year	(5,427,903)	(6,405,717)	(5,831,253)	(+403,350)	(-574,464)	
Advance Year, FY02	(1,400,000)	(1,400,000)	(1,400,000)	---	---	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
Rescission of permanent appropriations	-21,000	---	-21,000	---	-21,000	D
PROMOTING SAFE AND STABLE FAMILIES	295,000	305,000	305,000	+10,000	---	M
PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION						
Foster Care	4,537,200	5,063,500	5,063,500	+526,300	---	M
Adoption Assistance	1,020,100	1,197,600	1,197,600	+177,500	---	M
Independent living	140,000	140,000	140,000	---	---	M
Child Welfare Tribal Initiative (1)	---	5,000	---	---	-5,000	M
Total, Payments, current year program level	5,697,300	6,406,100	6,401,100	+703,800	-5,000	
Less Advances from Prior Year	-1,355,000	-1,538,000	-1,538,000	-183,000	---	M
Total, payments, current request	4,342,300	4,868,100	4,863,100	+520,800	-5,000	
New Advance, 1st quarter, FY02	1,538,000	1,735,900	1,735,900	+197,900	---	M
Total, Administration for Children & Families	20,990,493	24,953,414	23,936,162	+2,945,669	-1,017,252	
Current year	(15,119,821)	(17,717,514)	(16,700,262)	(+1,580,441)	(-1,017,252)	
Advance Year, FY02	(5,870,672)	(7,235,900)	(7,235,900)	(+1,365,228)	---	

(1) Unauthorized.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
ADMINISTRATION ON AGING						
Grants to States:						
Supportive Services and Centers	310,082	450,082	325,082	+15,000	-125,000	D
Preventive Health	16,123	16,123	16,123	---	---	D
Title VII	13,181	13,181	13,181	---	---	D
Nutrition:						
Congregate Meals	374,412	374,412	374,412	---	---	D
Home Delivered Meals	147,000	147,000	147,000	---	---	D
Grants to Indians	18,457	23,457	18,457	---	-5,000	D
Aging Research, Training and Special Projects	31,162	36,162	9,119	-22,043	-27,043	D
Alzheimer's Initiative	5,970	5,970	5,970	---	---	D
Program Administration	16,277	17,232	16,461	+184	-771	D
Total, Administration on Aging	932,664	1,083,619	925,805	-6,859	-157,814	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
OFFICE OF THE SECRETARY						
GENERAL DEPARTMENTAL MANAGEMENT:						
Federal Funds	122,861	127,685	116,561	-6,300	-11,124	D
NAS study	414	---	---	-414	---	D
Trust Funds	5,851	5,851	5,851	---	---	TF
1% Evaluation funds (ASPE) (NA)	(20,552)	(20,552)	(20,552)	---	---	NA
Subtotal	(149,678)	(154,088)	(142,964)	(-6,714)	(-11,124)	
Adolescent Family Life (Title XX)	19,327	7,627	24,327	+5,000	+16,700	D
Physical Fitness and Sports	1,091	1,152	1,091	---	-61	D
Minority health	37,638	38,638	38,638	+1,000	---	D
Office of women's health	15,495	16,495	16,495	+1,000	---	D
U.S. Surgeon General violence initiative	457	476	---	-457	-476	D
Office of Emergency Preparedness	9,668	11,668	9,668	---	-2,000	D
Other Health Activities (1)	4,922	---	---	-4,922	---	D
Total, General Departmental Management	217,724	209,592	212,631	-5,093	+3,039	
Federal funds	211,873	203,741	206,780	-5,093	+3,039	
Trust funds	5,851	5,851	5,851	---	---	

(1) $20 million of the President's request has been moved to PHSSEF for comparison purposes.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
OFFICE OF THE INSPECTOR GENERAL:						
Federal Funds	31,388	33,849	31,394	+6	-2,455	D
HIPAA funding (NA)	(120,000)	(130,000)	(120,000)	---	(-10,000)	NA
Total, Inspector General program level	(151,388)	(163,849)	(151,394)	(+6)	(-12,455)	
OFFICE FOR CIVIL RIGHTS:						
Federal Funds	19,219	20,742	18,774	-445	-1,968	D
Trust Funds	3,314	3,314	3,314	---	---	TF
Total, Office for Civil Rights	22,533	24,056	22,088	-445	-1,968	
POLICY RESEARCH	16,735	16,738	16,738	+3	---	D
RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS:						
Retirement payments	172,045	175,405	175,405	+3,360	---	M
Survivors benefits	11,906	12,204	12,204	+298	---	M
Dependents' medical care	29,626	30,811	30,811	+1,185	---	M
Military services credits	1,328	1,352	1,352	+24	---	M
Total, Retirement pay and medical benefits	214,905	219,772	219,772	+4,867	---	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
PUBLIC HEALTH AND SOCIAL SERVICE EMERGENCY FUND (1)...	576,371	---	---	-576,371	---	D EMG
Public Health/Social Service Fund.....	---	490,500	500,640	+500,640	+10,140	D
Total, Office of the Secretary.....	1,079,656	994,507	1,003,263	-76,393	+8,756	
Federal funds.....	1,070,491	985,342	994,098	-76,393	+8,756	
Trust funds.....	9,165	9,165	9,165	---	---	
Total, Department of Health and Human Services..	240,390,115	258,864,945	259,396,591	+19,006,476	+531,646	
Federal Funds.....	238,384,510	256,769,478	257,521,124	+19,136,614	+751,646	
Current year.....	(201,904,835)	(213,326,027)	(214,047,673)	(+12,142,838)	(+721,646)	
Advance Year, FY02.....	(36,479,675)	(43,443,451)	(43,473,451)	(+6,993,776)	(+30,000)	
Trust funds.....	2,005,605	2,095,467	1,875,467	-130,138	-220,000	

(1) For FY 2000 Comparable purposes, $10 million is shown in CDC for Chronic Diseases and $9 million for Infectious Diseases.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
TITLE III - DEPARTMENT OF EDUCATION						
EDUCATION REFORM						
Goals 2000: Educate America Act:						
State Grants forward funded	456,500	---	---	-456,500	---	D FF
State Grants current funded	1,500	---	---	-1,500	---	D
Parental Assistance	33,000	33,000	---	-33,000	-33,000	D
Recognition and Reward	---	50,000	---	---	-50,000	D
Subtotal, Goals 2000	491,000	83,000	---	-491,000	-83,000	
School-to-Work Opportunities	55,000	---	---	-55,000	---	D FF
Educational Technology:						
Technology Literacy Challenge Fund	425,000	450,000	517,000	+92,000	+67,000	D
Technology Innovation Challenge Fund	146,255	---	197,500	+51,245	+197,500	D
Regional Technology in Education Consortia	10,000	10,000	10,000	---	---	D
Next Generation Technology Innovation	---	170,000	---	---	-170,000	D
Subtotal	581,255	630,000	724,500	+143,245	+94,500	
National Activities						
Technology Leadership Activities	2,000	2,000	2,000	---	---	D
Teacher Training in Technology	75,000	150,000	85,000	+10,000	-65,000	D
Community-Based Technology Centers	32,500	100,000	32,500	---	-67,500	D
Subtotal	109,500	252,000	119,500	+10,000	-132,500	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
Star Schools	50,550	---	45,000	-5,550	+45,000	D
Ready to Learn Television	16,000	16,000	16,000	---	---	D
Telcom Demo Project for Mathematics	8,500	---	---	-8,500	---	D
Telcom Program for Professional Devlep	---	5,000	---	---	-5,000	D
Subtotal, Educational technology	765,805	903,000	905,000	+139,195	+2,000	
21st Century Community Learning Centers	453,377	1,000,000	600,000	+146,623	-400,000	D
Small, Safe, and Successful High Schools	---	120,000	---	---	-120,000	D
Total, Education Reform	1,765,182	2,106,000	1,505,000	-260,182	-601,000	
Subtotal, Forward funded	(511,500)	---	---	(-511,500)	---	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
EDUCATION FOR THE DISADVANTAGED						
Grants to Local Education Agencies (LEAs):						
Basic Grants						
Advance from prior year	(5,046,366)	(5,046,366)	(5,046,366)	---	---	NA
Forward funded	1,733,134	481,237	1,733,134	---	+1,251,897	D FF
Current funded	3,500	---	3,500	---	+3,500	D
Subtotal, Basic grants current year funding	1,736,634	481,237	1,736,634	---	+1,255,397	
Basic Grants FY02 Advance	5,046,366	5,201,863	5,046,366	---	-155,497	D
Subtotal, Basic grants, program level	6,783,000	5,683,100	6,783,000	---	+1,099,900	
Concentration Grants - Advance from prior year	(1,158,397)	(1,158,397)	(1,158,397)	---	---	NA
Concentration Grants FY02 Advance	1,158,397	1,002,900	1,158,397	---	+155,497	D
Targeted Grants	---	1,671,500	---	---	-1,671,500	D FF
Subtotal, Grants to LEAs	7,941,397	8,357,500	7,941,397	---	-416,103	
Capital Expenses for Private School Children	12,000	---	---	-12,000	---	D FF
Even Start	150,000	150,000	250,000	+100,000	+100,000	D FF
State agency programs:						
Migrant	354,689	380,000	354,689	---	-25,311	D FF
Neglected and Delinquent/High Risk Youth	42,000	42,000	42,000	---	---	D FF
Evaluation	8,900	---	8,900	---	+8,900	D
Comprehensive School Reform Demonstration	170,000	190,000	190,000	+20,000	---	D FF
Total, ESEA	8,678,986	9,119,500	8,786,986	+108,000	-332,514	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
Migrant education:						
High School Equivalency Program	15,000	20,000	20,000	+5,000	---	D
College Assistance Migrant Program	7,000	10,000	10,000	+3,000	---	D
Subtotal, migrant education	22,000	30,000	30,000	+8,000	---	
Total, Education for the disadvantaged	8,700,986	9,149,500	8,816,986	+116,000	-332,514	
Current Year	(2,496,223)	(2,944,737)	(2,612,223)	(+116,000)	(-332,514)	
Advance Year, FY02	(6,204,763)	(6,204,763)	(6,204,763)	---	---	
Subtotal, forward funded	(2,461,823)	(2,914,737)	(2,569,823)	(+108,000)	(-344,914)	
IMPACT AID						
Basic Support Payments	737,200	720,000	780,000	+42,800	+60,000	D
Payments for Children with Disabilities	50,000	40,000	50,000	---	+10,000	D
Payments for Heavily Impacted Districts (Sec. f)	72,200	---	82,000	+9,800	+82,000	D
Subtotal	859,400	760,000	912,000	+52,600	+152,000	
Facilities Maintenance (Sec. 8008)	5,000	5,000	8,000	+3,000	+3,000	D
Construction (Sec. 8007)	10,052	5,000	25,000	+14,948	+20,000	D
Payments for Federal Property (Sec. 8002)	32,000	---	40,000	+8,000	+40,000	D
Total, Impact aid	906,452	770,000	985,000	+78,548	+215,000	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
SCHOOL IMPROVEMENT PROGRAMS						
Teaching to High Standards, current	---	405,000	---	---	-405,000	D
FY02	---	285,000	---	---	-285,000	D
Eisenhower Professional Development	335,000	---	---	-335,000	---	D FF
National Programs:						
School Leadership Initiative	---	40,000	---	---	-40,000	D
Improvement of Teaching and School Leadership	---	25,000	---	---	-25,000	D
Hometown Teachers	---	75,000	---	---	-75,000	D
Higher Standards/Higher Pay	---	50,000	---	---	-50,000	D
Teacher Quality Incentives	---	50,000	---	---	-50,000	D
Troops to Teachers	---	25,000	---	---	-25,000	D
Early Childhood Educator Professional Develp	---	30,000	---	---	-30,000	D FF
Innovative Education (Education Block Grant)	80,750	---	80,750	---	+80,750	D FF
Advance from prior year	---	(285,000)	(285,000)	(+285,000)	---	NA
FY02	285,000	---	285,000	---	+285,000	D
Education Block Grant, program level	365,750	---	365,750	---	+365,750	
Class Size Reduction, current	400,000	850,000	---	-400,000	-850,000	D FF
Advance from prior year (1)	---	(900,000)	(900,000)	(+900,000)	---	NA
FY02	900,000	900,000	---	-900,000	-900,000	D
Class Size Reduction, program level	1,300,000	1,750,000	---	-1,300,000	-1,750,000	

(1) Funds made available in FY 2000 appropriation.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
Teacher Empowerment Act (1)	---	---	850,000	+850,000	+850,000	D FF
FY02	---	---	900,000	+900,000	+900,000	D
Teacher Empowerment Act, program level	---	---	1,750,000	+1,750,000	+1,750,000	
Safe and Drug Free Schools:						
State Grants, current funded	109,250	109,250	109,250	---	---	D FF
Advance from prior year	---	(330,000)	(330,000)	(+330,000)	---	NA
FY02	330,000	330,000	330,000	---	---	D
State Grants, program level	439,250	439,250	439,250	---	---	
National Programs	110,750	150,750	110,000	-750	-40,750	D
Coordinator Initiative	50,000	50,000	50,000	---	---	D
Project SERV	---	10,000	---	---	-10,000	D
Subtotal, Safe and drug free schools	600,000	650,000	599,250	-750	-50,750	
Inexpensive Book Distribution (RIF)	20,000	20,000	21,000	+1,000	+1,000	D
Arts in Education	11,500	23,000	16,500	+5,000	-6,500	D

(1) Teacher Empowerment Act subject to authorization.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request		
Other school improvement programs:							
Magnet Schools Assistance	110,000	110,000	110,000	---	---	D	
Education for Homeless Children & Youth	28,800	31,700	32,000	+3,200	+300	D	FF
Women's Educational Equity	3,000	3,000	3,000	---	---	D	
Training and Advisory Services (Civil Rights)	7,334	7,334	7,334	---	---	D	
Ellender Fellowships/Close Up	1,500	---	1,500	---	+1,500	D	FF
Education for Native Hawaiians	23,000	23,000	23,000	---	---	D	
Alaska Native Education Equity	13,000	13,000	13,000	---	---	D	
Charter Schools	145,000	175,000	175,000	+30,000	---	D	
Subtotal, other school improvement programs	331,634	363,034	364,834	+33,200	+1,800		
Opportunities to Improve our Nation's Schools(OPTIONS)	---	20,000	---	---	-20,000	D	
Strengthening Technical assistance Capacity Grants	---	38,000	---	---	-38,000	D	
Comprehensive Regional Assistance Centers	28,000	---	28,000	---	+28,000	D	
Advanced Placement Fees	15,000	20,000	20,000	+5,000	---	D	
Total, School improvement programs	3,006,884	3,869,034	3,165,334	+158,450	-703,700		
Current Year	(1,491,884)	(2,354,034)	(1,650,334)	(+158,450)	(-703,700)		
Advance Year, FY02	(1,515,000)	(1,515,000)	(1,515,000)	---	---		
Subtotal, forward funded	(955,300)	(1,020,950)	(1,073,500)	(+118,200)	(+52,550)		

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
READING EXCELLENCE						
Reading Excellence Act	65,000	91,000	65,000	---	-26,000	D FF
Advance from prior year	---	(195,000)	(195,000)	(+195,000)	---	NA
FY02	195,000	195,000	195,000	---	---	D
Reading Excellence, program level	260,000	286,000	260,000	---	-26,000	
INDIAN EDUCATION						
Grants to Local Educational Agencies	62,000	92,765	92,765	+30,765	---	D
Federal Programs						
Special Programs for Indian Children	13,265	20,000	13,265	---	-6,735	D
National Activities	1,735	2,735	1,735	---	-1,000	D
Subtotal	15,000	22,735	15,000	---	-7,735	
Total, Indian Education	77,000	115,500	107,765	+30,765	-7,735	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
SCHOOL RENOVATION						
Grants to Indian LEAs	---	50,000	---	---	-50,000	D
Grants to Other High-Need LEAs	---	125,000	---	---	-125,000	D
School Renovation Loan Subsidies	---	1,125,000	---	---	-1,125,000	D
Total, School Renovation	---	1,300,000	---	---	-1,300,000	
BILINGUAL AND IMMIGRANT EDUCATION						
Bilingual education:						
Instructional Services	162,500	180,000	162,500	---	-17,500	D
Support Services	14,000	16,000	14,000	---	-2,000	D
Professional Development	71,500	100,000	71,500	---	-28,500	D
Immigrant Education	150,000	150,000	150,000	---	---	D
Foreign Language Assistance	8,000	14,000	8,000	---	-6,000	D
Total, Bilingual and Immigrant Education	406,000	460,000	406,000	---	-54,000	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
SPECIAL EDUCATION						
State grants:						
Grants to States Part B advance funded	3,742,000	3,742,000	3,742,000	---	---	D
Part B advance from prior year	---	(3,742,000)	(3,742,000)	(+3,742,000)	---	NA
Grants to States Part B current year	1,247,685	1,537,685	1,747,685	+500,000	+210,000	D FF
Grants to States program level	4,989,685	5,279,685	5,489,685	+500,000	+210,000	
Preschool Grants	390,000	390,000	390,000	---	---	D FF
Grants for Infants and Families	375,000	383,567	375,000	---	-8,567	D FF
Subtotal, State grants program level	5,754,685	6,053,252	6,254,685	+500,000	+201,433	
IDEA National Acitivities (current funded):						
State Program Improvement Grants	35,200	45,200	45,200	+10,000	---	D FF
Research and Innovation	64,433	74,433	64,433	---	-10,000	D
Technical Assistance and Dissemination	45,481	53,481	45,481	---	-8,000	D
Personnel Preparation	81,952	81,952	81,952	---	---	D
Parent Information Centers	18,535	26,000	22,000	+3,465	-4,000	D
Technology and Media Services	34,410	34,523	36,410	+2,000	+1,887	D
Public Telecom Info/Training Dissemination	1,500	---	---	-1,500	---	D
Subtotal, IDEA special programs	281,511	315,589	295,476	+13,965	-20,113	
Total, Special education	6,036,196	6,368,841	6,550,161	+513,965	+181,320	
Current Year	(2,294,196)	(2,626,841)	(2,808,161)	(+513,965)	(+181,320)	
Advance Year, FY02	(3,742,000)	(3,742,000)	(3,742,000)	---	---	
Subtotal, Forward funded	(2,047,885)	(2,356,452)	(2,557,885)	(+510,000)	(+201,433)	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
REHABILITATION SERVICES AND DISABILITY RESEARCH						
Vocational Rehabilitation State Grants	2,338,977	2,399,790	2,399,790	+60,813	---	M
Client Assistance State grants	10,928	11,147	10,928	---	-219	D
Training	39,629	39,629	39,629	---	---	D
Demonstration and training programs	21,672	21,672	16,492	-5,180	-5,180	D
Migrant and seasonal farmworkers	2,350	2,850	2,350	---	-500	D
Recreational programs	3,521	2,596	2,596	-925	---	D
Protection and advocacy of individual rights (PAIR)	11,894	12,132	14,000	+2,106	+1,868	D
Projects with industry	22,071	22,071	22,071	---	---	D
Supported employment State grants	38,152	38,152	38,152	---	---	D
Independent living:						
State grants	22,296	22,296	22,296	---	---	D
Centers	48,000	58,000	58,000	+10,000	---	D
Services for older blind individuals	15,000	15,000	18,000	+3,000	+3,000	D
Subtotal, Independent living	85,296	95,296	98,296	+13,000	+3,000	
Program Improvement	1,900	1,900	1,900	---	---	D
Evaluation	1,587	1,587	1,587	---	---	D
Helen Keller National Center for Deaf-Blind Youths & Adults	8,550	8,717	8,550	---	-167	D
National Institute for Disability and Rehabilitation Research (NIDRR)	86,462	100,000	86,462	---	-13,538	D
Assistive Technology	34,000	41,112	34,000	---	-7,112	D
Subtotal, discretionary programs	368,012	398,861	377,013	+9,001	-21,848	
Total, Rehabilitation services	2,706,989	2,798,651	2,776,803	+69,814	-21,848	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES						
AMERICAN PRINTING HOUSE FOR THE BLIND	10,100	10,265	11,000	+900	+735	D
NATIONAL TECHNICAL INSTITUTE FOR THE DEAF						
Operations	45,500	46,410	48,000	+2,500	+1,590	D
Construction	2,651	5,376	6,000	+3,349	+624	D
Total	48,151	51,786	54,000	+5,849	+2,214	
GALLAUDET UNIVERSITY						
Operations	83,480	87,650	89,400	+5,920	+1,750	D
Construction	2,500	---	---	-2,500	---	D
Total	85,980	87,650	89,400	+3,420	+1,750	
Total, Special institutions	144,231	149,701	154,400	+10,169	+4,699	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
VOCATIONAL AND ADULT EDUCATION						
Vocational education:						
Basic State Grants, current funded	264,650	264,650	309,000	+44,350	+44,350	D FF
Advance from prior year	---	(791,000)	(791,000)	(+791,000)	---	NA
FY02	791,000	591,000	791,000	---	+200,000	D
Basic State Grants, program level	1,055,650	855,650	1,100,000	+44,350	+244,350	
Tech-Prep Education	106,000	106,000	106,000	---	---	D FF
FY02	---	200,000	---	---	-200,000	D
Tribally Controlled Postsecondary Vocational Institutions	4,600	4,600	4,600	---	---	D
National Programs	17,500	17,500	17,500	---	---	D FF
NOICC	9,000	---	---	-9,000	---	D
Subtotal, Vocational education	1,192,750	1,183,750	1,228,100	+35,350	+44,350	
Adult education:						
State Grants, current funded	450,000	460,000	470,000	+20,000	+10,000	D FF
National programs:						
National Leadership Activities	14,000	89,000	14,000	---	-75,000	D FF
National Institute for Literacy	6,000	6,500	6,500	+500	---	D FF
Subtotal, National programs	20,000	95,500	20,500	+500	-75,000	
Subtotal, adult education	470,000	555,500	490,500	+20,500	-65,000	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
State Grants for Incarcerated Youth Offenders.....	19,000	12,000	---	-19,000	-12,000	D
Total, Vocational and adult education.....	1,681,750	1,751,250	1,718,600	+36,850	-32,650	
Current Year.....	(890,750)	(960,250)	(927,600)	(+36,850)	(-32,650)	
Advance Year, FY02.....	(791,000)	(791,000)	(791,000)	---	---	
Subtotal, forward funded.....	(858,150)	(943,650)	(923,000)	(+64,850)	(-20,650)	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
STUDENT FINANCIAL ASSISTANCE						
Pell Grants -- maximum grant (NA).....	(3,300)	(3,500)	(3,500)	(+200)	---	NA
Pell Grants -- Regular Program.....	7,639,717	8,356,000	8,308,000	+668,283	-48,000	D
Federal Supplemental Educational Opportunity Grants...	621,000	691,000	691,000	+70,000	---	D
Emergency SEOG--Hurricane Floyd.....	10,000	---	---	-10,000	---	D EMG
Federal Work Study.....	934,000	1,011,000	1,011,000	+77,000	---	D
Federal Perkins loans:						
Capital Contributions.....	100,000	100,000	100,000	---	---	D
Loan Cancellations.....	30,000	60,000	40,000	+10,000	-20,000	D
Subtotal, Federal Perkins loans.....	130,000	160,000	140,000	+10,000	-20,000	
LEAP program.....	40,000	40,000	---	-40,000	-40,000	D
Total, Student financial assistance.....	9,374,717	10,258,000	10,150,000	+775,283	-108,000	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
FEDERAL FAMILY EDUCATION LOAN PROGRAM						
Federal Administration	48,000	48,000	48,000	---	---	D
HIGHER EDUCATION						
Aid for institutional development:						
Strengthening Institutions	60,250	63,000	73,000	+12,750	+10,000	D
Hispanic Serving Institutions	42,250	62,500	68,500	+26,250	+6,000	D
Dual-Degree Programs for Minority Institutions	---	40,000	---	---	-40,000	D
Strengthening Historically Black Colleges (HBCUs)	148,750	169,000	185,000	+36,250	+16,000	D
Strengthening historically black graduate insts	31,000	40,000	45,000	+14,000	+5,000	D
Strengthening Alaska / Native Hawaiian Instit	5,000	5,000	5,000	---	---	D
Strengthening Tribal Colleges	6,000	9,000	12,000	+6,000	+3,000	D
Subtotal, Institutional development	293,250	388,500	388,500	+95,250	---	
Program development:						
Fund for the Improvement of Postsec. Ed. (FIPSE)	74,249	31,200	31,200	-43,049	---	D
Minority Science and Engineering Improvement	7,500	8,500	8,500	+1,000	---	D
International education and foreign language:						
Domestic Programs	62,000	62,000	67,000	+5,000	+5,000	D
Overseas Programs	6,680	10,000	10,000	+3,320	---	D
Institute for International Public Policy	1,022	1,022	1,022	---	---	D
Subtotal, International education	69,702	73,022	78,022	+8,320	+5,000	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
Interest Subsidy Grants	12,000	10,000	10,000	-2,000	---	D
Federal TRIO Programs	645,000	725,000	760,000	+115,000	+35,000	D
GEAR UP	200,000	325,000	200,000	---	-125,000	D
Byrd Honors Scholarships	39,859	41,001	39,859	---	-1,142	D
Javits Fellowships	20,000	10,000	10,000	-10,000	---	D
Graduate Assistance in Areas of National Need	31,000	31,000	31,000	---	---	D
Learning Anytime Anywhere Partnerships	23,269	30,000	10,000	-13,269	-20,000	D
Teacher Quality Enhancement Grants	98,000	98,000	98,000	---	---	D
Child Care Access Means Parents in School	5,000	15,000	15,000	+10,000	---	D
Demonstration in Disabilities / Higher Education	5,000	5,000	5,000	---	---	D
Underground Railroad Program	1,750	1,750	---	-1,750	-1,750	D
Community Scholarship Mobilization	1,000	---	---	-1,000	---	D
GPRA data/HEA program evaluation	3,000	3,000	3,000	---	---	D
Total, Higher education	1,529,579	1,795,973	1,688,081	+158,502	-107,892	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
HOWARD UNIVERSITY						
Academic Program	185,540	190,096	192,500	+6,960	+2,404	D
Endowment Program	3,530	3,530	3,600	+70	+70	D
Howard University Hospital	30,374	30,374	30,374	---	---	D
Total, Howard University	219,444	224,000	226,474	+7,030	+2,474	
COLLEGE HOUSING & ACADEMIC FACILITIES LOANS PROGRAM: Federal Administration	737	737	737	---	---	D
HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING, PROGRAM ACCOUNT						
HBCU Capital Financing Program -- Federal Adm	207	208	207	---	-1	D

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT						
Research and statistics:						
Research, Development, and Dissemination	---	198,567	---	---	-198,567	D
Research	103,567	---	103,567	---	+103,567	D
Regional Educational Laboratories	65,000	---	65,000	---	+65,000	D
Statistics	68,000	84,000	68,000	---	-16,000	D
Assessment:						
National Assessment	36,000	38,000	36,000	---	-2,000	D
National Assessment Governing Board	4,000	4,500	4,000	---	-500	D
Subtotal, Assessment	40,000	42,500	40,000	---	-2,500	
Subtotal, Research and statistics	276,567	325,067	276,567	---	-48,500	
Fund for the Improvement of Education	243,864	137,150	145,000	-98,864	+7,850	D
International Education Exchange	7,000	8,000	7,000	---	-1,000	D
Civic Education	9,850	9,850	10,000	+150	+150	D
Eisenhower Professional Dvp. Federal Activities	23,300	---	23,300	---	+23,300	D
Eisenhower Regional Math & Science Ed. Consortia	15,000	15,000	15,000	---	---	D
Javits Gifted and Talented Education	6,500	7,500	7,500	+1,000	---	D
America's Tests	---	5,000	---	---	-5,000	D
National Writing Project	9,000	10,000	10,000	+1,000	---	D
Total, ERSI	591,081	517,567	494,367	-96,714	-23,200	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
DEPARTMENTAL MANAGEMENT						
PROGRAM ADMINISTRATION	382,934	413,184	382,934	---	-30,250	D
OFFICE FOR CIVIL RIGHTS	71,200	76,000	71,200	---	-4,800	D
OFFICE OF THE INSPECTOR GENERAL	34,000	36,500	34,000	---	-2,500	D
Total, Departmental management	488,134	525,684	488,134	---	-37,550	
STUDENT LOANS						
New Annual Loan Volume (including consolidation):						
Federal Family Education Loans (FFEL)	(25,540,000)	(26,902,000)	(26,902,000)	(+1,362,000)	---	NA
Federal Direct Student Loans (FDSL)	(14,855,000)	(15,613,000)	(15,613,000)	(+758,000)	---	NA
Total Outstanding Loan Volume:						
Federal Family Education Loans (FFEL)	(281,700,000)	(303,900,000)	(303,900,000)	(+22,200,000)	---	NA
Federal Direct Student Loans (FDSL)	(54,200,000)	(65,400,000)	(65,400,000)	(+11,200,000)	---	NA
Total, Department of Education	37,943,569	42,494,646	39,542,049	+1,598,480	-2,952,597	
Current year	(25,495,806)	(30,046,883)	(27,094,286)	(+1,598,480)	(-2,952,597)	
Advance Year, FY02	(12,447,763)	(12,447,763)	(12,447,763)	---	---	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
TITLE IV - RELATED AGENCIES						
ARMED FORCES RETIREMENT HOME						
Operations and Maintenance	55,599	60,000	60,000	+4,401	---	D
Capital Program	12,696	9,832	9,832	-2,864	---	D
Total, AFRH	68,295	69,832	69,832	+1,537	---	
CORPORATION FOR NATIONAL AND COMMUNITY SERVICE (1)						
Domestic Volunteer Service Programs:						
Volunteers in Service to America (VISTA)	80,574	86,000	80,574	---	-5,426	D
National Senior Volunteer Corps:						
Foster Grandparents Program	95,988	97,782	95,988	---	-1,794	D
Senior Companion Program	39,219	41,669	39,219	---	-2,450	D
Retired Senior Volunteer Program	46,117	50,565	46,117	---	-4,448	D
Senior Demonstration Program	1,494	2,500	400	-1,094	-2,100	D
Subtotal, Senior Volunteers	182,818	192,516	181,724	-1,094	-10,792	
Program Administration	31,129	34,100	32,229	+1,100	-1,871	D
Total, Domestic Volunteer Service Programs	294,521	312,616	294,527	+6	-18,089	

(1) Appropriations for Americorps are provided in the VA-HUD bill.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
CORPORATION FOR PUBLIC BROADCASTING:						
FY03 (current request) with FY02 comparable.....	350,000	365,000	365,000	+15,000	---	
Digitalization program (1).....	---	30,000	---	---	-30,000	
FY02 advance with FY01 comparable (NA).....	(340,000)	(350,000)	(350,000)	(+10,000)	---	NA
Digitalization program (1).....	---	35,000	---	---	-35,000	D
FY01 advance with FY00 comparable (NA).....	(300,000)	(340,000)	(340,000)	(+40,000)	---	NA
FY00 reduction.....	-1,243	---	---	+1,243	---	D
Digitalization program (1).....	10,000	20,000	---	-10,000	-20,000	D
Satellite replacement supplemental--FY00.....	(17,300)	---	---	(-17,300)	---	NA
Subtotal, FY00/01 appropriation.....	(326,057)	(360,000)	(340,000)	(+13,943)	(-20,000)	
FEDERAL MEDIATION AND CONCILIATION SERVICE.....	36,693	39,001	37,500	+807	-1,501	D
FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.....	6,136	6,320	6,200	+64	-120	D
INSTITUTE OF MUSEUM AND LIBRARY SERVICES.....	166,251	173,000	170,000	+3,749	-3,000	D
MEDICARE PAYMENT ADVISORY COMMISSION (TF).....	7,015	8,000	8,000	+985	---	TF
NATIONAL COMMISSION ON LIBRARIES AND INFO SCIENCE.....	1,295	1,495	1,400	+105	-95	D
NATIONAL COUNCIL ON DISABILITY.....	2,391	2,615	2,450	+59	-165	D
NATIONAL EDUCATION GOALS PANEL.....	2,241	2,350	---	-2,241	-2,350	D
NATIONAL LABOR RELATIONS BOARD.....	205,717	216,438	205,717	---	-10,721	D

(1) Unauthorized. Funding is subject to enactment of authorization by September 30, 2000.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
NATIONAL MEDIATION BOARD	9,562	10,400	9,800	+238	-600	D
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION	8,470	8,720	8,600	+130	-120	D
RAILROAD RETIREMENT BOARD						
Dual Benefits Payments Account	173,339	160,000	160,000	-13,339	---	D
Less Income Tax Receipts on Dual Benefits	-10,000	-10,000	-10,000	---	---	D
Subtotal, Dual Benefits	163,339	150,000	150,000	-13,339	---	
Federal Payment to the RR Retirement Account	150	150	150	---	---	M
Limitation on administration:						
Consolidated Account	90,655	92,500	95,000	+4,345	+2,500	TF
Inspector General	5,380	5,700	5,380	---	-320	TF
SOCIAL SECURITY ADMINISTRATION						
Payments to Social Security Trust Funds	20,764	20,400	20,400	-364	---	M
SPECIAL BENEFITS FOR DISABLED COAL MINERS						
Benefit payments	520,000	484,078	484,078	-35,922	---	M
Administration	4,638	5,670	5,670	+1,032	---	M
Subtotal, Black Lung, current year program level	524,638	489,748	489,748	-34,890	---	
Less funds advanced in prior year	-141,000	-124,000	-124,000	+17,000	---	M
Total, Black Lung, current request	383,638	365,748	365,748	-17,890	---	
New advances, 1st quarter FY02	124,000	114,000	114,000	-10,000	---	M

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
SUPPLEMENTAL SECURITY INCOME						
Federal benefit payments	29,189,000	30,483,000	30,483,000	+1,294,000	---	M
Beneficiary services	64,000	71,000	71,000	+7,000	---	M
Research and demonstration	25,085	30,000	30,000	+4,915	---	M
Administration	2,142,000	2,359,000	2,132,000	-10,000	-227,000	D
Subtotal, SSI current year program level	31,420,085	32,943,000	32,716,000	+1,295,915	-227,000	
Less funds advanced in prior year	-9,550,000	-9,890,000	-9,890,000	-340,000	---	M
Subtotal, regular SSI current year (2000/2001)	21,870,085	23,053,000	22,826,000	+955,915	-227,000	
Additional CDR funding (1)	200,000	210,000	210,000	+10,000	---	D
User Fee Activities	80,000	91,000	91,000	+11,000	---	D
Total, SSI, current request	22,150,085	23,354,000	23,127,000	+976,915	-227,000	
New advance, 1st quarter, FY02	9,890,000	10,470,000	10,470,000	+580,000	---	M

(1) Two year availability.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
LIMITATION ON ADMINISTRATIVE EXPENSES						
OASDI Trust Funds	2,925,236	3,138,200	3,265,236	+340,000	+127,036	TF
HI/SMI Trust Funds	1,038,000	1,094,000	1,038,000	---	-56,000	TF
Social Security Advisory Board	1,800	1,800	1,800	---	---	TF
SSI	2,142,000	2,359,000	2,132,000	-10,000	-227,000	TF
Subtotal, regular LAE	6,107,036	6,593,000	6,437,036	+330,000	-155,964	
User Fee Activities (SSI)	80,000	91,000	91,000	+11,000	---	TF
TOTAL, REGULAR LAE	6,187,036	6,684,000	6,528,036	+341,000	-155,964	
Additional CDR funding (1)						
OASDI	185,000	240,000	240,000	+55,000	---	TF
SSI	200,000	210,000	210,000	+10,000	---	TF
Subtotal, CDR funding	385,000	450,000	450,000	+65,000	---	
TOTAL, LAE	6,572,036	7,134,000	6,978,036	+406,000	-155,964	

(1) Two year availability.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
OFFICE OF INSPECTOR GENERAL						
Federal Funds	14,944	17,000	14,944	---	-2,056	D
Trust Funds	50,808	56,000	50,808	---	-5,192	TF
Total, Office of the Inspector General	65,752	73,000	65,752	---	-7,248	
Adjustment: Trust fund transfers from general revenues	-2,422,000	-2,660,000	-2,433,000	-11,000	+227,000	TF
Total, Social Security Administration	36,784,275	38,871,148	38,707,936	+1,923,661	-163,212	
Federal funds	32,583,431	34,341,148	34,112,092	+1,528,661	-229,056	
Current year	(22,569,431)	(23,757,148)	(23,528,092)	(+958,661)	(-229,056)	
New advances, 1st quarter FY01	(10,014,000)	(10,584,000)	(10,584,000)	(+570,000)	---	
Trust funds	4,200,844	4,530,000	4,595,844	+395,000	+65,844	
UNITED STATES INSTITUTE OF PEACE	12,951	14,450	15,000	+2,049	+550	D
Total, Title IV, Related Agencies	38,224,094	40,434,735	40,152,492	+1,928,398	-282,243	
Federal funds	33,920,200	35,798,535	35,448,268	+1,528,068	-350,267	
Current year	(23,556,200)	(24,784,535)	(24,499,268)	(+943,068)	(-285,267)	
Advance Year, FY02	(10,014,000)	(10,619,000)	(10,584,000)	(+570,000)	(-35,000)	
Advance Year, FY03	(350,000)	(395,000)	(365,000)	(+15,000)	(-30,000)	
Trust funds	4,303,894	4,636,200	4,704,224	+400,330	+68,024	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request
SUMMARY					
Grand bill total	329,648,462	356,123,602	351,717,730	+22,069,268	-4,405,872
Federal Funds	319,965,847	345,878,039	341,770,019	+21,804,172	-4,108,020
Current year	(258,211,409)	(276,509,825)	(272,436,805)	(+14,225,396)	(-4,073,020)
Advance Year, FY02	(61,404,438)	(68,973,214)	(68,968,214)	(+7,563,776)	(-5,000)
Advance Year, FY03	(350,000)	(395,000)	(365,000)	(+15,000)	(-30,000)
Trust Funds	9,682,615	10,245,563	9,947,711	+265,096	-297,852
BUDGET ENFORCEMENT ACT RECAP					
Mandatory, total in bill	233,063,984	248,996,967	248,991,967	+15,927,983	-5,000
Less advances for subsequent years	-42,791,003	-49,527,451	-49,527,451	-6,736,448	---
Plus advances provided in prior years	40,529,605	42,791,003	42,791,003	+2,261,398	---
Subtotal, mandatory	230,802,586	242,260,519	242,255,519	+11,452,933	-5,000

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request
Discretionary, total in bill	96,584,478	107,126,635	102,725,763	+6,141,285	-4,400,872
Less advances for subsequent years	-18,963,435	-19,840,763	-19,805,763	-842,328	+35,000
Plus advances provided in prior years	8,844,735	18,933,435	18,953,435	+10,108,700	+20,000
Scorekeeping adjustments:					
Adjustment to balance with 2000 bill	-12,801	---	---	+12,801	---
Adjustment for leg cap on Title XX SSBGs	-605,000	---	---	+605,000	---
SSA User Fee Collection	-80,000	-91,000	-91,000	-11,000	---
HEAF Recapture	-26,000	---	---	+26,000	---
Refugee and entrant assistance reappropriation	12,000	---	---	-12,000	---
Medicaid Title XX offset	1,000	---	---	-1,000	---
Directory of New Hires	-878,000	---	---	+878,000	---
FUBA	40,000	---	---	-40,000	---
SSI Benefits Date Shift	---	---	-2,410,000	-2,410,000	-2,410,000
TANF Savings	---	---	-240,000	-240,000	-240,000
Effects of 2000 Supplemental	---	---	21,000	+21,000	+21,000
NIH General Provision	---	---	-1,700,000	-1,700,000	-1,700,000
SSA State Reimbursement	---	---	-295,000	-295,000	-295,000
Across the board OMB\CBO adjustment	-890	---	---	+890	---
Welfare to work and child support	-50,000	---	---	+50,000	---
Total, discretionary, current year	84,866,087	106,128,307	97,158,435	+12,292,348	-8,969,872
Grand total, current year	315,668,673	348,388,826	339,413,954	+23,745,281	-8,974,872

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

Mr. Chairman, I would ask the gentleman if it is the intention of the majority to now proceed to a final vote on this bill.

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

Mr. OBEY. I yield to the gentleman from Illinois.

Mr. PORTER. Yes, it is.

Mr. OBEY. Reclaiming my time, Mr. Chairman, I thank the gentleman, and all I would say with respect to the previous colloquy is that the only assurance that any individual Member can provide that there will be more funding for a program that he is interested in is to vote for a bill which contains it. When we vote for a bill that does not contain it, what we do is give leverage to the very people who are trying to hold down funding for that bill.

I think before Members vote they should understand one thing about this bill. All of yesterday we tried to offer amendments to restore funds for education, for health care, for job training, for various other items that were knocked out of the President's budget request and we were denied the opportunity to offer those amendments, in large part because we were told they exceeded the allowable budget ceiling for this bill. And yet this bill now, as it stands here, with the failure of the Young amendment, is $500 million in budget authority above the allowable amount and it is $217 million above the allowable budget ceiling for outlays; that despite the fact that it is still $3 billion short of the President's budget for education, $1.7 billion below for worker protection and training, and $1.2 billion below the President's budget for health.

I find it interesting that one standard is applied to amendments that this side sought to offer and another standard to the majority side when it wants to pass a bill. This bill, as it stands, is not in compliance with the budget resolution, and yesterday the majority time and time and time again chastised us for offering amendments that were not in compliance with the budget resolution. So much for consistency. But I guess it is the best that we can expect.

Lastly, I want to announce to the House, Mr. Chairman, that there will be a motion to recommit.

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

Though I did this at the beginning, Mr. Chairman, I want to take just a minute to thank the Members of the subcommittee and the staff.

Members of the House should realize that the hearings on this bill take longer perhaps than most other appropriation bills, running months, running into hundreds of public witnesses, and hearing from literally 100 Members of Congress. The Members that serve on it serve a very long and hard year in bringing this bill to the floor.

I want to thank the gentleman from Florida (Mr. YOUNG), the gentleman from Texas (Mr. BONILLA), the gentleman from Oklahoma (Mr. ISTOOK), the gentleman from Florida (Mr. MILLER), the gentleman from Arkansas (Mr. DICKEY), the gentleman from Mississippi (Mr. WICKER), the gentlewoman from Kentucky (Mrs. NORTHUP), and the gentleman from California (Mr. CUNNINGHAM) on our side; and the gentleman from Wisconsin (Mr. OBEY), the gentleman from Maryland (Mr. HOYER), the gentlewoman from California (Ms. PELOSI), the gentlewoman from New York (Mrs. LOWEY), the gentlewoman from Connecticut (Ms. DELAURO), and the gentleman from Illinois (Mr. JACKSON) on the minority side.

It has been a great source of pleasure for me to work with such fine people and to be able to, in the end, despite all the rhetoric, find the common ground to fund these very, very important programs that exist in the bill.

Let me also thank the professional staff, and they are true professionals, who work even harder than we do. Tony McCann, the clerk of my subcommittee and chief of staff; Carol Murphy, Susan Firth, Geoff Kenyon, Francine Salvador, and Tom Kelly; and on the minority side Mark Mioduski and Cheryl Smith.

Let me also thank my personal staff, my administrative assistant, Katharine Fisher, and Spencer Perlman, who also put in long, long hours in producing this bill.

Finally, let me thank the associate staff. Obviously, they work hard as well. Brent Jaquet, Angela Godby, Bill Duncan, Paul Pisano, Kristen Bannerman, Jim Perry, Kristy Craig, and Frank Purcell. All of them work very hard in very tough circumstances to make this bill come to the floor and, I hope, get passed.

Finally, let me say that it has been, for me, for all the years that I have served on the Committee on Appropriations a real pleasure to work with the gentleman from Florida (Mr. YOUNG), our chairman. If anyone wanted to see a strong, effective, hard-working leader, who is universally respected and loved by Members on both sides of the aisle, they would want to see the gentleman from Florida (Mr. YOUNG). I do not know when he or the gentleman from Wisconsin (Mr. OBEY) ever get a chance to get any sleep during appropriation season.

And during all of this, I would add, that the gentleman from Florida is the best husband and father, and puts his family ahead of everything else. How he finds the time to do it all is beyond me. But we all love him and respect him greatly.

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

Mr. PORTER. I yield to the gentleman from Wisconsin.

Mr. OBEY. I thank the gentleman for yielding to me, Mr. Chairman.

I will not repeat everything I said about the gentleman from Illinois yesterday, in the interest of brevity, but I do simply want to say that on this side of the aisle we regret very much the fact that the gentleman is retiring. We regret very much he will not be with us next year.

As I said yesterday, the gentleman has been a superb public servant. He has done honor to his district, to his State, to his party, to his Nation, to this institution, and each and every one of us who have served with him, and we wish him Godspeed.

The CHAIRMAN pro tempore (Mr. PEASE). The Clerk will read.

The Clerk read as follows:

This Act may be cited as the ''Department of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001''.

Mr. POMEROY. Mr. Chairman, I rise in opposition to H.R. 4577, the fiscal year 2001 Labor-Health and Human Services-Appropriations bill. I believe strongly this legislation shortchanges America's families by inadequately funding critical federal education and health programs.

First, I would like to express concerns with the legislation's funding levels for federal education programs. At a time when we should be increasing funding for our schools to reduce class size and to enhance teacher training, this bill would cut $3.5 billion from the Administration's education budget. H.R. 4577 would repeal last year's bipartisan plan to hire 100,000 additional teachers for smaller classes. In North Dakota alone, this initiative has helped to hire 145 teachers and reduce class size for children like my daughter Kathryn.

Mr. Chairman, H.R. 4577 would also provide no funding for school modernization, meaning that hundreds of schools in North Dakota will have to forgo repair and modernization projects. In addition, at a time when we are facing a teacher shortage, this bill eliminates $1 billion in crucial funding for teacher recruitment and training. By enacting these cuts and failing to provide funding for crucial education programs, this legislation will shortchange our students and endanger America's future economic prosperity.

In the area of health programs, I have serious concerns regarding the funding levels approved by the House Appropriations Committee for Medicare contractors. In the Administration's fiscal year 2001 budget request, the President requested $1.30 billion to support Medicare claims processing contractors, supported in part by Medicare user fees. While I do not support implementation of Medicare user fees, I am concerned that the committee approved only $1.17 billion for Medicare contractors. This amount is not only $136 million less than the President's request, but also $79 million less than the fiscal year 2000 allocation.

As the committee notes in its report, ''Medicare contractors are responsible for paying Medicare providers promptly and accurately.'' I am concerned that this funding reduction contradicts the committee's intent; it is likely to slow down claims processing activities and the ability of contractors to provide services to both beneficiaries and providers. We have all heard our constituents' concerns about the Medicare claim process—claims that are accidentally denied, slow payments, reaching voice mail more often than human beings. We should not exacerbate these concerns by reducing funding levels for Medicare contractors.

Mr. Chairman, I impress upon my colleagues the need to adequately fund the Medicare contractor program. I am not asking for Congress to approve Medicare user fees. In the future, however, when the House and Senate conference on this appropriations bill, I urge my colleagues to revisit this issue.

Mr. VENTO. Mr. Chairman, as we consider the Department of Labor, Health and Human Services and Education Appropriations Bill for Fiscal Year 2001, a simple question comes to mind. Do we, or do we not care about the needs of hard working American families? By looking at this proposal it seems to me that the answer is a resounding ''no.'' The appropriations legislation put before us short-changes nearly every vulnerable group—children, dislocated and injured workers, and the elderly, to highlight just a few.

The American public time and again has rated education as a top priority—above tax cuts, above foreign affairs, above Pentagon spending, even above gun control and protecting social security. While I am not discrediting the need for Congress to address all of those issues, it is important that we listen to what constituents are saying. It seems ridiculous that at a time when our economy is booming, we still have schools that are under funded and under staffed, mainly due to the slight of hand indifferent policy path of the Republican leadership. How can the United States possibly expect to remain competitive in a global marketplace if we are unwilling to make the investment to ensure that our students are receiving the best education possible? As examples, H.R. 4577 short-changes students who need the most support, by inadequately funding Head Start, Title I, after school care, teacher quality and class size reduction initiatives. Additionally, this proposal supports block granting for several programs, a method of funding which dilutes the effectiveness of federal dollars in our classrooms.

This appropriations bill is a disaster when it comes to taking care of on the job workers safety and health. The rider blocking the implementation of an ergonomics standard is particularly offensive, an unnecessary delay tactic which could ultimately result in thousands more workers being needlessly injured on the job. Additionally, this legislation cuts dislocated worker programs—a slap in the face following the recent vote of PNTR for China—and cuts funding of summer jobs for at-risk youth, retreating from the modest temporary programs that ease the plight of working families.

Congress must do more and increase funding for important human needs and health programs. Instead, funding is reduced for Social Service Block Grants (SSBG), one of the primary sources of social service funding for states to provide vital services for children, youth, seniors, families, and persons with disabilities. Also, public health priorities such as Child Care Development Block Grants (CCDBG) and mental health services have not been satisfactorily funded. Now, in a productive economic time, Congress should not exacerbate social-economic disparities, but rather maintain commitments to guarantee all Americans an opportunity to contribute to and share in America's prosperity.

This bill is emblematic of how budget distortions and faulty priorities often have grave consequences for some of our most vulnerable citizens. I encourage my colleagues to oppose this legislation, which ignores the needs and priorities of American families.

Mr. HILLEARY. Mr. Chairman, tonight, I come to the floor in opposition to the implementation of a uniform medical identifier and support of the Paul amendment, which would eliminate its implementation.

I, along with Representative PAUL, led a bipartisan group of members urging the inclusion of this amendment. We had less than 24 hours and limited resources at our disposal to gather support, yet within half a day we had 33 members by our side.

These members all shared the same fear. That fear was that unless Congress intervenes at this moment and stops the creation of a national database containing the medical history of every American, government and HMO bureaucrats across the country will be able to pry into the personal information of every American.

However, it is not just privacy that is at stake here. We also threaten to undermine the entire health care system. The confidentiality associated with doctor-patient relationship will be irreparably harmed. Embarrassing or emotional problems may never be shared. As a result, the treating physician will be unable to deliver the best treatment.

What we ask for today is nothing novel or extreme. For two straight years we have included similar language in the Labor-HHS appropriations bill. I am confident that this House will stand in favor of this provision.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. PEASE, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4577) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes, pursuant to House Resolution 518, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

MOTION TO RECOMMIT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. OBEY. I think that is safe to say, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. OBEY moves to recommit the bill H.R. 4577 to the Committee on Appropriations with instructions to report the same back to the House forthwith with the following amendment:

Page 84, strike section 518 (as added by the amendment printed in part A of the report of the Committee on Rules to accompany H. Res. 518).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin is recognized for 5 minutes in support of his motion to recommit.

(Mr. OBEY asked and was given permission to revise and extend his remarks and to include tabular and extraneous material.)

Mr. OBEY. Mr. Speaker, this motion is very simple. It deletes a provision in the bill that was added by the rule through a self-executing amendment that has the effect of cutting the fiscal 2000 appropriation in this bill for Child Care and Development Block Grant by $506 million.

□ 1615

The motion to recommit simply strikes that provision, thereby adding $506 million back for child care, which is the same level that was requested by the President and which was the level included in this bill as reported out of committee.

This motion would provide child care for an additional 100,000 children. The provision in the bill which my motion strikes says that if the Fiscal 2002 advance appropriation across all appropriation bills exceeds $23.5 billion, then the child care program is singled out for rescissions that bring the total back down to $23 billion.

Since the Labor HHS bill and VA bill already exceed that total by $506 million, that means $506 million will automatically be lopped off the $2 billion provided in this bill for child care.

I am sure my friend, the gentleman from Illinois (Mr. PORTER), will say this is next year's funding, and so you do not have to worry about it. My response is this bill is either real or it is not. It is either a let-us-pretend bill. If it is not a let-us-pretend bill, then it cuts child care by $506 million.

I would hope that we would be voting for real bills, and I would hope that we would not be slashing programs like this.

I would point out that only one out of every 10 children who are eligible for child care under Federal standards today are actually getting it because of a shortage of that service. If Members are comfortable with that situation, then they should vote against my motion. If they are not, then I would urge that they vote for it.

If this motion passes, the committee will simply have to bring back a new bill immediately without this misguided provision.

Mr. Speaker, I include the following for the RECORD:

SEC. 518. If the total level of discretionary advance appropriations for fiscal year 2002 and subsequent fiscal years provided in general appropriation Acts for fiscal year 2001 exceeds $23,500,000,000, there shall be rescinded from the amount made available in

this Act for fiscal year 2002 under the heading ''ADMINISTRATION FOR CHILDREN AND FAMILIES—PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT'' an amount sufficient to reduce the total level of such discretionary advance appropriations to $23,500,000,000: *Provided*, That the rescission shall not exceed an amount that would cause the amount provided under such heading to be less than the amount provided for fiscal year 2001 in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106–113).

FY 2002 ADVANCES APPROPRIATIONS CONTAINED IN FY 2001 APPROPRIATIONS BILLS

[Dollars in missions; Labor HHS Education, HR 4577]

Labor:	
Adult Training	$712
Dislocated Workers	1,060
Job Corps	691
Subtotal	2,463
HHS:	
Child Care Block Grant	2,000
Low Income Energy Assistance	1,100
Head Start	1,400
Abstinence Education	30
Subtotal	4,530
Education:	
Title I	6,205
Title VI Block Grant	285
Teacher Assistance	900
Safe and Drug Free School	330
Reading Excellence Act	195
Special Education State Grants	3,742
Vocational Education State Grants	791
Subtotal	12,448
Related Agencies: CPB	365
Subtotal, Labor HHS Education Bill	19,806
VA HUD H.R. 4635, Section 8 housing assistance	4,200
Total advances	24,006
Budget Resolution limitation	23,500
Rescission of Child Care Block Grant	−506

Mr. Speaker, in the interest of time, I yield back the remainder of my time.

The SPEAKER pro tempore (Mr. LAHOOD). Is the gentleman from Illinois (Mr. PORTER) opposed to the motion?

Mr. PORTER. I am, Mr. Speaker, yes.

The SPEAKER pro tempore. The gentleman from Illinois is recognized for 5 minutes.

Mr. PORTER. Mr. Speaker, I am surprised that the minority would offer this particular motion to recommit.

When the House reported the bill, it exceeded the $23.5 billion cap in advanced appropriations, which is what the gentleman from Wisconsin (Mr. OBEY) was referring to.

We funded the Child Care Block Grant at $2 billion in fiscal year 2002; that is an advance appropriation, which is roughly $800 million over the enacted FY 2001 amount.

In the rule, a provision was added to the bill that assures that we will not exceed the overall budget cap of $23.5 billion set forth in the budget resolution. This is the provision that the motion to recommit of the gentleman would strike.

If we adopt the motion of the gentleman and remove the sequester provision, it will simply mean that we will have to make it up somewhere else in the other bill. These bills will have to be cut, in order to stay within the budget resolution: we will have to make up the $800 million.

So where will we make it up? We may have to cut section 8 housing money in VA–HUD. We may have to cut law enforcement money in Commerce-Justice-State. We may have to cut other money in other bills.

So while this may seem like a very appealing provision, there has to be a way under the budget resolution to pay for it. Every one of the amendments of the gentleman during the debate on this bill have ignored the budget resolution. We cannot do so. We have to live under it. We have to live within the allocations made. And if we squeeze the balloon at one point, it comes out in another.

I urge Members to vote no. I urge Members to support the bill.

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

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 15-minute vote followed by a 15-minute vote on passage.

The vote was taken by electronic device, and there were—ayes 212, noes 219, not voting 4, as follows:

[Roll No. 272]

AYES—212

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

NOES—219

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Martinez
McCollum
McCrery
McHugh
McInnis
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo

Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—4

Cook
Danner
Sensenbrenner
Vento

☐ 1638

Messrs. OSE, MANZULLO, PORTMAN and MCCRERY changed their vote from ''aye'' to ''no.''

Messrs. GEORGE MILLER of California, MARKEY and MEEKS of New York changed their vote from ''no'' to ''aye.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 217, nays 214, not voting 4, as follows:

[Roll No. 273]

YEAS—217

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Martinez
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Saxton
Scarborough
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—214

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

NOT VOTING—4

Cook
Danner
Sensenbrenner
Vento

☐ 1703

Mr. MCINNIS changed his vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PORTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4577, and that I may include tabular and extraneous material.

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

There was no objection.

REPORT ON CONTINUING NATIONAL EMERGENCY WITH RESPECT TO WEAPONS OF MASS DESTRUCTION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106–255)

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

To the Congress of the United States:

Enclosed is a report to the Congress on Executive Order 12938, as required by section 204 of the International Emergency Economic Powers Act (50 U.S.C. 1703(c)) and section 401(c) of the National Emergencies Act (50 U.S.C. 1641(c)).

WILLIAM J. CLINTON.
THE WHITE HOUSE, *June 14, 2000.*

REPORT ON NATIONAL EMERGENCY CAUSED BY LAPSE OF EXPORT ADMINISTRATION ACT OF 1979—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106–256)

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

To the Congress of the United States:

As required by section 204 of the International Emergency Economic Powers Act (50 U.S.C. 1703(c)) and section 401(c) of the National Emergencies Act (50 U.S.C. 1641(c)), I transmit herewith a 6-month periodic report on the national emergency declared by Executive Order 12924 of August 19, 1994, to deal with the threat to the national security, foreign policy, and economy of the United States caused by the lapse of the Export Administration Act of 1979.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *June 14, 2000.*

GENERAL LEAVE

Mr. REGULA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4578, and that I may include tabular and extraneous material.

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

There was no objection.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

The SPEAKER pro tempore. Pursuant to House Resolution 524 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4578.

□ 1707

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4578) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes, with Mr. LATOURETTE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Tuesday, June 13, 2000, all time for general debate had expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5 minute rule. 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, providing that the time for voting on the first question shall be a minimum of 15 minutes.

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

Mr. Chairman, I want to advise Members about the schedule, at least as we best know it for the time being. We are planning to go forward on the amendments and possibly have some votes prior to 6:30, if we can get some of these out of the way; and then it is my understanding that we will roll votes until about 9:30 because of the Members that are going to the Kennedy Center for an event.

I would hope we can keep going and then finish tonight, because I know if we can get finished with this bill, we will do a great deal to expedite the time of getting out of here tomorrow. I know many Members would like to get on their way at a decent time tomorrow night. So if everybody will help and cooperate, I think we can get this bill finished tonight.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H.R. 4578

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96–487 (16 U.S.C. 3150(a)), $674,571,000, to remain available until expended, of which $2,198,000 shall be available for assessment of the mineral potential of public lands in Alaska pursuant to section 1010 of Public Law 96–487 (16 U.S.C. 3150); and of which not to exceed $1,000,000 shall be derived from the special receipt account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–6a(i)); and of which $2,500,000 shall be available in fiscal year 2001 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation, to such Foundation for cost-shared projects supporting conservation of Bureau lands and such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred; in addition, $33,366,000 for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than $674,571,000, and $2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities: *Provided,* That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau or its contractors.

WILDLAND FIRE MANAGEMENT

For necessary expenses for fire preparedness, suppression operations, emergency rehabilitation and hazardous fuels reduction by the Department of the Interior, $292,197,000, to remain available until expended, of which not to exceed $9,300,000 shall be for the renovation or construction of fire facilities: *Provided,* That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: *Provided further,* That unobligated balances of amounts previously appropriated to the ''Fire Protection'' and ''Emergency Department of the Interior Firefighting Fund'' may be transferred and merged with this appropriation: *Provided further,* That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: *Provided further,* That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the remedial action, including associated activities, of hazardous waste substances, pollutants, or contaminants pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), $10,000,000, to remain available until expended: *Provided,* That notwithstanding 31 U.S.C. 3302, sums recovered from or paid by a party in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to section 107 or 113(f) of such Act, shall be credited to this account to be available until expended without further appropriation: *Provided further,* That such sums recovered from or paid by any party are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated, or otherwise disposed of by the Secretary and which shall be credited to this account.

CONSTRUCTION

For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $5,300,000, to remain available until expended.

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976, as amended (31 U.S.C. 6901–6907), $134,385,000, of which not to exceed $400,000 shall be available for administrative expenses: *Provided,* That no payment shall be made to otherwise eligible units of local government if the computed amount of the payment is less than $100.

AMENDMENT NO. 30 OFFERED BY MR. SUNUNU

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 30 offered by Mr. SUNUNU:

Page 5, line 17, after the first dollar amount insert the following: ''(increased by $10,000,000)''.

Page 15, line 15, after the first dollar amount insert the following: ''(increased by $10,000,000)''.

Page 17, line 7, after the dollar amount insert the following: ''(increased by $10,000,000)''.

Page 17, line 9, after the dollar amount insert the following: ''(increased by $10,000,000)''.

Page 17, line 13, after the dollar amount insert the following: ''(increased by $10,000,000)''.

Page 54, line 25, after the dollar amount insert the following: ''(increased by $10,000,000)''.

Page 67, line 16, after the dollar amount insert the following: ''(reduced by $126,500,000)''.

Mr. SUNUNU. Mr. Chairman, I am proud to rise in support of this amendment which I have cosponsored with my colleague the gentleman from New Jersey (Mr. ANDREWS). This amendment strikes $126 million from the

Partnership for the Next Generation Vehicle and takes the funds and uses it I think in a much more fiscally responsible way.

We put $86.5 million into debt repayment; and then we take $40 million, $10 million to the Forest Service operation and maintenance accounts, $10 million to the Park Service maintenance account, $10 million into land and water conservation, and $10 million into the payment in lieu of tax program. Anyone that has public lands in their district knows how important these programs are. They really make a difference to communities; they really make a difference in preserving public lands throughout the country.

Why are we striking $126 million from the Partnership for the Next Generation Vehicle? There are a number of important reasons.

First of all, that program provides subsidies, research and development subsidies to profitable firms. I think if you go to any community at the local level in this country and you look at the stress and the burden on the property tax base of that city and town that might be caused by public lands, they would think it is wrong to be subsidizing corporations that are profitable. In this case the automotive manufacturers, the Big Three, they are successful companies. They are great companies. But, let us face it, their profits last year were over $20 billion in the aggregate, and these are not the kinds of firms that need Federal subsidies from hard-working taxpayers.

Second, a program like this tries to pick winners and losers within an industry. It invests in solar cells, but perhaps at the expense of investments in fuel cell technology, or reinvests in battery technology or in diesel combustion or internal combustion engine technology. But who is the Federal Government to say which one of these technologies really deserves a Federal subsidy? And even within these subcategories, batteries, do we invest in lithium batteries, do we invest in nicad batteries, do we invest in photovoltaics?

It is wrong for the Federal Government to try to pick winners and losers in these industries. It is bad policy from a technology perspective, and it is fiscally irresponsible as well.

Third, this kind of a corporate welfare subsidy picks winners and losers among different companies. Who qualifies? If the Federal Government is going to subsidize diesel combustion engine research, which of the dozens of companies, firms large and small that might be involved in this kind of technology, is going to get the Federal handout?

□ 1715

The Federal government actually has to choose. There are going to be winners and losers. Who is to say which company really has the technological capability to finance a breakthrough? No Federal bureaucrat knows. We should not be second-guessing the markets. We should not be manipulating and distorting markets for technology. We should not be playing one company off against another.

Moreover, this program has failed to produce. I have a GAO study here from March of this year. It states clearly that it is unlikely that the technology focused upon in this program is ever likely to come to market.

Supporters will say, well, this program has created some jobs. If I spent $1 billion over 7 years, as this program has, I would certainly hope we might have a few jobs to show for it. But even if this program created a thousand new jobs, and I doubt that, that would come at a public cost, a taxpayer cost, of over $1 million per job. It just is not worth the subsidy.

Supporters might also argue that this has resulted in incremental technological improvements. Again, I might agree to that. But if we are spending $1 billion in our State or district back home over a 7- or 8-year period, giving that money to the brightest minds in our districts, I would hope they would have some kind of incremental innovation to show for it. But it is not going to bring a breakthrough to the marketplace.

We are distorting the marketplace of ideas. We are subsidizing one company at the expense of another. The taxpayers should not stand for it.

Mr. Chairman, this amendment is supported by a wide range of groups, and my cosponsor, the gentleman from New Jersey (Mr. ANDREWS) will speak to that, such as the Sierra Club, Friends of the Earth; but fiscally responsible groups as well: Citizens Against Government Waste, the National Taxpayers Union. They recognize that it is simply a poor use of taxpayer funds.

Supporters of the program I recognize will say it is well-intended, it has fair-minded objectives. I do not deny that. There are a lot of well-intended programs at the Federal level, but it is just not the appropriate use of taxpayer money to distort markets, to subsidize corporate profits.

This is a responsible amendment that sets aside $85 million for debt reduction, that gives back to the Park Service and the Forest Service that is so important in maintaining our public lands, and it sets the right course for our technology policy, as well.

Fundamental research through the National Science Foundation, through the National Institutes of Health, are critical to the underlying scientific foundation of this country, but we should not be going into product development areas where the markets are mature and where the capital markets know what a good deal is and what a good deal is not. We are distorting those capital markets as well as the technological markets.

Let us do the right thing for the taxpayers and the Partnership for the Next Generation Vehicle: Pay down some debt and invest in our public lands.

Mr. REGULA. Mr. Chairman, I rise in opposition to this amendment.

Mr. Chairman, the objective of the PNGV program is to produce ultimately an 80-mile-per-gallon five-passenger automobile by the year 2004. This is not something on which the Federal Government is carrying the burden alone. For every dollar we put in, the auto industry is investing, about $2 of private funding.

Particularly at this point in time we recognize how vitally important it is to improve mileage on our motor vehicles. The American people love their cars. We are not going to get people out of their cars. In fact, I think there will be even more and more automobiles, and it is quite evident that the highway departments recognize this. In Ohio, many two-lane highways are being made three-lane highways. Outer belt-ways are adding to it.

I am just simply saying, there are going to be more automobiles. The only way we can address the fuel consumption issue, recognizing we are now dependent on importation of fuel beyond 50 percent in terms of petroleum, is to lower that profile and to reduce our dependency. Because of the foreign policy and the defense implications, I think it is important that we continue the research to develop these fuel efficient vehicles.

Of course, the reason that we are involved with Federal money is because it is a national policy issue that transcends the question of the private owner of the automobile. It goes to our national security as an essential part of prospective energy policy, and recognizing the fact that we need to decrease the use of petroleum.

The spike that we have experienced in prices lately illustrates how much our pricing is dependent on those who make these decisions, i.e., OPEC, that is totally beyond our control.

We have invested quite a lot of money already, something like 600 million Federal dollars, and probably double that amount of private dollars. I think to stop at this point and not finish this research would be a mistake in terms of the utilization of our research.

For these reasons, I oppose the amendment that has been offered by the gentleman from New Hampshire.

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

Mr. Chairman, I rise in support of the amendment my friend, the gentleman from New Hampshire (Mr. SUNUNU) and I have offered.

Some of my dearest friends for whom I have the greatest respect are on the other side of me on this issue. I would just say that governing is about choosing. On this issue, I respectfully believe that we have made the right choice, and those who oppose this made the wrong choice.

This is about how we should spend $126.5 million of the taxpayers' money.

We say, those of us who support this amendment, that the right priority for that money is to put $86.5 of it toward reducing our national debt; to put $10 million of it toward property tax relief in communities that have federally-owned lands in the Payment in Lieu of Taxes program; to put $10 million into the State Land and Water Conservation Fund, to help States in their effort to preserve green space and promote clean water; to put $10 million into forest maintenance programs that help us protect the integrity of our Federal forest lands; and finally, $10 million into the maintenance of our national parks, the disrepair of which, despite the very excellent efforts of the chairman of this committee and the ranking member, has become a major problem, despite their very diligent and excellent efforts.

The opposition would tell us that this money would be better invested in a partnership with corporate America to develop cars that would get 80 miles to a gallon. I fervently hope and believe that we will one day have cars that can get 80 miles to a gallon. We could use them right now, given the spiralling price of gasoline.

But I would argue that the spiralling price of gasoline is precisely the reason why we do not need 126.5 million taxpayer dollars to do this. Someone is going to make an awful lot of money developing and selling automobiles to the American public that can get 80 miles to a gallon. God bless them. I have great faith that they will. But I think the $1.25 billion that we have already invested between fiscal 1995 and 1999 in this project is really quite enough.

We hear that we would not get these cars without this public investment. My research shows that in fiscal 1999, the industry spent $21.5 billion of its own money on research and development. I commend the industry for that, but I do not think they need our help to do that.

Then we hear that the money does not really go to the big auto makers, it goes to those who are subcontractors in universities and pass-throughs. With all due respect, that is pass-through money and services that are being performed for the auto makers. That is like saying, if you paid someone to mow my lawn, that I did not benefit from that. I did not pay them to mow my lawn, but I am the one who got my grass cut. It is the auto makers who are benefiting from that.

That is why our amendment is supported by the Sierra Club, because we should not be subsidizing vehicles that would add to our pollution problem. It is supported by U.S. PIRG; by Friends of the Earth. It is supported by the National Association of Counties because of the property tax relief that it provides, and it is supported strongly by the Taxpayers for Common Sense and Citizens Against Government Waste.

Governing is about choosing. The right choice for this $125.5 million is debt reduction, property tax relief, environmental protection, and not subsidies of the mightiest and most profitable, powerful corporations in this country.

I urge support of the amendment.

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

Mr. Chairman, there are few people in this House that I have as much respect for as I do for the gentleman from Ohio (Mr. REGULA), one of the truly great Americans here. But I have to support the amendment of the gentleman from New Hampshire (Mr. SUNUNU) on this amendment.

If I may say so, Mr. Chairman, when I look at my friends from New York, they are .04 owned by the Federal government. We almost have to get to the West to see those that are really owned by the Feds. In my State, it is 73 percent. Nevada is about 90 percent. We have authorized $250 million to be called Payment in Lieu of Taxes.

Let me just mention a little county called Garfield. Garfield County is owned 93 percent by the Federal government. Folks in the East love to come out to Garfield County because it has all kinds of monuments and beautiful things in it. They come out there and play on that area, and sometimes start fires and sometimes put debris and trash all over the place, and sometimes break a leg.

Every time those things happen, Garfield County, that is 7 percent owned by private, is asked to take care of them. They pick them up, haul them in, take care of that kind of thing. Where do these poor little county commissioners get their money? They put every dime in Payment in Lieu of Taxes, but they do not get it all. They get a very small percent, so they are actually losing money.

What the gentleman's amendment does is it tries to bring this up to what was authorized. It will not even come close, but it helps a little bit.

As chairman of the Subcommittee on National Parks and Public Lands, I would like to have some of the Members look at the backlog we have in infrastructure of our parks. We are talking about restrooms, these basic things; we are talking roads, parking places.

Talk to the American public and ask, what do you like in America? What is the best thing the American government does? They will come right back and say, the national parks. Ask them what is the worst thing, and they will say the IRS. But anyway, they love the national parks. This is putting a few more dollars in national parks.

How about our forests? People come from all over to go into the national forests. That is one of the great vacations in America. This will help a little bit toward that.

I agree with the gentleman, talking about better mileage on automobiles. Of course that is important. But I think it is very, very important that we help out these three entities. I would urge support of the gentleman's amendment.

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

Mr. Chairman, I oppose this amendment. I rise today in opposition to the Sununu-Andrews amendment to eliminate funding for Partnership for a New Generation of Vehicles, PNGV. While I understand that some of the money would go to the States' Land and Water Conservation Fund, as well as funding for PILT, this plan simply does rob Peter to pay Paul, taking money from one important environmental program to give to another.

Furthermore, Mr. Chairman, it appears that the real intention of the amendment is the elimination of funding for basic research for vastly improved fuel efficiency. We should find other ways to fund these other programs.

PNGV is a public-private partnership to develop a family sedan that is affordable and can achieve 80 miles per gallon. This 10-year program recently reached its 6-year goal to release a concept vehicle that can achieve utility and fuel efficiency as desired. The next phase of the program is an effort to make these cars affordable.

To suggest that new progress has not been made is not accurate. We are simply in the middle phase of the partnership. I strongly support this program because it works to achieve an important goal: fuel efficiency and environmental protection without losing utility, safety, or affordability. In other words, we can achieve the results we want and give consumers the vehicles they want.

Some will say this is corporate welfare. However, there is a broad consensus that the Federal government should encourage basic research. PNGV was not created as a new program, it was actually created by channelling existing funding. The result is more focused research and significant advances in vehicle technology. We cannot complain about fuel economy and then offer no resources to develop new science.

This option works toward our goal without artificially manipulating the supply of vehicles on the road. With gas prices of $2 per gallon and higher in the Midwest and other parts of the country, it seems unwise to eliminate a program designed to reduce our need for fuel.

I support immediate responses to our current fuel crisis, such as releasing the Strategic Petroleum Reserve. But I also support a long-term strategy for our energy program, to decrease our dependence on foreign oil. This program achieves those results. I strongly urge a no vote.

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

Mr. Chairman, I rise today in opposition to the Sununu-Andrews amendment to eliminate the Partnership for

a New Generation Vehicle, or PNGV program. This is a shortsighted cut when residents in my State of Illinois are paying the highest gas prices in the continental U.S.

□ 1730

The PNGV program is one of the true success stories of the Department of Energy. It has been reviewed annually by the independent National Research Council and each year it has received high marks for addressing the important national goals of improving vehicle efficiency and reducing emissions. Without this program, how do we achieve these goals? Do we abandon the successful public/private partnership and return to a costly regulatory regime? I do not think so.

I believe Congress should send the right message to agencies that have performed as intended. At the same time, we should signal to industry that the government is a reliable partner in research that has national benefits.

Cleaner, more efficient transportation, is the goal of the PNGV program. It is not a subsidy for the Big Three auto makers. It is an investment in American jobs, our transportation system, our environment and our national security. Let us not jeopardize our program by eliminating the PNGV program. I urge my colleagues to oppose the Sununu-Andrews amendment.

Mr. SUNUNU. Mr. Chairman, will the gentlewoman yield?

Mrs. BIGGERT. I yield to the gentleman from New Hampshire.

Mr. SUNUNU. Mr. Chairman, the gentlewoman raises a couple of important points, and I just want to respond briefly. First, the concern of the gentlewoman about gas prices. I think everyone shares that concern. We have had a debate here on the floor about gas prices and what might be done about the situation, but I want to reaffirm that nothing in this program will directly affect the price of gasoline.

The second point the gentlewoman makes is one about fuel efficiency, and there to be sure that was the stated objective of the program, but the GAO, in its March report, has said that at this point it does not appear likely that such a car will be manufactured and sold to consumers.

Even if we can agree that this is a lofty and well-founded goal, it simply looks at this point that the $1.25 billion that is put into the program has missed the mark.

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

Mr. Chairman, I rise in opposition to the amendment. Mr. Chairman, the gentleman from New Hampshire (Mr. SUNUNU) wants to aid some valuable programs, programs I hope will indeed gain additional funding as the appropriations process moves forward, but he wants to fund them by totally eliminating another valuable program, the Partnership for a New Generation of Vehicles, and therefore I must oppose the amendment.

Opponents of the partnership attack the program as corporate welfare, but that betrays a fundamental misunderstanding of the Federal Research Enterprise and its history. The Federal Government funds a wide variety of research at universities, at Federal labs, and sometimes even in corporate labs, that will help American industry over the long term but that market forces would prevent the private sector from investing adequately in the short term.

To take one prominent example, the Federal Government spends billions of dollars on research through the National Institutes of Health, research that helps hugely wealthy, multinational pharmaceutical companies develop new methods and products, but few attack this as corporate welfare. Indeed during yesterday's appropriation debate, Members were tripping over each other trying to claim to be the most ardent supporter of NIH funding and with good reason.

Well, the research being funded through PNGV on cleaner more efficient yet affordable transportation will also have a major impact on our Nation's health, and on our national security and is even less likely to be fully funded by the private sector than drug research is, and yet this program is under attack.

Maybe that is because this is technology and engineering research rather than something that seems more like pure science, but funding such research is nothing new. Back in the 19th century, the Federal Government offered money to promote the development of the railroads and at the beginning of the 20th century the Federal Government set up programs to help develop civilian aviation. The government continues to pump money into aviation research and into space technology, which can be used by the private sector.

In short, the kind of government involvement in technology represented by the PNGV is nothing new and it has always been a good idea. Given the impact of the transportation sector on our economy, on our energy use and on our environment, PNGV is a particularly wise investment.

I hope my colleagues will look past the simplistic slogan of corporate welfare and will instead consider the government's historic and necessary role in filling the gaps in R&D left by market failure. PNGV is a well-run program that deserves continued support. I urge opposition to the Sununu amendment.

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

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

Mr. DINGELL. Mr. Chairman, I want to begin by expressing great affection and respect to the authors of this amendment. They are fine Members of this body. They are good friends of mine. They deserve respect. But in this instance, my two good friends who offer this amendment are entirely in error. First of all, this is not a program that was sought by the auto industry. Second of all, it is not a program which benefits the auto industry directly. This benefits all Americans.

Now, I applaud the fact that somebody should want to put more money into programs which would pay the kind of benefits that this amendment would pay in rural areas, but this is not a place where that money should be sought. Let me point out some facts that are important.

First of all, this proposal was not sought by the auto industry. This is a proposal which was put together by this administration. It was supported, believe it or not, in this Congress enthusiastically. It was also supported by the organizations outside that were just cited as now being opposed to the expenditure of this money, because they recognized that this program, which has been in place now for about 10 years, was going to make a Federal contribution to more fuel-efficient, safer, better and more desirable automobiles for the American public, which would clean the environment, which would reduce the wastage of fuel and gasoline, and which would produce safer and better vehicles for the American people.

Now, the comment has been made how this is benefiting the auto industry. The auto industry does its own research on automobiles and products that are going to be sold to the American people in the immediate future. That is not done under this legislation. In point of fact, let me read some facts that I think need to be known about what this legislation is doing. First of all, over 99 percent, in fact 99.8 percent, of Federal PNGV funds went to the national labs and to the universities; over 1,200 projects at over 600 sites, including 21 Federal labs.

So everyone has a Federal lab or university in their district. This is a piece of legislation which probably benefits my colleagues, their people, their universities and their Federal labs in their districts. Some 51 universities in 47 States have participated in this program and are deriving significant benefits to themselves and contributing significant benefits in terms of the research which they are doing.

It should be noted in 1999, the most recent year, less than .2 percent, that is .002, of Federal funds actually went to the manufacturers. Does that say who is getting the benefits out of this program? The answer is, the colleges, universities, the Federal research institutions are getting the money, but the ultimate benefit is derived by the American public, which is going to drive safer, better, more fuel-efficient vehicles, and vehicles that produce less pollution.

This is a program that works. It was sought by this administration. It has been supported by this Congress time after time as conferring a significant

benefit on the country, upon the environment, and upon the American people. I see no reason why this should change at this particular time or any information that would indicate that this program is less in the national interest. PNGV has helped to align the research direction of the national labs and has contributed to keeping them open, and as the industry moves towards high opportunities to stretch research goals for the benefit of everybody, including people not in the areas where automobiles are produced. The $980 million which has been spent by the industry is indicative to its commitment towards the goals that are set out in this program, and that money is spent in addition to and to match Federal industry cooperative research programs to better this country, to better the environment, and to save fuel and energy for this.

It is indeed something which moves towards long-range research which goes far beyond that which would normally be committed by American industry in this ordinary course of events. This is research which moves far into the future and which significantly benefits everyone and does not confer a significant benefit on the auto industry.

I would remind my colleagues, the industry did not seek this. It was sought by the administration. It is money which benefits the private research sector, the universities and the research institutions, but it also benefits the Federal lab. I urge my colleagues to reject the amendment. It is well intentioned, but it is mischievous and poorly thought out.

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

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

Mr. DICKS. Mr. Chairman, I want to commend the gentleman from Michigan (Mr. DINGELL) for clearing up some of the myths about this program. This is one of the better programs, I believe, the Department of Energy has. It is a program where we are working on these advanced technologies and anyone can participate. So I think it is a tremendous effort.

Just this year, the year 2000, marks a major milestone in the PNGV program, the unveiling of the proof of concept vehicles that demonstrate up to 80 miles per gallon fuel economy. Earlier this year, the three auto makers presented their PNGV vehicles at several events, including the Northern American International Auto Show in Detroit and the PNGV 2000 Concept Roll-Out on March 30 in Washington, D.C. All three vehicles, the Ford Prodigy, the General Motors Precept, the DaimlerChrysler ESX–3, feature advanced hybrid propulsion systems, high efficiency diesel engines, and extensive use of lightweight materials. Each vehicle is a significant technological achievement and the auto makers each credited the government contribution to that achievement. It is estimated that industry has spent, on its own, a billion dollars of its own money on these concepts which would not have been invested in the absence of the PNGV program.

So I think this program is working. And at a time when energy prices are on the minds of the American people, where in the midwest gas prices are at $2.50, finally doing something with innovative technology to bring on these more efficient cars seems exactly the right thing for the Federal Government to be doing in a partnership with the private sector.

I commend this administration for what it has done. And I also want to reiterate, of the $128 million appropriated by the Department's PNGV efforts in fiscal year 1999, less than 3 percent, $3 million was sent to General Motors, Ford, and DaimlerChrysler. Most of the funds were passed through to subcontractors. The majority of the appropriation, as mentioned by the gentleman from Michigan (Mr. DINGELL), approximately 63 percent was distributed to the Department of Energy national labs and only a small portion passed through the laboratories to other businesses. About 30 percent of the appropriations supported large automotive suppliers and approximately 7 percent supported small businesses and universities.

By technologies, fuel cells rank first with $33 million, or 26 percent of the total. Lightweight materials accounted for $19 million. In comparison, the research efforts aimed solely at compression ignition diesel cycle totalled $6 million. In fiscal year 2004, General Motors and DaimlerChrysler receive less than 1 percent of the appropriation.

So this is hardly corporate welfare. What this is is a very smart program between the Department of Energy and the auto makers of this country to try and come forward with advanced technologies with these advanced engines, with the hybrid vehicles, with lighter materials which are crucial to this effort. So I think we should keep this program. I think we should reject the amendment and move on.

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

Mr. Chairman, I rise in strong opposition to the amendment. I have a high regard for the gentleman from New Hampshire (Mr. SUNUNU) and the gentleman from New Jersey (Mr. ANDREWS), and the others that I have seen or heard that mentioned something about this issue.

□ 1745

Mr. Chairman, I rise in opposition because, frankly, as much as it is, it is very difficult to take away from one area and give to another, and that is what they are doing here; but they are actually striking a program that does work, as has been pointed out by a number of people.

This amendment would eliminate the funding to continue the partnership, a public-private sector program or plan that has worked. This is a program that has delivered proven technological results. It engages both the auto industry and the Government to develop the vehicles for the future, vehicles which are less polluting. I would remind everyone that, in the last 25 years, the emissions have been reduced substantially and the economy has more than increased by 100 percent. That is on automobiles. On trucks, it is over 60 percent.

So I think what we should look at is what is happening within the industry and why it is so important right now that we look at delivering that performance and the comfort that the American consumer desires but in a vehicle that is more economical.

Via the PNGV program, there have been great strides that have been reached on the development of these hybrid vehicles, vehicles by the way that combine so-called hybrid vehicles, the internal combustion with the battery concept. That is new stuff. It is beginning to work well. So I would just say the timing, I think, is out of touch with the current events.

We have heard from individuals who talked about the price of gasoline. I do not have to point this out again. It has already been mentioned about the costs have skyrocketed in the Midwest, in particular, well above $2 a gallon.

We as a country, as has been pointed out, are overly reliant on foreign petroleum supplies. So it is imperative that Congress do something to help the persons most affected by these price increases, and that is the American worker. The PNGV program is exactly one such program that will develop the technology that will stop our reliance on foreign oil and will improve the environment in the process.

So with the funds appropriated in this bill, we can continue the vitally important research and development associated with this program.

I reiterate my strong opposition for the amendment but support for retaining that funding in the bill. I ask my colleagues to defeat this amendment.

Mr. Chairman, I yield to the gentleman from Michigan (Mr. UPTON).

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

Mr. UPTON. Mr. Chairman, I want to underscore what the gentleman indicated that is in my district now in the last 2 weeks, we have seen gasoline go over $2 a gallon. I would think that now, more than ever before, that we need the research that this provision provides which would allow the PNGV, in essence, to support the technology that will, indeed, improve fuel efficiency.

I commend the gentleman from Ohio (Mr. REGULA), chairman of the Subcommittee on the Interior, for recognizing this important benefit for PNGV.

I urge my colleagues to defeat the Sununu amendment which would

strike the important funding for it in the bill. If not now, when? This is the time that we ought to do it. Our constituents are screaming about the high cost of gasoline.

We need to help the universities and other researchers provide the adequate funding so we have more fuel efficient automobiles. That is what this provision does. Obviously, an amendment to strike it would take away that ability for all consumers across the country. I urge defeat of this amendment.

Mr. Chairman, I rise in strong opposition to the Sununu amendment.

Unfortunately, this amendment shortsightedly overlooks the enormous benefits our wise investment in the Partnership for a New Generation of Vehicles—PNGV—makes to improve technologies to increase fuel economy and improve emissions without sacrificing affordability, utility, safety and comfort in today's family cars.

Investment in PNGV for agency programs most directly relevant to its technical objectives amount to about $130 million annually—99% of which goes directly to supplier companies, national labs, and universities who engage in research and development in areas including: advanced batteries for electric vehicles, hybrid electric vehicles, lightweight materials, vehicle recycling, fuel economy and further reductions of emissions. Federal partners involved in this research include the Departments of Commerce, Energy, Transportation and Defense, along with the EPA, the National Science Foundation, NASA, and 21 federal labs.

Make no mistake, the benefits which our wise investment in PNGV are enormous. This effort is advancing America's technology base, improving national competitiveness and the productivity of America's factories, preserving U.S. jobs, keeping the U.S. economy growing, minimizing transportation's impact on the global environment and achieving sustainable development by fostering environmentally friendly transportation solutions, and reducing reliance on foreign oil.

Speaking of foreign oil, many of our congressional districts around the nation are experiencing drastic increases in gas prices at the pump. In my district alone, prices are near the $2 per gallon mark for regular unleaded at the self-service pump, and my constituents are demanding relief. So now, more than ever, we need the research which PNGV supports for technologies which can improve fuel efficiency.

I applaud my colleagues on the Interior Appropriations Subcommittee for recognizing the important benefits of PNGV, and I urge my colleagues to defeat the Sununu amendment, which would strike the important funding for it in the bill.

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

Mr. Chairman, I rise in strong support of the Sununu-Andrews amendment and compliment those gentlemen for offering it. Mr. Chairman, this really is nothing but an unnecessary subsidy of three large and successful auto companies.

I am glad these companies are successful. They are doing well in our free market economy creating a lot of jobs, doing a lot of good things. The numbers certainly show that: the profits of Ford in 1999, over $7 billion; General Motors, $6 billion; Chrysler, almost $6 billion. They put almost that much money back into research, and I am delighted that the marketplace allows them to do that. Their success in the marketplace allows them to do that.

The amount of money that this program, the Partnership for a New Generation of Vehicles, is providing is a small fraction of what the private sector in these auto companies is already devoting to research for these kinds of vehicles.

The fact of the matter is this is a classic example of corporate welfare. We are subsidizing something that the private sector is already doing. We are subsidizing something with taxpayers' dollars that the private sector wants to do, is doing, has the resources to do, and has the incentive to do. There is no reason in the world for us to be putting $126 million into a program that is getting billions of dollars of private sector investment directed to it.

Several people have referred to the GAO report that says it is unlikely that such a car will be manufactured and sold to consumers. I do not know whether that is really all that important here today. I hope that this kind of a car is developed. But it is going to be developed whether the Federal Government puts tax dollars into it or not. That is why this is corporate welfare. We are supporting something that the private marketplace is doing on its own. We should let the market decide.

These three big companies are trying to develop hybrid engines that combine gasoline or diesel motors with electric parts. Honda and Toyota are doing the same. We should let the market decide.

The Congressional Budget Office has said, if Honda and Toyota do succeed in the U.S. market, our auto makers will have every incentive in the world to try to meet that competition and continue this research and development. If these Japanese hybrid cars do not succeed in our marketplace, our additional dollars are unlikely to change or revoke that judgment of the market.

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

Mr. HOEFFEL. I am happy to yield to the gentleman from New Hampshire.

Mr. SUNUNU. Mr. Chairman, I think that is a very prescient point, because we can look back in time from three particular areas where we either as a Nation did try to second guess the markets or we nearly tried to second guess the markets and look at what the historical results were.

First case in point, synthetic fuels. We put billions of dollars into trying to develop oil from coal in the synthetic fuels program, trying to second guess the technology that is out there in the energy marketplace; and that money was essentially wasted because the technological feasibility of success in that area was so limited.

A second example, back in the 1980s, the silicon industry, the chip industry was crying for subsidies for static memory. We need Federal subsidies to maintain our static memory markets. It was a question of competitiveness. We heard it from all corners of the country. Today, the static memory business is a terrible business to be in. The margins are razor thin. We put about $400 million into subsidy for that industry. But in retrospect, it would have been a terrible industry to subsidize.

A third example, high definition television. Thank goodness we did not put tens of billions of dollars into subsidizing that technology as some of our European and Asian counterparts did, because, by allowing markets to determine where the technology went, the American companies have the winning standard. So we have to be careful about distorting these technical markets.

Mr. HOEFFEL. Mr. Chairman, reclaiming my time, I thank the gentleman from New Hampshire for offering this amendment. We do not need to subsidize something that the marketplace is already doing. I urge strong support for the Sununu-Andrews amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Hampshire (Mr. SUNUNU).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SUNUNU. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 524, further proceedings on the amendment offered by the gentleman from New Hampshire (Mr. SUNUNU) will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT NO. 37 OFFERED BY MR. HEFLEY

Mr. HEFLEY. Mr. Chairman, for the purpose of offering my amendment No. 37, I ask unanimous consent to return to page 2, line 13. I was in the Chamber at the time we were on that item. I was on my feet, but I was not recognized. The gentleman from New Hampshire (Mr. SUNUNU) was recognized.

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

There was no objection.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 37 offered by Mr. HEFLEY:

Page 2, line 13, insert after the dollar amount the following: ''(reduced by $4,000,000)''.

Page 54, line 4, insert after the dollar amount the following: ''(increased by $4,000,000)''.

Mr. HEFLEY. Mr. Chairman, the amendment before us moves $4 million from the wild horse and burro management line item of the Bureau of Land Management budget to the wildland

fire management line item of the U.S. Forest Service.

In recent weeks, we have seen just how serious a problem fire is in the Rocky Mountain West. The recent fires in New Mexico resulted in the destruction of 400 residences, damaged two Indian pueblos and the Los Alamos National Laboratory, and loss is estimated in the hundreds of millions of dollars.

The problem is not confined in New Mexico. This week, two wildfires are burning houses and forced hundreds from their homes southwest of Denver and west of Loveland.

I have headlines here from the papers just this week out there: ''Two fires destroy homes, force residents to flee. Hundreds flee Larimer County fire. Front Range fires rage,'' the headlines read.

Three years ago, Dr. Thomas Veblen, a forest historian at the University of Colorado, stated that Rocky Mountain forests were due for a catastrophic fire event 3 years after the onset of a wet season. He was not talking about the kind of fires we see every year. He was talking about wildfires stretching the length of the Rockies from Wyoming to Colorado to New Mexico.

At that time, some of us estimated that these catastrophic fires could occur within 3 to 5 years, and we would have what they call a ''millennial fire.'' Now we may be 1 or 2 years away. As we have seen in this week's newspapers, we might be seeing the start of it.

At risk this time are the towns like Evergreen, Manitou Springs, Woodland Park, Estes Park, and Boulder. These are not isolated hamlets but thriving communities, some located inside of cities like Denver and Colorado Springs.

The Buffalo Creek fire, which struck the Pike-San Isabel National Forest 4 years ago, was one ridge and one rainstorm from hitting the Denver suburbs. The forest fire service map of the Front Range shows a solid block of red from Boulder to Pueblo.

So as we have seen, this is not just a Colorado problem. The New Mexico fire speaks for itself.

Three years ago, the gentleman from California (Mr. ROGAN) introduced legislation to treat the northern forest of that State. At that time, the Forest Service stated that forest treatment and prescribed burns would be needed in the foreseeable future to clear up the build-up on the forest floor.

For the past 2 years, the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE) has held hearings on the forest health problem. Frankly, until the New Mexico fires, the response from the Forest Service headquarters has been silence.

Mr. Speaker, I do not think we can wait any longer. According to its own report, the appropriation bill is approximately $5 million under what is needed for a Forest Service to run an optimum wildland fire management program.

I do not think we can stint on this. I would add, I think, the report of March 2001 deadline for a Forest Service plan to deal with this is too far out. We should direct them to implement the plans they have now according to their internal priority lists.

The amendment before us offers a choice of priorities. We could argue about the merits or demerits of the wild horse program, but this does not do away with that program at all. There is still half of that money for that program there, $4 million, that can continue that program. But even with a budget increase, the burro and horse program is going to be a problem with us for a long time to come. The fire situation is something we can and must start dealing with right now.

With that, I urge support of this amendment.

Mr. UDALL of Colorado. Mr. Chairman, I move to strike the last word and rise in support of the Hefley-Udall amendment.

(Mr. UDALL of Colorado asked and was given permission to revise and extend his remarks.)

Mr. UDALL of Colorado. Mr. Chairman, as the gentleman from Colorado (Mr. HEFLEY), the dean of our delegation, has explained, the amendment would shift $4 million into the Forest Service's wildland fire management account.

The purpose of the amendment is to increase the funding for the preparedness and fire operations line items. Those line items pay for a number of important activities aimed at the protection of life, property, and natural resources. The preparedness account is used to enable the Forest Service and cooperating agencies to prevent, defect, and respond to fires on National Forest lands.

The fire operations account pays for actually fighting forest fires; but even more importantly, it pays for work to prevent them in the first place by controlled burning and other steps to reduce the amount of hazardous fuels.

□ 1800

Quite rightly, the Forest Service gives top priority to so-called ''urban interface'' areas where forest lands adjoin developed areas. As my colleague, the gentleman from Colorado (Mr. HEFLEY), has explained, in Colorado that means particularly the front range area, where the Great Plains meet the Rocky Mountains.

The Front Range is the edge of our State's most populated areas. And the danger of fire is real. In fact, in the last couple of days, fires in Jefferson, Park, and Larimer Counties have burned more than 40 houses and caused hundreds of Coloradans to be evacuated from their homes.

As we know, this year's fire season has just begun. This morning's Colorado newspapers are reporting that yesterday the ''Hi Meadow'' fire near the town of Bailey has gotten much worse and forced people to evacuate from Buffalo Creek. As all Coloradans know, Buffalo Creek was the scene of another devastating fire just a few years ago.

Our governor has declared a state of emergency in affected areas, and this morning FEMA told me they are responding to our State's request for aid. It is too late to prevent these fires. Now they must be fought. But it is still true the best time to fight a fire is before it starts, and that is the purpose of the Hefley-Udall amendment.

This is important for all Coloradans. It is especially important for Boulder, which I represent, and the other communities along the Front Range that are at risk for wildland fires. The additional funding provided by the amendment will help make sure the Forest Service will continue to cooperate with its Colorado partners to reduce the risk.

Already those partners are hard at work in places like Winiger Ridge near Boulder, the Upper South Platte watershed, and the Seven-Mile area near Red Feather Lakes. Our amendment would help make sure those efforts can continue.

Mr. Chairman, as a new member of the Committee on Resources, I followed with great interest some of the debates about the health of our forests. I suspect some may want to link this amendment to those debates. But I want to make clear this is not a forest health amendment, it is not an amendment about timber sales. This amendment is about fighting fires and fire prevention. And while prevention often requires reduction of the volume of hazardous fuels, it does not require removal of old growth timber or clearing of large areas.

This is also not a big-spending amendment. All it would do is bring the wildland fire management account back near the level of the current fiscal year. The desirability of this amendment was actually spelled out in the report of the Committee on Appropriations. Speaking of the very fire prevention measures affected by this amendment, the committee report says, ''Additional funding in this activity, were it available, would provide much more than a dollar-for-dollar savings in subsequent wildlife and wildfire suppression operations and loss of valuable resources.''

I agree with my colleague that this is a high priority matter, and I urge the adoption of our amendment.

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

Though I am sympathetic to this amendment, I rise in opposition. I believe that we have tried to address the overall problem of fire by adding $350 million in emergency wildland fire funds. That was a last-minute addition to the bill. And we also have $907 million in nonemergency wildland fire funds for these agencies.

I would say to both the gentlemen from Colorado that if the circumstances are exacerbated between

now and conference, we would make every effort to provide some additional funding there, because I know that this is a serious problem both in Colorado and in New Mexico.

By the same token, I am reluctant to see $4 million taken out of the Wild Horse and Burro program, because we are on the threshold of implementing the research program that has been developed by the University of Arizona for reducing herd size on the public lands and this would go a long way, if the research that has been developed is implemented, in reducing the impact on the health of the land in Colorado and all these western States that have a problem with the wild horses and burros.

So I would like to keep that $4 million in there because this money basically will implement what we now know by way of science as a way to address this, but I will give the gentlemen from Colorado the assurance that if the situation becomes more critical as we get to conference, that we will look with favor on adding some additional money.

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

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

Mr. DICKS. Mr. Chairman, I just want to point out to all of our colleagues, and the chairman worked with us on doing this, that we were very concerned that because we have not passed the supplemental appropriations bill through both bodies down to the President that there was not enough money in these accounts for wildland fire management. So we put in for the Department of Interior, Bureau of Land Management, $200 million to remain available until expended for emergency rehabilitation and wildfire suppression activities.

The other amendment we had in our bill, and this is on page 109, is $150 million for wildland fire management for the Forest Service. So there is a total in this bill of $350 million for what I think the gentlemen from Colorado rightfully want.

I will say here today that if there is additional money needed, as the chairman has just said, in the conference we will put additional money in. I am sure the administration will request it.

There is also $907 million in the regular bill, in the 01 bill, for this account, and then this $350 million is for emergency money. So if we add it all up there is $1.2 billion in total.

So I want to help, but I do not think we should beat up on the other program. And just to give a little information, BLM is required by statute to manage the wild horse and burro populations in a manner that protects herds at appropriate levels. Cumulative appropriate management levels total about 27,000 animals in the entire western United States. Today, the number of wild horses and burros stands at more than 50,000 animals or roughly double the carrying capacity of our rangelands.

What I worry about is if we take money away from this program, that they are going to do terrible damage to the watersheds all over the West. And it is estimated that at current funding levels and adoption demand, populations will increase to 126,000 animals by 2010, or more than four times the land's carrying capacity. And according to the BLM, a reduction of $4 million here will do serious damage to their program.

So I stand committed to helping the Colorado Members and the New Mexico Members, and whoever else is affected, and I am out from the West myself and realize the terrible conditions that are out there, but I would like to see us, if we could do it, without taking it out of the money for the wild burro program.

Mr. REGULA. Reclaiming my time, Mr. Chairman, I agree with what the gentleman has said.

But I want to give assurance again to the Colorado Members that we are very sensitive to the problem. As has been pointed out, the wild burro program is on the threshold of a breakthrough that we desperately need.

I commend the gentlemen from Colorado for bringing this to our attention. As the ranking member indicated, and as I have, we will be committed to addressing the problem in conference if the conditions continue to warrant that.

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

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

Mr. TANCREDO. Mr. Chairman, I rise in support of the bipartisan amendment, and I commend my colleague, the gentleman from Colorado Springs, Colorado (Mr. HEFLEY), for his work on the amendment, as his district is presently experiencing the most serious forest fire in the country.

I understand that the Hi Meadow fire is now less than two miles south of my congressional district. It has destroyed over 6,640 acres, and our thoughts and prayers go to the families of Pine, Colorado and the surrounding area, as well as the families displaced by the fire to the north of my district in the Roosevelt National Forest.

This year is already one of the worst fire years on record and we are not even halfway through the summer. I saw a statistic the other day saying that there have already been in the United States over 44,000 fires, burning well over 1.5 million acres of land so far this year.

Now, why are we facing a growing problem like this with these forest fires, that are sure to incinerate some of the most beautiful land in the United States? I have heard a few explanations in the media over the past few weeks, but I believe that the forest fires are caused for a simple reason. Wood is flammable, and in Colorado we have more wood in our mountains than ever before in history. These forests are not healthy. They are overgrown, after years of fire suppression. They are not safe at this of year. Our forests are tinderboxes. They are no longer in their natural state.

I urge my colleagues to acknowledge this fact because it is an extremely important one to remember as we consider the appropriations we provide to the forest managers. Fire prevention efforts, which this amendment would help fund, are a cost-saving strategy. I am told that if it were not for a prescribed burn that occurred last summer along the Buffalo Creek watershed by Jefferson County Open Space, the fire in Hi Meadow would have moved quickly south. If not for that prescribed burn, the fire may have jeopardized the supply of water that is used by thousands of Denver residents.

However, the biggest complaint I have heard this week was from the BLM and Forest Service that they do not have enough resources to combat the fire. Yesterday, the firefighters temporarily ran out of fire-retardant. They need equipment and they need funding for preventive measures. Fire prevention programs can save millions in damages to homes and buildings and water treatment.

Mr. Chairman, I wanted to thank my colleagues, especially my colleague from Colorado Springs, for bringing this amendment to our attention.

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

Mr. TANCREDO. I yield to the gentleman from Colorado.

Mr. HEFLEY. Mr. Chairman, I thank the gentleman for yielding to me.

I just want to say that we do recognize that both the chairman, the gentleman from Ohio (Mr. REGULA), and the ranking member, the gentleman from Washington (Mr. DICKS), are not unsympathetic about this. They have worked in their bill to try to provide a great deal of assistance in this area, and we appreciate that and understand that. And we understand if the problem intensifies that they will be there to be helpful to us.

The Forest Service tells us that they are $5 million short of being able to do the kind of program that is needed to meet the need. This would put $4 million of that $5 million in it. At the same time, it would not in any way destroy the horse and burro program because that is something too that we need to solve. We have too many horses and burros on the range.

I would advise the gentleman from Ohio that I raise horses. I am sympathetic with the horse problem. I live in the West. I saw My Friend Flicka and Thunderhead. I understand about wild horses and the affection we have in America for wild horses. But we have too many on the range, and we do need to solve it. I would not in any way want to take away all the money from that. That is why half the money is still there.

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

Mr. TANCREDO. I yield to the gentleman from Ohio.

Mr. REGULA. Once again, Mr. Chairman, the ranking member and I have discussed this issue. We are going to take care of whatever has to be done out there, but we are reluctant to see the money come out of the Wild Horse and Burro Program because they are ready to move on that. We have been told by BLM that they need this money. To implement the recommendations of the University of Arizona study, that needs to stay there.

So, again, I can only reiterate the fact that we are going to be very sympathetic in conference as the needs emerge.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. HEFLEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HEFLEY. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 524, further proceedings on the amendment offered by the gentleman from Colorado (Mr. HEFLEY) will be postponed.

The point of no quorum is considered withdrawn.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94–579, including administrative expenses and acquisition of lands or waters, or interests therein, $19,000,000, to be derived from the Land and Water Conservation Fund, to remain available until expended.

AMENDMENT OFFERED BY MR. REGULA

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

The Clerk read as follows:

Amendment offered by Mr. REGULA:

On page 6, line 1, after ''$19,000,000'' insert ''(decreased by $3,000,000 and increased by $3,000,000)''.

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

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

There was no objection.

Mr. REGULA. My colleagues, this amendment eliminates $3 million in land acquisition funds in BLM for the Upper Missouri National Wild and Scenic River in Montana. I offer the amendment because there is local opposition.

We try to be very sensitive on these acquisition proposals to what the local people want, so we are proposing to take the $3 million, and put $2 million for the Lower Snake/South Fork Snake River, in Idaho, which they would like to have, and $1 million for the West Eugene Wetlands Project in Oregon.

Both projects are high priority acquisitions, and both projects that we propose to fund involve willing sellers. They are also included in the President's budget. We were not able to do them before tonight because of fiscal limitations, but in view of the fact that we would prefer not to spend the $3 million in the Upper Missouri, we propose to make that move. I would urge the Members to support this.

□ 1815

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

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

Mr. DICKS. Mr. Chairman, I would tell the chairman that we concur with his amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. REGULA).

The amendment was agreed to.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 524, further proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 30 by the gentleman from New Hampshire (Mr. SUNUNU), and amendment No. 37 by the gentleman from Colorado (Mr. HEFLEY).

The Chair will reduce to 5 minutes the time for any electronic vote after the first in this series.

AMENDMENT NO. 30 OFFERED BY MR. SUNUNU

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New Hampshire (Mr. SUNUNU) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

PARLIAMENTARY INQUIRY

Mr. DICKS. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentleman will state his inquiry.

Mr. DICKS. Mr. Chairman, was there enough people standing for a recorded vote?

The CHAIRMAN. The Chair counted for a recorded vote; and, a sufficient number having risen, a recorded vote was ordered.

Mr. DICKS. Mr. Chairman, did the Chair count?

The CHAIRMAN. The Chair's count is not subject to question.

RECORDED VOTE

The vote was taken by electronic device, and there were—ayes 214, noes 211, not voting 9, as follows:

[Roll No. 274]

AYES—214

Abercrombie
Aderholt
Andrews
Archer
Armey
Baldwin
Ballenger
Barr
Barrett (WI)
Bartlett
Bass
Becerra
Bereuter
Berkley
Bilbray
Blagojevich
Blumenauer
Bono
Boyd
Brown (OH)
Bryant
Burr
Burton
Calvert
Canady
Cannon
Capps
Chabot
Chenoweth-Hage
Clayton
Clyburn
Coble
Coburn
Collins
Combest
Condit
Costello
Cox
Crane
Cubin
Cummings
Cunningham
Davis (VA)
Deal
DeLauro
DeLay
DeMint
Deutsch
Dickey
Doggett
Doolittle
Duncan
Dunn
Ehrlich
Emerson
English
Eshoo
Evans
Everett
Farr
Filner
Fletcher
Foley
Forbes
Fossella
Fowler
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Graham
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hilliard
Hoeffel
Holt
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kind (WI)
Kingston
Kolbe
Largent
Larson
Latham
Leach
Lee
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Luther
Maloney (CT)
McCollum
McCrery
McGovern
McInnis
McIntosh
McKinney
Meehan
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Miller, George
Minge
Moakley
Moore
Moran (KS)
Myrick
Neal
Nethercutt
Norwood
Nussle
Olver
Pallone
Pascrell
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Price (NC)
Radanovich
Rahall
Ramstad
Riley
Rogan
Rohrabacher
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanders
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Shimkus
Shows
Slaughter
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Strickland
Stump
Sununu
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Terry
Thompson (CA)
Thornberry
Thune
Tiahrt
Tierney
Toomey
Udall (NM)
Vitter
Walden
Walsh
Waters
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Woolsey

NOES—211

Allen
Baca
Bachus
Baird
Baker
Baldacci
Barcia
Barrett (NE)
Barton
Bateman
Bentsen
Berman
Berry
Biggert
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brady (TX)
Brown (FL)
Buyer
Camp
Capuano
Cardin
Carson
Castle
Chambliss
Clay
Clement
Conyers
Cooksey
Coyne
Cramer
Crowley
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Doyle
Dreier
Edwards
Ehlers
Engel
Etheridge
Ewing
Fattah
Ford
Frank (MA)
Franks (NJ)
Frost
Gejdenson
Gephardt

Gilchrest
Gilman
Gonzalez
Gordon
Goss
Granger
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Houghton
Hoyer
Hyde
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
King (NY)
Kleczka
Klink
Knollenberg
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
LaTourette
Lazio
Levin
Lewis (CA)
Lipinski
Lowey
Lucas (KY)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McHugh
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Millender-McDonald
Mink
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Ney
Northup
Oberstar
Obey
Ortiz
Ose
Owens
Oxley
Packard
Pastor
Pickett
Pomeroy
Porter
Portman
Pryce (OH)
Quinn
Rangel
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Roybal-Allard
Rush
Sabo
Sanchez
Sandlin
Sawyer
Schakowsky
Scott
Sherman
Sherwood
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stupak
Sweeney
Tauscher
Taylor (NC)
Thomas
Thompson (MS)
Thurman
Towns
Traficant
Turner
Udall (CO)
Upton
Velazquez
Visclosky
Wamp
Waxman
Weiner
Weller
Weygand
Wilson
Wise
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—9

Ackerman
Callahan
Campbell
Cook
Danner
Greenwood
Lofgren
Shuster
Vento

□ 1842

Messrs. PACKARD, MCDERMOTT, BERRY, DAVIS of Illinois, Ms. BROWN of Florida, Messrs. NADLER, KENNEDY of Rhode Island, WAXMAN, Ms. CARSON, Messrs. BERMAN, WEYGAND, GUTIERREZ, SHERMAN, JEFFERSON, DEFAZIO, COOKSEY, MANZULLO, EWING, and Mrs. TAUSCHER changed their vote from ''aye'' to ''no.''

Mr. SERRANO, Mr. DICKEY, Mrs. CUBIN, Messrs. MOAKLEY, NEAL of Massachusetts, FARR of California, STUMP, HILLIARD, CLYBURN, HORN, CALVERT, STRICKLAND, DOGGETT, MOORE, ABERCROMBIE, and GARY MILLER of California changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 1845

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 524, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the additional amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 37 OFFERED BY MR. HEFLEY OF COLORADO

The CHAIRMAN. The pending business is the demand for a recorded vote on Amendment No. 37 offered by the gentleman from Colorado (Mr. HEFLEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 364, noes 55, not voting 15, as follows:

[Roll No. 275]

AYES—364

Abercrombie
Aderholt
Allen
Andrews
Archer
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berman
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonior
Bono
Borski
Boswell
Boucher
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Capps
Capuano
Cardin
Carson
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clyburn
Coble
Coburn
Collins
Condit
Conyers
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Ewing
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gilman
Goode
Goodlatte
Gordon
Graham
Granger
Green (TX)
Green (WI)
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Kucinich
Kuykendall
LaFalce
Lampson
Lantos
Largent
Larson
Latham
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Moran (KS)
Morella
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Pascrell
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Radanovich
Rahall
Ramstad
Reyes
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun (KS)
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vitter
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Woolsey
Wu
Wynn

NOES—55

Armey
Barrett (NE)
Bateman
Berkley
Berry
Biggert
Blunt
Bonilla
Canady
Cannon
Castle
Clement
Combest
Cooksey
Davis (VA)
Dicks
Everett
Farr
Gibbons
Gillmor
Gonzalez
Goodling
Goss
Hobson
Hoekstra
Hutchinson
Kelly
Knollenberg
Kolbe
LaHood
LaTourette
Meek (FL)
Miller (FL)
Miller, Gary
Mollohan
Moran (VA)
Nadler
Nussle
Ose
Packard
Pastor
Porter
Pryce (OH)
Quinn
Regula
Reynolds
Rivers
Sabo
Simpson
Taylor (NC)
Visclosky
Walden
Wolf
Young (AK)
Young (FL)

NOT VOTING—15

Ackerman
Boyd
Callahan
Campbell
Cook
Danner
Greenwood
Hilliard
Hoyer
Lofgren
Rangel
Ryan (WI)
Schakowsky
Shuster
Vento

□ 1852

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. RYAN of Wisconsin. Mr. Chairman, on rollcall No. 275 I was inadvertently detained. Had I been present, I would have voted ''no.''

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and

for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein including existing connecting roads on or adjacent to such grant lands; $100,467,000, to remain available until expended: *Provided,* That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

FOREST ECOSYSTEMS HEALTH AND RECOVERY FUND

(REVOLVING FUND, SPECIAL ACCOUNT)

In addition to the purposes authorized in Public Law 102–381, funds made available in the Forest Ecosystem Health and Recovery Fund can be used for the purpose of planning, preparing, and monitoring salvage timber sales and forest ecosystem health and recovery activities such as release from competing vegetation and density control treatments. The Federal share of receipts (defined as the portion of salvage timber receipts not paid to the counties under 43 U.S.C. 1181f and 43 U.S.C. 1181–1 et seq., and Public Law 103–66) derived from treatments funded by this account shall be deposited into the Forest Ecosystem Health and Recovery Fund.

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

Mr. Chairman, I assure Members that I will return that. I just wanted to make a statement. We have another appropriations bill on the floor, and I want to compliment the chairman, the gentleman from Ohio (Mr. REGULA), and the ranking member, the gentleman from Washington (Mr. DICKS). There are no games played in this bill. The American public is going to be able to see exactly what is in there.

There is no sneaking in of advanced funding. There is no sneaking of emergency funding that comes right out of Medicare. This committee should be recognized for setting the example of what the agreement was when we finished the budget in this year. And I wanted to tell Members how much I appreciated it, and I know that there are several other Members in the House that appreciate it. And we would like to see more of it.

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

Mr. Chairman, I want to express my appreciation to the committee for its attention to Florida in this bill, and, more particularly, the Florida manatee. There are many here who probably have never seen a Florida manatee. Come to Florida and see one. It is an extraordinary thing, and there are not many left. Despite being listed as endangered for almost 3 decades, the protection and recovery of the manatee population continues to be a matter of some concern.

I was pleased to see that the Interior bill contains an earmark of a million dollars for manatee protection, doubling the amendment provided last year. I want to thank the gentleman from Ohio (Chairman REGULA), and Members of the Interior subcommittee have always been attentive to the needs and concerns of Florida, which is a vast and wonderful place.

This is always a tough bill, given the many worthy programs competing for a small amount of money. However, I do want to take this opportunity to discuss issues related to manatee protection.

In January of this year, 18 environmental organizations filed suit against the Fish and Wildlife Service, Department of Interior, as well as the Army Corps of Engineers and the State of Florida alleging they were not enforcing their own rules designed to help save the manatee. Specifically, the groups asked for a moratorium on permitting until a plan is in place to prevent increased boat traffic and development from harming manatees.

Although the Federal agencies involved deny it, since the lawsuit was filed, all permitting has ground to a halt. As a result, many landowners are caught in limbo, unable to complete construction projects and facing significant financial losses as a result.

Of serious concern is that these landowners find themselves being referred from one government agency to another, the quintessential government shuffle, catch–22.

These folks deserve an answer; the Government cannot continue to shuffle them back and forth. I have heard some express the concern that the Clinton administration is dragging its feet intentionally on this issue because it does not want to upset a particular constituency in an election year.

I surely hope that is not the case. The Florida manatee deserves better and so do the American people and so do the boat owners and users in Florida.

In the end, the question is how do we protect the manatee? A fair question. Some seem to see boats as the enemy. By banning boats or limiting boat traffic, the thinking goes, we can save the manatee. This is not a practical solution. About one-third of manatee deaths are attributable to boats. Clearly, there is more at play than just that.

On the boating question, it seems to me the solution is very simple, responsible use. I know that is a heretical thought for some, but responsible use should go with boat use. This will likely require more money for enforcement and a crackdown on those who behave irresponsibly, as it should.

I believe we must ask quickly to devise a protection policy for the manatee. It is incumbent on the Fish and Wildlife Service to work with other agencies in the State of Florida to fashion a science-based consensus policy that protects the manatee in a reasonable manner. We are all for that.

The urgency of this situation became clear a few weeks ago with a report from the Florida Fish and Wildlife Conservation Commission indicating that 100 manatees died in the first 3 months of this year, up substantially from the 80 deaths in the first 3 months of 1999. Too many manatees dying for an endangered species.

Clearly, the approach of the Fish and Wildlife Service has shortchanged all parties to this debate. There have been no additional steps taken to protect the manatee, and landowners have been lost in this moratorium.

Solving this problem requires real leadership on the part of Fish and Wildlife Service. I hope they will begin to see the urgency of this situation and move quickly, and that is the reason I have made this statement.

Once again, I want to commend the committee for its attention to the manatee issue, and I want to express my thanks and gratitude for the committee's efforts for the State of Florida.

□ 1900

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $10,000,000, to remain available until expended: *Provided,* That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94–579, as amended, and Public Law 93–153, to remain available until expended: *Provided,* That notwithstanding any provision to the contrary of section 305(a) of Public Law 94–579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: *Provided further,* That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on his certificate, not to exceed $10,000: *Provided*, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, for scientific and economic studies, conservation, management, investigations, protection, and utilization of fishery and wildlife resources, except whales, seals, and sea lions, maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge, general administration, and for the performance of other authorized functions related to such resources by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities, $731,400,000, to remain available until September 30, 2002, except as otherwise provided herein, of which not less than $2,000,000 shall be provided to local governments in southern California for planning associated with the Natural Communities Conservation Planning (NCCP) program and shall remain available until expended: *Provided*, That not less than $2,000,000 for high priority projects which shall be carried out by the Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended: *Provided further*, That not to exceed $6,395,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended, for species that are indigenous to the United States (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)): *Provided further*, That of the amount available for law enforcement, up to $400,000 to remain available until expended, may at the discretion of the Secretary, be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on his certificate: *Provided further*, That of the amount provided for environmental contaminants, up to $1,000,000 may remain available until expended for contaminant sample analyses.

Mr. REGULA. Mr. Chairman, I move to strike the last word for the purpose of entering into a colloquy with the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Chairman will the gentleman yield?

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

Mr. GOODLATTE. Mr. Chairman, I would like to engage in a colloquy with the chairman of the Subcommittee on Interior of the Committee on Appropriations on the Wu amendment that will be offered during the consideration of this bill.

The purpose of the Wu amendment, according to its supporters, would be to provide more funding for important wildlife programs by cutting funding for the Federal timber sale program.

The gentleman from Ohio (Chairman REGULA) will recall that last year the gentleman from Oregon (Mr. WU) offered a similar, if not identical amendment, to the one he will offer this year. The gentleman will recall that at that time we extended our hands to those who were inclined to support the Wu amendment, offering to work together as an alternative to the political and counterproductive approach of offering a controversial floor amendment. At that time our offer was taken in good faith and with good results.

Last year, at the end of the day, wildlife programs received increased funding and the Federal timber sale program maintained adequate funding. That was a win-win result. This year, I proposed that we offer the same hand as an alternative to this controversial amendment. I am confident that, working together, we can achieve the same kind of balance this year that we achieved last year.

We do not need to reduce funding for the timber sale program and thereby reduce our fire risk prevention capabilities in order to fund wildlife programs. As we proceed through the appropriations process, we can, if we work cooperatively together, find a way to adequately fund both.

I ask the gentleman from Ohio (Chairman REGULA), would he be willing to work this year with me as the chairman of the Subcommittee on Agriculture with jurisdiction over forestry and the supporters of the Wu amendment to adequately fund important wildlife programs, just as we did last year?

Mr. REGULA. Mr. Chairman, reclaiming my time, yes, last year I made the commitment to work with Members to adequately fund wildlife programs. I am certainly willing to make that same commitment today.

I agree that working together to meet common objectives is a much better approach than having counterproductive floor fights over controversial amendments.

Mr. GOODLATTE. Mr. Chairman, if the gentleman will yield further, I thank the chairman. I would say to my colleagues, the gentleman from Ohio (Mr. REGULA) and I are extending our hands again, just like we did last year. We do not need the Wu amendment to help provide more funding for important wildlife programs. I urge Members to put the politics of this debate aside and choose instead to work together to meet our common objectives. That is a far better approach.

I urge Members to accept this offer in good faith. Vote no on the Wu amendment, and work with the gentleman from Ohio (Chairman REGULA) and me to meet our common objectives to deal with wildlife programs, like we did last year, in a collegial and reasonable way.

AMENDMENT NO. 41 OFFERED BY MR. KUCINICH

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 41 offered by Mr. KUCINICH:

Page 11, line 21, after the period add the following: ''Of the amounts made available under this heading, $500,000 shall be for preparing a report to the Congress on the scientific impacts of genetically engineered fish, including their impact on wild fish populations. In preparing the report the Secretary shall review all available data regarding such impacts and shall conduct additional research to collect any information that is not available and is necessary to assess the potential impacts. The Secretary shall include in the report a review of regulatory and other mechanisms that the United States Fish and Wildlife Service might use to prevent any problems caused by transgenic fish.''.

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

Mr. KUCINICH. Mr. Chairman, I am offering this amendment to ensure that the Fish and Wildlife Service pays close attention to the ecological impacts from genetically engineered fish. This amendment asks the Fish and Wildlife Service to conduct a study that would examine the ecological effects of genetically engineered fish and anticipate regulatory actions. Although such fish are not on the market yet, the Food and Drug Administration is currently evaluating a genetically engineered salmon.

There is a scientific explanation that I would like to go over here, starting with chart 1. Genetically engineered fish are engineered to grow faster and bigger. Scientists from the University of Minnesota and Purdue University foresee harmful ecological impacts.

On chart 2, scientists have determined that a larger fish has an advantage in mating. This handsomely big GE fish is more successful than the lonely natural fish, and scientists have also determined that these GE fish may survive for only a limited number of generations in the wild.

Now, in chart 3, mutant fish are created as GE fish escape into the wild and mate with natural fish. The mutant fish's larger size gives an advantage in mating, forcing new genetic traits to be spread into the wild. But

these mutant fish may survive only for a limited number of generations in the wild, because when genetic engineering is performed, the opportunity to disturb or disrupt other genetic traits is possible, including disturbing the trait of longevity. The implications are serious.

Chart 4 speaks of the Trojan Gene Effect. These are serious implications, because many fish populations are under consideration for genetic engineering. After several generations, natural fish may go extinct because larger genetically engineered fish are much more successful than natural fish in mating. Such mutant fish may also go extinct because their mutant genes can decrease the survivability of the species. This is what is called the Trojan Gene Effect.

The end result is the loss of genetic diversity, disruption of ecological systems, possible extinction of important commercial fish species, and, of course, effect on the food supply.

I am certainly expecting to withdraw this amendment, hoping that the chairman and the ranking member will work with me by advocating report language for a study to examine the ecological impacts of genetically engineered fish and anticipate regulatory actions that might be necessary.

I would let the gentleman from Ohio (Mr. REGULA) know that I would appreciate any consideration in conference for any report language.

Mr. REGULA. Mr. Chairman will the gentleman yield?

Mr. KUCINICH. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, we share the gentleman's concern. I think what I would like to do is discuss this with the Biological Research Division of the USGS, and perhaps they could do a study or take a look at it to see how this impacts on the fish population and work with Fish and Wildlife to address these concerns.

If the gentleman would withdraw the amendment, certainly we will work with the gentleman in trying to get Fish and Wildlife and the USGS that has the science responsibility, perhaps we can meet with them and discuss ways in which they can address your concerns.

Mr. KUCINICH. Mr. Chairman, reclaiming my time, I thank the gentleman.

Mr. DICKS. Mr. Chairman will the gentleman yield?

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

Mr. DICKS. Mr. Chairman, I want to commend the gentleman for his obvious work here and this presentation that he has made. I want to tell the gentleman that we have the same problem out in the Pacific Northwest with a variety of salmon species, not that we have genetically engineered, but we have hatchery fish that compete with our wild salmon that reproduce naturally in the wild, and these crowding-out effects, a lot of the same issues that the gentleman is raising here.

The importance of preserving the gene pool of these species is critical. There is a lot of good work that is being done by the Fish and Wildlife Service across the country under the Endangered Species Act, but I think this is very important. I look forward to working with the gentleman on this issue and with the Fish and Wildlife Service to see if we cannot collaborate on this.

Mr. KUCINICH. Mr. Chairman, I include the following articles for the RECORD.

BIOSAFETY ASSESSMENT OF AQUATIC GMOS: THE CASE OF TRANSGENIC FISH

(By Anne R. Kapuscinski)

A growing number of groups around the world are pursuing research and development of transgenic fish, shellfish, and algae. Transgenic Atlantic salmon are poised to be one of the first transgenic animals farmed for human consumption. Ecological risk assessments of transgenic aquatic organisms have been comparatively underfunded and understudied. Comparisons of the few risk assessment studies on transgenic fish confirm the need to conduct case-by-case risk assessment of each line of transgenic organism. Risk assessment should focus on tests for intended and unintended changes in six components of fitness. These include viability, fecundity, fertility, longevity, mating success, and developmental time. Muir and Howard have shown the critical importance of testing for the joint effects of changes in these fitness components because disadvantages in one fitness trait can be offset by advantages in another fitness trait. For instance, the reduced viability of growth-enhanced transgenic fish could be offset by increased mating advantage of larger transgenic adults, possibly driving a wild population towards extinction (the Trojan gene effect). Risk assessments need to actively search for this and other biologically feasible off-setting mechanisms. The state-of-the-art way to do this, called the Net Fitness Approach, is to: (1) Test GMOs for altered fitness components in confined experiment; (2) quantify the net fitness of the GMOs and mathematically predict effects of escapees on wild fish; and, wherever feasible, (3) test mathematical predictions on multiple generations of GMOs and non-GMOs interacting in simplified, confines ecosystems.

Muir's lab recently produced two lines of transgenic medaka bearing a sockeye salmon growth hormone construct (sGH) that promotes dramatically faster growth rates and earlier sexual maturity, as previously shown in coho salmon and tilapia. Both this construct and another salmon GH construct that is in the transgenic Atlantic salmon being reviewed by the FDA yield dramatic increases in growth rates, earlier smoltification (ability to survive in seawater), and growth promotion that overrides the natural environmental cue to slow growth in colder (winter) water temperatures. In one sGH medaka line, the transgenic fish are larger at sexual maturity and have a viability disadvantage (Muir et al., unpublished data). This is precisely the combination of traits predicted to trigger the Trojan gene effect! Empirical experiments are underway to test for this.

In summary, the publicly available data on transgenic fish confirm the need to test for ecological risks of each line of GMOs on a case-by-case basis and in a manner that integrates data on all modified traits, not just the target trait. These same scientific principles were used by the interdisciplinary Scientists' Working Group on Biosafety (1998) in designing the Manual for Assessing Ecological and Human Health Effects of Genetically Engineered Organisms (available at www.edmonds-institute.org). The Manual applies to small- and large-scale uses of any genetically engineered organism, including fish and other aquatic organisms. Users generate a specific trail of questions and responses that makes the scientific claim of risk or safety. The Manual follows the precautionary approach and encourages users to avoid type II statistical errors (i.e., concluding no adverse effect when the effect indeed occurs). Under the current state of inadequate information on fitness components of transgenic fish, application of the Manual leads the user to the conclusion that there is insufficient information to answer a key question and to the recommendation to apply several confinement measures (sterilization, mechanical barriers, physical barriers) to prevent ecological harm.

The take home messages for existing and future proposals to commercialize transgenic fish are: (1) The scientific data indicate that some lines of transgenic fish will pose a real ecological risk; (2) application of the Net Fitness Approach should be a minimum requirement for testing the ecological risk of all transgenic fish intended for aquaculture (or other uses that could affect the environment); (3) any transgenic fish approved for aquaculture (or other uses that could affect the environment) should be made sterile and individually screened to confirm sterility; (4) DNA markers distinguishing each line of transgenic fish should be registered in a publicly accessible central clearinghouse to allow tracing of escapees; and (5) regulatory agencies need to establish the information base and institutional mechanisms required to monitor for and quickly respond to surprising outcomes of transgenic fish escaping into the wild.

POSSIBLE ECOLOGICAL RISKS OF TRANSGENIC ORGANISM RELEASE WHEN TRANSGENES AFFECT MATING SUCCESS: SEXUAL SELECTION AND THE TROJAN GENE HYPOTHESIS

(By William M. Muir and Richard D. Howard)

Widespread interests in producing transgenic organisms is balanced by concern over ecological hazards, such as species extinction if such organisms were to be released into nature. An ecological risk associated with the introduction of a transgenic organism is that the transgene, though rare, can spread in a natural population. An increase in transgene frequency is often assumed to be unlikely because transgenic organisms typically have some viability disadvantage. Reduced viability is assumed to be common because transgenic individuals are best viewed as macromutants that lack any history of selection that could reduce negative fitness effects. However, these arguments ignore the potential advantageous effects of transgenes on some aspect of fitness such as mating success. Here, we examine the risk to a natural population after release of a few transgenic individuals when the transgene trait simultaneously increases transgenic male mating success and lowers the viability of transgenic offspring. We obtained relevant life history data by using the small cyprinodont fish, Japanese medaka (*Oryzias latipes*) as a model. Our deterministic equations predict that a transgene introduced into a natural population by a small number of transgenic fish will spread as a result of enhanced mating advantage, but the reduced viability of offspring will cause eventual local extinction of both populations. Such risks should be evaluated with each new transgenic animal before release.

Although production of transgenic organisms offers great agricultural potential, introduction of genetically modified organisms

into natural populations could result in ecological hazards, such as species extinction (1–3). Such risk has been suggested to pose little environmental threat because transgenic organisms are evolutionary novelties that would have reduced viability (4, 5). However, transgenic organisms may also possess an advantage in some aspect of reproduction that may increase their success in nature. Although a variety of transgene traits have been incorporated into various species (6, 7), a commonly desired characteristic in transgenic fish species (important in aquaculture and sport fishing) is accelerated growth rate and larger adult body size (8). DNA sequences for growth hormone (GH) genes and cDNAs have been well characterized in fish, and transgenic fish of several species have now been produced (9, 10). Growth enhancements of up to several times that of wild type have been obtained, with growth advantages persisting throughout adulthood in some fish species (8, 11). In many animal species, including fish, body size is an important determinant of differential mating success (sexual selection) through advantages in competing for mates against members of the same sex (mate competition) and/or being preferred as a mate by the opposite sex (mate choice) (12). A recent review found that large body size conferred mating advantages in 40% of the 186 animal taxa surveyed (12). The potential for sexual selection to produce a rapid evolution of sexual traits has long been appreciated (12); here we consider its potential to increase transgene frequency and to eliminate populations, specifically when a sexual trait is affected by transgenes.

MATERIALS AND METHODS

Study Organism. As a model organism, we studied Japanese medaka (*Oryzias latipes*) (13) to explore the ecological consequences of transgene release into natural populations. Medaka were convenient study organisms for obtaining data on fitness components. Individuals were readily bred in the lab, were easily cultured, and attained sexual maturity in about two months. We produced a stock of transgenic medaka by inserting the human growth hormone gene (hGH), with a salmon promoter, sGH (14). We then conducted several experiments to document survival and reproductive differences between transgenic and wild-type medaka (15). We categorized these differences into four fitness components; (*i*) viability (offspring survival to sexual maturity), (*ii*) developmental (age at sexual maturation), (*iii*) fecundity (clutch size), and (*iv*) sexual selection (mating advantages). We modeled the introduction of a small number of transgenic individuals into a large wild-type population using recurrence equations (described below) to predict the consequences of the model, i.e., of increased male mating success but reduced offspring viability. Elsewhere, we examined the results of model predictions in which GH transgenes influenced developmental and fecundity fitness components as well as offspring viability (unpublished data). Different transgene lines are likely to vary in fitness even when the same transgene construct is used, because of differences in copy number and sites of transgene insertion. To take such variation into account as well as to make our model generally applicable to other organisms and transgene constructs, we used a range of parameter values for male mating success and offspring viability in our models. The range of values also encompassed the particular fitness component estimates that we obtained.

We conducted a 2 2 factorial experiment to assess the early viability of offspring produced from crosses involving transgenic and wild-type medaka parents (15). Each pairing combination consisted of 10 males and 10 females; eggs were obtained from each pair for a period of 10 days, producing a total of 1,910 fertile eggs. Viability was estimated as the percentage of 3-day-old fry that emerged. Results shows that early survival of transgenic young was 70% of that of the wild type (15).

Mating experiments using wild-type medaka were performed to measure the mating advantage that large males obtained over small males (16). We found that, regardless of protocol, large males obtained a 4-fold mating advantage (16). Such size-related mating advantages have been demonstrated in a variety of fish species; they can result from mate competition or mate choice or both (12). We do not expect transgenic male medaka to have a mating advantage over wild-type males, because the hGH transgene we inserted increased only juvenile growth rate, not final adult body size (14); that is, the size difference between transgenic and wild-type males disappeared by sexual maturity. Nonetheless, we modeled the possible effect of transgene release into wild-type populations when transgenes accelerate growth throughout adulthood, thus increasing transgenic male mating success, because these effects could occur with other transgene constructs in other fish species. For example, continued growth enhancements from GH genes occurs in adult salmonids (8), and the mating advantages of large males has been reported in several salmonid species (17–19).

We used a range of mating and viability fitness parameters, including the values we obtained in experiments with a recurrence model that predicts changes in gene frequencies and population sizes when transgenic individuals invade a wild-type population (15).

RESULTS AND DISCUSSION

In the model, the initial population was structured with a stable age distribution giving a constant size (60,000), composed of wild-type fish with an equal sex ratio in each class. Based on experimental data (15), and adjusted by trial and error to achieve a stable age distribution, juvenile and adult mortality rates were set to 9.8% and 0.765% per day, respectively, for both genotypes, which resulted in an expected maximum life span of 150 days. Sixty homozygous transgenic fish of equal sex ratio were then introduced at sexual maturity. We assumed that transgenic and wild-type individuals were similar in age (at sexual maturity), fecundity, fertility, susceptibility to predation, and longevity; the only differential effects caused by the GH transgene were male mating success and offspring viability. We also assumed that the probability of mating was not frequency-dependent. For this model, population size was always assumed to be less than the carrying capacity; i.e., no density-dependent effects occurred. This assumption is known to be incorrect for some species. But for species that are declining in number because of heavy fishing pressure or other sources of mortality, the assumption is likely to be true. The above parameters were specified in the model, and genotype frequency, gene frequency, and population size were assessed each day. We expressed time to extinction in terms of the generation interval, the average age when all offspring were produced, which, in our laboratory experiments on medaka, equaled 96.9 days.

Predictions of the model were straightforward when transgenes affected only one fitness component. If transgenes reduced only juvenile survival, transgenic individuals would be quickly eliminated from any wild-type population. Our model predicted that if transgenic medaka suffered a 30% reduction in viability relative to the wild type, the transgene would be eliminated after about 10 generations (15). In contrast, if the GH transgene increased only the mating success of transgenic males relative to wild-type males, the gene would spread quickly. If adult transgenic males were 24% larger than adult wild-type males and thereby achieved the 4-fold mating advantage that we had observed in our mating experiments (16), the frequency of the transgene would exceed 50% in about five generations, and become fixed in the population in about 20 generations. In both of these situations, population size would remain essentially unchanged across generations, and the transgene would either be eliminated or go to fixation.

In contrast, combining the effects of the transgene on mating success and offspring viability is predicted to result in the local extinction of any wild-type population invaded by transgenic organisms. The male mating advantage would act to increase the frequency of the transgene in the population; however, the viability disadvantage suffered by all offspring carrying the transgene would reduce the population size by 50% in less than six generations and completely eliminate the population in about 40 generations. These population projections result because the males that produce the least fit offspring obtain a disproportionate share of the matings. We refer to this type of extinction as the ''Trojan gene effect,'' because the mating advantage provides a mechanism for the transgene to enter and spread in a population, and the viability reduction eventually results in population extinction. Such a conflict between offspring viability and male mating advantage based on large body size has been theorized to be one of the processes that can cause species extinction (20, 21).

Both the advantageous and disadvantageous effects of such sexual traits are usually considered to be sex-limited; however, the transgene we considered has a sex-limited advantage (male mating success), but no sex limitation on viability reduction. As a result, population extinction should occur even more rapidly. In theory, counterselection against the transgene and thereby rescuing a population from extinction is possible. Such counterselection could take two forms. Modifying genes might be selected that mitigate the degree of viability reduction of the transgene. Alternatively, if the transgenic male mating advantage results mostly from female preference for large males, females with alternative mating preferences could be favored by selection, halting or reversing the spread of the transgene. If the mating advantage of transgenic males resulted mostly from success in mate competition, we would expect no such selection against the transgene. Our prediction of population extinction must, however, be interpreted cautiously. A critical assumption of our deterministic model is that the viability reduction of transgenic organisms remains constant, even with a lowering of population density.

The predicted time course for extinction of a wild-type population after the release of transgenic individuals varies as a function of the rate of transgene spread, which is influenced by the relative mating advantage of transgenic males and by the severity of viability reduction in transgenic young (Fig. 1). For example, our model predicted that if the viability of transgenic young were 70% of that of wild-type young, as was the case with the hGH–sGH transgenic medaka we produced, population extinction would result only when transgenic males obtained a 2-fold or greater mating advantage over wild-type males.

Increasing the viability of transgenic offspring in the simulations produced a

counter-intuitive results, however. If the viability of transgenic young was increased to 85% of that of wild-type offspring, population extinction was predicted to occur over a wider range of male mating advantages, even though the time to extinction was greater. Thus, as the viability of transgenic offspring approaches that of wild type, risk of extinction may actually increase. Two situations resulted in the highest risk; a huge mating advantage and a moderate viability reduction (Fig. 1). A mating advantage of at least 4-fold produced a risk over a range of viabilities from about 0.45 to 0.9; a viability reduction in the range of 0.7 to 0.9 resulted in the risk of extinction over the widest range of mating advantages. These trends were predicted because, at one extreme, a transgene that greatly reduced offspring viability would be quickly eliminated unless it were counterbalanced by a very high male mating advantage. At the other extreme, in the case of a transgene that produced high viability of transgenic young, a lower male mating advantage could drive the gene to high frequency in the population, resulting in a lower genetic load and requiring more generations for population extinction.

Local extinction of a wild-type population from a release of transgenic individuals could also have cascading negative effects on the community. In contrast, if transgenic males were created intentionally to drive to extinction a wild-type population of, for example, a species of pests, it could serve as a mechanism for biological control.

We thank J. Lucas, P. Waser, Anne Kapuscinski, and an anonymous reviewer for helpful comments. This research was supported by U.S. Department of Agriculture National Biological Impact Assessment Program grants (93–33120–9468 and 97–39210–4997).

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Mr. KUCINICH. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

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

There was no objection.

Mr. KNOLLENBERG. Mr. Chairman, I move to strike the last word for the purpose of engaging in a colloquy with the chairman of the Subcommittee on Interior of the Committee on Appropriations, the gentleman from Ohio (Chairman REGULA).

Mr. Chairman, I know that the gentleman from Ohio (Mr. Regula) shares my interest in ensuring that the Kyoto Protocol is not implemented without ratification and that unauthorized activities to implement the protocol are not funded. Likewise, I know that the gentleman shares my interest in developing fuel cells for building applications and specifically in proton membrane exchange technology for supplying residential electric power and hot water.

I am asking that the gentleman work with me to address appropriately the first issue in conference and to identify any additional funding there might be for the fuel cell program in the event that additional funds are made available in conference.

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

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

Mr. REGULA. Mr. Chairman, I would commend the gentleman. I think that there has been a lot of progress on fuel cell development. We know it is something that offers a lot of promise.

The gentleman is correct, I share his concerns on both issues, and I look forward to working with the gentleman as the bill moves forward in conference on trying to support fuel cell research.

Mr. KNOLLENBERG. Mr. Chairman, reclaiming my time, I thank the chairman.

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

Mr. Chairman, I would like to ask the gentleman from Ohio (Chairman REGULA) to engage in a brief colloquy with me.

Mr. Chairman, as the gentleman from Ohio (Mr. REGULA) knows, there is language in the committee's report on this bill dealing with what is described as BLM wilderness reinventory activities. I just have some questions about the meaning and effect of that part of the report.

To begin with, the report says that BLM has completed all of its wilderness reinventory activities begun in prior years, but I understand that part of the language is inaccurate because there is an ongoing process in Colorado that has not yet ended.

I would respectfully ask the chairman, am I right in understanding that there is no intention to interfere with the ongoing reinventory process in Colorado?

Mr. REGULA. Mr. Chairman will the gentleman yield?

Mr. HINCHEY. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, yes, the gentleman is correct. We do not intend to interfere with that ongoing process in Colorado.

Mr. HINCHEY. Mr. Chairman, I thank the chairman.

Am I also right in understanding that nothing in the committee report is intended to interfere with BLM's normal process in revising its management plans or keeping its resource inventory current?

Mr. REGULA. If the gentleman will continue to yield, he is correct. We are not intending to interfere with or change that process of revising management plans or keeping the resource inventory current.

Mr. HINCHEY. Mr. Chairman, I thank the gentleman very much for those answers.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CONSTRUCTION

For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; $48,395,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, $30,000,000, to be derived from the Land and Water Conservation Fund, to remain available until expended.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), as amended, $23,000,000, to be derived from the Cooperative Endangered Species Conservation Fund, to remain available until expended.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $10,439,000.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands

Conservation Act, Public Law 101–233, as amended, $15,499,000, to remain available until expended.

WILDLIFE CONSERVATION AND APPRECIATION FUND

For necessary expenses of the Wildlife Conservation and Appreciation Fund, $797,000, to remain available until expended.

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201–4203, 4211–4213, 4221–4225, 4241–4245, and 1538), the Asian Elephant Conservation Act of 1997 (Public Law 105–96; 16 U.S.C. 4261–4266), and the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301–5306), $2,391,000, to remain available until expended: *Provided*, That funds made available under this Act, Public Law 105–277, and hereafter in annual appropriations acts for rhinoceros, tiger, and Asian elephant conservation programs are exempt from any sanctions imposed against any country under section 102 of the Arms Export Control Act (22 U.S.C. 2799aa–1).

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 79 passenger motor vehicles, of which 72 are for replacement only (including 41 for police-type use); repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management and investigation of fish and wildlife resources: *Provided*, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: *Provided further*, That the Service may accept donated aircraft as replacements for existing aircraft: *Provided further*, That notwithstanding any other provision of law, the Secretary of the Interior may not spend any of the funds appropriated in this Act for the purchase of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in Senate Report 105–56.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, including not less than $2,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by 16 U.S.C. 1706, $1,425,617,000, of which $8,727,000 for research, planning and interagency coordination in support of land acquisition for Everglades restoration shall remain available until expended, and of which not to exceed $7,000,000, to remain available until expended, is to be derived from the special fee account established pursuant to title V, section 5201 of Public Law 100–203.

AMENDMENT OFFERED BY MR. REGULA

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

The Clerk read as follows:

Amendment Offered by Mr. REGULA:

On page 15, line 15 after the first dollar amount insert ''(increased by $66,500,000)''.

Mr. REGULA. Mr. Chairman, my amendment adds $66.5 million to address critical operational backlog needs in the National Parks.

Mr. Chairman, backlog maintenance is a critical problem in our National Parks, and, as we all recognize from testimony by the Director of the National Parks, this is something where we should, wherever possible, provide funding to overcome the serious deficit that exists.

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What this amendment does is add $66,500,000 to, in a continuing way, address the critical problem of backlogged maintenance.

Mr. DICKS. Mr. Chairman, I rise in support of the amendment and urge that it be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. REGULA).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, $49,956,000, of which $2,000,000 shall be available to carry out the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 et seq.).

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), $41,347,000, to be derived from the Historic Preservation Fund, to remain available until September 30, 2002, of which $7,177,000 pursuant to section 507 of Public Law 104–333 shall remain available until expended.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, $150,004,000, to remain available until expended.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 2001 by 16 U.S.C. 460l–10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, $65,000,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, of which $21,000,000 is for the State assistance program including $1,000,000 to administer the program, and of which $10,000,000 may be for State grants for land acquisition in the State of Florida: *Provided*, That the $20,000,000 provided for grants in the State assistance program shall be used solely to acquire land for State and local parks for the benefit of outdoor recreation: *Provided further*, That the Secretary may provide Federal assistance to the State of Florida for the acquisition of lands or waters, or interests therein, within the Everglades watershed (consisting of lands and waters within the boundaries of the South Florida Water Management District, Florida Bay and the Florida Keys, and excluding the Eight and One-Half Square Mile Area) under terms and conditions deemed necessary by the Secretary to improve and restore the hydrological function of the Everglades watershed: *Provided further*, That funds provided under this heading for assistance to the State of Florida to acquire lands within the Everglades watershed are contingent upon new matching non-Federal funds by the State and shall be subject to an agreement that the lands to be acquired will be managed in perpetuity for the restoration of the Everglades: *Provided further*, That notwithstanding any other provision of law, hereafter, the Secretary of the Interior must concur in developing, implementing, and revising regulations to allocate water made available from Central and Southern Florida Project features: *Provided further*, That the Secretary's concurrence will address the temporal and spatial needs of the natural system as defined in terms of quality, quantity, timing, and distribution of water, and ensuring the restoration, preservation and protection of the South Florida ecosystem, including, but not limited to, the remaining natural system areas of the Everglades, Everglades National Park, Biscayne and Florida Bays, and the Florida Keys.

POINT OF ORDER

Mr. HANSEN. I raise a point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from Utah (Mr. HANSEN) is recognized.

Mr. HANSEN. Mr. Chairman, I make a point of order against the language found on page 18, beginning on line 6 and continuing on line 19, which begins ''Provided further, that notwithstanding any other law.''

The language clearly imposes a new duty on the Secretary of the Interior in concurring in these actions regarding water allocations in Florida.

Currently, the Army Corps of Engineers oversees water development projects in and near the Everglades area, and there is no requirement that these projects need concurrence by the Secretary of the Interior.

In addition, the language modifies or affects the application of many existing laws, such as the Endangered Species Act, the National Park Service Organic Act, the Miccosukee Reserved Area Act, the Act of May 30, 1934, relating to the Everglades National Park, and the National Marine Sanctuaries Act.

It also appears to require the Secretary to apply Bureau of Reclamation statutes affecting water projects to a non-Bureau of Reclamation State,

Florida, in violation of Chapter 1093, 32 Stat. 388, section 1, Bureau of Reclamation Act of 1902.

Finally, the language federalizes water allocation issues which are a matter now determined under Florida's State law.

This language clearly constitutes legislation on an appropriation bill, in violation of clause 2(b) of rule XXI of the rules of the House of Representatives, and the Governor of Florida supports this.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

Mr. REGULA. Mr. Chairman, I would like to be heard on the point of order.

The CHAIRMAN. The gentleman from Ohio (Mr. REGULA) is recognized.

Mr. REGULA. Mr. Chairman, we understand the problem here, and recognize that what the gentleman from Utah is raising as a point of order is correct. I would like to just discuss the implications of this situation, because I think it is important for our colleagues to understand what is happening.

The Everglades restoration is a major project. It is probably going to involve an expenditure of $10 to $15 billion in the years ahead. I think it is vitally important that the United States government, through the Department of the Interior, have a voice in this project.

I regret that our attempt to provide assurances for a vital, high-quality water supply to the natural areas of the Everglades, including Everglades National Park, several national wildlife refuges, and Florida Bay have been dropped.

Restoration of the Everglades began 7 years ago as a true partnership among various interests. These interests, Federal, State, and local governments, Indian tribes, agricultural, urban, and environmental organizations, and the public at large, came together as the South Florida Ecosystem Task Force.

This entity meets to set priorities and make collaborative decisions on this massive restoration effort. Since the restoration effort began, the Interior Appropriations Subcommittee has provided nearly $1 billion in Federal funding with the understanding that critical scientific research, land acquisition, and water planning funding to achieve environmental restoration would be one of the end results of the enormous sums the American taxpayers are being called upon to commit.

The committee has provided this funding during a time of declining budgets and at the expense of numerous meritorious projects—projects that our Members here would like to have. Because we were committed to spending what has already been a total of over $700 million to this program, we were not able to do some of the others that we should have done.

Mr. Chairman, the language being stripped from this bill ensured that the natural areas would receive equal treatment with other interests as important decisions about water flow and quantity are made.

Let us be honest. Without assurances that the Secretary of the Interior, together with the Chief of the Army Corps of Engineers and the South Florida Water Management District, has a voice in water decisions, we can no longer call this project environmental restoration. The Federal part of the money in this bill is the environmental restoration of the Everglades. Now, with the result of this point of order, we will not have that voice of the Federal government.

Mr. Chairman, I want to be clear, I bear no ill will toward the other goals of this effort: continued sugar and agricultural production, adequate potable water availability for the people of Florida, and sustainable growth for the region.

However, with the balanced, fair language now being stripped from this bill, the effort is no longer an environmental restoration project. It is no longer a partnership. The project is solely a water development project between the Army Corps of Engineers and the local water management district in ''Anywhere U.S.A.'', and should receive no further funding through the bill of the Subcommittee on the Interior of the Committee on Appropriations.

I want to point out something else. We will hear that this water is owned by the State of Florida, but in 1970, under the River Basin Monetary Authorization and Miscellaneous Civil Works Amendments, the following language was incorporated in that bill and is now the law of the United States:

> That as soon as practicable, and in any event upon completion of the work specified in the preceding provision, delivery of water from the Central and Southern Florida project to the Everglades National Park shall be not less than 315,000 acre feet annually.

In other words, the water belongs to the Everglades as part of the 1970 law. Our concern is that unless there is some way in which the Federal government has a voice in the distribution of the water that is going to be gained by all of the activities that have been funded from the money we have spent thus far, the possibility of the Everglades not receiving adequate water supply is very real.

I hope we can work out some language, in view of the fact that this is being stripped by the point of order, that will continue to ensure the protection of the United States' investment.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

Mr. HINCHEY. Mr. Chairman, I would like to be heard briefly on the point of order.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. HINCHEY. Mr. Chairman, I think it is important for us to recognize what is happening here and to gauge the implications of it, to understand them and all of their ramifications, because they are broad and deep.

First of all, by striking this language, $9 million, which is appropriated in this bill to the Department of the Interior, will now be spent by the Army Corps of Engineers. The Department of the Interior will simply be a pass-through. The Department of the Interior will have no say whatsoever in how that money is spent. It will be spent only by the Army Corps of Engineers for their purposes.

Mr. Chairman, that is contrary to everything that this Congress has done up to this point with regard to this project. Our chairman has just outlined very carefully and accurately some of the profound difficulties that will ensue as a result of the striking of this language.

We have here a national resource. The Everglades are half owned by the United States government for all the people of the country. They are—that half of the Everglades is administered by the Department of the Interior. By striking this language, the Department of the Interior will have no say whatsoever in how this $9 million appropriated in this bill is to be spent.

The foundation which has been laid very, very carefully over a long period of time, and which has involved the appropriation and expenditure of several billion dollars so far, is undermined by the striking of this language.

What we have had up to now is a cooperative working relationship between the State of Florida, the South Florida Water Management District, the Army Corps of Engineers, and the United States Department of the Interior. The United States Department of the Interior is involved here because of the fact that we have a number of ecosystems in those Everglades which are administered by the Department of the Interior, and appropriately so.

Striking this language is going to do extreme damage to the foundation that has been laid, the confidence that has been had by these relating agencies in working together. That confidence will no longer exist. The people around the country who have watched this enterprise go forward, and they, too, have watched it with confidence because of the cooperation that has been had between the various agencies, many people around the country are going to now withdraw that confidence. They are going to be very skeptical about what is going to happen with regard to the Everglades.

All of the environmental protection that is important in the Everglades restoration is now placed in jeopardy. The 68 threatened and endangered species that are in the Everglades now will be increasingly endangered because their manager, their overseer, the Department of the Interior, will no longer be active.

I think it is important, Mr. Chairman, finally, that the Members here understand what is being done. This is

technically accurate but it is wholly mischievous. It is going to result in substantial damage. We will have to immediately find ways to correct the damage which has been done by the striking of this language.

The CHAIRMAN. The gentleman from Utah (Mr. HANSEN) makes a point of order that the provision beginning with ''Provided further'' on page 18, line 6, through line 19 proposes to change existing law in violation of clause 2(b) of rule XXI.

The provision directly waives any other provision of law and assigns new duties to the Secretary of the Interior with respect to water allocation in Florida. As stated on page 799 of the House Rules and Manual, a proposition to establish an affirmative duty on an executive officer is legislation. By establishing new duties on the Secretary of the Interior, the provision constitutes legislation on an appropriation bill in violation of clause 2(b) of rule XXI.

Accordingly, the point of order is sustained and the provision is stricken.

Mr. REGULA. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 21, line 13, be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The text of the remainder of the bill from page 18, line 20, through page 21, line 13, is as follows:

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 340 passenger motor vehicles, of which 273 shall be for replacement only, including not to exceed 319 for police-type use, 12 buses, and 9 ambulances: *Provided,* That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided further,* That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project.

None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.

The National Park Service may distribute to operating units based on the safety record of each unit the costs of programs designed to improve workplace and employee safety, and to encourage employees receiving workers' compensation benefits pursuant to chapter 81 of title 5, United States Code, to return to appropriate positions for which they are medically able.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; and to conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law and to publish and disseminate data; $816,676,000, of which $60,553,000 shall be available only for cooperation with States or municipalities for water resources investigations; and of which $16,400,000 shall remain available until expended for conducting inquiries into the economic conditions affecting mining and materials processing industries; and of which $32,763,000 shall be available until September 30, 2002 for the operation and maintenance of facilities and deferred maintenance; and of which $140,416,000 shall be available until September 30, 2002 for the biological research activity and the operation of the Cooperative Research Units: *Provided,* That none of these funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: *Provided further,* That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ADMINISTRATIVE PROVISIONS

The amount appropriated for the United States Geological Survey shall be available for the purchase of not to exceed 53 passenger motor vehicles, of which 48 are for replacement only; reimbursement to the General Services Administration for security guard services; reimbursement to the United States Fish and Wildlife Service (FWS) for Refuge Revenue Sharing payments made by FWS to local entities for the FWS real property transferred to the Geological Survey; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: *Provided,* That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302 et seq.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only; $127,200,000, of which $84,362,000, shall be available for royalty management activities; and an amount not to exceed $107,000,000, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, from rate increases to fee collections for Outer Continental Shelf administrative activities performed by the Minerals Management Service over and above the rates in effect on September 30, 1993, and from additional fees for Outer Continental Shelf administrative activities established after September 30, 1993: *Provided,* That to the extent $107,000,000 in additions to receipts are not realized from the sources of receipts stated above, the amount needed to reach $107,000,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993: *Provided further,* That $3,000,000 for computer acquisitions shall remain available until September 30, 2002: *Provided further,* That funds appropriated under this Act shall be available for the payment of interest in accordance with 30 U.S.C. 1721(b) and (d): *Provided further,* That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: *Provided further,* That notwithstanding any other provision of law, $15,000 under this heading shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of the Minerals Management Service concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments: *Provided further,* That MMS may under the royalty-in-kind pilot program use a portion of the revenues from royalty-in-kind sales, without regard to fiscal year limitation, to pay for transportation and gathering expenses, processing, and any contractor costs required to aggregate and market royalty production taken in kind at wholesale market centers: *Provided further,* That MMS shall analyze and document the expected return in advance of any royalty-in-kind sales to assure to the maximum extent practicable that royalty income under the pilot program is equal to or greater than royalty income recognized under a comparable royalty-in-value program.

AMENDMENT NO. 44 OFFERED BY MRS. MALONEY OF NEW YORK

Mrs. MALONEY of New York. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 44 offered by Mrs. MALONEY of New York:

Page 24, beginning line 6, strike ''transportation and gathering expenses, processing, and any contractor costs required to aggregate and market royalty production taken in kind at wholesale market centers'' and insert ''transportation to wholesale market centers and processing of royalty production taken in kind''.

Mrs. MALONEY of New York. Mr. Chairman, I rise today to offer this amendment, which will enable the Minerals Management Services to operate the royalty-in-kind pilot program more efficiently.

I first want to thank both the gentleman from Ohio (Mr. REGULA) and the gentleman from Washington (Mr. DICKS) for their efforts to resolve this issue in a positive way. This amendment will strike language that would have given the royalties-in-kind program the ability to finance the gathering and marketing of oil and natural gas products.

It will continue to allow the Department of the Interior to finance the cost of transportation and processing of oil and natural gas.

Currently the Minerals Management Service is conducting three royalty-in-kind pilot programs located in Wyoming, Texas, and the Gulf of Mexico. We have worked in a bipartisan manner closely with the Department of the Interior to develop language that achieves their goals without affecting broader oil valuation policy or costing additional funds.

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My amendment will accomplish this purpose. So, again, I would like to thank the chairman and ranking member for their support, and I would urge all of my colleagues to support this common sense amendment.

Mrs. CUBIN. Mr. Chairman, I move to strike the last word.

(Mrs. CUBIN asked and was given permission to revise and extend her remarks.)

Mrs. CUBIN. Mr. Chairman, I am the chairman of the authorizing subcommittee with jurisdiction over the Minerals Management Service. MMS is the agency charged with collecting royalties from mineral lessees of the federal government. Usually, the producer pays one-eighth of the value of the oil and natural gas from the wells on the lease to MMS to satisfy their royalty obligation, but the Secretary of the Interior is able to take royalty production in kind rather than in value, if he so chooses.

MMS has been conducting ''R-I-K pilot programs'' over the last several years, first for oil from leases in Wyoming and later for natural gas off the coast of Texas. Indeed, Mr. Chairman, the MMS has reported to me that royalty natural gas taken in-kind from the Gulf of Mexico has been sold to the General Services Administration for heating federal buildings, including this very Capitol building last winter.

MMS is seeking to expand the scope of its natural gas R-I-K program to learn how best to add value for the taxpayer by aggregating significant volumes of gas from many leases throughout the Gulf and marketing those volumes to the highest bidders. This is known as ''market uplift'' and it is a source of added value for the government. Why? Because when lessees pay their royalty in value it is based upon the wellhead value of the oil or gas, not the greater value one can receive from transporting product and aggressively marketing one's crude oil or natural gas downstream of the lease. Just two months ago a federal court ruled that there is no duty for oil and gas lessees to market their production without cost to the government. To my knowledge the federal government has not appealed this summary judgment.

Mr. Chairman, this simply means the producer of oil and gas owes royalty on the value of production at the lease. If the oil or gas is first sold downstream of the lease, then transportation, processing (if necessary) and marketing costs are deducted from the proceeds when calculating the royalty owed. Likewise, if and when the MMS takes its royalty in kind at a point downstream of the lease, a similar deduction is owed the producer. This bill, as reported by the Committee on Appropriations, recognized this requirement, as does Mrs. MALONEY' amendment. Thus, I shall not object to the gentlelady's amendment even though it will hinder the MMS in its efforts to explore adding value for the taxpayer. This is because the Maloney amendment strikes language allowing the MMS to contract with outside marketers who are skilled in aggregating volumes of natural gas and finding the best price for it. Yes, MMS will be able to do this work ''in house'' with its own personnel, but MMS itself recognizes that its employees lack the trading skills learned in the competitive marketplace. We cannot expect them to match the ''uplift'' private marketers would bring to the government's natural gas supply.

Mr. Chairman, the provision which follows the Maloney amendment in the text of this bill insures the taxpayers will not lose money in the conduct of the R-I-K pilots, but the shame here is that the opportunity to add further value for the taxpayer is unduly constrained by this amendment.

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

Mr. Chairman, we are prepared to accept the amendment.

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

Mr. Chairman, we accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Mrs. MALONEY).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. REGULA

Mr. REGULA. Mr. Chairman, I offer an amendment, and I ask unanimous consent to return to page 17, line 7, and that this amendment be made in order.

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

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. REGULA: On page 17, line 7 after the dollar amount insert ''(increased by $20,000,000)''.

Mr. REGULA. Mr. Chairman, what this amendment does is increases the Park Service's land acquisition by $20 million, and the funding is directed to the high priority inholdings. I think it is very important, as they acquire land, that wherever possible we should purchase inholdings and thereby complete the parks. This funding, of course, is for purchases from willing sellers.

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

Mr. Chairman, we will accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. REGULA).

The amendment was agreed to.

Mr. STUPAK. Mr. Chairman, I move to strike the last word and enter into a colloquy with the gentleman from Washington (Mr. DICKS).

Mr. Chairman, I was going to offer an amendment today on snowmobile use in certain national parks. Mr. Chairman, the national parks has more than 375 units. These units run from the historic homes here in Washington, D.C., the beauty of the Great Lakes, all the way up to Alaska. For all these units, their popularity is directly related to their access to the parks. As one generation immerses itself in the beauty and history of our national parks, so will the next.

This appreciation is often heightened by providing year-round access to parks. In some units, snowmobiles are necessary for traversing the isolated park lands of our northern States. In other units, like the Pictured Rocks in my district, snowmobiles are used for recreational purposes on restricted routes.

Unfortunately, on April 27, 2000, Interior Department Assistant Secretary Don Barry issued an announcement that many regarded as a ban of snowmobile use in the national park. The announcement said that the National Park Service must enforce existing regulations regarding snowmobile use. While I understand the need to balance the preservation of our park units with the public's desire for recreation, this issue is about much more. Foremost, the issues of public input must be addressed.

Most of these parks have general management plans that permit snowmobiling in designated areas. These plans, promulgated in law as special regulations, were agreed to by the local park officials and neighboring communities. How then can park officials in Washington, D.C. chastise local communities for not enforcing a snowmobile ban? In many cases, the local communities wanted snowmobile use, not restricted use. Snowmobilers wanted controlled and sensible use. That is why the designated snowmobile routes were promulgated as special regulations in Pictured Rocks National Park and other parks. Snowmobilers want to be held to a high standard.

To overturn these regulations, the National Park Service will require a new regulation or rule under the Administrative Procedures Act. The National Park Service cannot simply make an announcement and expect it to carry the weight of law. There is a process to be followed here. The process includes publishing a proposed rule or regulation in the Federal Register, taking comments from the public and issuing a final rule.

The method used by the Park Service announcement, however, attempts to circumvent the Administrative Procedures Act.

Mr. Chairman, I implore the National Park Service, before it proposes such a rule, to go to my community and determine if snowmobiles are damaging

the park; ask local residents if they want to continue with some controls on snowmobile use; but please do not make a national announcement that undermines local involvement, ignores local concerns and bans snowmobile use when such an announcement is not enforceable and does not carry the weight of law.

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

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

Mr. DICKS. The gentleman is correct that a new regulation must be promulgated by the Park Service before a ban on snowmobile use can be enforced at Pictured Rocks. If the Park Service proposes such a regulation, the constituents of the gentleman from Michigan (Mr. STUPAK) will be provided with ample opportunity to express their concern and interest.

I agree with the gentlemen that before proposing such a regulation that the Park Service should solicit the input of the park superintendent and the local community and follow the Administrative Procedures Act.

Mr. STUPAK. Mr. Chairman, reclaiming my time, I thank the gentleman from Washington (Mr. DICKS) for his support and for his understanding of what we are trying to do. I would also like to thank the gentleman from Ohio (Mr. REGULA).

Mr. Chairman, I will not offer my amendment. It will not be offered at this time or later tonight. I would withdraw that proposed amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, $6,118,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not to exceed 10 passenger motor vehicles, for replacement only; $97,478,000: *Provided*, That the Secretary of the Interior, pursuant to regulations, may use directly or through grants to States, moneys collected in fiscal year 2001 for civil penalties assessed under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: *Provided further*, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not more than 10 passenger motor vehicles for replacement only, $197,873,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended; of which up to $8,000,000, to be derived from the Federal Expenses Share of the Fund, shall be for supplemental grants to States for the reclamation of abandoned sites with acid mine rock drainage from coal mines, and for associated activities, through the Appalachian Clean Streams Initiative: *Provided*, That grants to minimum program States will be $1,500,000 per State in fiscal year 2000: *Provided further*, That of the funds herein provided up to $18,000,000 may be used for the emergency program authorized by section 410 of Public Law 95–87, as amended, of which no more than 25 percent shall be used for emergency reclamation projects in any one State and funds for federally administered emergency reclamation projects under this proviso shall not exceed $11,000,000: *Provided further*, That prior year unobligated funds appropriated for the emergency reclamation program shall not be subject to the 25 percent limitation per State and may be used without fiscal year limitation for emergency projects: *Provided further*, That pursuant to Public Law 97–365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: *Provided further*, That funds made available under title IV of Public Law 95–87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: *Provided further*, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: *Provided further*, That from the funds provided herein, in addition to the amount granted to the Commonwealth of Pennsylvania under Sections 402(g)(1) and 402(g)(5) of the Surface Mining Control and Reclamation Act, an additional $2,000,000 shall be made available to the Commonwealth of Pennsylvania to reclaim abandoned coal mine sites and for acid mine drainage remediation caused by past coal mining practices: *Provided further*, That the additional funds are to be used to address such problems in the anthracite region of Pennsylvania.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001–2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, $1,657,446,000, to remain available until September 30, 2002 except as otherwise provided herein, of which not to exceed $93,225,000 shall be for welfare assistance payments and notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed $125,229,000 shall be available for payments to tribes and tribal organizations for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2001, as authorized by such Act, except that tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs; and of which not to exceed $406,010,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2001, and shall remain available until September 30, 2002; and of which not to exceed $39,722,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, self-governance grants, the Indian Self-Determination Fund, land records improvement, and the Navajo-Hopi Settlement Program: *Provided*, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed $42,160,000 within and only from such amounts made available for school operations shall be available to tribes and tribal organizations for administrative cost grants associated with the operation of Bureau-funded schools: *Provided further*, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 2002, may be transferred during fiscal year 2003 to an Indian forest land assistance account established for the benefit of such tribe within the tribe's trust fund account: *Provided further*, That any such unobligated balances not so transferred shall expire on September 30, 2003.

CONSTRUCTION

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87–483, $184,404,000, to remain available until expended: *Provided*, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: *Provided further*, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: *Provided further*, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable basis: *Provided further*, That for fiscal year 2001, in implementing new construction or facilities improvement and repair project grants in excess of $100,000 that are provided to tribally controlled grant schools under Public Law 100–297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: *Provided further*, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: *Provided further*, That in considering applications, the Secretary shall consider whether the Indian tribe or tribal organization would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(a), with respect to organizational and financial management capabilities: *Provided further*, That if the Secretary declines an application, the Secretary shall follow the requirements contained in 25 U.S.C. 2505(f): *Provided further*, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2508(e).

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, $34,026,000, to remain

available until expended; of which $25,149,000 shall be available for implementation of enacted Indian land and water claim settlements pursuant to Public Laws 101–618, and 102–575, and for implementation of other enacted water rights settlements; of which $8,000,000 shall be available for Tribal compact administration, economic development and future water supplies facilities under Public Law 106–163; and of which $877,000 shall be available pursuant to Public Laws 99–264 and 100–580.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed loans, $4,500,000, as authorized by the Indian Financing Act of 1974, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $59,682,000.

In addition, for administrative expenses to carry out the guaranteed loan programs, $485,000.

ADMINISTRATIVE PROVISIONS

The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts and grants, either directly or in cooperation with States and other organizations.

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans, the Indian loan guarantee and insurance fund, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits, and purchase of not to exceed 229 passenger motor vehicles, of which not to exceed 187 shall be for replacement only.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office operations, pooled overhead general administration (except facilities operations and maintenance), or provided to implement the recommendations of the National Academy of Public Administration's August 1999 report shall be available for tribal contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103–413).

In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs for distribution to other tribes, this action shall not diminish the Federal Government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

Notwithstanding any other provision of law, no funds available to the Bureau, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska.

Appropriations made available in this or any other Act for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro-rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter school's operation and employees of a charter school shall not be treated as Federal employees for purposes of chapter 171 of title 28, United States Code (commonly known as the ''Federal Tort Claims Act''). Not later than June 15, 2001, the Secretary of the Interior shall evaluate the effectiveness of Bureau-funded schools sharing facilities with charter schools in the manner described in the preceding sentence and prepare and submit a report on the finding of that evaluation to the Committees on Appropriations of the Senate and of the House.

DEPARTMENTAL OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, $69,471,000, of which: (1) $65,076,000 shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) $4,395,000 shall be available for salaries and expenses of the Office of Insular Affairs: *Provided*, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the General Accounting Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: *Provided further*, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104–134: *Provided further*, That of the amounts provided for technical assistance, not to exceed $300,000 may be made available for transfer to the Disaster Assistance Direct Loan Program Account of the Federal Emergency Management Agency for the purpose of covering the cost of forgiving a portion of the obligation of the Government of the Virgin Islands to pay interest which has accrued on Community Disaster Loan 841 during fiscal year 2000, as required by section 504 of the Congressional Budget Act of 1974, as amended (2 U.S.C. 661c): *Provided further*, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: *Provided further*, That of the amounts provided for technical assistance, the amount of $700,000 shall be made available to the Prior Service Benefits Trust Fund for its program of benefit payments to individuals: *Provided further*, That none of this amount shall be used for administrative expenses of the Prior Service Benefits Trust Fund: *Provided further*, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure in American Samoa, Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia through assessments of long-range operations maintenance needs, improved capability of local operations and maintenance institutions and agencies (including management and vocational education training), and project-specific maintenance (with territorial participation and cost sharing to be determined by the Secretary based on the individual territory's commitment to timely maintenance of its capital assets): *Provided further*, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

For economic assistance and necessary expenses for the Federated States of Micronesia and the Republic of the Marshall Islands as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, and for economic assistance and necessary expenses for the Republic of Palau as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, $20,745,000, to remain available until expended, as authorized by Public Law 99–239 and Public Law 99–658.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for management of the Department of the Interior, $62,406,000, of which not to exceed $8,500 may be for official reception and representation expenses and of which up to $1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $40,196,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, $26,086,000.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

For operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, $82,428,000, to remain available until expended: *Provided*, That funds for trust management improvements may be transferred, as needed, to the Bureau of Indian Affairs ''Operation of Indian Programs'' account and to the Departmental Management ''Salaries and Expenses'' account: *Provided further*, That funds made available to tribes and tribal organizations through contracts or grants obligated during fiscal year 2001, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or

grantee: *Provided further,* That notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: *Provided further,* That notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 18 months and has a balance of $1.00 or less: *Provided further,* That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder.

INDIAN LAND CONSOLIDATION

For implementation of a program for consolidation of fractional interests in Indian Lands and expenses associated with redetermining and redistributing escalated interests in allotted lands by direct expenditure or cooperative agreement, $5,000,000 to remain available until expended and which may be transferred to the Bureau of Indian Affairs and Departmental Management, of which not to exceed $500,000 shall be available for administrative expenses: *Provided,* That the Secretary may enter into a cooperative agreement, which shall not be subject to Public law 93–638, as amended, with a tribe having jurisdiction over the reservation to implement the program to acquire fractional interests on behalf of such tribe: *Provided further,* That the Secretary may develop a reservation-wide system for establishing the fair market value of various types of lands and improvements to govern the amounts offered for acquisition of fractional interests: *Provided further,* That acquisitions shall be limited to one or more reservations as determined by the Secretary: *Provided further,* That funds shall be available for acquisition of fractional interests in trust or restricted lands with the consent of its owners and at fair market value, and the Secretary shall hold in trust for such tribe all interests acquired pursuant to this program: *Provided further,* That all proceeds from any lease, resource sale contract, right-of-way or other transaction derived from the fractional interests shall be credited to this appropriation, and remain available until expended, until the purchase price paid by the Secretary under this appropriation has been recovered from such proceeds: *Provided further,* That once the purchase price has been recovered, all subsequent proceeds shall be managed by the Secretary for the benefit of the applicable tribe or paid directly to the tribe.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (Public Law 101–380) (33 U.S.C. 2701 et seq.), and Public Law 101–337, as amended (16 U.S.C. 19jj et seq.), $5,374,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: *Provided,* That notwithstanding any other provision of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft: *Provided further,* That no programs funded with appropriated funds in the ''Departmental Management'', ''Office of the Solicitor'', and ''Office of Inspector General'' may be augmented through the Working Capital Fund or the Consolidated Working Fund.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided,* That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: *Provided further,* That all funds used pursuant to this section are hereby designated by Congress to be ''emergency requirements'' pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99–198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95–87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided,* That appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further,* That for wildland fire operations, no funds shall be made available under this authority until the Secretary determines that funds appropriated for ''wildland fire operations'' shall be exhausted within thirty days: *Provided further,* That all funds used pursuant to this section are hereby designated by Congress to be ''emergency requirements'' pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible: *Provided further,* That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, United States Code: *Provided,* That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902 and D.C. Code 4–204).

SEC. 106. Annual appropriations made in this title shall be available for obligation in connection with contracts issued for services or rentals for periods not in excess of 12 months beginning at any time during the fiscal year.

SEC. 107. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore leasing and related activities placed under restriction in the President's moratorium statement of June 26, 1990, in the areas of northern, central, and southern California; the North Atlantic; Washington and Oregon; and the eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

SEC. 108. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore oil and natural gas preleasing, leasing, and related activities, on lands within the North Aleutian Basin planning area.

SEC. 109. No funds provided in this title may be expended by the Department of the Interior to conduct offshore oil and natural gas preleasing, leasing and related activities in the eastern Gulf of Mexico planning area for any lands located outside Sale 181, as identified in the final Outer Continental Shelf 5-Year Oil and Gas Leasing Program, 1997–2002.

SEC. 110. No funds provided in this title may be expended by the Department of the Interior to conduct oil and natural gas preleasing, leasing and related activities in the Mid-Atlantic and South Atlantic planning areas.

SEC. 111. Advance payments made under this title to Indian tribes, tribal organizations, and tribal consortia pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.) may be invested by the Indian tribe, tribal organization, or consortium before such funds are expended for the

purposes of the grant, compact, or annual funding agreement so long as such funds are—

(1) invested by the Indian tribe, tribal organization, or consortium only in obligations of the United States, or in obligations or securities that are guaranteed or insured by the United States, or mutual (or other) funds registered with the Securities and Exchange Commission and which only invest in obligations of the United States or securities that are guaranteed or insured by the United States; or

(2) deposited only into accounts that are insured by an agency or instrumentality of the United States, or are fully collateralized to ensure protection of the funds, even in the event of a bank failure.

SEC. 112. Notwithstanding any other provisions of law, the National Park Service shall not develop or implement a reduced entrance fee program to accommodate non-local travel through a unit. The Secretary may provide for and regulate local non-recreational passage through units of the National Park System, allowing each unit to develop guidelines and permits for such activity appropriate to that unit.

SEC. 113. Refunds or rebates received on an on-going basis from a credit card services provider under the Department of the Interior's charge card programs, hereafter may be deposited to and retained without fiscal year limitation in the Departmental Working Capital Fund established under 43 U.S.C. 1467 and used to fund management initiatives of general benefit to the Department of the Interior's bureaus and offices as determined by the Secretary or his designee.

SEC. 114. Appropriations made in this title under the headings Bureau of Indian Affairs and Office of Special Trustee for American Indians and any available unobligated balances from prior appropriations Acts made under the same headings, shall be available for expenditure or transfer for Indian trust management activities pursuant to the Trust Management Improvement Project High Level Implementation Plan.

SEC. 115. Notwithstanding any provision of law, hereafter the Secretary of the Interior is authorized to negotiate and enter into agreements and leases, without regard to section 321 of chapter 314 of the Act of June 30, 1932 (40 U.S.C. 303b), with any person, firm, association, organization, corporation, or governmental entity for all or part of the property within Fort Baker administered by the Secretary as part of Golden Gate National Recreation Area. The proceeds of the agreements or leases shall be retained by the Secretary and such proceeds shall be available, without future appropriation, for the preservation, restoration, operation, maintenance and interpretation and related expenses incurred with respect to Fort Baker properties.

SEC. 116. A grazing permit or lease that expires (or is transferred) during fiscal year 2001 shall be renewed under section 402 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1752) or if applicable, sections 306 and 510 of the California Desert Protection Act (16 U.S.C. 410aaa–50). The terms and conditions contained in the expiring permit or lease shall continue in effect under the new permit or lease until such time as the Secretary of the Interior completes processing of such permit or lease in compliance with all applicable laws and regulations, at which time such permit or lease may be canceled, suspended or modified, in whole or in part, to meet the requirements of such applicable laws and regulations. Nothing in this section shall be deemed to alter the Secretary's statutory authority.

AMENDMENT OFFERED BY MR. REGULA

Mr. REGULA. Mr. Chairman, I ask unanimous consent to return to page 5, line 12, to offer an amendment.

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

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. REGULA: On page 5, line 12 after the dollar amount insert ''(decreased by $1,000,000 and increased by $1,000,000)''.

Mr. REGULA. Mr. Chairman, this amendment decreases construction funding for the Escalante Science Center by $1 million. It is not quite ready to go forward. It increases funding for the National Trail Center in Casper, Wyoming, which we had an oversight on and had previously committed to do.

The Members involved in this switch are both in agreement with it, and I urge the adoption of the amendment.

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

Mr. Chairman, we support the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. REGULA).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. INSLEE.

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

The Clerk read as follows:

Amendment offered by Mr. INSLEE: Page 49, beginning at line 23, strike section 116.

Mr. INSLEE. Mr. Chairman, this amendment will strike section 116, which has a considerable anti-environmental impact both because of the way it was drawn and because of existing law, because basically the existing section of the bill, if allowed to stand, would essentially lock in the livestock levels and practices, on various areas that are leased, for grazing after the permit expires, after the lease has expired and after BLM and other agencies have made good faith attempts to improve the environmental activities in the grazing.

For instance, when a lease expires now, our Federal Government is charged with the responsibility of making sure that before there is a renewal that there is not overgrazing that occurs in the land or there is not erosion that occurs on the land.

Under existing law and for the last probably 100 years, they had the right to do that, not subject to the unilateral decision-making by the permittee.

Unfortunately, the way this language is drafted in the existing proposed bill, it would allow the permittee to unilaterally, in a sense, insist on the continuation of the number of animals on the unit, of the uses and the practices on the unit, even to the extent one can have environmental damage. The way that that is drafted, it essentially would turn the lease on its head, because for decades in this country, when the permit expired, the permit expired. Essentially, in a Supreme Court decision that took place very recently, just in May of this year, called Public Lands Council versus Babbitt, the Supreme Court reaffirmed the proposition again that permittees do not have a right title in interest of land that is constitutionally protected after the expiration of the lease or permit.

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Unfortunately, the way that this action is drafted, it would allow, and I want to repeat that not all folks who are grazing are bad stewards in the land. Many of them are doing a tremendous job as stewards of the land. But there are some that, frankly, have loads of grazing that are causing damage to the land in the environmental aspect that we want to protect. It would allow those permitees to essentially unilaterally tell the BLM or the Forest Service that, No, no, I do not agree. Your process is not completed. I do not believe your process was adequate; therefore, I am going to appeal your process to another level or to a Federal court or to the Court of Appeals or to the Supreme Court.

While that was going on, Uncle Sam and the taxpayers would be required to be submitted to whatever the permitee had going on in the land in the first 10 years of the lease. I think that really is not consistent with our idea that, when the permit expires, Uncle Sam ought to have the ability to negotiate in good faith with the permitee about what provisions occur.

Now, I am not alone in being concerned about the environmental aspects of this. Our amendment is supported by the League of Conservation Voters and Trout Unlimited, U.S. PIRG, the National Wildlife Federation, the Sierra Club, and the Wilderness Society. The reason, Mr. Chairman, that those groups are concerned about this is that they believe it could be a fairly significant opening up and restriction of our agency's ability to fulfill their environmental mandate.

I also wanted to point out, and I presume the drafters of the language had some concern, that there would be some wholesale refusal or failure to simply reprocess these permits. But I have done some looking into it; and I found that, under existing loads, the agency ought to be able to handle these permits.

In the next year, about 1,600 permits will expire. They will have to do about 170 for previous years for under 2,000 permits. Last year, the agencies processed 3,847 permits.

So basically the agencies are capable of doing this. Our concern is that if we pass this language the way it was written, it will allow some permitees, some, not all, but some to essentially prevent BLM from enforcing environmental laws by essentially saying, even though my permit is expired, I am going to force Uncle Sam to except however many animals I have had, and that we are going to keep those animals on even if my permit is expired as

long as I keep this tied up in the courts.

I believe that is inconsistent with long-term practices and environmental law.

Mr. Chairman, I yield to the gentleman from Colorado (Mr. UDALL).

Mr. UDALL of Colorado. Mr. Chairman, I thank the gentleman from Washington for yielding to me.

Mr. Chairman, I rise in support of his amendment because I think the language of the bill raises serious questions and goes beyond what is needed. I am told, as is the gentleman from Washington, by the BLM that they do not need this provision and that they are capable of processing all of the grazing permits that will expire in the next fiscal year.

So I think for that simple reason alone, we ought to adopt this amendment and not get in the way of the work that the BLM is doing on its own at this point.

Mr. INSLEE. Mr. Chairman, reclaiming my time, I yield to the gentleman from Ohio (Mr. REGULA).

Mr. REGULA. Mr. Chairman, does the gentleman from Washington (Mr. INSLEE) understand that the decision rests with BLM? This is permissive authority for them to deal with the problem in the event, for lack of resources, both monetary and manpower that they would not be able to address all of the permits that have an environmental consideration. We are simply giving them some latitude to make the decision, but they do not have to do this.

I do not think it gives the permitees any standing because they have to negotiate with BLM. This is language similar to what we had negotiated with the President last year and just simply recognizing that the task was so huge they may not be able to effectively renegotiate all of these permits within the time allocated.

The CHAIRMAN. The time of the gentleman from Washington (Mr. INSLEE) has expired.

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

Mr. Chairman, I yield to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Chairman, I think we have a significant drafting issue that I very much would encourage the Chair to look at because I have looked at it very carefully. There is quite a number of folks that have looked at it.

I am very clear that the way the language is drafted at this time, it would allow the permittee to insist in the continuation of the lease for as long as this process in appeal period is involved. If that was the intention of the gentleman from Ohio (Chairman REGULA) to make this permissive or discretionary with the Bureau rather than mandatory to the permittee, I really believe we need some changes in the drafting. If that is the intention, I would perhaps encourage us to defer this for a few minutes so we could have that discussion. I really believe we need some drafting changes here.

Mr. REGULA. Mr. Chairman, it is our understanding, and this was negotiated with the President and the BLM last year. We put the identical language in this year. We do not think it would be appropriate next year because it is our hope that the BLM will have the resources to process the expiring grazing permits in conformance with the court's decision. Perhaps rather than remove it, we could change a word or two to give the gentleman from Washington (Mr. INSLEE) some comfort to at least accomplish what we think is being the effect of the language.

Mr. INSLEE. Mr. Chairman, with the Chair's permission, if we can find a parliamentary way to do this, table this for at least a few minutes while we have discussions in that regard, if the Chair would allow in that regard.

Mr. REGULA. Mr. Chairman, with the consent of the parties here, if we could defer this amendment, I would ask unanimous consent to return to this section at some later point, and allow some time to see if we can reach a meeting of the minds on the language that accomplishes the objectives of all the parties.

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

There was no objection.

The CHAIRMAN. The amendment is withdrawn without prejudice and may be returned to at a later time in the bill.

The Clerk will read.

The Clerk read as follows:

SEC. 117. Notwithstanding any other provision of law, for the purpose of reducing the backlog of Indian probate cases in the Department of the Interior, the hearing requirements of chapter 10 of title 25, United States Code, are deemed satisfied by a proceeding conducted by an Indian probate judge, appointed by the Secretary without regard to the provisions of title 5, United States Code, governing the appointments in the competitive service, for such period of time as the Secretary determines necessary: *Provided,* That the basic pay of an Indian probate judge so appointed may be fixed by the Secretary without regard to the provisions of chapter 51, and subchapter III of chapter 53 of title 5, United States Code, governing the classification and pay of General Schedule employees, except that no such Indian probate judge may be paid at a level which exceeds the maximum rate payable for the highest grade of the General Schedule, including locality pay.

SEC. 118. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2001. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

SEC. 119. None of the funds in this Act may be used to establish a new National Wildlife Refuge in the Kankakee River basin that is inconsistent with the United States Army Corps of Engineers' efforts to control flooding and siltation in that area. Written certification of consistency shall be submitted to the House and Senate Committees on Appropriations prior to refuge establishment.

SEC. 120. The Great Marsh Trail at the Mason Neck National Wildlife Refuge in Virginia is hereby named for Joseph V. Gartlan, Jr. and shall hereafter be referred to in any law, document, or records of the United States as the ''Joseph V. Gartlan, Jr. Great Marsh Trail''.

SEC. 121. Funds appropriated for the Bureau of Indian Affairs for postsecondary schools for fiscal year 2001 shall be allocated among the schools proportionate to the unmet need of the schools as determined by the Postsecondary Funding Formula adopted by the Office of Indian Education Programs.

SEC. 122. None of the funds in this Act may be expended by the United States Fish and Wildlife Service to establish a National Wildlife Refuge in the Yolo Bypass of California.

AMENDMENT OFFERED BY MR. OSE

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

The Clerk read as follows:

Amendment offered by Mr. OSE:

On page 52, strike lines 12 through 15.

Mr. OSE. Mr. Chairman, I want to preface my remarks this evening by expressing my appreciation to the gentleman from Ohio (Mr. REGULA). In particular, over the last 6 months as he has worked with me to try and address an issue of significant concern to my district.

I will tell my colleagues, coming to Congress recently with the expectation that it was a place of contentiousness and divisiveness, I will tell my colleagues that, having worked with the gentleman from Ohio (Chairman REGULA), he has affirmed my faith in our legislative body. He is a bulwark against inappropriate action and has taught this freshman so much for which I am appreciative.

To the gentleman from Washington (Mr. DICKS), the ranking member, who has taken the time to pull me aside sometimes with resistance from myself, I want to extend my compliments. I know the gentleman has been here far longer than I have.

I will tell my colleagues, working with the gentleman from Washington (Mr. DICKS) and the gentleman from Ohio (Mr. REGULA) is an eye opener. It is truly something that I wish our citizens could see firsthand for themselves. It is far different than perhaps the worst of our examples. It is, in fact, exactly the way that the system works. I want to, in particular, also recognize their assistance in this manner and express my appreciation for it.

Mr. DICKS. Mr. Chairman, will the gentleman yield just for a brief comment?

Mr. OSE. Certainly, I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I want to say to the gentleman from California (Mr. OSE) that he has been a gentleman to work with and very persistent, but that is a good trait where I come from. We just appreciate his attitude and his approach to this problem.

Mr. OSE. I thank the gentleman from Washington (Mr. DICKS) for those remarks.

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

Mr. OSE. Certainly, I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, this is a good example of our working together in a bipartisan way to meet a problem that affects the people that the gentleman from California represents. He is doing an effective job on behalf of his constituents, and that is what this House is all about.

Mr. OSE. Mr. Chairman, I thank the gentleman from Ohio (Chairman REGULA) and the gentleman from Washington (Mr. DICKS), the ranking member, for their comments.

Mr. Chairman, I want to briefly highlight the problem that these two distinguished gentlemen have helped me solve. This is a map of northern California. I represent basically the center portion of this. Geographically, this area is roughly two-thirds the size of the State of Washington. It is larger than, say, four or five States one may wish to select in New England. It is the size of two-thirds the State of New York. The State of Ohio could potentially fit right here.

The purpose of this map is to highlight how this entire area, rather than draining to the Pacific Ocean, the water that falls within this area works its way south down the Sacramento River and its tributaries for which one can see the vast expansion and number past a particular point opposite downtown Sacramento.

The main channel of the Sacramento River can hold around 150,000 cubic feet a second. The difficulty we have from this region is that, by virtue of the large geographic expansion, the rainfall in this region can generate up to 650,000 cubic feet a second of water flowing past downtown Sacramento.

The area that is the subject of our concern tonight is the Yolo Bypass. The Yolo Bypass, as many of my colleagues may realize, is the relief valve that protects the Sacramento area from an inordinate amount of water being forced down the main channel. The bypass contains up to 500,000 cubic feet a second. That is the subject of our discussion tonight.

At the suggestion of the gentleman from Ohio (Mr. REGULA) and the gentleman from Washington (Mr. DICKS), I have taken the opportunity to visit with the director of the Fish and Wildlife Service, Ms. Clark. We have, contrary to where we were headed earlier today, we have come to an agreement that allows us to work together to solve the competing needs between flood protection in one instance and the creation of an adequate amount of habitat in our State in another. I look forward to that.

I do want to, if I may, enter into a colloquy at this point with the gentleman from Washington (Mr. DICKS) to establish understanding of how we are going to proceed from here as it relates to this issue.

If I could, I would like to share with the gentleman from Washington my understanding of my discussion with Ms. Clark and have him affirm it, if he will.

When I spoke with Ms. Clark, what we agreed to do as it relates to the Yolo Bypass and any proposed refuge is to complete the existing environmental work that has been under way for quite some time. Ms. Clark has agreed that she will withhold any designation of a refuge in this area until such time as we can resolve any identified outstanding issues to our satisfaction and that I would withdraw my language from the bill as I have in the body of this amendment.

Mr. Chairman, I ask the gentleman from Washington (Mr. DICKS), the ranking member, if that is his understanding.

Mr. Chairman, I yield to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Chairman, yes, I had an opportunity to talk to Jamie Clark, our distinguished director of the Fish and Wildlife Service. She certainly indicated to me a willingness to work with the gentleman from California (Mr. OSE) and the other officials from that area.

The CHAIRMAN. The time of the gentleman from California (Mr. OSE) has expired.

(On request of Mr. DICKS, and by unanimous consent, Mr. OSE was allowed to proceed for 2 additional minutes.)

Mr. OSE. Mr. Chairman, I yield to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Chairman, I promise the gentleman from California, one, that we will work to make sure that all commitments are kept by the administration, and, number two, that I am very interested in this, and I want to work with the gentleman and the other Members in that area in resolving this issue to the gentleman's satisfaction.

The most important point here is that the Fish and Wildlife Service understands the crucial importance of having adequate flood control and reliable flood control even in the context of this new wildlife refuge once it is created. So I think this is a good outcome. And I appreciate the gentleman's interest and will work with him to resolve this problem in a proper way.

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

Mr. OSE. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I want to commend the gentleman from Washington (Mr. DICKS) and also Mrs. Clark, Director of the Fish and Wildlife Service, for working with the gentleman in a very bipartisan fashion to solve a problem that affects the people in the gentleman's district.

I think it is a great example of how government officials, executive and legislative, can work together to do something that is beneficial to the people. We hear so much about the lack of bipartisanship, but this is a great example that it does work.

Mr. OSE. Reclaiming my time, Mr. Chairman, I thank the gentleman from Ohio, the chairman of the subcommittee, and I thank the ranking member, the gentleman from Washington, and I look forward to resolving this appropriately.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. OSE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HINCHEY

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

The Clerk read as follows:

Amendment offered by Mr. HINCHEY:

Page 52, after line 15, add the following new section:

SEC. ____. The amounts otherwise provided by this title are revised by decreasing the amount made available under the heading ''NATIONAL PARK SERVICE—CONSTRUCTION'' by $9,000,000 and by increasing the amount made available under the heading ''NATIONAL PARK SERVICE—LAND ACQUISITION AND STATE ASSISTANCE'' for acquisition of lands or waters, or interests therein, by $9,000,000.

Mr. HINCHEY. Mr. Chairman, the purpose of this amendment really is very simple. It is designed to ensure that this $9 million, which is appropriated in the interior appropriation bill, goes to the State of Florida, as it was intended by the chairman and the members of the committee; and that that $9 million would be used for land acquisition in a way that would enhance and protect the Everglades in the State of Florida.

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

Mr. HINCHEY. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I thank the gentleman for yielding to me.

We are in agreement with this amendment. I think it reaches the intent of what we are trying to do in the committee, and that is to provide funding to match what the State of Florida is doing in land acquisition. This does not remove it, but rather ensures that the money that we have appropriated from all the taxpayers in the United States will be used to benefit a resource that is very valuable to the people of this Nation, namely: the Everglades National Park.

This goes to make sure that the money we appropriate goes to the kind of purpose that the constituents, the people of this Nation, would find very desirable. I commend the gentleman for the language, and I am willing to accept the amendment.

Mr. HINCHEY. Reclaiming my time, Mr. Chairman, I thank the gentleman, the chairman of the Subcommittee on Interior of the Committee on Appropriations, and I very much appreciate, as always, having the opportunity to work with him in a constructive way.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. HINCHEY).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. DICKS

Mr. DICKS. Mr. Chairman, I offer an amendment, a consolidated amendment at the desk.

The Clerk read as follows:

Amendment offered by Mr. DICKS:

On page 52, after line 15, add the following new section:

SEC. ____. Any limitation imposed under this Act on funds made available by this Act related to planning and management of national monuments, or activities related to the Interior Columbia Basin Ecosystem Management Plan shall not apply to any activity which is otherwise authorized by law.

Mr. REGULA. Mr. Chairman, I ask unanimous consent that debate and votes on the gentleman's amendment and all amendments thereto be temporarily put aside, without prejudice, and that it be the first order of new business after 9:30 this evening.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio that the amendment be withdrawn and be permitted to be reoffered later during the bill?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, $224,966,000, to remain available until expended.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, cooperative forestry, and education and land conservation activities and conducting an international program as authorized, $197,337,000, to remain available until expended, as authorized by law: *Provided*, That none of the funds appropriated or otherwise made available by this Act or otherwise available to the Secretary shall be used to carry out any activity related to the urban resources partnership or similar or successor programs.

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, $1,207,545,000, to remain available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 460l–6a(i)): *Provided*, That unobligated balances available at the start of fiscal year 2001 shall be displayed by extended budget line item in the fiscal year 2002 budget justification.

AMENDMENT NO. 35 OFFERED BY MR. DEFAZIO

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 35 offered by Mr. DEFAZIO:

Page 53, line 14, insert after the dollar amount the following: ''(increased by $26,000,000)''.

Page 67, line 16, insert after the dollar amount the following: ''(reduced by $53,000,000)''.

Mr. DEFAZIO. Mr. Chairman, this is an important amendment.

As the esteemed chair of the subcommittee refers to the Forest Service as the working man's country club, it is an everyday recreation area for tens of millions of Americans across the western United States.

I think everyone in this body would agree, certainly including the members of this subcommittee, that our recreation needs on the Forest Service lands are not being met. There is an extraordinary backlog in trails and facilities maintenance. There is virtually no construction of new trails, with the exception of volunteer activities. Recreation is up phenomenally, and the Forest Service has no capability of dealing with it.

This amendment would take money from the petroleum and natural gas industries, the Department of Energy budget. I believe that those industries are quite capable on their own, particularly given the huge run-up we have seen recently in oil prices, in conducting their own exploration, for instance. I do not think that the Federal Government needs to be providing incentives for exploration and in production for the oil industry.

Reservoir life extension and management? Certainly the industry, with these extraordinarily high oil prices and gas prices, has its own incentive plus huge tax breaks to invest in that area. Likewise, for exploration and production of natural gas.

I just met with my natural gas folks from the Northwest, and they said things are going swimmingly. They are drilling all sorts of new wells up in Canada and in parts of the United States and they did not give me any inkling they felt they needed a taxpayer subsidy to undertake very profitable exploration activities.

But we do know that we do not have enough money to fund everyday recreation needs of tens of millions of Americans in the western United States on Forest Service lands. So I think this would be a really great trade-off. Let us give average Americans a break, a break they are not getting from the oil and gas companies today when they go to the pump. It is costing them a heck of a lot more to get to the forests because of the gas prices that they are being charged.

And when they get to the forests they find the facilities are overcrowded, outmoded, inadequate. They find their trails are blocked by downed trees. They find that the same areas they have been going to for 30 years are no longer maintained by the Forest Service. Sometimes the roads are gated because the Forest Service cannot afford to maintain them and do the work.

This is an amendment for average Americans. Let us give them a break today. Let us take their tax dollars and spend them on something they want, need and enjoy, and not give it as a subsidy to the petroleum and the gas industry.

I would urge Members to support my amendment.

Mr. REGULA. Mr. Chairman, I rise in opposition to the amendment.

I agree with the gentleman that we need and can always use more money in the Forest Service recreation program. However, I do not want to do that at the expense of developing oil and gas technology.

We already know that the price of gasoline has soared to over $2 a gallon in some parts of the country; that we import more than 50 percent of our oil and it is estimated that this will rise to 64 percent by 2020. The only answer that we have is to improve the technology for producing oil in this country.

It is pretty well accepted in the industry that now we only get about 30 percent of the oil that is in the reservoir with today's technology. If we could double the amount of oil that is produced in a well, it does not take a lot of mathematics to figure out what it could do for the shortages that we are experiencing.

I think it is vitally important that we continue developing better technologies not only to increase production but also to reduce production costs. The more we produce onshore, the less we are subject to OPEC pricing. There is no question that the spike that we have seen on oil prices today results in part by the fact that OPEC can more or less determine what the price per barrel should be simply because we are so dependent on the oil that they produce.

Now, it is not that we have ignored recreation in the bill. I agree with the gentleman. Recreation is extremely important, and we have recognized that by putting a $25 million increase in funding for the Forest Service recreation program. It is a fast-growing program. It is something that our citizens enjoy. It serves us well. It is quite evident when we look at the numbers that of all the Federal land agencies, the Forest Service has substantially the far greater number of visitors, and we want to continue supporting the recreation program.

This is very much a part of the service that the forests provide to our people, but I just do not want to do it at the expense of risking higher and higher oil prices, gasoline prices, and becoming more and more dependent on other countries to supply our petroleum. And one of the most important ways we can avoid that, the higher prices, avoid that dependency, is to continue to do research on oil and gas technology.

If we have more funding available down the road, I would like to increase the amount we commit to recreation and all of our land programs because that is a very important asset to the

people of this Nation. We have increased it by $25 million. Perhaps conditions will be such that we can do even more. But let us not do it at the expense, as this amendment would propose, of crippling our oil and gas technology research.

For these reasons, Mr. Chairman, I oppose this amendment.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I move to strike the last word.

I join to oppose the DeFazio amendment for the following reasons: How dependent do we have to get on unstable parts of the world before it concerns us? In my view, there is no issue facing America more important than energy self-sufficiency.

Just a year and a half ago we had $10 oil, and we had it for quite a while. We became drunk on cheap oil in this country. We had no energy policy, we had no incentives for production in this country, and our dependency continues to grow.

In a few short months, unstable parts of the world that we cannot trust suddenly engineered price increases that tripled the price of oil will per barrel. There is nothing to prevent them from doubling it again. What would happen to the American economy if oil became $60 a barrel? It could devastate the economy of this country.

I am not opposed to where the gentleman is putting the money. I am very pro recreation. But I cannot support taking the money away from energy self-sufficiency when we have allowed ourselves to become dependent on parts of the world that we cannot trust, that are unstable, and who care nothing about our future. I believe it is very poor public policy to take money out of energy self-sufficiency, to take money out of improving our own ability to produce oil.

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We are looking at sonification, where we would double and triple the amount of money that we would get out of existing old oil wells without drilling new ones. We are looking at sonification programs that have a lot of promise by using soundwaves down the well hole where we would drastically increase the amount of oil we got out of those wells, reviving many old wells in this country.

Now, it needs a little more work. It needs a little more research. Those are the kind of projects we need to be dealing with. Those are the kind of incentives. There has been no incentives in this country.

$10 oil destroyed this country's oil business. We do not have rigs in this country to drill. We have a fraction of the rigs to drill wells that we used to.

We are on a course and the DeFazio amendment will push us down that road to where we will be dependent on Iraq and Iran and countries like that for our economic future, and it is ludicrous.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. PETERSON) has expired.

(On request of Mr. DEFAZIO and by unanimous consent, Mr. PETERSON of Pennsylvania was allowed to proceed for 2 additional minutes.)

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

Mr. PETERSON of Pennsylvania. I yield to the gentleman from Oregon.

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, does the gentleman from Pennsylvania (Mr. PETERSON) really believe it is necessary for the taxpayers of the United States to socialize and/or subsidize our oil industry, which is immensely profitable, is price gouging, involved in supporting OPEC in their price fixing, that we need to give them taxpayer dollars to increase their production to go back to old reservoirs and get more production?

Does the gentleman really believe that? I mean, does he really believe that they do not have an incentive from the marketplace to go and do this, we have to give them a taxpayer subsidy?

This is taxpayer dollars. We are underfunding recreation which millions of Americans enjoy.

Yes, we need to become energy independent. This is not about energy independence. It is about subsidizing a vastly profitable industry.

How much is $50 million? Is it 1 minute or 2 minutes' profit for that industry?

Mr. PETERSON of Pennsylvania. Mr. Chairman, reclaiming my time, the gentleman absolutely misses the point.

With $60 oil, people are not going to be able to afford to go on vacation, people will not get out to have recreation, people will not be running motorboats, people will not be having vehicles out there driving.

I want to tell my colleagues, if it does not scare them when oil can go from $10 a barrel to $32 a barrel in a few short months because foreign countries like Iran and Iraq can manipulate this country, if that does not scare my colleagues in the future, I do not know what does.

We have the ability in this country in environmental and sound ways to produce a lot more of our oil. If we produce 60 percent of our oil instead of 48 percent of oil, we would be less dependent on these unstable parts of the world.

I think that is a greater threat to our economic future and the defense of this country than any other foreign power. I think the energy crisis that is looming out there and our vulnerability to it, and there is no reason that we cannot have $40 oil in a month. We can have $50 oil in 2 months. All they have to do is slow down what they are going to sell us, and we are vulnerable; and there is nothing we can do about it. And until we become more self-sufficient and get people we can purchase oil from that are our friends that we can trust, we better be investing in our own security and our ability to produce energy.

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

Mr. Chairman, I say to the gentleman from Pennsylvania (Mr. PETERSON), if I might, he is, of course, a Republican; and I would imagine that he is familiar with the 1997 Republican budget resolution which touched on this issue. So let me quote it for him. This is from the Republican budget resolution of 1997:

''The Department of Energy has spent billions of dollars on research and development since the oil crisis in 1973 triggered this activity. Returns on this investment have not been cost effective, particularly for applied research and development, which industry has ample incentive to undertake.''

I think that is the point that the gentleman from Oregon (Mr. DEFAZIO) is trying to make.

Some of this activity is simply corporate welfare for the oil, gas, and utility industries. Much of it duplicates what industry is already doing. Some has gone to fund technology in which the market has no interest.

That is not me. That is the Republican budget resolution of 1997 regarding the Fossil Fuel Energy Research and Development Program.

I do not often agree with the Republican budgeteers, but I think on this one they are right.

Mr. PETERSON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. SANDERS. I yield to the gentleman from Pennsylvania.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I think it is an indictment of the Clinton-Gore administration with a complete lack of energy policy and an inappropriate management of research dollars. Yes, I think it is an indictment of the last 5 years previous to that of this administration, who had had no energy policy and helped us become dependent on foreign countries.

Mr. SANDERS. Mr. Chairman, reclaiming my time, I really was not trying to be partisan. My colleague can attack Clinton and so forth.

The only point that I was making, and I did not mean to be partisan, I only meant to record for the RECORD what the Republicans in 1997 said. And I think what they said was appropriate.

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

Mr. SANDERS. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, just recently this body voted on a bill called CARA, which would spend almost $4 billion annually on a lot of worthy causes. That money is to be generated from royalties on oil wells on Federal property.

What we are saying here, in part, is that it is incumbent on the Federal Government to support some research to make these wells even more productive to get more of the resource, which will support the CARA bill.

Mr. SANDERS. Mr. Chairman, reclaiming my time, there is no argument with the gentleman from Pennsylvania (Mr. PETERSON) in the sense

that we all want to be energy independent and that we want lower prices. No one is arguing about that.

I think the question is that we have an oil industry which some believe is already rigging the game and artificially raising prices; we have an oil industry today that makes billions and billions of dollars in profits. And some of us would ask, why are they not investing heavily into making more oil efficiently.

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

Mr. SANDERS. I yield to the gentleman from Oregon.

Mr. DEFAZIO. Mr. Chairman, the gentleman previously spoke a lot about energy independence. I support energy independence with alternative energy, energy conservation, and a whole host of other things.

I did vote against the amendment to strike money from real investigation and real research earlier in energy efficiency on an amendment previously. But this is giving more money to the oil industry which is engaged with its OPEC partners in price fixing.

I wonder if the gentleman is a cosponsor of my legislation to require the President, the Metcalf legislation, of which I am a cosponsor, to require the President to file a WTO complaint against their WTO illegal price-fixing activities.

They are proud of it. The president of Venezuela says, hey, we are restraining production, we are fixing prices, and we are sticking it to the Americans. And our President and this Congress is silent on the issue.

Giving $53 million to a multihundred-billion-dollar industry, which is price fixing with overseas partners, is not good. Do my colleagues think they are not happy with the high price of oil? Do my colleagues think that this money is being spent to bring down the price of oil, $53 million would bring down the price of oil?

Mr. SANDERS. Mr. Chairman, reclaiming my time, I would simply say that, while we all want energy efficiency, providing corporate welfare to some of the largest and most profitable corporations in this country is not the way to go.

In a few moments, perhaps, I will be introducing legislation which increases funds for weatherization. Making homes of low-income and working people's homes more energy efficient is a lot better way.

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

Mr. Chairman, I would agree with the two gentlemen on this side. In California, when we asked why in San Diego the prices were so high of gas, the oil industry said, because the market will bear it.

I think the oil companies are ripping us off. It would surprise the gentleman that some of us do believe that when we look at gas prices and what they are across this country.

We had a staged event out here with the truck drivers in this country. They are all going to go bankrupt. They cannot afford the gas prices to haul the products around this country.

So I do not disagree with the gentleman on that. I think we ought to have an investigation through the President on why these oil prices are fixed and are costing us so much.

I would object and I will not support the amendment of the gentleman, however. I will tell my colleagues why.

I also agree with the gentleman that there is a backlog in maintenance and everything else. My whole family used to go to Yosemite in California and the Redwoods. There are gated areas where we cannot get into the roads in San Diego for recreation areas, whether it is even horseback riding; they will not let us into those roads now.

But I would ask of the chairman of the committee, first of all, if there is this big backlog, I understand the President under the Antiquities Act put aside millions of acres in Utah; and our concern, and I see the gentleman from California (Mr. GEORGE MILLER), we had one of the most lengthy debates on this floor on the California desert plan. We lost that issue. The gentleman prevailed. But one of our concerns is, if we put all of these acres into national monuments, into wilderness, where are we going to get the additional funds, especially since we are in backlog?

Now, we asked Secretary Babbitt what areas are they, at least, looking at under the Antiquities Act to nationalize all these millions of acres, most of them in the West, where more than 50 percent of the land is already owned by the Government? Do my colleagues know what the answer was when we asked him would he share where they are, at least, looking? The answer was, no.

So I would ask my colleagues that will support this presidential plan, up to 25 of these, where we are going to get the additional revenue, when we are already short, to nationalize all of these areas. I think it would be a mistake.

The area in Utah that the President nationalized into a park, if we take a look, it was one of the cleanest coal areas in the whole world. Well, the President nationalized that. The next week he gave $50 million to China to crack coal. Guess who now has the monopoly on clean coal? Mr. James Riady. And guess where he cracks his coal? In China.

So we have a question, first of all, of where we want to take and do a backlog; but, on the other hand, they want to nationalize all these different areas.

I think we do need more money for our forests and our parks and our recreations. I think some of that may be through a study to find out why these oil companies are gouging the American public. I think it is scandalous what they are doing.

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

Mr. Chairman, I rise to speak against this particular amendment. I think it is important for us to understand a little bit about the technology that arises from the research that the gentleman is seeking to take the funding from.

The technology that we are talking about is technology that the purpose of which is to make our oil fields more productive. As oil fields age, the production drops in these oil fields; and, of course, the royalties that accrue to governments drop along with it.

Also, what often happens then is that the ownership of these oil fields migrates from the large companies to small producers. The technologies that are developed as a consequence of this research are really intended to help the small producers as opposed to the large oil companies and to keep these small producers going.

What ends up happening usually is it extends the life of these oil fields. The consequence of that is that it often sustains the economy of those local areas. It protects the environment because instead of developing new oil reserves, they can utilize the oil reserves that are there. It increases the revenues that go to local governments and to State governments and even the revenues that come to the U.S. Treasury. They are the principal beneficiaries.

I happen to have a university in my district that has done some of the research, biofilm research, associated with this technology. The consequence of the research that was done originally to try to get a better understanding of what caused oil fields to sour is a whole new area of biofilm that has had incredible benefits in the area of medicine, benefits in the areas of the environment, and is creating whole new industries and whole new jobs all as a consequence of this kind of research.

And so, I think it is important for us to understand that what we are talking about, what this gentleman is trying to take the dollars away from are not the big oil companies. They do not need this research. It is the small producers. It is the universities that are doing this research. And in the end, the loss of this research will mean that we will not have that scientific knowledge and the new opportunities that go with it.

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Mr. PETERSON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. HILL of Montana. I yield to the gentleman from Pennsylvania.

Mr. PETERSON of Pennsylvania. I thank the gentleman for yielding.

Mr. Chairman, I think it is important to counteract the comment that has been made that this is just a handout to large oil companies. The vast majority of oil and gas produced in America is by small independent producers with less than 20 employees. Eighty percent of these independent companies are

family owned. They are small companies that drill 85 percent of the new wells in this country. Not many wells have been drilled. Of the oil research projects funded in this bill, more than 95 percent of them will be carried out by small independent companies, oil field service companies, universities, and laboratories. They also deal with fuel efficiency. They also deal with cleaner burning of fuels. That is what we are taking money from.

Mr. Chairman, this is a bad amendment. The people who have offered it do not understand who produces energy in this country. I come from the original oil patch where the Quaker States and the Pennzoils began, where all the energy began in this country, in western Pennsylvania. The oil was never produced by them. The vast majority was produced by little mom and pops. It is true across this country, in the Texas and the Oklahomas. Most of it is individuals, small companies. It is not the majors. The majors are the marketers and the sellers. They do not produce the energy in this country out of the ground, the vast majority of it.

We need to be more fuel efficient. We need to be using fuels and burning them cleaner. We need to continue to research. Just like we have realized that in health, research is vital to the health of this country. Research is vital to the economic health and being energy efficient in this country and being energy self-sufficient. If we follow the course of those who want us to stop producing oil energy in this country, this country will have no future. I certainly do not want to depend on the Irans and the Iraqs and countries like that for our future. Today we are. They can turn the key. They can make us squirm in a moment. They could double our energy costs in the next 2 months. We must not let that happen.

Mr. GEORGE MILLER of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment. This amendment does one of two things. Either this amendment stands between us and energy independence in a globalized energy world or it saves mom and pops. They have used all the arguments. Never do we see people run so fast to mom and pop oil operations than when they talk about the oil industry. All of a sudden Chevron disappears, Shell disappears, Exxon disappears, Mobil disappears, and it is only the mom and pops that we care about. I remember when we got rid of the oil depletion allowance, it was going to be the end of mom and pops, it was going to be the end of the oil companies, it was going to be the end of the industry. If everybody who said they had a mom and pop oil company in their district had one, we would have been independent then. That was 1975.

For the gentleman to argue that this amendment is the difference between energy independence and nonenergy independence, this is the difference between $30 barrel oil and $60 barrel oil just shows a lack of understanding of the world oil market. Oil did not go above $30 a barrel a few weeks ago, a few months ago when we in California were paying $2 a gallon because they knew that they would drive down the world economy and they would lose their customers. You do not go to $60 a barrel because you can. Because if you do, you turn off your customers. That is why they have got a range. They said they would go between 20 and 30 or 22 and 30 or 28 and 22.

There is only one market in the world. There is only one price of oil in the world. We used to have a domestic market. Domestic producers produced at one price and foreign producers produced at another price. That does not happen anymore. The world price of oil is set once a day. That is the world price of oil. It does not matter if it comes from Texas, it does not matter if it comes from Saudi Arabia or if it comes from the former Soviet Union. That is the world price of oil. That world price of oil is managed very carefully. It is managed very carefully by those producing states because they have to have enough because they have high unemployment, terrible economies, they have got to keep showering money on their people, and not too high so that they turn off the rest of the world economies.

So let us not pretend like this amendment is the difference. We take 10 million barrels a day. That is 260 million gallons of gasoline a day. If you just took the 50 cents extra they charged on the people in Chicago and Michigan, they could pay all this research time and again. It is four times that amount.

I have these research facilities in my district for the oil companies. Oil executives will tell you that they do not make any decisions based upon what the United States Government does because they have to make such great commitments of capital that they cannot worry about our tax laws, our depreciation laws or our research laws. They make those commitments because they have to think in 10-year time lines, they have to think in billion dollar drilling rigs and they have to think in multi-billion dollar pipelines and they have to think in multi-billion dollar commitments around the world.

Did the gentleman from Oregon (Mr. DEFAZIO) know that he could affect this whole industry with $53 million? These are people who are betting billions of dollars on a single rig, drilling in a thousand feet of water in some of the most hostile environments in the world, people who are deciding whether they are going to take a pipeline through Iran or Turkey, a wonderful choice. But they are betting their companies are shareholders in it all. But for the gentleman from Oregon's amendment, it will not come together.

What are we doing? What are we doing using the taxpayer dollars to subsidize this research? The marketplace takes oil out of the ground. I remember those tight, tight sands up there in Wyoming. They were just a tax break away from busting loose in those sands. Gas would have come flowing out of those sands. Just one more tax break. Money is what takes oil out of the ground. It is funny, those mom and pops, they turn it down at $15 a barrel and they turn it right back on at $30 a barrel. It is money. It is the marketplace. It is not this.

At this point in time, this research is simply wasted taxpayer dollars. We are better off putting it into the National Forest System lands, we are better off putting it into the recreational opportunities where we have an incredible backlog of public lands that the people of this country want to use on behalf of their families and to recreate and to enjoy. In that one we are not meeting our needs.

We can take this money and transfer it from this program where according to their own Committee on the Budget there is no discernible evidence that this is in fact working as the gentleman from Vermont (Mr. SANDERS) pointed out. So we ought to put it to a place where it can be deployed immediately and it can be deployed on behalf of the American people. The oil companies I think will take good care of themselves given the price increase.

Mr. PETERSON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. GEORGE MILLER of California. I yield to the gentleman from Pennsylvania.

Mr. PETERSON of Pennsylvania. Mr. Chairman, it was interesting to hear the gentleman's comments about producers turn their wells right back on. That shows the gentleman does not understand the oil industry.

Mr. GEORGE MILLER of California. I understand it perfectly. I understand shut-in wells. I have shut-in wells all over California. We shut in the Bakersfield.

Mr. PETERSON of Pennsylvania. Thirty dollar oil has not turned a lot of them on.

The CHAIRMAN. The time of the gentleman from California (Mr. GEORGE MILLER) has expired.

(On request of Mr. DEFAZIO, and by unanimous consent, Mr. GEORGE MILLER of California was allowed to proceed for 2 additional minutes.)

Mr. GEORGE MILLER of California. Mr. Chairman, we had oil that you could not give away and at the right price it became one of the most valuable fields in the entire State, in the entire Nation. I understand people shut in their wells. But let us not pretend that it is a lack of this research that shuts in those wells. People make an economic decision and that is the marketplace.

I have been through this cycle. I have been through this with all of the oil companies in my district, with all of this research to inject. We have been through it in Prudhoe Bay. We have

been up there, and we have talked to them about means to make the oil process more efficient. That is what the oil companies are doing, because it is in their interest to do the enhanced recovery, the tertiary recovery, all of those programs. That is what they are doing. It is in their interest, also. It is in their interest also to collect it from the mom and pops.

Mrs. BIGGERT. Mr. Chairman, I rise today in strong opposition to the DeFazio amendment. This amendment purports to benefit the National Forest Service by cutting $53 million from the Department of Energy's fossil energy research activities.

In reality, this amendment will cut energy efficiency research.

Today, 70 percent of the electricity generated in this country comes from fossil fuels. Our nation's demand for electricity will continue to increase with the rapid growth of our high tech economy.

Do we really want to cut funding for research that will allow us to use nonrenewable resources more efficiently? Do we really want to cut funding for research that will further reduce the impact of fossil energy on the environment?

The answer is no.

Funding for fossil energy research supports national laboratory and university efforts to improve the fuel efficiency and reduce the emissions of fossil energy facilities.

Although it does not fall under the budgetary category of ''Energy Efficiency,'' fossil energy research is, in reality, ''energy efficiency'' research relating to fossil fuels and fossil energy.

The United States is already benefiting from the improved efficiency and environmental protections of fossil energy research. For example, three-quarters of America's coal-fired power plants use lower-pollution boilers developed through private sector collaboration with the Department of Energy.

Future research efforts promise even greater benefits. Let's not halt this kind of progress by cutting important fossil energy research.

I would urge my colleagues to vote against the DeFazio amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. DEFAZIO. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 524, further proceedings on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO) will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT OFFERED BY MR. HILL OF MONTANA

Mr. PETERSON of Pennsylvania. Mr. Chairman, I ask unanimous consent for the gentleman from Montana (Mr. HILL) to offer his amendment out of order.

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

Mr. SANDERS. Mr. Chairman, reserving the right to object, just out of respect here, some of us have been sitting here and have amendments that are coming down the pike.

Mr. HILL of Montana. If the gentleman will yield, I attempted to offer this amendment earlier and there was some confusion at the desk so I was not permitted to offer this amendment. And so I am not offering it early. We are actually going back and reopening.

Mr. SANDERS. Mr. Chairman, I withdraw my reservation of objection.

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

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. HILL of Montana:

Page 53, line 4, after the dollar amount insert ''(reduced by $500,000) (increased by $500,000)''.

Mr. HILL of Montana. Mr. Chairman, before I speak to this amendment, I want to join my colleagues in complimenting the chairman and the ranking member for their hard work on this bill. This is obviously a bill that has been produced from a great deal of bipartisan cooperation. I think the gentleman from Ohio (Mr. REGULA) and the gentleman from Washington (Mr. DICKS) deserve recognition for that. It is a very important bill. Our public lands are extraordinarily important. As we just witnessed, there are some very contentious issues associated with those, but I think that the one point I want to make is that this Congress and I think the country is going to miss the chairman's leadership that he has provided to this subcommittee. As the Members here know, term limits will be imposed in the next Congress and this will be the last time that he will be permitted to offer this. His understanding of the issues and knowledge of the facts about our forests and about our public lands astounds me. The help he has given me has been very much appreciated. I want to let him know that. I compliment the gentleman from Washington (Mr. DICKS) as well.

Mr. Chairman, I rise today in support of this amendment to H.R. 4578. The purpose of this amendment is to make a change within the economic action program of the State and private forestry appropriation. $500,000 should be moved from the economic recovery base program component and disbursed as a special project in support of the Traveler's Rest site in Montana. These funds are to be issued to the Montana Community Development Corporation in the form of a direct lump sum payment to preserve and enhance the historical, archaeological and cultural values of the Traveler's Rest site at Lolo, Montana. It is a very important project for local and rural development.

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

Mr. HILL of Montana. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, we are prepared to accept this amendment.

Mr. DICKS. Mr. Chairman, we accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Montana (Mr. HILL).

The amendment was agreed to.

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

Mr. Chairman, I rise to discuss an issue which is of great importance not only to the State of South Dakota but to the entire Northern Great Plains ecosystem and that is the Rocky Mountain Research Station in Rapid City, South Dakota.

Mr. Chairman, the Rocky Mountain Research Station plays a vital role in solving resource problems in the several national grasslands and national forests found in the Northern Great Plains ecosystem. This research station which focuses on managing prairies to sustain livestock and wildlife has been instrumental in decisions affecting wood production, stream flows and fire ecology research in order to provide forage for livestock and wildlife species. Therefore, it is vital that the Rocky Mountain Research Station receives the funding necessary to fulfill its mission in the year 2001.

Mr. Chairman, I would like to engage in a colloquy with the gentleman from Ohio (Mr. REGULA), chairman of the Subcommittee on Interior.

It is my understanding that the fiscal year 2001 funding for the United States Forest Service reflects the same level of funding that the Forest Service received in fiscal year 2000 plus inflation. Is that correct?

Mr. REGULA. If the gentleman will yield, yes, that is correct.

Mr. THUNE. That would mean, therefore, that the fiscal year 2001 funding to operate the Forest Service research facility such as the Rocky Mountain Research Station in Rapid City, South Dakota is also at the same level as in fiscal year 2000 plus inflation; is that correct?

Mr. REGULA. Yes, it is correct.

Mr. THUNE. So is it accurate to state that the Committee on Appropriations intends for the Forest Service to fund the Rocky Mountain Research Station in Rapid City, South Dakota at least at the same level in fiscal year 2001 as it did in fiscal year 2000, that is, at at least, very roughly, $536,000 plus inflation?

□ 2045

Mr. REGULA. Yes, that is the intent of the Committee on Appropriations. We agree that this is important research, which benefits citizens and the Nation at large.

Mr. THUNE. Mr. Chairman, I thank the chairman, the gentleman from Ohio (Mr. REGULA), for clarifying that issue.

AMENDMENT NO. 31 OFFERED BY MR. WU

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 31 offered by Mr. WU:

Page 53, line 14, insert after the dollar amount the following: ''(reduced by $14,727,000) (increased by $14,727,000)''.

Mr. WU. Mr. Chairman, the gentleman from New Jersey (Mr. SMITH), the gentleman from Colorado (Mr. UDALL), and I offer this amendment to increase the Fish and Wildlife Management account of the United States Forest Service by $14.7 million, which would bring the account to the administration's request.

As an offset, the Wu-Udall-Smith amendment reduces the forest products line item to $230 million, still $10 million above the administration's request.

Similar to the amendment that I offered last year with the gentlewoman from Ohio, this amendment is environmentally and fiscally responsible. Investing in forest, fish and wildlife now will help us mitigate for past poor management and balance timber harvest with wildlife conservation.

Briefly, if we believe in sustainable timber harvest and in preserving fish and wildlife, both for aesthetic purposes and to permit harvest, then vote for this amendment. If we want to cut and run and leave my hunting and fishing buddies without either a job or a place to fish and hunt, then oppose this amendment.

Unless we take adequate steps now to protect watersheds, fish and wildlife, the courts will block further timber harvest in the future.

With more and more species listed as endangered or threatened, we jeopardize the future of timber. The Wu-Smith-Udall amendment strikes a balance between timber harvest, fish, and wildlife.

By redirecting funds to programs that improve the health of our Nation's forests, we protect the future of our Nation's resources. We need a fiscally responsible and environmentally sound approach to managing our Federal forests. The Wu-Udall-Smith amendment is just that, a bipartisan and common sense approach.

Our amendment is both environmentally and fiscally responsible.

As a hunter and fisherman, I care deeply about the future of our forests, as well as the health of our forest products industry. The administration requested $220 million for timber sales management and the subcommittee funded it at $245 million. Meanwhile, the fish and wildlife account was underfunded by $14.7 million.

Our amendment restores fish and wildlife habitat funding to the administration requests and leaves $10 million above the administration's requests for timber harvest purposes.

Mr. Chairman, I urge all of my colleagues to vote for fiscal responsibility, vote for a commitment to fish and wildlife, vote for the Wu-Udall-Smith amendment.

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

Mr. Chairman, I understand the concern of the gentleman from Oregon (Mr. WU) about increasing wildlife and watershed funding. But I would point out that the reduction of the amount available for timber sales has a couple pretty serious impacts.

First of all, surprisingly the gentleman may not agree with this, but it as an antienvironment amendment. I say that because much of this funding goes into thinning overstocked stands, enhancing habitat values, reducing dangers of wildfires and tree mortality caused by insects or disease.

One of the things we tried to do in the committee is ensure that there is good management of the forest. We must thin them, take care of insects, generally due for stewardship. I think one of the reasons we have had these severe fires is that we have not had adequate management of the forests, and the result is we get an enormous fuel buildup on the floor of the forest. When there is a fire, it is much hotter and much more destructive than if we were able to do thinning, if we were able to do removal of dead and insect-ridden trees.

We have reduced the sales, as the gentleman knows. When the Republicans took over the House, we were at about 12 billion board feet of authorized sales. Now we are at 3.6—70 percent reduction. I think we reflect the American public who puts great value on the forests. But on the other hand, we have to have adequate funding to manage these forests.

Of course, if we reduce the funding, it results in a decrease of something like $30 million in receipts to local government. Something that is overlooked is that local governments get a lot of benefit out of the forests, from the production of wood fiber. And for all of these reasons, I do not think given the fact that we in the committee have tried to be responsible in providing an adequate amount of money on the advice of the forestry division to manage the sales of 3.6 billion board feed, as a practical matter, we probably will not get over about 2.5.

I think it is a mistake to reduce the amount, and we have tried to be conservative to begin with in the amount that is available. While we can always provide more for wildlife and watershed funding, keep in mind that good forest management is really important to wildlife habitat, really important to watershed protection. We have tried to put that funding in an adequate level to do that.

I would hope that the gentleman would consider withdrawing the amendment. I think the gentleman has made his point. But I would simply say that working with the minority, with the ranking member, the gentleman from Washington (Mr. DICKS), who has a good understanding of the forest needs. We have tried to have a responsible number here in what we have allocated for forest management.

Mr. UDALL of Colorado. Mr. Chairman, I move to strike the requisite number of words and rise in support of this amendment.

I do want to acknowledge the good work of the gentleman from Oregon (Mr. WU). I think his points are very well made. The gentleman from Oregon (Mr. WU) pointed out that this is really a balanced and moderate amendment. What it does is, it moves $14.7 million from the forest products line, and it adds it to the fish and wildlife habitat management line.

The effect of the amendment is to add additional funds to maintain this critical fish and wildlife habitat that we all support. It is additionally important to note that the forest products line item remains at $10 million over the administration's request if this amendment passes; and then at the same time, concurrently, the wildlife fish and habitat management account will be at the requested level.

This is a balanced and moderate amendment. By restoring $14 million to fish and wildlife, we ensure timber harvest for the long term. We also provide more jobs by investing in the wildlife of our forests today. So I think this is a responsible way to go. It is balanced and it is moderate.

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

Mr. UDALL of Colorado. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, as the gentleman knows, his State has a lot of forests, and I think the gentleman would agree that management of these forests is probably a very vital responsibility of the Forest Service. It does take adequate funding to do that and, perhaps, we should have more. But this is the best we can do, given the allocation that was available to us.

Mr. UDALL of Colorado. Reclaiming my time, again, when I look at the numbers, Mr. Chairman, it seems to be that we leave that ability to the Forest Service. We have increased the amount available to them in this upcoming fiscal year; and yet we are also doing more directed at our wildlife in making sure that the forest is preserved in such a way that the wildlife also have an opportunity to thrive.

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

Mr. Chairman, the amendment of the gentleman from Oregon (Mr. WU) is certainly well-intentioned, but in the wrong direction. Earlier this year, I asked for $9 million in the supplemental, because I felt the Forest Service had insufficient funding to deal with storm recovery problems all across this Nation, including the disastrous storm that struck the Boundaries Waters canoe area in northern Minnesota in my district, blowing down 450,000 acres of trees, 6 million cords of wood, 26 million trees. And we have a calamity on our hands. We do not have enough money in the Forest Service budget to deal with this problem.

But beyond the eighth district of Minnesota is 65 million acres of national forest land in a severe health

crisis, high risk of wildfire disease and insect infestation. In the first 6 months of this year, 1.2 million acres of public lands had been consumed by wildfire.

In the previous 10-year average, that was 719,000 acres by this time. We are more than 50 percent above 10-year average in wildfires principally because of these problems of forest health. To cut these funds would cut the ability of professional foresters to manage the renewable resource of this Nation, our forestry, to manage the ability of our forests to continue to absorb carbon dioxide and return oxygen to the atmosphere, to keep our air clean, but also to provide jobs and economic stability for communities that are dependent upon those national forests.

And these forests pay for themselves in revenues returned to the Federal Government. The timber program generates over $300 million a year in tax revenue. The net contribution to the national economy is over $25 billion a year from these public lands that professional foresters manage in the public interests; and in our State of Minnesota, that is a $1.3 billion industry, forestry and allied products. 38,000 jobs in Minnesota, value of the products shipped, $7½ billion.

Now, it is not all dependent on U.S. forest lands, but those forest lands are the cornerstone of our whole forestry program. The more those forest lands are cut back, and we have already had the road lists program that was announced last year, which we fought out on this floor and opposed, we already had cutbacks. We have already had rare 1, rare 2, rare 3. We have already had more lands added to wilderness, and I am for wilderness; but when we take it out of living forests and deny people job opportunities and livelihoods of community, we are squeezing us too hard.

And when we put that pressure on the public lands, it shifts over to the less well-managed and less available private forestry lands. I would say well, this is $15 million, but this will take us below the President's budget, which is below what we need.

I commend the chairman, the gentleman from Ohio (Mr. REGULA), and the ranking member, the gentleman from Washington (Mr. DICKS) of our subcommittee, for adding the resources that we need to manage these public resources in the best public interest. Do not take a short-sighted view. A forest is forever.

Trees that were blown down in the boundary waters a year ago this summer, a year ago this July, were saplings at the time of the Civil War; managed well, they can last for another 150 years. I urge this body to oppose this amendment.

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

Mr. OBERSTAR. I yield to the gentleman from Oregon.

Mr. WU. Mr. Chairman, I would like to point out to the gentleman that the account for timber sales management remains at $10 million above the administration request; and that with respect to blowdown and other nongreen trees, there is a separate account for salvage purposes.

Mr. OBERSTAR. Reclaiming my time, I would just say to these gentleman, I know how these budgets work. We cut $15 million here, then we have to shift that money someplace. So it is going to come out of the hide of the resources that I have just addressed, and so I really cannot agree. We must oppose this amendment.

Mr. SMITH of New Jersey. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of passage of the Wu-Smith-Udall amendment which shifts $14.7 million to the fish and wildlife habitat conservation line item from the forest products line item within the budget of the U.S. Forest Service.

Let me just say that I do believe that the chairman, the gentleman from Ohio (Mr. REGULA), has tried very hard within the budget constraints to allocate sufficient monies for programs within the jurisdiction of his subcommittee. It is a very tough balancing act—as chairman of the Subcommittee on International Operations I found how hard it was to write our bill. Last year the Congress passed my State authorization bill which is now law and it too was a balancing act—287 pages of desperate provisions and allocations. So I emphasize.

But in response to my good friend, the gentleman from Minnesota (Mr. OBERSTAR), there is more money not less, but more federal dollars, as my friend, the gentleman from Oregon (Mr. WU), just pointed out. The pending legislation includes an additional $10 million more than the President's request for the Forest Service line item, the timber sales management program. Our amendment retains that plus up but shifts another $14.7 over to the fish and wildlife programs. It is a reasonable and environmentally sound redirection of scarce resources. It is fiscally prudent. And it deserves support.

□ 2100

Mr. Chairman, the Forest Service through their fish and wildlife conservation program manages 192 acres of public lands, ensuring that animals such as elk, bighorn sheep, mountain goat, waterfowl, and song bird enjoy the habitat they need to remain viable and productive. Over 360 threatened and endangered species live in National Forests and the Forest Service works in this program to provide ecological conditions that provide for the plant and animal community diversity which will allow these species to survive and to thrive.

Mr. Chairman, yes, this a difficult choice, but, again, we are talking about redirecting a modest amount of resources from this account that has already been plussed up, and we are looking to take some of that and put it in the area where we think it will do the greatest good. I urge support for this amendment.

Mr. DICKS. Mr. Chairman, I rise in opposition to the Wu amendment.

Mr. Chairman, I think our side has worked with the chairman to try to come up with a balanced package. I would point out to my colleagues that in the Pacific Northwest we have reduced timber harvests because of endangered species issues by 85 percent, maybe 90 percent.

The administration, when it came to office, held a summit in Portland, Oregon, and said we are going to try to get out of court. We appreciated that. We were enjoying no timber harvest at all, zero, under the previous administration. We worked out a plan, the Northwest Forest Plan, to deal with it. Unfortunately, because the Forest Service has not done all of its work on some of the species they were supposed to monitor, instead of getting to the one billion board feet, down from four billion to one billion, we are now down at about 300 million to 400 million board feet a year in harvest. So what this amendment would do would mean that we would not be able to try to build back up to the one billion board feet that was in the President's plan.

We are spending money, a substantial amount of money, on ecosystem management, on watershed restoration. I have made sure that the President's program to help the Northwest was funded over the last 7 years, and we are putting a lot of money into wildlife protection, into the Endangered Species Act, et cetera, et cetera. What we have got to do though is to keep the commitment we made to all of those rural communities that we would stay at about one billion board feet. Last year we were down at about 300 million board feet because of the court decisions.

Now, I would be delighted to work with the gentleman from Oregon in trying to do something on the wildlife account, to move it up a little bit as we go to the conference committee. The gentleman from Oregon I think always tries to be constructive, and the gentleman is correct that the forest products account is up a little, and, therefore, we have some room to make some adjustments. But I think, frankly, that this effort to try to build back up is going to take a couple more years, frankly, so, again, we are going to have the people out there from our areas who we told that we were going to get up to one billion board feet, we still have not lived up to that commitment. That is why I think the committee felt that adding a little money here was appropriate.

Number two, we have a crisis in the West, and it has been pointed out here. We have seen the fire at Los Alamos, we see the fires every night. Because of what? Because, as the chairman said, we have not properly managed these forests. We have understorage, undergrowth, that is there, that is explosive at this point because we have not done the thinning, we have not done the pruning and the other things you do to properly manage a forest.

There was a professor at Berkeley who was denounced by everyone who

said you have to use control fires; and now, 30 years later, people are saying he was the guru, the genius, who really understood that these forests have to be managed.

Mr. Chairman, I have always been a believer in balance and fairness. I think, because we are so far behind, especially in the Northwest, not to add this small amount of money to try to get timber sale preparation done, to do the pre-commercial thinning and the other things, which will have a good effect on forest health, but also will help us build back up to that one billion board feet, would be a very serious mistake in judgment. That is why I support the chairman and oppose the Wu amendment, though I remain open to deal with the gentleman and try to work out something in conference if the amendment is not successful.

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

Mr. Chairman, the issue of fish and wildlife management is what we are talking about. I ask all Members, how much time do you spend in the forest? I am not a golfer, I am a gardener, and I have spent a lot of time in the forest. I grew up as a youngster, I camped out in the forest more than I did anything else. I have always loved nature and the forest, and a healthy forest is the most important thing to fish and wildlife management. A healthy forest is the most important thing to fish and wildlife management, and we do not have a healthy forest in this country, not what we should have. It was already mentioned, 65 million acres at risk; 39 million for fire, 26 million with disease-insect infestation, and 1,200,000 acres have burned this year.

How much wildlife and what kind of quality of streams do you have in a forest that is burned? A few years ago I was with the Speaker and the leaders of the House, and we were out in Idaho and went over the burned area, 400,000 acres. There was not a blade of grass, there was not a live tree, there was no greenery. The streams were sliding into the rivers, the rivers were ruined, the streams were decimated, and wildlife was not there.

A healthy forest will bring us the fish and wildlife management that we need. Let us look at the record. Our forest is growing by 23 billion board feet a year. We have six billion board feet that blow down and die annually, and we are cutting less than three billion, so we are having a net gain of 14 billion board feet a year on Forest Service land. Over the last 5 years, that is an average. That is 70 billion board feet of additional timber than we had 5 years ago. And the wildlife will be flourishing on the land that is healthy. Wildlife will be extinct, will not be endangered, it will not be there, and the fish will not be there when a forest burns.

Where do you find grouse in the woods? Where do you find deer, wild turkey, and song birds? Where the forest has been adequately pruned and the forest is healthy. Somebody else mentioned, you do not hear much about it, a fast growing forest that is growing fast and has been pruned is a carbon dioxide reducer. It is a carbon sink. It takes the CO_2 out of the air, which we are worrying about. An old dying forest adds CO_2 to the air and adds to the air pollution. Not a healthy, well-mature, well-managed growing forest. The Forest Service has 200 million acres. They have the wilderness and the roadless areas which are appropriate.

The GAO study says we should be treating three million acres a year at a minimum, and we are treating about 200,000. We are not managing it, and the gentleman's amendment will prevent us from treating more, and we are treating too little already.

Mr. Chairman, I understand the concept of wildlife habitat, but allow them to manage the forest adequately. Let them make the investment. Let them prune the forest where it is too thick and there is a lot of fire danger. Let them cut out the diseased trees so it does not infest the acres nearby. That is how you manage a forest, that is how you keep it healthy, that is how you have a home for wildlife and creatures.

The gentleman's amendment takes us in the wrong direction. We need to be managing our forest, we need to be treating our forest. It is like a garden, and, when you ignore it, the weeds take over and you do not have much of anything.

Our forest is a valuable resource for this country. It is also a job creator. We have not even talked about the economics. But areas that are basically owned by the Federal Government, there has been no dependency, because the Federal Government, you cannot depend on it to adequately market any amount of timber. Many counties in the West and parts of other States, their economies have been decimated, and for no good reason.

We can manage our forests, we can prune them properly, we can enhance wildlife habitat, and we can do it without the gentleman's amendment.

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

Mr. Chairman, I rise in strong opposition to this amendment. This is an unfortunate and uninformed amendment, especially in view of the importance of the timber sale program to preventing tragedies like we recently saw in Los Alamos, New Mexico.

Contrary to the myth created by some in the environmental community that cutting timber harms the environment, today's Federal timber sale program is a critical and cost-effective tool for reducing fire risk, improving wildlife habitat and protecting communities.

Let me give Members an example. Last summer I visited a timber sale in the fire-prone forests of Northern California. The purpose of the sale was to reduce the risk of fire on 2,000 acres of forest and return the forest to a more natural state. The strategy was to thin the forest by removing undesirable fir trees while leaving the large majestic Ponderosa pines. The result was a more fire resistant forest and better wildlife habitat.

This result was achieved through a timber sale contract, a contract that simply thinned the forest of the most undesirable trees, a timber sale contract that reduced fire risk and created better wildlife habitat, a timber sale that helped protect the local communities from the devastation of catastrophic wildfire. What added to the benefits of this project was that it actually made money for the Federal Government. A contractor actually paid the Forest Service $8 million to thin the forest by removing the most undesirable fire-prone trees.

Mr. Chairman, what I am describing is today's Federal timber sale program. The notion that this program is harmful to the environment is a myth, is a political fabrication. Today's timber sale program is designed to reduce fire risk and improve wildlife habitat in a way that is more cost effective than any program that the Wu amendment will fund. Even more importantly, it is our most effective tool for preventing tragedies in communities like Los Alamos, where the single-most important strategy for protecting homes and lives from devastating wildfire is to thin overstocked timber stands.

Mr. Chairman, we should not be cutting funding for this program. If we have learned anything from Los Alamos, we should be increasing the funding for this program.

Make no mistake, a vote in support of this amendment is a vote to cut our ability to reduce the risk of wildfire and thereby protect homes and lives. It is a vote against cost-effective wildlife habitat restoration. A vote for this amendment is a vote for a myth. I urge my colleagues to reject the myth and support cost-effective management of our forests.

Earlier this evening the chairman of the Subcommittee on the Interior of the Committee on Appropriations and I engaged in a colloquy in which we discussed the needs of the wildlife management program. I was pleased just a few minutes ago to hear the ranking Democrat on the subcommittee say that he, too, was interested in working with the gentleman to find increased funding for the wildlife program, without taking it from the modest increase that is taking place in the forestry program.

Therefore, it seems to me far more appropriate to join in and accept, reach across the aisle, accept the chairman's offer, accept the ranking member's offer, to work to find that increase elsewhere, rather than take it away from a program that obviously has far greater need than we are addressing, given the fact that we have more than 40 million acres of our National Forests that are subject to high risk of catastrophic wildfire.

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

Mr. GOODLATTE. I yield to the gentleman from Oregon.

Mr. WU. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I just wanted to make very, very clear that what I am standing up for is not just good fish and wildlife management, but good long-term forestry management. But there is one issue that I want to take off the table.

□ 2115

That is that there is a lot of discussion today about fires on forest land. I understand the concern. I am completely sympathetic to it.

I just want to point out to the gentleman and to the prior speaker that there is more than $600 million in the Department of Agriculture funds to prevent wildfires and address wildfires if they occur. Separately, there is $297 million in the Department of the Interior budget to address wildfires and to suppress wildfires.

The CHAIRMAN. The time of the gentleman from Virginia (Mr. GOODLATTE) has expired.

(By unanimous consent, Mr. GOODLATTE was allowed to proceed for 30 additional seconds.)

Mr. GOODLATTE. Reclaiming my time, Mr. Chairman, the gentleman knows those funds are available for the purpose of fighting the fires once they get started, or for other fire prevention methods.

But the best way to long-term prevent that catastrophe and to improve the wildlife habitat and the general condition of the forest is to have a viable timber sale program, geared in the new directions of the Forest Service, to use that program to thin these areas that are exposed to very high risk.

While I join with the gentleman in his interest in making sure that wildlife habitat is promoted, taking this money from one fund that promotes that wildlife habitat and putting it into another does not achieve that, whereas working with the chairman to first preserve this fund and then look for additional help, as the ranking Democrat also proposed, that is a better way to proceed.

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

Mr. Chairman, I rise to speak in opposition to the Wu, Smith, and Udall amendment.

I also believe we should invest wisely in our National Forest resources, but I have a different view on how to accomplish this worthy goal.

Clearly this amendment put thousands of forestry jobs at risk and jeopardized the economic stability of rural communities such as Northern Michigan.

I want to speak about a larger issue. The amendment claims to be concerned with an extensive backlog of fish and wildlife habitat needs. However, this singular approach is misguided. The real backlog is in the overall forest management, the backlog of improvement projects needed to restore forests to stable ecological conditions.

Fish and wildlife habitat is an important part of forest restoration. Many of us in Congress are aware of the tremendous accumulation of forest fuels on our public lands. Poor forest conditions are a major contributor to larger forest fires, like the recent fire in New Mexico. It is estimated that 65 million acres of our National Forests are currently at risk of catastrophic wildfire, insect infestation, and disease.

While there may be a large backlog of watershed and wildlife habitat restoration needs, there is even a larger national backlog of general forest restoration work.

This amendment is a contradiction. It is misguided to focus solely on fish and wildlife program funding and fail to address the broader forest health crisis that currently exists on our Nation's forest lands. In fact, it is impossible to separate the two goals.

Large-scale watershed and wildlife habitat improvement activities are certainly needed. A lot of work is needed in the removal of massive amounts of wood that currently is a fire hazard on Federal lands.

The rationale that the forest products line item is excessive is simply false. In spite of what others may have us believe, timber sales are not bad. Modern timber sales are a necessary tool and an economic means to an environmentally beneficial end. Professional foresters can develop silvicultural prescriptions and design timber sales to accomplish fish and wildlife restoration objectives.

It certainly would be nice to have more funds for fish and wildlife programs. There certainly is a lot of good work to be done in the woods. But increasing fish and wildlife habitat management funds at the expense of forest products would be a serious mistake. It is unreasonable. Indeed, it would be wrong. It would be wrong to take these funds from Forest Service timber programs. Such a change is misguided and would only serve to hurt both programs in the long run.

These funds are needed to protect the forest product line, to counter inflation, and pay the salaries of people who work in the woods preparing and administering timber sales. Reducing the capacity of the Forest Service to prepare these timber sales would ultimately be detrimental to fish and wildlife habitat.

Timber sales are often of the most effective way to achieve vegetation management objectives. An example of this work is thinning dense forest stands to restore ecological conditions, reduce the risk and intensity of catastrophic fire by removing excessive forest fuels, and create desired wildlife habitat. Removing excess wood from the forest lands improves the long-term health of watersheds and protects fish and wildlife habitat.

A broad forest health strategy and a variety of tools are needed to effectively meet this challenge. Prescribed fire is one tool, but there are many constraints and dangers that limit the use of fire, as we have seen in the catastrophic fire at Los Alamos.

Removing flammable wood requires the use of many tools, including properly planned timber sales. Well designed timber sales are a good way to remove large amounts of dead, dying, or overmature wood from our accessible public lands.

I urge my colleagues to join me in opposing this amendment. I thank the chairman and the ranking member for increasing the account for timber sales. Let us not cut the timber sales. Let us have a holistic approach to our National Forests.

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

Mr. Chairman, I understand the passion that we see on both sides of this issue. I simply want to say that I understand the good intentions of the gentleman who offers the amendment. He is very concerned about a very important cluster of programs.

But I think the problem we face here tonight is that we are seeing efforts to move very small amounts of money around from one program to another. It sort of depends on what kind of district you come from, whether you think that is a good idea or not. If you come from a district like mine, which is heavily dependent upon a broad understanding of multiple use, so that forest lands are used for economic production, so that they are used for recreation, so that they are used for wildlife, we have one view of this amendment. If one comes from a different kind of district, one has quite another.

I would urge Members to oppose the amendment because we are not going to fix the wildlife problems in this country by taking a few million dollars out of the forestry program. The real problem is that we need more money in all of these programs. We had a good excuse not to put that money there when we had huge deficits, but now we do not.

So it seems to me that we need a more aggressive forest management. We need much greater investments in wildlife. We have a huge backlog in maintenance for our parks and our forests.

I do not think that we do any good by playing a beggar thy neighbor game. I am going to vote against this amendment because I think the best way to deal with this is to remember what was said yesterday when the labor-health-education bill was on the floor.

The main reason that we do not have enough money in this bill for all of these programs, whether it is land acquisition or forestry management or anything else, is because the majority has chosen to commit a huge amount of its resources to providing tax cuts, most of which are aimed at very high-

income people, the richest 1 percent or 2 percent, so everything else that this Nation tries to do suffers. That in the end is the problem with this bill.

Mr. Chairman, I would urge Members to remember that, and I would urge Members in the end, after efforts are made to reflect Members' various districts' differences, I would urge Members to vote against this bill because it is inadequate to meet the Nation's needs on a whole host of fronts, and I would urge rejection of this amendment in the process.

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

Mr. Chairman, I rise in opposition to the amendment. I am hopeful that the gentleman from Oregon (Mr. WU) will in the end withdraw this amendment. I know or I believe that he is sincere in offering this amendment because he sincerely believes that wildlife habitat is important, and providing more dollars for that is important. I do not disagree with him about that.

I think it is important for us to remember that this bill increases the wildlife and fish habitat management funds by about $6 million over last year's funding level. It is about a 5 percent increase over last year's budget. It only increases the timber sales management by $8 million, which is about 2½ percent increase over the last year budget.

In other words, the amount of increase for the wildlife and fish habitat management fund is twice as much proportionately as the amount of money that is offered for the timber sale.

I think it is important also for us to remember that the dollars in this budget are not going to be enough dollars for us to meet the targeted timber harvest that the bill calls for. It is not even going to come close to enough money. We have not been meeting these targets. These are targets that Congress has determined are necessary for us in order to manage the forest.

The events of the last few weeks that others have talked about, the fires at Los Alamos, in Arizona, in California, in my home State of Montana, demonstrate the increasing risks that we have to fires in our Western National Forests.

What the forest supervisors will tell us if we go talk to them is that the biomass in these forests and the threat of fire is at the highest that they have ever seen, ever in their lives. The kinds of fires that we are going to have are going to be more intense, they are going to be more destructive than the fires that we have experienced in the past. The General Accounting Office points out and says that 40 million acres in the Western forests are at risk of catastrophic fire. This is over 20 percent of the National Forests that we have in this Nation.

When we talk about catastrophic fire, we are talking about an environmental catastrophe. We are talking about the destruction of soils, we are talking about the destruction of watershed, and we are talking about fires that destroy the habitat that the gentleman claims to seek to protect with his amendment.

We have already cut timber sales in this country by 80 percent. These are having huge impacts on rural communities. I know the gentleman's district has been impacted as well. We have lost 1,500 jobs in Lincoln County, Montana, alone, a county of 10,000 people.

The consequence of this has been the huge loss of revenues to the local governments. At the same time, the people who live in these communities have lost their jobs, the schools in those districts who depend on the timber receipts have lost their revenues, the counties have lost their revenues, and the local hospitals have lost their revenues. Teachers have been laid off, counties have been required to cut back their budgets, at a time when we desperately need to manage this resource and to thin these forests.

The Government Accounting Office says we need to spend $750 million a year for the next 25 years to restore the health of these forests. This bill is $500 million short of what it is going to take just to get us on track. So at this level, we are going to lose ground. It means the risk is going to be even worse than the risk is today.

That means the intensity of these fires is going to go up, not down. It means they are going to destroy more habitat, not less. It means it is going to destroy more watershed, not less. It is going to destroy more fisheries, not less.

While I know the gentleman's intention is to preserve wildlife and habitat, and I agree with him, and he has heard the chairman of the subcommittee and he has heard the ranking member say that he is willing to work for more funds for his purpose, and I support him in that, let us not do it by taking it from this necessary and important area.

We need to mechanically manage these forests to get them to the stage that we can reintroduce fire as a management regimen. It is incredibly important that we have the dollars to do that. I urge the gentleman to withdraw his amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. GEORGE MILLER of California. Mr. Chairman, let me say at the outset that the ranking member of the full Committee on Appropriations, the gentleman from Wisconsin (Mr. OBEY), had it about right. That is that we are arguing over a pot of money here that in and of itself does not cure either problem. If we left it in the account, it would not cure the problems that the gentlemen in opposition to the amendment have spoken about, and if we are fortunate enough to transfer it into the fish and wildlife account, the fact of the matter is that we still will not deal with that account with the urgency which it is due.

The problem with this amendment is that it is different in different parts of the country, but I would invite colleagues to come to the Sierra and look at the watershed there and see that we are in continued decline in those great mountains from activities that have taken place in the last several years, and many years ago.

We still have not been able to restore habitat. We still have not been able to restore water quality.

□ 2130

In fact, they all continue to be in decline. The very species that have already been listed continue to be in decline so it is not about recovery. That is why this money is so urgently needed in the fish and wildlife account. That is why the gentleman from Oregon (Mr. WU) felt it was necessary to offer this amendment. It is not as though this would leave the forestry account naked because, in fact, it puts the forestry account back to what the administration requested, and several million dollars above last year's level so that they can continue.

It is not like the investment in the forestry account has been the best deal for the American taxpayers. From 1995 to 1997, we spent $1.2 billion to administer this fund and we got back $125 million. We lost almost $900 million administering this forest program.

The suggestion is that one is either for forest health if they want to cut trees or one is against it if they want to do fish and wildlife habitat. The fact of the matter is that both of these are tools of forest management. Habitat restoration is part of forest management, as is forest health. But this leaves the salvage accounts that are used in forest health intact. It leaves the wild lands fires account intact, and it allows us to address some of the most urgent needs where we continue to have these watersheds, habitat, and species in decline.

The bottom line is this, our budget may be in surplus but our society is not. We have argued now appropriation bill after appropriation bill where the needs, the urgent needs, for those who are from States with great forest resources, are telling us we need $750 million a year, and we are arguing over $14 million. We are arguing over $14 million.

So we have a society that is in great deficits. When HHS was out here earlier in the day, we were arguing over the lack of being able to provide a decent education to children, to be able to provide help for handicapped students, all of which are in deficits.

We walk around pulling our suspenders and talking about a surplus. Well, this is a deficit account here, both on the forestry side and on the fish and wildlife side, but the more urgent account in this particular case

happens to be fish and wildlife because the decline is continuing and that threatens the economy; that threatens the ability of commercial fishermen; that threatens the forest health in a grander scale and then comes back and calls for more people to limit the logging. So we should support the Wu-Smith-Udall amendment.

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

Mr. Chairman, I have here some charts that I think really tell a story very graphically. The first one here is the USDA Forest Service, acres harvested, fiscal year 1997 versus 1999 acres burned, and what we see here is the difference of what is going on in our forests in terms of acres harvested versus those that are burned.

The next picture I show, Mr. Chairman, is from my district, the Upper Grand Run. That is not snow we see there. That is ash. That is from a fire in 1996.

This particular part of my district was slated to have a timber management sale. That sale was let and then appealed. No harvest took place.

Mr. Chairman, this area then burned. Do we want to talk about fish habitat; want to talk about fish habitat? After this forest fire occurred in my district, this is riparian area, this was a stream. This washed out in the next major rainfall, and 30 miles of salmon habitat were destroyed.

Now, why does that matter in the course of this debate? It matters because we are not taking good care of our forests. As the General Accounting Office said in their report right here about western national forests, we believe the threats and costs associated with increasing uncontrollable catastrophic fires, together with the urgent need for action to avoid them, make them the most serious immediate problem related to the health of national forests in the interior West.

We also believe the activities planned by the Forest Service may not be sufficient and may not be completed during the estimated 10 to 25 year window of opportunity remaining for effective action before damage from uncontrollable wild fires becomes widespread.

The tinderbox that is now the interior West likely cannot wait that long for a cohesive strategy.

Mr. Chairman, there was another fire in my district this summer, 113 acres near Sun River, Oregon. I quote from the local newspaper there, the fire started in a 75 acre stand of unthinned trees and consumed it, according to the Deschutes National Forest spokesman, but when the flames were blown into a 30 acre area to the northeast that had been thinned fire fighters stopped it. Fire fighters credited the quick control of the fire to the stands that had been thinned as a part of a recent timber sale, thereby reducing its intensity and allowing the crews to get the upper hand.

Both of these programs are important to us, as we manage these forest lands, Mr. Chairman, and this is not an amendment that should be adopted to shift these funds.

Frankly, my colleague and friend from Oregon should recognize when he has a good deal, and the deal he has is he can have both. He can have this timber management program to stop this kind of catastrophic fire, at least help with the timber sales and prevent that from occurring, and he has gotten a commitment from the ranking member of the subcommittee and the subcommittee chairman to work for the funds we need for fish habitat improvement as well.

I will say, I have not been around this process a long time but that sounds like a pretty good deal that I think my colleague would be wise to accept and withdraw his amendment.

Mr. Chairman, more than half of the timber sales on Forest Service lands are about stewardship purposes. They are to thin, because the biggest problem we have is disease and overstocking. Since 1909 we have done one heck of a job of putting out forest fires and we have reduced, as we heard the ranking Democrat say on the Northwest Forest Plan, an extraordinary level of harvest down to a very, very low level we have reduced.

These fires burn. One cannot tell which way they are going when one is in them.

Mr. Chairman, our forests are choking. Our communities are hurting. I represent people in counties that if they were in an urban setting one would say are oppressed, because 70, 75 percent of the lands around them are Federal lands. They live in these neighborhoods. Their homes abut these forests. These fires are as real in northeastern Oregon as they are in New Mexico.

Let us not move this amount of money around and take money away from the timber sale program. Let us do both. Let us defeat the Wu amendment or hopefully have it withdrawn, which would be the better course of action, Mr. Chairman.

With that, I would urge a no vote on the Wu amendment.

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

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

Mr. HOLT. Mr. Chairman, I rise in support of the environmentally and fiscally wise amendment from my colleague from New Jersey, my colleague, the gentleman from Oregon (Mr. WU), and my colleague, the gentleman from Colorado (Mr. UDALL). The Wu-Smith-Udall amendment adds, as we have heard, $14.7 million to the fish and wildlife management line of the Forest Service.

Yes, both of the programs that we are talking about here are important, but what we want to do is to establish some balance. How did this come about? The administration requested $220 million for the forest products account, what used to be called timber harvest, and the committee gave the Forest Service $245 million, an increase of $25 million above what the agency requested.

Meanwhile, the committee funded the valuable wildlife and fish habitat management accounts $14.7 million below the administration request.

Now, fish and wildlife management sorely needs an increase in funding. Of course, they both do. For years, this fish and wildlife program has been underfunded. At the forest level, biologists are scarce and are involved in planning and NEPA work and are frequently unable to do the on-the-ground work that needs to be done.

Now on the other hand, there is evidence that the Forest Service timber program is not cost effective. According to the GAO, the program costs the American taxpayer over $2 billion from 1992 to 1997. The Forest Service estimates that this year recreational jobs will account for 77 percent of the national forest employment, whereas timber-related jobs will account for only 2.3 percent.

The Wu-Smith-Udall amendment is not only a statement of fiscal responsibility, it is a commitment to preserving natural resources. Without the Wu-Smith-Udall amendment, the current funding levels for fish and wildlife habitat will result in the loss of hundreds of miles of fish habitat restoration and thousands of acres of wildlife habitat restoration.

The head of the Forest Service, Chief Dombeck, has changed the focus of the Forest Service. He has done a great job in promoting a sustainable supply of timber, while promoting conservation and habitat restoration.

The Wu-Smith-Udall amendment is consistent with Chief Dombeck's leadership in continuing a future and sustainable supply of timber, while maintaining a habitat necessary for healthy fishruns and for healthy stocks of wildlife.

I strongly urge all of my colleagues to support this important amendment.

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

Mr. Chairman, I rise in strong disapproval of this amendment. I think we have heard a great deal tonight. We have heard about the President's budget, and it is obvious that that budget does not understand or does not want to realize the benefits of timber management.

The zero cut philosophy will get us somewhere where we do not want to be. Our timber has been managed for hundred of years by wildfire. We have suppressed those wildfires in this century pretty successfully, so now we have a ladder of trash, we have a very unhealthy forest and it is susceptible to cataclysmic fire. We saw that in New Mexico.

If the forest is not going to be treated with wildfire, and we do not want to do that, it is dangerous, it has to be

treated somehow. The underbrush has to be removed. There has to be harvesting. This resource has to be managed.

Our forests are one of the greatest resources that have been left to this country, and we need to use our best judgment to manage them.

This amendment does not use good judgment. It pulls $14 million away from these very sound programs to manage our forest resource. As we manage that resource, as has been said earlier this evening, we will provide fish and wildlife habitat. Every time there is a cataclysmic fire, it destroys that fish and wildlife habitat and it destroys it for two or three generations. So by properly using these stewardship cuts to improve our forest stand, we will get the economic benefit of the removed trees. We will have a safer stand. It will not be as susceptible to fire. It will grow more rapidly. It will absorb more carbon dioxide. That is a win/win.

Our chairman has offered to work with the other side on the budget for fish and wildlife. Let us stop trying to take a foolish cut out of the forest management program.

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

Mr. SHERWOOD. I yield to the gentleman from Oregon.

Mr. WU. Mr. Chairman, as the gentleman knows, there is $297 million already allocated in the Department of Interior for fire suppression and for thinning activities and additionally there is over $600 million allocated for fire suppression and thinning activities under the Department of Agriculture funds. So every speaker is coming up and talking about fire, and this is just a smokescreen for bad forestry practices of the past. That is something that we were trying to correct with this amendment. We should take the fire issue off the table because that is funded separately in this bill.

Mr. SHERWOOD. I could not disagree more. The $600 million the gentleman is talking about is for fire suppression. This is fire prevention. $14 million, if it prevents a fire, we will not have to spend that other money. That is good management. Fire cannot be taken off the table here because fire is a result of a poorly managed forest, and this is money to properly manage our forests.

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

Mr. Chairman, I would note the Pennsylvania delegation is slightly out of order.

We have, almost have the deck chairs on the *Titanic* arranged through this debate, and that is interesting, because as a number of people who have spoken before me have said quite truthfully, there is not an adequate amount of money in the Forest Service budget to perform its many diverse functions.

□ 2145

Mr. Chairman, I offered earlier an amendment to increase the recreation budget. We earlier had an amendment to take $4 million out of the wild horse management program of which I am a big supporter. But it was to go to a slightly higher priority, which is fighting fires and fire suppression and fuels management.

Now, these are choices this Congress should not be forced to make. We should not be starving these resource management agencies. We should be investing in the future, the future of our forests, not starving them. That is what we are doing. Do not try and treat them like cash cows.

This amendment, in the past, the gentleman from Oregon (Mr. WU) and before that Ms. Furse and others have offered amendments similar to this; but in those amendments, they actually cut the Forest Service budget. From those amendments, they actually transferred the money to other agencies or transferred money to deficit reduction.

Tonight the amendment before us is trying to divide a pie which is too small. It is trying to decide whether we should undertake crucial activities on the wildlife side. If we do not fulfill those functions and those activities, we will not be harvesting any timber anywhere because we will not be meeting the needs of the forests as a healthy ecosystem.

On the other side, we have the Forest Service struggling to implement in my region the Clinton forest plan, and we are in gridlock again. If fact, I have asked the Clinton administration to begin an early plan update because I believe the plan has failed. It has failed both to protect old growth and to deliver what it said would be predictable supplies of timber.

So the question becomes on this amendment, what can we do. Well, unfortunately, we are slicing up and dicing up the pie into little bits and pieces. The amendment of the gentleman from Oregon (Mr. WU) will leave an increase of $10 million in the account for timber harvesting. It will transfer some money to another underfunded account.

This is a difficult choice for those of us who live in areas more than half owned by the Federal Government, someone who represents a district like mine that has been formerly the most public timber-dependent district in the United States.

So the question becomes, what should we do here? I am going to recommend that this amendment is not going to break the forest gridlock. It is not going to resolve the controversies. It is not going to be an incredible setback for the Forest Service on the timber management side. There are other monies that have been allocated to the committee by other forms of vegetation management. I am certain in conference they can move some of those funds around. I am certain that they can deliver on the promise they made to the gentleman from Oregon (Mr. WU).

We will both better fund wildlife and better fund reasonable timber management. But I do not think unless a change is made here tonight that necessarily that problem will be fulfilled. I believe, if this amendment passes, we will get more money for both accounts when we come out of the conference committee. So I will support the amendment.

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

Mr. Chairman, I rise today as a member of the Subcommittee on Forests and Forest Health of the Committee on Resources in support of the Wu-Smith-Udall amendment.

Just a few short weeks ago, we all stood on this floor to debate the CARA bill, probably the most importance piece of environmental legislation to pass the House of Representatives this Congress.

I was pleased to support that legislation, as it represented a solid and productive effort by the Congress to ensure the protection of America's delicate forest land, open space, waterways, and park lands.

Today the Congress has another chance to go on the record of supporting our environment. This amendment boosts clean water efforts and improves the health of our national forest recreation and commercial users.

The Wu-Smith-Udall amendment also redirects vital resources towards improvement of our drinking water and our fish and wildlife.

This amendment reduces what is basically a subsidy for timber sales management and directs the Federal funds to desperately needed forest restoration projects throughout this country.

As the Representative of the most urban district on the Committee on Resources, I know the value of green space and the need to protect these lands for future generations of Americans. By keeping ecosystems at a healthy level, clean air and water can be supplied to all communities throughout this land.

Protection of our watersheds is important for making our communities more livable and making sure that we all have the safest and cleanest water available for drinking and for recreation.

There is absolutely no reason to put the interest of the timber industry ahead of the health of our forests and drinking water, especially when both can peacefully co-exist.

I strongly support this environmentally sound and fiscally responsible amendment, and I urge my colleagues to do the same.

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

Mr. Chairman, certainly every Member of this House has a right to weigh in on issues no matter how they fail to affect that particular Member's district. Just as I do not claim any authority over the boroughs of New York

City, so, too, do I think it is important that we understand precisely what it is we are talking about. We are talking about jobs. But more importantly, we are talking about forest health.

I have heard some interesting claims tonight. One of my friends from California again says we need more and more and more and more money; and yet this House, against the better judgment of some of us, enacted CARA, calling for an additional $900 million a year over the next 15 years to purchase even more land.

I would invite my friends from the east coast metropolises and also those who hail from coastal districts from the West in urban areas to come visit the Sixth Congressional District of Arizona to understand the very clear and present forest fire danger that exists because we fail to employ effective forest management techniques.

Oh, we do have one rallying cry that comes from the inner cities of the East. Over 30 years ago, the cry ''burn, baby, burn'' has now been inflicted into this debate, because people seem to think let us let the forests go up in smoke; that is the way one controls this renewable resource. That is wrong.

This amendment, though well intentioned, is wrong, because it does not protect the fish and wildlife its sponsors would purport to protect. It, instead, sets up a situation for ecological disaster.

Those of my colleagues who say they embrace the notion of balance and ecological principles, Mr. Chairman, I implore my friends on the left to withdraw this amendment, to work in a constructive way with the ranking member of this subcommittee and the subcommittee chairman, to strike that true balance.

While, again, everyone is entitled to their own opinion, and we certainly rejoice in that fact, I would, Mr. Chairman, ask my colleagues to think of the people who live in the districts whose homes and livelihoods are affected and the very wildlife they purport to want to protect.

Sadly, we see a situation where some in this Chamber and around this Nation cannot see the forest for the trees. No to this amendment.

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

Mr. Chairman, I rise in opposition to the Wu-Smith amendment, and I want to share with my colleagues from a very personal perspective why I think this is a bad idea.

I come from an area of Texas where we have four national forests. Now, when one looks at those national forests on a map, one thinks they are entirely Federal property. But when one looks at a more detailed map, what one sees is that those Federal properties are interspersed with private property tracks.

As a consequence, everyone who is a private land owner who adjoins the national forest is at risk in terms of their property and the ability of them to be free from forest fires if we, as the Federal Government, fail to properly manage the Federal forests.

If my colleagues or I were living in the midst of the national forest tonight, and we heard that Congress was going to reduce the funding for management of the forest, we would have every reason to be worried about the risk of forest fire and danger to our own properties.

So even though we are debating tonight an issue that calls for the reduction of funding in the amount of $15 million, and some would argue who have offered this amendment that we ought to increase funding for the protection of wildlife, I say to them that it is equally, if not more important, to protect the lives and safety of those citizens who are all across this country in areas where we have national forests who own private property within and adjoining those national forests.

It is also, I think, important to remember that those who have opposed traditionally logging in our national forests have gotten the better end of the deal in recent years. In fact, we are at an all-time low in terms of the volume of timber harvested from our national forest.

We see today based on the statistics that are available to all of us that we are growing timber six times faster in the national forest than we harvest it. As a consequence, we have an abundant supply of available marketable timber in our national forest.

If we are going to be good stewards of the land and if we are going to protect those who adjoin and live in the midst of our national forest from the threat of forest fires engulfing their own homes, we have got to be willing to spend the necessary funds to be sure that we properly manage the forest.

Now, I have talked to the district forester that manages and overseas the four national forests in east Texas. I can tell my colleagues that, when we talk about reducing funding for forest management, it gets his attention, because he understands that it takes personnel and it takes equipment and it takes time to go out and properly manage a forest.

There are some here tonight who criticize the cost of management of our national forests even to go so far as to suggest that it costs more to manage the forests than we get in harvestable commercial timber. Well, the truth of the matter is we may manage our forest well and it may cost a lot, but I will tell my colleagues, there is a whole lot of regulations that our national forests have to abide by in management of those forests.

I, frankly, as a private forest land owner only wish that I could afford to manage my property the same way that the Federal Government manages our national forest, because the amount of control and regulation and attention to detail that takes place in the management of our national forest far exceeds anything that I see going on in the private sector.

But the bottom line here for me is that this amendment and any future effort to cut funding for the management of our forest directly affects the school children in my congressional district, because as we all know, 25 percent of the proceeds of the sale of timber goes to the school districts in our respective congressional districts.

I know personally firsthand the hardship that has been placed upon many of our school districts and the disadvantages that it has placed the school children in those districts from the reduction of harvesting from our national forest.

There is a piece of legislation that passed this House that is now pending in the Senate that is designed to try to help that situation. I hope that when that bill comes back, we will all support it. But in the meantime, we do not need to be reducing funding for the management of our national forest.

□ 2200

Mr. REGULA. Mr. Chairman, I ask unanimous consent to strike the requisite number of words.

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

There was no objection.

Mr. REGULA. Mr. Chairman, I want to advise the membership of what we are doing.

We have an agreement that has been agreed to between the gentleman from Washington (Mr. INSLEE) and myself, and I have a colloquy, and then we have two votes on amendments that have been rolled, and that will complete the activities tonight. Then we will get time agreements to start tomorrow morning, as soon as the Subcommittee on Foreign Operations, Export Financing and Related Programs have completed their markup.

We are going to make every effort to finish this bill tomorrow. We have to finish it tomorrow, but will attempt to do so in order to get people out of here in time to make their airplane connections.

So we have no more debate on this amendment, Mr. Chairman.

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

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

Mr. DICKS. Mr. Chairman, I would ask the gentleman why we do not just go ahead and vote on this amendment.

Mr. REGULA. Reclaiming my time, Mr. Chairman, let us defer that one.

Mr. DICKS. I believe we have to vote on this amendment.

The CHAIRMAN. We have not put the question on the amendment.

The question is on the amendment offered by the gentleman from Oregon (Mr. WU).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. WU. Mr. Chairman, I demand a recorded vote, and pending that, I

make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 524, further proceedings on the amendment offered by the gentleman from Oregon (Mr. WU) will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT OFFERED BY MR. REGULA

Mr. REGULA. Mr. Chairman, I ask unanimous consent to return to page 49 to offer an amendment on behalf of the gentleman from Washington (Mr. INSLEE) and myself.

The CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. REGULA:

On page 49 line 24 strike ''shall'' and insert in lieu thereof ''may'' and on page 50 line 5 strike ''shall'' and insert in lieu thereof ''may at the discretion of the Secretary.''

Mr. REGULA. Mr. Chairman, this amendment reflects an agreement between the gentleman from Washington (Mr. INSLEE) and myself on an amendment, and I urge the Members to support it.

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

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

Mr. DICKS. Mr. Chairman, we accept the amendment on this side.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. REGULA).

The amendment was agreed to.

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

Mr. Chairman I would like to enter into a very brief colloquy with the chairman of the subcommittee.

Mr. Chairman, as the gentleman knows, I represent the State of Oklahoma, a State that is home to 23 percent of the Native Americans in this country. Despite the fact that almost one in four Native Americans live in my State, we receive only 13 percent of Indian Health Service dollars. Of the 12 Native American service areas in the country, Oklahoma City receives less than $900 per capita, while Nashville receives $1800 per capita, and some tribes receive as much as three times that of Oklahoma City, $2700 per capita.

Our hospitals in Tahlequah and Claremore receive $141, while the Phoenix Indian Medical Center receives $400 per capita.

I believe that the Native Americans in my State should receive more equitable treatment when IHS funds are distributed. Rather than receiving 13 percent, Oklahoma should be receiving close to 20 percent, if not more.

Mr. Chairman, will the gentleman from Ohio commit to working with me to close these gaps in funding?

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

Mr. LARGENT. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I thank the gentleman for raising this important issue today. I agree that this disparity is problematic, and that the IHS funding mechanisms are lacking. I agree that the Director of Indian Health Services should develop a plan for ensuring that every Native American is treated in an even-handed manner.

Last year, we provided funding through an Indian Health Care Improvement Fund to bring these tribes funded at very low levels of need up to more reasonable levels. Unfortunately, the Indian Health Service has not decided on a method for distributing these funds. It was the committee's intent that these funds be devoted to the most underfunded tribes rather than spreading the funds across the large number of tribes.

I will be more than happy to work with the gentleman from Oklahoma to see that the IHS functions are distributed in a more equitable way.

Mr. LARGENT. Reclaiming my time, Mr. Chairman, I thank the gentleman and look forward to working with him to ensure Oklahoma's Native Americans receive something closer to their fair share.

Ms. KAPTUR. Mr. Chairman, I move to strike the last word and, Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. Will the gentlewoman identify the page and line for us?

Ms. KAPTUR. Page 69, line 10.

The CHAIRMAN. We are not at that portion of the bill yet.

Mr. REGULA. Mr. Chairman, would the gentlewoman want to enter into a colloquy, in lieu of the amendment?

Ms. KAPTUR. Yes, Mr. Chairman. What I wanted to do was to introduce the amendment, withdraw it, and then enter into the colloquy as a part of that whole package.

Mr. REGULA. We are not at the right place in the bill for that. Let us get these votes over, frankly, and if she wants to do the colloquy we can do that, but we need to get on to the votes.

Ms. KAPTUR. Well, that was not my understanding, Mr. Chairman, but I would move to strike the last word and would like to submit for the RECORD articles in The New York Times today and in the Toledo Blade concerning gas prices and enter into a colloquy with the chairman and ranking member of the subcommittee.

Mr. Chairman, I believe there is a critical need for a comprehensive report on how biofuels, including ethanol and biodiesel, can be more fully incorporated into the strategic fuel reserves of our country. Alternatives such as swaps or sales of a portion of current crude reserves for biofuels should be evaluated with estimates of funds realized to be directed toward biofuels purchase and storage costs. Also, options to encourage on-farm storage of biofuel inputs and related biofuel processing and storage capacity as a ready reserve should be evaluated.

Therefore, I would ask the chair and ranking member if they could consider the need for such a report and possibly include language in the conference report on this bill to request such a report from the Departments of Interior, Agriculture and Energy?

Mr. REGULA. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I would respond to the gentlewoman from Ohio that we would be happy to look into this situation. I believe we need an overall national energy strategy that addresses issues such as this in the larger context.

Mr. DICKS. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I want to compliment the gentlewoman for her outstanding leadership on this issue, and I assure her that we will give this request careful consideration and we will work with her in the conference to see if we can get the language that the gentlewoman would like. We will also work with the administration to try to make sure this commitment is kept.

Ms. KAPTUR. Reclaiming my time, Mr. Chairman, I thank the gentleman very much for his openness and leadership on this, and also the chairman of the subcommittee for his fine work on clean coal and other alternative fuels over the past years.

Mr. Chairman, the articles I referred to above are as follows:

[From the New York Times, June 14, 2000]

IN GAS PRICES, MISERY AND MYSTERY

COSTS IN MIDWEST EXCEED $2 A GALLON

(By Pam Belluck)

CHICAGO, June 13.—Gasoline is so expensive in the Midwest that a retired railroad worker in Cleveland says he had to cancel his annual summer drive to visit his daughter in San Francisco.

A volunteer agency that delivers meals to shut-ins in Milwaukee cannot afford to pay its drivers enough to fill their tanks.

A florist in Urbana, Ill., is talking about raising what he charges to deliver roses and carnations.

And in suburban Chicago, Kathy Stachnik says she now considers putting gas in her blue 1997 Honda Accord an ''evil necessity.''

''Whenever I stand at the pumps these days, I'm just furious,'' said Ms. Stachnik, 38, as she bought 10 gallons of gas at an Amoco in Arlington Heights for $2.25 a gallon. ''I know that something fishy is going on with these prices.''

Gasoline prices in the Midwest have risen sharply in recent weeks, jumping as much as 50 cents a gallon and far outstripping increases in the rest of the country. In Chicago and Milwaukee, drivers are paying more than $2 a gallon, the first time prices have ever soared that high in the United States, analysts says.

In recent days, the federal government has been trying to determine why the prices in the Midwest have risen so steeply. The Environmental Protection Agency and the Energy Department met with oil refiners on Monday in Washington. And the Clinton administration and the House Judiciary Committee have asked the Federal Trade Commission to look into whether the increases involve price gouging or collusion.

''We don't have good explanations,'' said Robert Perciasepe, the environmental agency's assistant administrator for air and pollution programs. ''We're not seeing this anywhere else in the country.''

Gas prices increased across the country in the last few weeks as the summer driving season began. Gasoline inventories are being depleted, and new requirements for cleaner burning gasoline became effective on June 1. But the spikes in the Midwest are especially steep.

On Friday, the most recent day for which figures are available, the average prices of self-serve regular gasoline in Chicago was $2.13 a gallon, up from $1.37 a gallon in January, according to Trilby Lundberg, an analyst who compiles the Lundberg Survey of gas station prices. By comparison, prices on Long Island averaged $1.67 a gallon last week, up from $1.39 in January. And prices in Los Angeles averaged $1.56 a gallon in June, up from $1.29 in January.

Industry representatives say the price increases in the Midwest are a result of several factors.

The most significant, they say, is the new federal requirement for cleaner-burning gasoline, known as RFG–2. In the Midwest, unlike in other regions, the additive oil refiners use to make their gasoline comply with the regulations is ethanol. Because ethanol evaporates quickly it requires a special formulation of gasoline, said Edward H. Murphy, general manager for downstream operations at the American Petroleum Institute an industry group.

''It's more difficult to produce that gasoline,'' Mr. Murphy said, ''As a result, production is significantly lower,''

Another factor, industry officials say, was the rupture in March of a Texas pipeline that Midwest refineries depended on for their supply. The pipeline was repaired two weeks later, but it is still operating at only 80 percent capacity.

A third factor is a court ruling that the Unocal Corporation can collect royalties on a particular type of cleaner-burning fuel. That has prompted smaller refineries to curtail RFG–2 production to avoid paying royalties to Unocal, industry analysts say.

''In a situation where supplies are tight, and you have relatively inelastic demand for gasoline, the price increase you need that occurs in the market is disproportionately large,'' said Mr. Murphy, who said some refineries are carting in the fuel they need by barge from Nova Scotia or the Gulf states. ''If the price of lemons goes up, you move to limes. If the price of coffee goes up, you move to tea. But with gasoline, consumers don't adjust very quickly in a very short term. Obviously you don't go out and trade in your brand new Ford Excursion for a Toyota Camry.''

Officials at the Environmental Protection Agency and the Energy Department acknowledge that all these factors play a role in increasing gas prices somewhat. But they say none is sufficient to account for the precipitous price jumps in cities like Chicago and Milwaukee.

''All of these may have some impact but they don't seem to explain the size of the disparity,'' Mr. Perciasepe said. For example, he said the cost of producing cleaner gasoline with ethanol should lead to only about a 5 cent to 8 cent increase in gas prices. ''Whether people are taking advantage of some of these situations is something that we hope to be able to understand better.''

A senior official at the Energy Department said that although the supply of oil was tight in the Midwest, ''we weren't persuaded by the arguments of the refiners. Generally speaking, all of the large suppliers say they have adequate supplies to serve the demand.''

The official added, ''It has the administration very concerned, obviously,''

Sam Stratman, a spokesman for the House Judiciary Committee and its chairman, Representative Henry J. Hyde, Republican of Illinois, said that oil companies had years to prepare for the increased costs of the RFG–2 regulations.

''This is a complicated issue,'' Mr. Stratman said. ''It deals with issues of supply and demand and regulatory changes mandated by E.P.A., and you wonder, have these changes given oil companies a chance to gouge consumers?''

Of course, Americans still have the lowest gas prices in the world. The Organization of petroleum Exporting Countries, which controls nearly half of the global oil supply, will meet next week to decide on whether to increase production.

Although the prices in Chicago and Milwaukee are the highest on record, they are still lower than gas prices were at their peak in March 1981, when the national average price of a gallon of gasoline was $2.67, if adjusted for inflation, Ms. Lundberg said.

That is hardly comforting to beleaguered drivers across the Midwest these days.

''It's outrageous,'' said Colleen Posinger, 44, of Streamwood, Ill. ''I'm really upset about the gas prices, because we told our 1-year-old daughter that we'd drive to South Dakota this summer. The vacation was already planned, so I guess we'll just have to take the crunch.''

Others, like Adam Matavovszky, the retired railroad worker in Cleveland, decided they could not afford their vacations.

In Milwaukee, Goodwill industries which delivers meals to the elderly and also takes disabled people to workshops and training programs, has been hit by $23,000 in extra fuel costs this year, said Roger Sherman, vice president for human services. He said the organization had asked for emergency assistance from the Milwaukee County Department of Aging and might have to cut back on transportation.

''We are running 150 percent over budget,'' Mr. Sherman said, ''We have not kept up with the rising gasoline prices.''

[From the Toledo Blade, June 13, 2000]

EPA CAN'T FIND REASON FOR HIKES

WASHINGTON.—Federal officials met for two hours with refiners yesterday, and the EPA's top air pollution official said he heard ''no good explanation'' for soaring gasoline prices in Midwest cities, in which new requirements require cleaner-burning gas.

The Environmental Protection Agency and Energy Department said inspectors were sent to the Milwaukee and Chicago areas to investigate price increases in recent weeks of 30 to 50 cents a gallon. They focused on refining and distribution, one official said.

At the White House, spokesman Joe Lockhart said the Midwest price increases ''seem to be out of whack,'' and any evidence of price gouging that investigators find will be turned over to the Federal Trade Commission for further investigation.

Officials from eight major oil refineries sat in on the EPA and Energy Department meeting, and further sessions were held later with individual companies.

''We see no good explanation for why the [high] prices exist. . . . We think the prices are unfair and inappropriate,'' Robert Perciasepe, the EPA's assistant administrator for air and pollution programs, said.

He said that while gasoline supplies are lower than normal, ''there are adequate supplies'' to keep prices in check. The additional cost of the cleaner-burning gasoline, called reformulated gasoline, costs only 5 to 8 cents a gallon more to produce, Mr. Perciasepe said.

The Energy Department released data that showed prices of reformulated gas were on average 9 cents a gallon higher as of June 5 than conventional gas nationwide, but 23 cents higher in the Midwest. The newly blended gas was required beginning this month in areas with severely polluted air.

Mr. Perciasepe and Melanie Kenderdine, a senior DOE official who attended the meeting, would not characterize explanations given by industry officials except to say the two sides has a general discussion about supply and distribution problems.

''We're suspicious of gouging,'' Dave Cohen of the EPA said.

Urvan Sternfels, president of the National Petrochemical and Refiners Association, said some of the price increases in the Midwest stem from unexpected problems refiners had with meeting the new, higher vapor-pressure requirements for the cleaner gas. Corn-based ethanol, used widely in the region as a fuel additive, reduces vapor pressure and complicates fuel blending, he said.

The Renewable Fuels Association, which represents the ethanol industry blamed the refiners for not building adequate stocks of reformulated gasoline and the EPA for ''failure to make appropriate regulatory changes that would reduce the cost of producing RFG in Chicago and Milwaukee.''

Gas prices have increased for five consecutive weeks nationwide with the beginning of the heavy summer driving season, but they soared in some parts of the Midwest—especially Illinois and Wisconsin.

But EPA officials said they are puzzled as to why the price difference between conventional and the cleaner-burning gas is as wide as it has been in the Midwest. ''We do not believe that the cleaner-burning gasoline is causing the major price increases,'' Mr. Perciasepe said.

According to the Energy Department, the average price of regular-grade gas in areas requiring reformulated gas nationwide was $1.63 a gallon on June 5, or 9 cents a gallon more than the average price of gas sold in other parts of the country that not require reformulated gas.

The average price for the cleaner gas was $1.84 a gallon in the Midwest, a 23-cent difference from conventional gas; $1.56 a gallon on the East Coast, a 9-cent difference; $1.61 on the West Coast, only a 5-cent difference; and $1.48 a gallon on the Gulf Coast, a difference of 2½ cents, according to the DOE's Energy Information Administration.

Environmental groups have questioned the soaring prices.

''The oil companies have known for five years that they would have to sell the cleaner-burning gasoline by June 1. Why didn't the industry plan for known supply needs,'' asked Frank O'Donnell of the Clean Air Trust, an environmental advocacy group.

[From Toledo Blade, June 9, 2000]

GASOLINE PRICE SURGE SHOCKS TOLEDO DRIVERS

Alex Alvarado filled up his gas tank just in time yesterday, saving big bucks. Most were not so lucky.

By lunchtime, gasoline prices around Toledo had surged to $1.86 or more for regular-grade gasoline and more than $2 for premium gasoline—an unexpected price jump at many stations of more than 30 cents per gallon.

A 30-cent-per-gallon increase costs someone with an 18-gallon tank an extra $5.40 each fill-up.

''It's ridiculous,'' Mr. Alvarado said as he topped off his tank with the last of the gasoline that cost $1.549 for regular grade at the

Clark station on Eleanor Avenue at Lewis Avenue. Several yards away, a gas station clerk was posting the new prices.

The next customer would pay $1.859 per gallon of regular grade at the same pump.

''It's price-fixing,'' Mr. Alvarado of Toledo grumbled. ''I'm lucky I just made it in here before they changed.''

Some drivers took their frustrations out on the clerks working at the stations.

Regina Chiles, assistant manager at the Speedway on Dixie Highway off I–75 said as she tacked up the new numbers on her outside sign. ''You'd think they'd be a bit more appreciative that we were still a bit cheaper, but instead they just yell at us because prices are going up.''

An informal survey by The Blade found that gas prices around the Toledo area spiked by midday from $1.549 to $1.859 for regular-grade gasoline and $1.729 to $2.07—or more—for premium gasoline.

Just two weeks ago, the Kroger gas station at Jackman and Laskey roads was selling gas at $1.419 to $1.619 per gallon. Yesterday, prices at the same pumps had climbed to $1.879 to $2.079 per gallon.

If you think it was bad in northwest Ohio, Michigan has been dealing with similar prices for a week.

Yesterday at the Total stations in Adrian on North and South Main streets, the price of regular was $1.94 per gallon and premium was $2.16 at the Speedway on South Main.

There may be several reasons for the increases, industry experts said.

A demand for environmentally-friendlier gasoline in bulk markets such as Chicago and Milwaukee have forced up gas prices because of the more complicated, expensive refining process, Tom Kloza, publisher of Oil News and Prices, in Rockville, Md., said.

And because motorists continue to fuel up in those cities—even with the higher prices—suppliers know they can raise prices at pumps in other areas throughout the Midwest, he said.

''We reached the whining state. We reached it a few weeks ago,'' Mr. Kloza said. ''But we haven't reached the stage when we change our behavior.''

Chris Kelley of the Washington-based American Petroleum Institute agreed.

''Everyone loves to drive their gas-guzzling SUVs,'' he said. Economic prosperity globally means people are consuming more petroleum-based products world-wide, he added.

Add to that the high price of crude oil now—nearly $30 a barrel compared to $18 this time last year—and consumers will feel the pinch at the pump, he said.

U.S. Rep. Marcy Kaptur (D., Toledo), said she has tried several times this year to pass amendments that would release some of the strategic petroleum reserves to ease the gas crunch.

She said Republicans have defeated the measures. She said the government should promote efforts to develop nonpetroleum fuel sources.

In West Toledo before lunchtime, Earl Price waited several cars deep to take advantage of some of the lower prices at the Shell station at Secor Road and Monroe Street.

The gas there ranged between $1.559 and $1.739 per gallon, while across the intersection, BP's prices were $1.879 to $2.119 per gallon.

''I'm driving around here comparing gas prices and the lines at the stations,'' said Mr. Price, who installs pools and works with a moving company. He said he drives 100 miles daily on his 1978 pickup, which gets eight miles a gallon.

Behind him, Pam Green, a hospital technician, chuckled.

''You have to laugh,'' she said. ''I'm sitting here using up all my gas waiting in line to buy gas.''

But with gasoline 30 cents or so cheaper per gallon at some stations, ''it adds up,'' she said. ''I'll wait.''

It adds up even quicker for those who buy in great quantities, although Julian Highsmith, Toledo's commissioner of facility and fleet operations, said prices are a bit more stable than they are at the pump.

The city buys its fuel in bulk from suppliers and gets a price estimate each week from the Ohio Petroleum Index System. It has fluctuated, Mr. Highsmith said, between 80 cents per gallon and the current $1.08, the highest so far this year.

''It goes up and down, but our costs have been a little more constant than what you've been seeing at the pump,'' he said.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 524, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment No. 35 offered by the gentleman from Oregon (Mr. DEFAZIO) and amendment No. 31 offered by the gentleman from Oregon (Mr. WU).

AMENDMENT NO. 35 OFFERED BY MR. DEFAZIO

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 35 offered by the gentleman from Oregon (Mr. DEFAZIO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 15-minute vote followed by a 5-minute vote on the Wu amendment.

The vote was taken by electronic device, and there were—ayes 167, noes 254, not voting 13, as follows:

[Roll No. 276]

AYES—167

Abercrombie
Allen
Andrews
Baird
Baldwin
Barcia
Barrett (WI)
Bass
Becerra
Berkley
Berman
Bilbray
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Castle
Chabot
Clayton
Clyburn
Condit
Conyers
Costello
Cox
Coyne
Crowley
Cummings
Davis (FL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dixon
Doggett
Ehlers
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Forbes
Ford
Frank (MA)
Gejdenson
Gephardt
Green (WI)
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Hoeffel
Holt
Hooley
Hostettler
Hoyer
Hulshof
Inslee
Jackson (IL)
Jones (NC)
Jones (OH)
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lantos
Larson
Lazio
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Matsui
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Morella
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Paul
Payne
Pelosi
Petri
Phelps
Rahall
Rivers
Rohrabacher
Rothman
Roybal-Allard
Royce
Ryan (WI)
Sabo
Salmon
Sanchez
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schakowsky
Sensenbrenner
Serrano
Shays
Sherman
Slaughter
Smith (NJ)
Smith (WA)
Stark
Sununu
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Velazquez
Walden
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Woolsey
Wu
Wynn

NOES—254

Aderholt
Archer
Armey
Baca
Baker
Baldacci
Ballenger
Barr
Bartlett
Barton
Bateman
Bentsen
Bereuter
Berry
Biggert
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boucher
Boyd
Brady (PA)
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chambliss
Chenoweth-Hage
Clement
Coble
Coburn
Collins
Combest
Cooksey
Cramer
Crane
Cubin
Cunningham
Davis (IL)
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dicks
Dingell
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Horn
Houghton
Hunter
Hutchinson
Hyde
Isakson
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
King (NY)
Kingston
Klink
Knollenberg
Kolbe
Kuykendall
LaHood
Lampson
Largent
Latham
LaTourette
Lewis (KY)
Lucas (KY)
Lucas (OK)
Manzullo
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Miller (FL)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Myrick
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Pastor
Pease
Peterson (MN)
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Roukema
Rush
Ryun (KS)
Sandlin
Schaffer
Scott
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (TX)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sweeney

Talent
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Toomey
Towns
Traficant
Turner
Udall (NM)
Upton
Visclosky
Vitter
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Ackerman
Bachus
Barrett (NE)
Campbell
Clay
Cook
Danner
Lewis (CA)
Linder
Lofgren
Martinez
Shuster
Vento

□ 2231

Messrs. THORNBERRY, REYES, TERRY, HINOJOSA, RODRIGUEZ and TOOMEY changed their vote from ''aye'' to ''no.''

Messrs. HOEFFEL, SALMON, ROHRABACHER and HOYER changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 524, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the additional amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 31 OFFERED BY MR. WU

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Oregon (Mr. WU) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 173, noes 249, not voting 12, as follows:

[Roll No. 277]

AYES—173

Abercrombie
Allen
Andrews
Baldwin
Barcia
Barrett (WI)
Becerra
Berkley
Bilbray
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boucher
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Castle
Chabot
Clyburn
Conyers
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
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NOES—249

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Johnson, E. B.
Johnson, Sam
Jones (NC)
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King (NY)
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Knollenberg
Kolbe
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LaHood
Lampson
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LaTourette
Lewis (CA)
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Lipinski
Lucas (KY)
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McKeon
Metcalf
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Millender-McDonald
Miller, Gary
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Mollohan
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Nethercutt
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Oberstar
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Wamp
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Watts (OK)
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Whitfield
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Wilson
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Young (AK)
Young (FL)

NOT VOTING—12

Ackerman
Campbell
Clay
Cook
Danner
Linder
Lofgren
Martinez
Meek (FL)
Murtha
Shuster
Vento

□ 2258

Mr. SPRATT changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 2300

Mr. REGULA. Mr. Chairman, I ask unanimous consent that consideration in the Committee of the Whole of the amendment by the gentleman from Washington (Mr. DICKS) to H.R. 4578, adding a new section at the end of title I proceed as follows: After the initial five-minute speech by Representative DICKS in support of his amendment, no further debate on that amendment shall be in order; and amendments thereto offered by Representative NETHERCUTT of Washington, or by Representative HANSEN of Utah, each shall be debatable for one hour equally divided and controlled by the proponent and Representative DICKS.

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

There was no objection.

AMENDMENT OFFERED BY MR. TAYLOR OF MISSISSIPPI

Mr. TAYLOR of Mississippi. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TAYLOR of Mississippi:

On page 56, line 3, after the figure insert ''(and in addition $2,000,000, to be available to the Department of Interior for the acquisition of Cob Island, Mississippi''.

On page 69, line 13, after the figure insert ''reduced by $2,000,000.''

Mr. TAYLOR of Mississippi. Mr. Chairman, I believe we have an agreement on the amendment.

The CHAIRMAN. Is there objection to the consideration of the Taylor amendment at this point in the bill?

Mr. REGULA. We have no objection.

Mr. DICKS. We have no objection. We strongly support the gentleman's amendment.

The CHAIRMAN. Without objection, the Taylor amendment will be considered at this point.

There was no objection.

Mr. TAYLOR of Mississippi. Mr. Chairman, again I have already spoken to the Majority and Minority on this. They have been very helpful. It is the reallocation of some funds for wildlife conservation. I appreciate everyone's assistance on it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi (Mr. TAYLOR).

The amendment was agreed to.

Mr. KIND. Mr. Chairman, I rise today in support of the Wu-Smith-Udall amendment to the Interior Appropriations bill. The purpose of this amendment is to restore adequate funding to an important forest service program designed to protect and manage fish and wildlife habitat within the national forest system. Specifically, this bipartisan and fiscally responsible amendment calls for a transfer of $14.7 million from the consistently overfunded Forest Service forest products program to the chronically underfunded fish and wildlife habitat management account.

The mission of the U.S. Forest Service is to provide for the multiple uses of our Nation's great forests. Traditionally, timber management and extraction has been the principal goal of the Forest Service. In recent decades, with the rise of recreational uses of our national forests and environmental regulations that require careful assessment of natural resources impacted by timber cutting and road-building activities, the Forest Service has been called upon to survey and monitor fish and wildlife populations and to protect and restore important fish and wildlife habitat.

The problem is that Congress has not appropriated adequate funds to the Forest Service for this important habitat protection work which is demanded by the public and required by law. It makes no sense to boost funding for the Forest Service forest products program by $25 million over the administration's request at the expense of the fish and wildlife habitat management program. To ensure the future health of our Nation's forests and to make sustainable forestry a reality instead of a mere promise, the Forest Service must be given the resources it needs to fulfill its complex and changing mission.

At this time I would also like to point out that this bill fails to adequately fund crucial habitat protection and restoration activities conducted by the U.S. Fish and Wildlife Service. The pressing needs of region 3, especially of the upper Mississippi River and Mark Twain National Refuge Systems—which serve as the migratory pathway for over 40% of North America's waterfowl and which receive more visitors annually than Yellowstone National Park—continue to go unrecognized in this bill.

As a co-chairman of the bipartisan upper Mississippi River congressional task force, I have worked hard with other members within the region to draw attention to the underfunding of region 3 Fish and Wildlife Service programs relative to other regions in the country. For three years running now, we have requested that approximately $6 million of additional funds be appropriated for region 3 programs. These funds would be used to address the huge backlog of operations and maintenance work within the refuge system, to address increasingly serious invasive species problems, and to assist in the recovery and restoration of endangered species.

I remain deeply troubled by the shortcomings of the Interior Appropriations bill, especially in relation to Fish and Wildlife Service programs. At the very least, I urge my colleagues to vote in favor of the Wu-Smith-Udall amendment, which deals with the pressing need for fish and wildlife habitat protection and restoration within the National Forest System. Thank you and I yield back the remainder of my time.

Mr. HOLT. Mr. Chairman. I rise today to speak about what seems like an annual ritual. We are now in the thick of the appropriations process and that can mean only one thing. My colleagues on the other side of the aisle have sharpened their pencils and are loading up budget bills with legislative riders that surrender our environment to special interests.

There riders not only threaten important environmental and public health protections, but they subvert the democratic process by trying to force through legislative changes without the benefit of hearings or public scrutiny.

I am calling on my colleagues and the public to demand an end to this yearly assault on our precious natural resources and our open form of government.

I would like to highlight a few of the attacks within the FY 2001 House Interior Appropriations that is before us today.

One rider would prohibit any spending on national monuments developed after 1999. Among the monuments affected are the Grand Canyon-Parashant, Giant Sequoia, Agua Fria and the California Coastal National Monuments. The monuments were created by the Administration to strengthen protection of these unique federal lands.

Apparently, for some, it is not important to protect our land.

Another rider would effectively prevent agencies from implementing the American Heritage Rivers Program. This is a program where the federal government provides help to river communities looking for backing on environmental and economic development projects. This program helps communities improve water quality.

Apparently, for some, it is not important to help communities.

Another rider within the bill would block federal agencies funded within the bill from action on global warning. This rider is not even needed because the Administration does not intend to implement the Protocol prior to congressional ratification. The President is continuing to work on international negotiations on this important treaty.

Apparently, for some the climate is not important.

Finally, besides the various riders, the bill does not adequately fund many programs at the levels needed to carry them out. One such program is the President's Land Legacy Initiative. This appropriation bill places these important conservation programs in jeopardy by rejecting the President's request for a permanent funding source. This program is also drastically under-funded. As a result, federal land conservation efforts to protect national treasures, such as the Everglades, the Lewis and Clark National Historic Trail and various Civil War Battlefields are in jeopardy.

Apparently, for some, our national treasures are not important.

Well, for many, including people in central New Jersey, our national treasures, our constitution, our communities and our land are important. I urge all of my colleagues to reject these antienvironmental riders that threaten our environment and our democracy.

Mr. STUMP. Mr. Chairman, I rise in opposition to any amendment that strikes language currently in the Interior Appropriations legislation for Fiscal Year 2001 to not allow any federal funds to be used on national monuments created since 1999. I support Mr. HANSEN's effort in the Interior Appropriations bill to bring accountability back to the Administration's use of the 1906 Antiquities Act.

Mr. Chairman, Congress has spent too much time in the last few months reacting to monument designations after unilateral declaration by the Administration.

When Secretary Babbitt first announced his desire to create a higher protective status on lands in the Arizona Strip region, he agreed to work legislatively on a proposal to protect the historic uses of this area. After his announcement, I worked closely with local residents, elected officials, tribal officials, conservationists in the region, as well as the Governor, federal land management agencies and the State Lands, Minerals and Game and Fish departments to develop legislation reflecting the Secretary's publicly stated objectives.

On August 5, 1999, I introduced H.R. 2795, the Shivwits Plateau National Conservation Area Establishment Act. The original intent of the legislation was to initiate a dialogue with the Secretary, particularly considering the Secretary had not outlined his ideas in any form of legislation.

On January 11, 2000, after months of negotiating, the President, with the Secretary's recommendation, walked into Arizona and declared two national monuments, the Grand Canyon-Parashant National Monument in northern Arizona and the Agua Fria National Monument north of Phoenix.

In regard to the Agua Fria National Monument, the Secretary first made public his proposal to create a more restrictive status for the area just four months before the actual monument designation.

The original intent of the 1906 Antiquities Act was to protect small areas of land and specific items of archaeological, scientific, or historic importance in imminent danger of destruction. While the Administration contends that the areas designated as national monuments are threatened by increasing development and recreation, the government controls the development which occurs on those lands and has the authority to address problems if and when they exist.

Frankly, the Administration's decision to preempt any action by Congress is political. No reasonable public process has been used to secure public input on the merits of these designations and no environmental assessments have been done. The designations are occurring without any formal public input as mandated by NEPA, the National Environmental Policy Act.

Finally, Mr. Chairman, by highlighting these lands as national monuments, the President is merely calling more attention to the areas and significantly increasing recreation and visitation and jeopardizing the very resources he is attempting to ''protect.'' I urge my fellow members to vote no on any amendment to remove

language in the Interior Appropriations language to prohibit funds to be used on any national monuments created since 1999. Congress has already spent too much time reacting to the unilateral declaration of such monuments.

Mr. BEREUTER. Mr. Chairman, this Member rises today in support of H.R. 4578, the Interior appropriations bill and wishes to particularly thank the chairman of the Subcommittee, the distinguished gentleman from Ohio (Mr. REGULA) and the ranking member, the distinguished gentleman from Washington (Mr. DICKS) for their hard work on the bill.

This Member understands that the Members of the Subcommittee were extremely limited by the 302(b) allocation received and as a result were forced to make tough spending decisions. However, this Member is pleased that continued funding was made available for the next phase of construction of the replacement facility for the existing Indian Health Service hospital in Winnebago, Nebraska. As the members of the Subcommittee know, this ongoing project has a long and difficult history, and the Subcommittee's support is greatly appreciated.

In closing Mr. Chairman, this Member wishes to acknowledge and express his most sincere appreciation for the extraordinary assistance that Chairman REGULA, the Interior Appropriations Subcommittee, and the Subcommittee staff have provided thus far on this important project and urges his colleagues to support the bill.

Mr. REGULA. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PEASE), having resumed the chair, Mr. LATOURETTE, 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. 4578) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes, had come to no resolution thereon.

HOUR OF MEETING ON TOMORROW

Mr. REGULA. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2966

Mr. TANCREDO. Mr. Speaker, I ask unanimous consent to withdraw my name as cosponsor of H.R. 2966.

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

There was no objection.

SPECIAL ORDERS

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

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 Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana 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 Texas (Mr. GREEN) is recognized for 5 minutes.

(Mr. GREEN of Texas 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.)

PRESCRIPTION DRUGS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Michigan (Ms. STABENOW) is recognized for 5 minutes.

Ms. STABENOW. Mr. Speaker, on April 12, I led an hour of debate on the topic of prescription drug coverage for senior citizens. I read three letters from around the state from seniors who shared their personal stories. On the 12th, I made a commitment to continue to read a different letter every week until the House enacts reform. This is the seventh week in a row that Congress has been in session in which I have returned to the House floor to read another letter from a Michigan senior citizen. This week, I will read a letter from Edith DeYoung of Spring Lake, Michigan.

Before I read Ms. DeYoung's letter, I would like to share some troubling statistics released just yesterday in President Clinton's report entitled, ''Prescription Drug Coverage and the Rural Medicare Beneficiaries: A Critical Unmet Need.''

Although Ms. DeYoung is fortunate to live next to a larger city in Michigan, Muskegon, there are many rural communities in our state, particularly in the Upper Peninsula that have unique health care needs. As a member of the Rural Health Care Caucus in the House of Representatives, I have been working to ensure that those needs are understood and met.

The President's report documents that seniors living in rural America face real challenges in accessing health services, especially prescription drugs.

Senior citizens who live in rural communities represent almost 25 percent of all Medicare beneficiaries, tend to have a greater need for prescription drug coverage, but have fewer coverage options. Their incomes are lower, access to pharmacies more limited, and out-of-pocket spending higher.

According to the President's report, rural beneficiaries are over 60 percent more likely to fail to get needed prescription drugs due to cost. A greater proportion of rural elderly spend a large percent of their income on prescription drugs. In fact, rural senior citizens pay over 25 percent more in out-of-pocket expenses for prescription drugs than urban senior citizens. Finally, rural senior citizens on Medicare are 50 percent less likely to have any prescription drug coverage.

I would like to take this opportunity to highlight an important provision in the Democratic prescription drug proposal that does not get as much attention as some of the other important provisions that offer coverage for Medicare seniors. The Democratic plan includes assurance that resident in rural communities will have full access to all prescription drug benefits.

Now, I will read the letter from Edith DeYoung. ''I'm writing this letter to you concerning medical prescriptions for people who have reached 65 years of age. I was getting Medicaid but now that I've reached the Golden Years, age 65, I can't get help from Medicaid and Medicare does not cover prescriptions. I get $915 a month on Social Security. I would like to know how you can pay rent, lights, and, oh yes, groceries, and still have to pay $437 on a spend-down for medicine that leaves me $478 a month to pay all the above and live on. I am sending you a copy of the prescriptions I get every year. I sure can't afford any other insurance. So please, help the bill pass and help us that are 65 and need it really bad. As a senior citizen, I would like to hear back from your office. Sincerely, Edith DeYoung.''

The time is now to enact real prescription drug legislation that includes a prescription drug benefit in Medicare.

Proposals have been offered by the other party that would essentially offer a subsidy for a private insurance plan—that may or may not be available to all senior citizens. I am especially worried about seniors living in rural communities. And, as Edith DeYoung said, herself, she can't afford additional insurance. The Democratic plan, on the other hand, would provide her with the real help she needs. The Democratic plan would create a Medicare benefit that, because of Ms. DeYoung's income level, would cover all of her prescription drug costs.

INTELLIGENT DESIGN IS NOT A SCIENCE

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

Mr. SOUDER. Mr. Speaker, on June 1, I received a letter that was written by seven members of the biology department and one professor of psychology from Baylor University in response to my co-hosting a recent conference on intelligent design, the theory that an intelligent agency can be

detected in nature, sponsored by the Discovery Institute.

The professors denounced intelligent design as pseudo science and advocated what is bluntly called the materialistic approach to science.

Mr. Speaker, I am appalled that any university seeking to discover truth, yet alone a university that is a Baptist Christian school, could make the kinds of statements that are contained in this letter. Is there position on teaching about materialistic science so weak that it cannot withstand scrutiny and debate?

Intelligent design theory is upheld by the same kind of data and analysis as any other theory to determine whether an event is caused by natural or intelligent causes; just as a detective relies on evidence to decide whether a death was natural or murder, and an insurance company relies on evidence to decide whether a fire is an accident or arson. A scientist looking at, say, the structure of a DNA molecule goes through exactly the same reasoning to decide whether the DNA code is the result of natural causes or an intelligent agent.

Today, qualified scientists are reaching the conclusion that design theory makes better sense of the data. Influential new books are coming out by scientists like molecular biologist Behe, Darwin's Black Box, the Free Press, and mathematician William Dembski, the Design Interference, Cambridge University Press, which point out the problems with Darwinian evolution and highlight evidence for intelligent design in the university.

The tone of the letter I received seems to suggest that my congressional colleagues and I were unsuspecting honorary co-hosts in a conference on intelligent design. That is not the case. My good friend, the gentleman from Florida (Mr. CANADY), chairman of the House Judiciary Subcommittee on the Constitution has considered holding a congressional hearing on the bias and viewpoint discrimination in science and science education. Ideological bias has no place in science and many of us in Congress do not want the government to be party to it.

The gentleman from Florida (Mr. CANADY) approached several people, including the Discovery Institute, about plans for such a hearing. The people at Discovery suggested that instead we allow them merely to put on a modest informational briefing on intelligent design. That is exactly what happened, and we regarded the result as very valuable.

Nevertheless, many of us continue to be concerned about the unreasoning viewpoint discrimination in science. This letter dismisses those who do not share the philosophy of science favored by the authors as frauds. It is ironic, however, that the authors do not ever actually get around to answering the substantive arguments put forward by people at the Discovery Institute. The authors support a philosophy of science they call materialistic science. The key phrase in the letter is that we cannot consider God's role in the natural phenomenon we observe. Yet this assumption is merely asserted without any argument.

How can the authors of this letter be so confident that God plays no role in the observable world? Once we acknowledge that God exists, as these professors presumably do since they teach as a Christian university, there is no logical way to rule out the possibility that God may actually do something within the universe He created.

In addition, the philosophy of science the authors talk about is just that, a philosophy. It is not itself science, even according to the definition of science put forward by the authors themselves. They state, for example, that all observations must be explained through empirical observations. I am not sure what that means but I do know this: This statement itself is not verifiable by observation or by methods of scientific inquiry. It is rather a philosophical statement.

If they prefer it to the alternative that they suppose it advanced by the Discovery Institute folks, then the preference itself cannot be based on science. It is a difference of philosophy, but they are biologists not philosophers. They have no special authority in philosophy, even the philosophy of science.

Even more egregiously, they say that God cannot be proved or disproved. Now there is a philosophical statement for you. Of course many philosophers agree with it, but there are philosophers of stature who disagree with it, too. Why should the philosophical viewpoint of a group of biologists enjoy privileged status?

And then there was Darwinism. This letter treats Darwinism as a straightforwardly scientific position despite the criticism advanced by many responsible, informed people that Darwinism itself rests not on demonstrable facts but rather on controversial philosophical premises. In other words, serious people make a case against Darwinism, precisely the case that Baylor's biologists themselves are trying to make against intelligent design.

Yet the Baylor biologists simply ignore these criticisms. One senses here not a defense of science but rather an effort to protect, by political means, a privileged philosophical viewpoint against a serious challenge.

In digging into this matter further, it turns out that an international conference related to this topic, the Nature of Nature, was held recently at Baylor University. It was hosted by the Polanyi Center at Baylor and sponsored by the Discovery Institute and the John Templeton Foundation. A number of world-class scientists participated in the event, and contrary to the assertions made in this letter, advocates of intelligent design, as well as materialism, presented their ideas publicly. The authors of this letter have been part of an intense effort to close down that center, which was founded in part to explore these issues.

I would like to insert the rest of this statement in the RECORD, as well as the letter from the professors at Baylor University.

I would like to reference the words of the Israeli statesman, Shimon Peres: He said, "Science and lies cannot coexist. You don't have a scientific lie, and you cannot lie scienifically. Science is basically the search of truth—known, unknown, discovered, undiscovered—and a system that does not permit the search for truth cannot be a scientific system. Then again, science must operate in freedom. You cannot have free research in a society that doesn't enjoy freedom. . . . So in a strange way, science carries with it a color of transparency, of openness, which is the beginning of democracy . . ."

Dr. Bruce Alberts, President of the National Academy of Sciences made a recent speech where he said "Scientists, as practitioners, teach important values. These include honesty, an eagerness for new ideas, the sharing of knowledge for public benefit, and a respect for evidence that requires verification by others. These "behaviors of science" make science a catalyst for democracy. Science and democracy promote similar freedoms. Science and democracy accommodate, and are strengthened by, dissent. Science's requirement of proof resembles democracy's system of justice. Democracy is buttressed by science's values. And science is nurtured by democracy's principles."

There seems to be a tension between science as democratic, welcoming new ideas and dissent—and science as a lobby group, seeking to impose its viewpoint upon others. As the Congress, it might be wise for us to question whether the legitimate authority of science over scientific matters is being misused by persons who wish to identify science with a philosophy they prefer. Does the scientific community really welcome new ideas and dissent, or does it merely pay lip service to them while imposing a materialist orthodoxy?

Only a small percentage of Americans think the universe and life can be explained adequately in purely materialistic terms. Even fewer think real debate on the issue ought to be publicly suppressed.

I ask my colleagues to join with me in putting aside unfounded fears to explore the evidence and truthfulness of the theories that are being presented by those on both sides of this debate.

I want to thank Philip Johnson of the University of California at Berkeley. Robert * * * of Princeton University, and others is drafting this response.

BAYLOR UNIVERSITY,
June 1, 2000.

DEAR CONGRESSMAN SOUDER, We became aware of a meeting on May 10, 2000 that you and other legislators attended with members of the Discovery Institute from their website. According to the website, the main topics of the meeting involved the scientific case for design, the influence of the Darwinian and materialistic worldview on public policy, and how intelligent design will affect education. As citizens concerned with science education, we wish to give you the

perspective of mainstream scientists and science teachers.

INTELLIGENT DESIGN IS NOT SCIENCE

It is an old philosophical argument that has been dressed up as science. We and other mainstream scientists refer to it as intelligent design creationism. Some have referred to it as 'creeping creationism' due to the methods used by its proponents to sneak creation science into the classroom. The hypothesis of intelligent design is that living creatures are too complex to have arisen by random chance alone. However, we have yet to see any scientific, empirical data to support this hypothesis. Some of the proponents use statistics to show the improbability that living creatures have arisen by random chance, but this does not say that living things could not have arisen through such means. The members of the Discovery Institute stress that the idea of design is entirely empirical. If this is true, then their data should be presented to the scientific community. If mainstream scientists deem the data as evidence for design, then your office will be flooded with messages from professional scientists asking for more funding for design research. However, as the supporters of intelligent design have never openly presented their data, we have to conclude that either there is none or that it does not provide evidence for design.

THE PROPONENTS OF INTELLIGENT DESIGN DO NOT OPERATE AS LEGITIMATE SCIENTISTS

In science, all research must go through some sort of peer review. A scientist requests funds from various agencies, such as the National Science Foundation (NSF), which requires the scientists to give a detailed explanation of the research to be conducted. After conducting the research, the scientist then publishes or presents his/her findings in peer reviewed, scientific journals or at meetings sponsored by scientific organizations. In this way, other scientists can critically study the research, how it was conducted, and if its conclusions are correct. Proponents of intelligent design do none of this. Their funding comes from think tanks such as the Discovery Institute which have their own agenda. They do not publish in scientific journals nor present their ideas at meetings sponsored by scientific organizations. Rather, they publish books for the general public which go through no sort of review process except by editors at publishing companies who are often concerned more with the financial gains and less of the scientific merit of the book.

INTELLIGENT DESIGN DOES NOT BELONG IN THE SCIENCE CLASSROOM.

Because intelligent design has no scientific, empirical data to support it, we see no reason why it should be allowed into the science classroom. The proponents of intelligent design would say that they should have equal time in the classroom as a competing theory against Darwinism. However, in science, a theory isn't given equal time, it earns equal time. Ideas should be allowed into the science classroom only when they have amassed so much empirical evidence as to gain the support of the scientific community. Intelligent design has not risen to this level.

INTELLIGENT DESIGN COULD HAVE A SERIOUS NEGATIVE IMPACT ON SCIENCE EDUCATION AND RESEARCH.

Much of the proposed research from intelligent design deals mainly with understanding the personality and limits of the designer. Within the intelligent design paradigm, a possible answer to any scientific question is ''That's how the designer wanted it''. This does not answer anything at all. How are science teachers to inspire curiosity into the natural world when the answer to every question is 'That's just how it is', Also, we fear that future school board administrators would cut funds for science education because the role of science will have shifted from an exploration of the natural world to an exploration into the mind of a supposed designer. This could also have a negative impact on scientific research. Future Congresses with the need to balance budgets may cut funding to the National Science Foundation, Center for Disease Control, or National Institute for Health for the same reason as the school board administrator.

THE MEMBERS OF THE DISCOVERY CENTER ARE MISREPRESENTING MATERIALISTIC SCIENCE.

The current philosophy of science states that all observations must be explained through empirical observations. Materialistic science does not say that there is no God. Rather, it says that God, due to His supernatural and divine nature, cannot be proved or disproved, thus we cannot consider His role in the natural phenomena we observe. Therefore, the existence of God is not a question within the realm of science. Many scientists have a strong belief in a divine God and do not see any conflict between this belief and their work as scientists.

MATERIALISTIC SCIENCE HAS GREATLY INCREASED THE AMERICAN PEOPLE'S QUALITY OF LIFE.

Considering that materialistic science has been the predominant paradigm of science for about 150 years, let us look at life in America before and after the 1850's. First, all races were certainly not considered as equals. Women were considered inferior to men in every way. Also, the number of cause of death in women was giving birth. The infant mortality rate was equal to any Third World nation today. People died of diseases such as polio, small pox, and influenza. Mentally ill people wee locked up in institutions that resembled the horrors of the Inquisitions. The average life expectancy for people born in the 1850's was in the early sixties. Since the advent of materialistic science we have shown that all the races are much more alike than they are different. Medical health for women has improved to the point that couples rarely worry if the woman and/or child will die during birth. Also, women have become more empowered than any other time in human history. Diseases such as polio and small pox have essentially been wiped out in America. Also, due to improved sanitation and health regulations, typhoid, cholera, and malaria, are unheard of in America today. Mental illness is seen as a treatable, if not curable, disease. Children born in the 1990's could expect to live to be ninety years old.

THE PROPONENTS OF INTELLIGENT DESIGN ARE MAKING AN EMOTIONAL APPEAL AND NOT A SCIENTIFIC ARGUMENT.

The proponents of intelligent design are trying to use meetings such as the one that you attended to make an emotional plea to the general public about the ills that face our society. They would have us believe that all of our problems in society can be blamed on Darwinism. As a U.S. Legislator, we are certain you are aware of the many problems, great and small, facing America. As any concerned citizen, we watch the news and wonder why is there violence in the schools, why does racism and intolerance persist, and why can't the greatest nation in the world feed and house all of its people? The answer to these questions is neither Darwinian evolution nor materialistic science. Rather materialistic science could be the cure for many of society's problems.

We thank you in advance for considering the above information and for seeking more complete information regarding this important issue affecting the congressional debate regarding science education programs in this country.

Sincerely,

Cliff Hamrick, Biology Department, Baylor University.

Robert Baldridge, Professor of Biology, Baylor University.

Richard Duhrkopf, Associate Professor of Biology, Baylor University.

Lewis Barker, Professor of Psychology & Neuroscience, Baylor University.

Wendy Sera, Assistant Professor of Biology, Baylor University.

Darrell Vodopich, Associate Professor of Biology, Baylor University.

Sharon Conry, Biology Department, Baylor University.

Cathleen Early, Biology Department, Baylor University.

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

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

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. WU) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Ms. STABENOW, for 5 minutes, today.

Mr. HOLT, for 5 minutes, today.

(The following Members (at the request of Mr. SOUDER) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, June 21.

Mr. SOUDER, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following titles was taken from the Speaker's table and, under the rule, referred as follow:

S. 1507. An act to authorize the integration and consolidation of alcohol and substance abuse programs and services provided by Indian tribal governments, and for other purposes; to the Committee on Resources and Committee on Commerce.

ADJOURNMENT

Mr. SOUDER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 10 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, June 15, 2000, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8123. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Myclobutanil; Pesticide Tolerances [OPP–300994; FRL–6555–5] (RIN: 2070–AB78) received May 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8124. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Obstetrical and Gynecological Devices; Classification of Female Condoms [Docket No. 99N–1309] received May 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8125. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—West Virginia: Final Authorization of State Hazardous Waste Management Program Revision [FRL–6600–4] received May 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8126. A letter from the Director, Office of Regulatory Manageement and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants: Group I Polymers and Resins; and National Emission Standards for Hazardous Air Pollutants: Group IV Polymers and Resins [AD-FRL–6585–7] (RIN: 2060–AH47) received May 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8127. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Montana: Final Authorization of State Hazardous Waste Management Program Revision [FRL–6601–3] received May 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8128. A letter from the Director, Office of Regulatory Managment and Information, Environmental Protection Agency, transmitting the Agency's final rule—South Dakota: Final Authorization of State Hazardous Waste Management Program Revision [FRL–6601–4] received May 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8129. A letter from the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Indiana [IN 119–1a; FRL–6601–5] received May 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8130. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Oklahoma Regulatory Program [SPATS No. OK–027–FOR] received May 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8131. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Indiana Regulatory Program [SPATS No. IN–147–FOR] received May 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8132. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Fishery Management Plans of the Gulf of Mexico; Addition to FMP Framework Provisions; Stone Crab Gear Requirements [Docket No. 000511134–0134–01; I.D. 072699D] (RIN: 0648–AL81) received May 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8133. A letter from the Assistant Administrator For Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Magnuson-STEVENS Act Provisions; Fishing Capacity Reduction Program [Docket No. 980812215–0109–02; I.D. 07289D] (RIN: 0648–AK76) received May 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8134. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Learjet Model 45 Airplanes [Docket No. 2000–NM–85–AD; Amendment 39–11699; AD 2000–08–13] (RIN: 2120–AA64) received May 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8135. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 99–NM–56–AD; Amendment 39–11700; AD 2000–08–14] (RIN: 2120–AA64) received May 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8136. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 99–NM–56–AD; Amendment 39–11700; AD 2000–08–14] (RIN: 2120–AA64) received May 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8137. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Model BAe 125–800A and BAe 125–800B, Model Hawker 800, and Model Hawker 800XP Series Airplanes [Docket No. 99–NM–13–AD; Amendment 39–11693; AD 2000–08–07] (RIN: 2120–AA64) received May 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8138. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 777 Series Airplanes [Docket No. 99–NM–346–AD; Amendment 39–11701; AD 2000–08–15] (RIN: 2120–AA64) received May 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8139. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–100, -200, -300, -400, and -500 Series Airplanes [Docket No. 98–NM–253–AD; Amendment 39–11703; AD 2000–08–17] (RIN: 2120–AA64) received May 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8140. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Unalaska, AK [Airspace Docket No. 99–AAL–18] received May 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8141. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Carrizo Springs, Glass Ranch, TX [Airspace Docket No. 2000–ASW–12] received May 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8142. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revocation of Class E Airspace, Freeport, TX [Airspace Docket No. 2000–ASW–11] received May 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8143. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Uvalde, TX [Airspace Docket No. 2000–ASW–04] received May 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8144. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Jasper, TX [Airspace Docket No. 2000–ASW–05] received May 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8145. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Port Lavaca, TX [Airspace Docket No. 2000–ASW–03] received May 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8146. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Holy Cross, AK [Airspace Docket No. 99–AAL–22] received May 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8147. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Kipnuk, AK [Airspace Docket No. 99–AAL–20] received May 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8148. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Scammon Bay, AK [Airspace Docket No. 99–AAL–19] received May 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8149. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Water Quality Standards; Establishment of Numeric Criteria for Priority Toxic Pollutants for the State of California [FRL–6587–9] (RIN: 2040–AC44) received May 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8150. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Last In, first-out inventories [Rev. Rul. 2000–29] received May 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8151. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Administrative, Procedural and Miscellaneous [Rev. Proc. 2000–26] received May 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8152. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Consolidated Returns—Limitations on the Use of Certain Credits [TD 8884] (RIN: 1545–AV88) received May 23, 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. SHUSTER: Committee on Transportation and Infrastructure. H.R. 809. A bill to amend the Act of June 1, 1948, to provide for reform of the Federal Protective Service; with an amendment (Rept. 106–676). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Ms. BALDWIN (for herself, Mr. MCHUGH, Mr. OBEY, Mr. COOKSEY, Mr. KIND, Mr. BOEHLERT, Mr. HILLIARD, Mr. SWEENEY, Mr. BOUCHER, Mrs. THURMAN, Mr. SHERWOOD, Mr. WALSH, Mrs. ROUKEMA, and Mr. SMITH of Michigan):

H.R. 4652. A bill to amend the Federal Food, Drug, and Cosmetic Act to prohibit products that contain dry ultra-filtered milk products or casein from being labeled as domestic natural cheese, and for other purposes; to the Committee on Commerce.

By Mr. CUNNINGHAM:

H.R. 4653. A bill to amend the Public Health Service Act to establish an Office of Men's Health; to the Committee on Commerce.

By Mr. DELAY (for himself, Mr. ARMEY, Mr. WATTS of Oklahoma, Mr. BLUNT, Mrs. FOWLER, Ms. PRYCE of Ohio, Mr. COX, Mr. DREIER, Mr. SPENCE, Mr. GILMAN, Mr. GOSS, Mr. HYDE, Mr. STUMP, Mr. SMITH of New Jersey, Mr. BARR of Georgia, and Mr. ADERHOLT):

H.R. 4654. A bill to protect United States military personnel and other elected and appointed officials of the United States Government against criminal prosecution by an international criminal court to which the United States is not a party; to the Committee on International Relations.

By Mr. FRELINGHUYSEN (for himself, Mr. FRANKS of New Jersey, Mr. FOLEY, and Mr. MEEHAN):

H.R. 4655. A bill to direct the Secretary of Energy to sell the fossil-fuel and nuclear generation facilities and the electric power transmission facilities of the Tennessee Valley Authority, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Commerce, 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. GIBBONS:

H.R. 4656. A bill to authorize the Forest Service to convey certain lands in the Lake Tahoe Basin to the Washoe County School District for use as an elementary school site; to the Committee on Resources.

By Mr. GIBBONS:

H.R. 4657. A bill to direct the Secretary of the Interior to convey certain land to Eureka County, Nevada, for continued use as a cemetery; to the Committee on Resources.

By Mr. HAYES (for himself and Mr. MCINTYRE):

H.R. 4658. A bill to designate the facility of the United States Postal Service located at 301 Green Street in Fayetteville, North Carolina, as the ''J.L. Dawkins Post Office Building''; to the Committee on Government Reform.

By Mr. HEFLEY (for himself, Mrs. MORELLA, Mrs. BIGGERT, Mrs. EMERSON, Ms. LOFGREN, Mr. TOWNS, Mrs. KELLY, and Ms. DUNN):

H.R. 4659. A bill to allow postal patrons to contribute to funding for domestic violence programs through the voluntary purchase of specially issued postage stamps; to the Committee on Government Reform.

By Mr. HEFLEY:

H.R. 4660. A bill to amend title 10, United States Code, to deny Federal educational assistance funds to local educational agencies that deny military recruiters access to secondary school students, or directory information about secondary school students, on the same basis as other potential employers, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Education and the Workforce, 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. HOEKSTRA (for himself and Mr. MORAN of Virginia):

H.R. 4661. A bill to amend the Internal Revenue Code of 1986 to permit the disclosure of return information to verify the accuracy of information provided on applications for Federal student financial aid; to the Committee on Ways and Means.

By Mr. SAM JOHNSON of Texas:

H.R. 4662. A bill to amend section 313 of the Tariff Act of 1930 to make certain products eligible for drawback and to simply and clarify certain drawback provisions; to the Committee on Ways and Means.

By Mrs. LOWEY:

H.R. 4663. A bill to provide civil legal assistance for victims of domestic violence and sexual assault; to the Committee on the Judiciary.

By Mr. MEEKS of New York:

H.R. 4664. A bill to establish the elderly housing plus health support demonstration program to modernize public housing for elderly and disabled persons; to the Committee on Banking and Financial Services.

By Ms. MILLENDER-MCDONALD:

H.R. 4665. A bill to authorize assistance for mother-to-child HIV/AIDS transmission prevention efforts; to the Committee on International Relations.

By Mr. NUSSLE:

H.R. 4666. A bill to amend the Internal Revenue Code of 1986 to permit financial institutions to determine their interest expense deduction without regard to tax-exempt bonds issued to provide certain small loans for health care or educational purposes; to the Committee on Ways and Means.

By Mr. OWENS:

H.R. 4667. A bill to establish a commission to study the establishment of a national education museum and archive for the United States; to the Committee on Education and the Workforce.

By Mr. ROMERO-BARCELO:

H.R. 4668. A bill to provide for the protection of critical lands in Puerto Rico, for intergovernmental cooperation in land and water conservation, and for other purposes; to the Committee on Resources.

By Mr. BACHUS (for himself and Mr. HILLIARD):

H.J. Res. 102. A joint resolution recognizing that the Birmingham Pledge has made a significant contribution in fostering racial harmony and reconciliation in the United States and around the world, and for other purposes; to the Committee on the Judiciary.

By Mr. GILMAN (for himself, Mr. LANTOS, and Mr. SMITH of New Jersey):

H. Con. Res. 352. Concurrent resolution expressing the sense of the Congress regarding manipulation of the mass media and intimidation of the independent press in the Russian Federation, expressing support for freedom of speech and the independent media in the Russian Federation, and calling on the President of the United States to express his strong concern for freedom of speech and the independent media in the Russian Federation; to the Committee on International Relations.

By Mr. SANDERS (for himself, Mrs. MORELLA, Mrs. CLAYTON, Mr. HILLIARD, Ms. CARSON, Ms. MILLENDER-MCDONALD, Mr. LANTOS, Mr. ENGEL, Mr. FILNER, Mr. BARRETT of Wisconsin, Mr. LIPINSKI, Mr. BALDACCI, and Mrs. MEEK of Florida):

H. Con. Res. 353. Concurrent resolution expressing the sense of the Congress that a national summit of sports, political, community, and media leaders should be promptly convened to develop a multifaceted action plan to deter acts of violence, especially domestic violence and sexual assault; to the Committee on Education and the Workforce.

By Ms. CARSON:

H. Res. 526. A resolution encouraging and promoting greater involvement of fathers in their children's lives and expressing the sense of the House of Representatives regarding a National Responsible Father's Day; to the Committee on Education and the Workforce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 49: Mr. FRANK of Massachusetts, Mr. LAFALCE, and Mr. MCGOVERN.

H.R. 229: Mr. MCNULTY and Mr. NADLER.

H.R. 460: Ms. MCKINNEY.

H.R. 802: Ms. LOFGREN.

H.R. 826: Ms. ROYBAL-ALLARD.

H.R. 980: Mr. BAKER.

H.R. 1079: Mr. PALLONE, Mr. HOLT, and Mr. ROMERO-BARCELO.

H.R. 1217: Mr. JONES of North Carolina.

H.R. 1303: Mr. MEEKS of New York.

H.R. 1322: Mr. FALEOMAVAEGA, Mr. TAUZIN, and Mrs. ROUKEMA.

H.R. 1422: Mr. BACA.

H.R. 1472: Mr. BACA.

H.R. 1581: Mr. RUSH.

H.R. 1621: Mr. WISE.

H.R. 1622: Mr. HOLT.

H.R. 1708: Mr. KLINK.

H.R. 2059: Ms. KAPTUR.

H.R. 2265: Mr. PASCRELL.

H.R. 2273: Mr. HERGER, Mr. WOLF, Mr. TERRY, and Mr. SOUDER.

H.R. 2382: Mr. DEFAZIO.

H.R. 2451: Mr. ADERHOLT.

H.R. 2562: Mr. SWEENEY.

H.R. 2624: Mr. JEFFERSON.

H.R. 2631: Mr. GUTIERREZ.

H.R. 2702: Mr. PASCRELL.

H.R. 2774: Mr. HINCHEY and Mr. PAYNE.

H.R. 2870: Mrs. JONES of Ohio, Mr. BAIRD, and Mr. BILBRAY.

H.R. 2882: Ms. MCKINNEY.

H.R. 3032: Ms. CARSON, Mr. GUTIERREZ, Mr. HASTINGS of Florida, Mr. THOMPSON of California, Mr. FRANK of Massachusetts, Mr. OWENS, and Mr. FILNER.

H.R. 3082: Mr. STUPAK.

H.R. 3142: Mr. FALEOMAVAEGA.

H.R. 3144: Mr. PASTOR.

H.R. 3180: Ms. MCKINNEY.

H.R. 3193: Ms. PELOSI, Mr. VISCLOSKY, and Ms. SANCHEZ.

H.R. 3317: Mr. SPRATT.

H.R. 3319: Mr. ALLEN.

H.R. 3466: Mr. FOLEY and Mr. BACA.
H.R. 3521: Mr. HILLEARY.
H.R. 3573: Mr. KING.
H.R. 3580: Ms. MCKINNEY, Mr. PICKETT, Mr. ROYCE, Mr. NORWOOD, and Mr. FARR of California.
H.R. 3593: Mr. THOMAS.
H.R. 3634: Mr. RANGEL.
H.R. 3655: Mr. BERMAN and Mr. BENTSEN.
H.R. 3681: Mr. LUCAS of Kentucky and Mr. CLEMENT.
H.R. 3688: Mr. MASCARA.
H.R. 3800: Mr. BLUNT and Mr. LOBIONDO.
H.R. 3918: Mr. BARR of Georgia, Mr. BARRETT of Nebraska, Mr. BASS, Mr. BILBRAY, Mrs. BONO, Mr. BRADY of Texas, Mr. CALLAHAN, Mr. CANADY of Florida, Mr. CANNON, Mr. CHAMBLISS, Mr. COLLINS, Mr. COSTELLO, Mr. COX, Mr. CUNNINGHAM, Mr. DUNCAN, Mr. EVERETT, Mrs. FOWLER, Mr. GALLEGLY, Mr. GOODLATTE, Ms. GRANGER, Mr. HAYWORTH, Mr. HOBSON, Mr. HORN, Mr. HUNTER, Mr. HUTCHINSON, Mr. SAM JOHNSON of Texas, Mr. KINGSTON, Mr. KOLBE, Mr. LATHAM, Mr. LEWIS of California, Mr. LEWIS of Kentucky, Mr. METCALF, Mr. MILLER of Florida, Mrs. NORTHUP, Mr. NORWOOD, Mr. OXLEY, Mr. PACKARD, Mr. REYNOLDS, Mr. ROHRABACHER, Ms. ROS-LEHTINEN, Mr. ROYCE, Mr. SENSENBRENNER, Mr. SHADEGG, Mr. SHIMKUS, Mr. SKEEN, Mr. SPENCE, Mr. STUMP, Mr. SUNUNU, Mr. VITTER, Mr. WAMP, Mr. WELDON of Pennsylvania, Mr. WHITFIELD, Mr. WICKER, Mr. BENTSEN, Mr. BOSWELL, Mr. BOYD, Mrs. CAPPS, Mr. CLEMENT, Mr. CONDIT, Mr. DAVIS of Illinois, Mr. DOOLEY of California, Mr. EDWARDS, Mr. FARR of California, Mr. FILNER, Mr. FORD, Mr. GONZALEZ, Mr. GREEN of Texas, Mr. HINOJOSA, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MARTINEZ, Mr. MINGE, Mrs. NAPOLITANO, Mr. ORTIZ, Mr. PASTOR, Mr. PETERSON of Minnesota, Mr. ROMERO-BARCELO, Mr. ROTHMAN, Mr. SHERMAN, Mr. SKELTON, Mr. SNYDER, Mr. SPRATT, Mr. THOMPSON of California, Mr. TRAFICANT, Mr. TURNER, and Mr. UNDERWOOD.
H.R. 4013: Mr. GILCHREST.
H.R. 4033: Ms. MCKINNEY.
H.R. 4041: Ms. WOOLSEY.
H.R. 4042: Ms. WOOLSEY and Mr. WEXLER.
H.R. 4066: Mr. ANDREWS and Mr. FILNER.
H.R. 4069: Mr. DUNCAN, Mr. DEUTSCH, Mr. HEFLEY, Mr. MORAN of Virginia, and Mr. THUNE.
H.R. 4165: Mr. KUYKENDALL.
H.R. 4206: Mr. WEINER and Mr. GONZALEZ.
H.R. 4210: Mr. CUMMINGS and Mr. EHLERS.
H.R. 4257: Mr. PICKETT.
H.R. 4259: Mr. WALDEN of Oregon, Mr. TRAFICANT, Mr. TOOMEY, Mr. THUNE, Mr. UPTON, Mr. SIMPSON, Mr. SHIMKUS, Mr. SHERWOOD, Mr. SWEENEY, Mr. TIAHRT, and Mr. TALENT.
H.R. 4282: Mr. ROHRABACHER and Mr. REYES.
H.R. 4320: Mr. CONYERS.
H.R. 4328: Mr. MCGOVERN and Mr. FALEOMAVAEGA.
H.R. 4329: Mr. PASCRELL.
H.R. 4384: Mr. OXLEY, Mr. TANNER, Mr. BALDACCI, Mrs. TAUSCHER, Mr. TOWNS, Mr. OWENS, Mrs. MEEK of Florida, Mr. ROEMER, Mr. HOLDEN, Mr. WATT of North Carolina, Mr. BRADY of Pennsylvania, Mr. FATTAH, Mr. BORSKI, Mr. KLINK, Mr. KANJORSKI, Mr. MURTHA, Mr. HOEFFEL, Mr. COYNE, Mr. DOYLE, Mr. MASCARA, Mr. GORDON, Mr. LAMPSON, Mr. HINOJOSA, Mr. GONZALEZ, Mr. MENENDEZ, Mr. BAIRD, Mr. MCDERMOTT, Mr. WISE, Ms. PELOSI, Mr. STARK, Ms. LOFGREN, Mr. HASTINGS of Florida, Mr. DEUTSCH, Mr. ABERCROMBIE, Mr. COSTELLO, Mr. CARDIN, Mr. CUMMINGS, and Ms. KILPATRICK.
H.R. 4395: Mr. CAMP and Mr. CRANE.
H.R. 4441: Mr. BONIOR and Mr. VISCLOSKY.
H.R. 4453: Mr. CUMMINGS, Mr. ABERCROMBIE, and Mr. CLAY.
H.R. 4467: Mrs. KELLY.
H.R. 4468: Mr. WATTS of Oklahoma.
H.R. 4487: Mr. UNDERWOOD and Mr. WEYGAND.
H.R. 4492: Mr. LIPINSKI, Mr. BONIOR, Mr. OXLEY, Mr. WEINER, and Mr. NEAL of Massachusetts.
H.R. 4507: Ms. KAPTUR.
H.R. 4536: Mrs. MEEK of Florida and Ms. STABENOW.
H.R. 4541: Mr. BARRETT of Nebraska, Mr. CHAMBLISS, and Mr. GUTKNECHT.
H.R. 4543: Mr. MCNULTY, Mr. COLLINS, Mr. ENGLISH, Mr. WATKINS, Mr. SENSENBRENNER, Mr. FRANK of Massachusetts, Mr. BARR of Georgia, Mr. BERMAN, and Mr. GRAHAM.
H.R. 4553: Mr. OSE, Mr. WALSH, Mr. GILCHREST, Mr. NETHERCUTT, Mrs. FOWLER, Mr. GREENWOOD, Ms. PRYCE of Ohio, Mr. KUYKENDALL, Mr. UPTON, Mrs. EMERSON, Mr. HOUGHTON, Mr. EHLERS, Mr. MANZULLO, and Mr. TANCREDO.
H.R. 4556: Mr. ENGLISH.
H.R. 4596: Ms. LEE and Mr. HINCHEY.
H. Con. Res. 220: Mr. PASCRELL.
H. Con. Res. 225: Mr. WYNN.
H. Con. Res. 261: Mr. TOWNS.
H. Con. Res. 297: Mrs. MYRICK.
H. Con. Res. 322: Mr. DOOLITTLE and Mr. LARSON.
H. Con. Res. 348: Mr. TURNER, Mrs. CAPPS, Ms. MILLENDER-MCDONALD, Mr. WYNN, Mr. THOMPSON of Mississippi, Mr. CUMMINGS, Mr. CONYERS, Ms. BROWN of Florida, Mr. CLAY, and Mr. SHERMAN.
H. Res. 259: Mr. MCHUGH, Mr. COOK, Mr. CLEMENT, Mr. GARY MILLER of California, and Mr. FALEOMAVAEGA.
H. Res. 420: Mr. TAYLOR of North Carolina, Ms. DELAURO, Mr. TRAFICANT, and Mr. SHAYS.
H. Res. 458: Mr. FORBES and Mr. LATHAM.
H. Res. 500: Mr. MENENDEZ.
H. Res. 517: Mr. TIAHRT and Mr. RYUN of Kansas.
H. Res. 521: Mr. STEARNS, Mr. LARGENT, Mr. JONES of North Carolina, Mr. HILLEARY, Mr. SCHAFFER, Mr. GARY MILLER of California, Mr. RYUN of Kansas, Mr. RYAN of Wisconsin, Mr. BARTLETT of Maryland, Mr. HUTCHINSON, Mr. CHABOT, Mr. HOEKSTRA, Mr. SMITH of Michigan, Mr. GREEN of Wisconsin, Mr. COX, Mr. VITTER, and Mr. TOOMEY.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2966: Mr. TANCREDO.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4578

OFFERED BY: MR. HILL OF MONTANA

AMENDMENT NO. 51: Page 53, line 4, after the dollar amount insert ''(reduced by $500,000) (increased by $500,000)''.

H.R. 4578

OFFERED BY: MR. HILL OF MONTANA

AMENDMENT NO. 52: At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE V—ADDITIONAL GENERAL PROVISIONS

SEC. 501. None of the funds made available in this Act may be used to remove or rescind a designation, in existence as of the date of enactment of this Act, of a route or water surface for use by snowmobiles under section 2.18(c) of title 36, Code of Federal Regulations, or any special regulations promulgated thereunder, in Yellowstone National Park, Grand Teton National Park, or the John D. Rockefeller National Memorial Parkway.

H.R. 4578

OFFERED BY: MS. KAPTUR

AMENDMENT NO. 53: Page 69, Line 10: After ''until expended.'' Add *''Provided*, that the Secretary of Energy shall annually acquire and store as part of the Strategic Petroleum Reserve 300,000,000 gallons of ethanol and 100,000,000 gallons of biodiesel fuel. Such fuels shall be obtained in exchange for, or purchased with funds realized from the sale of, crude oil from the Strategic Petroleum Reserve.''

H.R. 4578

OFFERED BY: MR. OSE

AMENDMENT NO. 54: On page 52, strike lines 12 through 15.

H.R. 4578

OFFERED BY: MR. SUNUNU

AMENDMENT NO. 55: Page 5, line 17, after the first dollar amount insert the following: ''(increased by $10,000,000)''.

Page 15, line 15, after the first dollar amount insert the following: ''(increased by $10,000,000)''.

Page 17, line 7, after the dollar amount insert the following: ''(increased by $10,000,000)''.

Page 17, line 9, after the dollar amount insert the following: ''(increased by $10,000,000)''.

Page 17, line 13, after the dollar amount insert the following: ''(increased by $10,000,000)''.

Page 54, line 25, after the dollar amount insert the following: ''(increased by $10,000,000)''.

Page 67, line 16, after the dollar amount insert the following: ''(reduced by $126,500,000)''.

H.R. 4635

OFFERED BY: MR. ANDREWS

AMENDMENT NO. 11: Page 20, line 13, after the dollar amount, insert the following: ''(reduced by $25,000,000)''.

Page 20, line 18, after the dollar amount, insert the following: ''(reduced by $25,000,000)''.

Page 62, line 22, after the dollar amount, insert the following: ''(increased by $25,000,000)''.

Page 63, line 1, after the dollar amount, insert the following: ''(increased by $25,000,000)''.

H.R. 4635

OFFERED BY: MR. ANDREWS

AMENDMENT NO. 12: Page 20, line 13, after the dollar amount, insert the following: ''(reduced by $60,000,000)''.

Page 20, line 18, after the dollar amount, insert the following: ''(reduced by $60,000,000)''.

Page 62, line 22, after the dollar amount, insert the following: ''(increased by $60,000,000)''.

Page 63, line 1, after the dollar amount, insert the following: ''(increased by $60,000,000)''.

H.R. 4635

OFFERED BY: MR. BILIRAKIS

At the appropriate place in the bill insert the following:

SEC. XX. OFFICE OF THE ENVIRONMENTAL PROTECTION AGENCY NATIONAL HAZARDOUS WASTE AND SUPERFUND OMBUDSMAN.

(a) REAUTHORIZATION.—

(1) IN GENERAL.—Section 2008(d) of the Solid Waste Disposal Act (42 U.S.C. 6917(d)) is

amended by striking ''4 years after the date of enactment of the Hazardous and Solid Waste Amendments of 1984'' and inserting ''on the date that is 10 years after the date of enactment of the Act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes''.

(2) FUNCTIONS AND POWER OF OFFICE.—

(A) GENERAL FUNCTIONS.—In addition to those functions not otherwise inconsistent with Federal law and the solid and hazardous waste laws of the United States, if shall be the function of the Hazardous Waste and Superfund Ombudsman to administer the Office of Environmental Protection Agency National Hazardous Waste and Superfund Ombudsman to:

(i) assist citizens in resolving problems with the Environmental Protection Agency;

(ii) identify areas in which citizens have problems in dealing with the Environmental Protection Agency;

(iii) to the extent possible, propose changes in the administrative practices of the Environmental Protection Agency to mitigate problems identified under clause (ii);

(iv) identify potential legislative changes that may be appropriate to mitigate such problems; and

(v) conduct investigations, determine findings of fact, and make non-binding recommendations.

(B) GENERAL POWERS.—In addition to the powers not otherwise inconsistent with Federal law and the hazardous waste laws to the United States, the Office of Environmental Protection Agency National Hazardous Waste and Superfund Ombudsman shall have the following powers:

(i) To investigate any act of the Environmental Protection Agency, upon complaint or his own motion, without regard to its finality.

(ii) To adopt rules necessary for the execution of duties, including procedures for receiving and processing complaints, conducting investigations and reporting findings, not inconsistent with this Act and the consensus standards expressed in the 1969 Resolution of the American Bar Association and the United States Ombudsman Association Model Act for Ombudsman for the establishment of Ombudsman.

(iii) To examine the records and documents and to enter and inspect without notice the premises of the Environmental Protection Agency together with related authorities of section 104(e) of CERCLA.

(iv) To subpoena any person to appear, to give sworn testimony or to produce documentary or other evidence determined by the National Hazardous Waste and Superfund Ombudsman to be reasonably material to an Ombudsman investigation.

(v) To undertake, participate in or cooperate with any persons or agencies in such conferences, inquiries on the record, public hearings on the record, meetings and studies as may be determined by the National Hazardous Waste and Superfund Ombudsman to be reasonably material to an Ombudsman investigation or which may lead to improvements in the functions of the Environmental Protection Agency and cooperating agencies.

(vi) To maintain as confidential and privileged any and all communications respecting any matter and the identities of any parties or, witnesses coming before the National Hazardous Waste and Superfund Ombudsman.

(vii) To request independent counsel from the United States House of Representatives, the United States Senate, the appropriate United States Attorney, or, otherwise at the election of the National Hazardous Waste and Superfund Ombudsman, to enforce the provisions of this section.

(viii) Administer a budget for the Office of Environmental Protection Agency National Hazardous Waste and Superfund Ombudsman.

(3) STRUCTURE, OPERATIONS AND REPORTS.—

(A) STRUCTURE.—The National Hazardous Waste and Superfund Ombudsman of the Environmental Protection Agency Office of the National Hazardous Waste and Superfund Ombudsman shall report to the Administrator of the Environmental Protection Agency and Congress.

(B) OPERATION.—The National Hazardous Waste and Superfund Ombudsman of the Environmental Protection Agency Office of Ombudsman shall have the authority and responsibility to, but shall not be required to—

(i) appoint one Ombudsman for each Region of the United States;

(ii) evaluate and take personnel actions (including hiring and dismissal) with respect to any employee of the Office of Ombudsman; and

(iii) conduct and lead investigations, determine findings of fact, and make non-binding recommendations.

Notwithstanding the placement of the office described in subparagraph (A), the Environmental Protection Agency Office of the National Hazardous Waste and Superfund Ombudsman shall maintain, at each and every location, an office location, a telephone, facsimile and other electronic communication access and a post office address at a location other than any Environmental Protection Agency office.

(c) REPORTS.—The Environmental Protection Agency Office of the National Hazardous Waste and Superfund Ombudsman may from time to time and shall annually report on the status of health and environmental concerns addressed by complaints and cases brought to the National Hazardous Waste and Superfund Ombudsman. Such reports shall be submitted to the President, to the Congress through the Commerce Committee of the House of Representatives and the Committee on Environment and Public Works of the Senate; and to the public, to the Environmental Protection Agency, and in his discretion, to other governmental agencies.

(4) IMMUNITIES AND OBSTRUCTION.—

(A) IMMUNITIES.—The National Hazardous Waste and Superfund Ombudsman shall have the same immunities from civil and criminal liabilities as an administrative law judge and shall not be compelled to testify or produce evidence in any judicial or administrative proceeding with respect to any matter involving the exercise of official duties except as may be necessary to enforce this Act or the criminal laws of the United States.

(B) OBSTRUCTION.—Any person who willfully obstructs or hinders the proper and lawful exercise of the National Hazardous Waste and Superfund Ombudsman's powers, or willfully misleads or attempts to mislead the Ombudsman in the course of an investigation shall be subject, at a minimum, to penalties under sections 1001 and 1505 of the United States Code.

(5) RELATION TO OTHER LAWS AND COOPERATION.—

(A) RELATION TO OTHER LAWS.—The provisions of this section do not limit any remedy or right of appeal and may be exercised notwithstanding, any provision of law to the contrary that an agency action is not reviewable, final or not subject to appeal.

(B) COOPERATION.—All Federal agencies shall assist the Environmental Protection Agency Office of the National Hazardous Waste and Superfund Ombudsman in carrying out functions under this Act and shall promptly make available all requested information concerning past or present agency waste management practices and past or present agency owned, leased or operated hazardous waste facilities. This information shall be provided in such format as may be determined by the National Hazardous Waste and Superfund Ombudsman.

(6) APPROPRIATION.—The sum of $2,000,000 is hereby made available and appropriated within the general funds of the Environmental Protection Agency for fiscal year 2001 for the purposes of carrying out this Act. In future years not less than one one-thousandth of the annual Environmental Protection Agency appropriation shall be made available and appropriated within the general funds of the Environmental Protection Agency for the purposes of carrying out this Act.

(7) SEVERABILITY.—If any part of this Act is declared invalid, all other provisions shall remain in full force and effect.

H.R. 4635

OFFERED BY: MR. BILIRAKIS

AMENDMENT NO. 14: Page 62, line 2, under the heading ''Hazardous Substance Superfund'', after ''2002'' insert ''; *Provided further,* That of amounts appropriated under this heading, $2,000,000 shall be available for purposes of the National Hazardous Waste and Superfund Ombudsman''.

H.R. 4635

OFFERED BY: MR. DEFAZIO

AMENDMENT NO. 15: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. 426. None of the funds made available in this Act may be used by the Department of Housing and Urban Development to provide any financial assistance for a smoke shop or other tobacco outlet.

H.R. 4635

OFFERED BY: MR. DEFAZIO

AMENDMENT NO. 16: Page 9, line 8, insert after the dollar amount the following: ''(increased by $16,000,000)''.

Page 79, line 23, insert after the dollar amount the following: ''(reduced by $16,000,000)''.

H.R. 4635

OFFERED BY: MR. DEFAZIO

AMENDMENT NO. 17: Page 79, line 23, insert after the dollar amount the following: ''(reduced by $16,000,000)''.

H.R. 4635

OFFERED BY: MR. FILNER

AMENDMENT NO. 18: Page 14, after line 13, insert the following:

In addition, for ''Grants for Construction of State Extended Care Facilities'', $80,000,000: *Provided,* That the Congress hereby designates the entire such amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further,* That such amount shall be available only to the extent of a specific dollar amount for such purpose that is included in an official budget request transmitted by the President to the Congress and that is designated as an emergency requirement pursuant to such section 251(b)(2)(A).

H.R. 4635

OFFERED BY: MR. FILNER

AMENDMENT NO. 19: Page 9, after line 8, insert the following:

In addition, for ''Medical and Prosthetic Research Benefits'', $25,000,000: *Provided,* That the Congress hereby designates the entire such amount as an emergency requirement pursuant to section 251(b)(2)(A) of the

Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further,* That such amount shall be available only to the extent of a specific dollar amount for such purpose that is included in an official budget request transmitted by the President to the Congress and that is designated as an emergency requirement pursuant to such section 251(b)(2)(A).

H.R. 4635

OFFERED BY: MR. FILNER

AMENDMENT NO. 20: Page 9, after line 3, insert the following:

In addition, for ''Medical Care'', $35,200,000 for health care benefits for Filipino World War II veterans who were excluded from benefits by the Rescissions Acts of 1946 and to increase service-connected disability compensation from the peso rate to the full dollar amount for Filipino World War II veterans living in the United States: *Provided,* That the Congress hereby designates the entire such amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further,* That such amount shall be available only to the extent of a specific dollar amount for such purpose that is included in an official budget request transmitted by the President to the Congress and that is designated as an emergency requirement pursuant to such section 251(b)(2)(A).

H.R. 4635

OFFERED BY: MR. FILNER

AMENDMENT NO. 21: Page 3, after line 21, insert the following:

In addition, for ''Readjustment Benefits'', $900,000,000 for enhanced educational assistance under chapter 30 of title 38, United States Code (the Montgomery GI Bill), in accordance with the provisions of H.R. 4334 of the 106th Congress as introduced on April 13, 2000: *Provided,* That the Congress hereby designates the entire such amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further,* That such amount shall be available only to the extent of a specific dollar amount for such purpose that is included in an official budget request transmitted by the President to the Congress and that is designated as an emergency requirement pursuant to such section 251(b)(2)(A).

H.R. 4635

OFFERED BY: MR. HINCHEY

AMENDMENT NO. 22: Page 46, line 21, after the dollar amount, insert the following: ''(increased by $4,770,000)''.

H.R. 4635

OFFERED BY: MR. HINCHEY

AMENDMENT NO. 23: At the end of the bill, after the last section (before the short title) insert the following new section:

SEC. ____. None of the funds made available in this Act may be used by the Department of Veterans Affairs to implement or administer the Veterans Equitable Resource Allocation system.

H.R. 4635

OFFERED BY: MR. HOSTETTLER

AMENDMENT NO. 24: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. ____. None of the funds made available in this Act may be used to administer the Communities for Safer Guns Coalition.

H.R. 4635

OFFERED BY: MR. HOSTETTLER

AMENDMENT NO. 25: At the end of the bill, insert after the last section (preceding the short title) the following:

SEC. ____. None of the funds made available in this Act to the Department of Housing and Urban Development may be used to enforce, implement, or administer the provisions of the settlement document dated March 17, 2000, between Smith & Wesson and the Department of Housing and Urban Development (among other parties).

H.R. 4635

OFFERED BY: MR. TANCREDO

AMENDMENT NO. 26: Page 14, line 13, insert after the dollar amount the following: ''(increased by $30,000,000)''.

Page 73, line 18, insert after the dollar amount the following: ''(reduced by $30,000,000)''.