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House of Representatives

The House met at 9 a.m.

MORNING HOUR DEBATES

The SPEAKER. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to 5 minutes, but in no event shall debate extend beyond 9:50 a.m.

TRIBUTE TO HON. WILLIAM GOODLING ON HIS RETIREMENT FROM CONGRESS

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

Mr. MURTHA. Mr. Speaker, this morning I want to make some very complimentary remarks about the gentleman from Pennsylvania (Mr. GOODLING). He is certainly the type of individual, if I had been in his class or in his school, I would have known exactly where he stood. He defends the system of education. He supported education, and he supported the ideals of education: local control and strong discipline.

BILL GOODLING is one of the finest experts in education in the entire Nation. No individual has had more of an impact on educational systems in this Nation than BILL GOODLING. He sometimes gets in trouble because he says what he thinks. He believes very strongly about local control of education, and there are people who believe differently, and they disagree strongly with his opinion. But on the other hand, we know where he stands. I think in politics that is the thing that is absolutely imperative to our system, that somebody that knows what they are talking about, has had experience in the field, can work hard at those kinds of things.

Education obviously is one of the most important issues we take up in the House. Normally, I do not talk very long on issues of defense because we work things out. And I see the distinguished gentleman from California (Mr. LEWIS), the chairman of the Subcommittee on Defense Appropriations, here; and he and I do not take a lot of time on the floor. But it is hard not to speak for a long period of time for the gentleman from Pennsylvania (Mr. GOODLING).

He has been in the forefront of many, many battles; and he has won most of those battles. Even when he was in the minority, he worked hard for local control of schools, for adequate funding of schools to make sure that the Members of Congress understood the system from a classroom, from a superintendent, from a principal's standpoint, and from a Member of Congress' standpoint.

So we are going to miss BILL GOODLING. BILL GOODLING has had a phenomenal impact on our system itself.

Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. HOLDEN).

Mr. HOLDEN. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. MURTHA) for yielding.

Mr. Speaker, it is a great honor to be here as we pay tribute to our retiring colleague, BILL GOODLING. The gentleman from Pennsylvania (Mr. MURTHA) did a great job in elaborating on how BILL GOODLING has been a leader in education fights in this House as chairman for the past 6 years, and serving on that committee for 20-plus years.

But I want to say that BILL GOODLING has done much more than that. He cares so deeply about all of his constituents. I have the privilege of being the only Pennsylvanian on the Committee on Agriculture. Agriculture is the number one industry in the Commonwealth of Pennsylvania and BILL GOODLING's district is rich with an agricultural history. I drive by it every week on my drive to Washington. BILL GOODLING has been a strong fighter for his agriculture constituents, whether it be for fairer dairy prices for his dairy farmers or whether it be the ability for all of our farmers to have access to crop insurance, because we have such diverse agriculture in Pennsylvania, or

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recently because of his fight against plum pox virus. So many of his fruit growers were affected by that disease and he fought long and hard to see that his fruit growers were protected.

Mr. Speaker, I urge all of my colleagues to come forth and pay tribute to our retiring Member who has done such an outstanding job, Mr. GOODLING.

Mr. MURTHA. Mr. Speaker, reclaiming my time, I do not mean to say that he was only interested in education, because the park that was in his district was absolutely essential to the district and he handled that, with a lot of divisions, he handled that so well. And the gentleman from Pennsylvania (Mr. GEKAS) knows that and I now yield to him.

Mr. GEKAS. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding.

Mr. Speaker, Congressman GOODLING helped me in my first baby steps in the world of government and politics. In fact, Congressman GOODLING introduced President Eisenhower, then retired President, General Eisenhower, to me at a rally in Harrisburg. So I have always been grateful to Congressman GOODLING.

Mr. Speaker, I am talking about George Goodling. Now, George Goodling was a role model for our incumbent. Our incumbent took the best qualities of his own father and transferred them to Washington as he represented his constituents, as everyone in the world knows by now.

But one thing that is less known, except by the veterans on this floor like the gentleman from Pennsylvania (Mr. MURTHA), that he loved his dad. And he did, in a wonderful way, emulate some of the qualities of George Goodling.

I remember, for instance, that the first time I met the ''Baby GOODLING,'' the one we are honoring today, was at one of the first picnics to which he went as a candidate. There everyone knew that they were going to vote for BILL GOODLING, not just because of his eminent qualifications as an educator but because of the educator, George Goodling, the Congressman who preceded BILL GOODLING.

We love BILL GOODLING.

Mr. MURTHA. Mr. Speaker, again reclaiming my time, I am pleased to yield to the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. McCARTHY of New York. Mr. Speaker, I am probably one of the youngest Members that got to know the gentleman from Pennsylvania (Mr. GOODLING) 4 years ago when I first came on the Committee on Education and the Workforce. He and I would always be the first ones down there. If the meeting was at 9:30, he and I were there at 9:30.

This went on for a couple of committee hearings, and I finally said to Mr. GOODLING, ''Mr. GOODLING, how come you and I are the only ones here, when you say that the committee hearings are going to be at 9:30?'' He said, ''Carolyn, around here we have congressional time and real time, and everyone comes late.'' And I said, ''Why should you and I be punished on that?'' Ever since then, at 9:30 that meeting starts and I appreciate that.

Mr. GOODLING has a tremendous sense of humor, and I do not know if people know that. Probably I like it so much because it reminds me of my sense of humor. Sometimes it is dry. Sometimes he is throwing out a sense of humor, and people do not even know what the laugh line is, but we do.

Mr. Speaker, I want to say that my respect for him over the years has been tremendous. He has spent his whole entire life in public service. He was a school teacher. He was a principal. He was a superintendent. He was on the school board. He was in the PTA.

To me, that is public service. All of our teachers are in public service. But even though we sat on the committee and sometimes we disagreed, he was always a gentleman. Always a gentleman, and I have always appreciated that.

I do not want anyone to think that this guy is retiring. He is not. There is a lot of good years that he is going to be out there, and I am sure he is going to be knocking on our doors certainly advocating for what he wants to advocate. So this is not a retirement. It is not. It is another new journey for Mr. GOODLING, and we are going to miss him. I am going to miss him. And I thank him for everything that he taught me.

When I did not understand something, he continued to be a teacher because he explained things to me, and I will always appreciate that. Mr. Speaker, I wish the gentleman a good journey; and I know we are still going to see him around.

TO HONOR REPRESENTATIVE BILL GOODLING

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

Mr. SHUSTER. Mr. Speaker, it is with mixed feelings that I rise today to honor our dear colleague, the gentleman from Pennsylvania (Mr. GOODLING). Mixed feelings because it is a wonderful feeling to rise to honor him, but a sad feeling to realize he is no longer going to be a Member of this body.

When I came here as a freshman, there was a rather secretive place called the Botts committee. It was named the Botts committee after Herb Botts, who was the manager of that very secretive place called the House gymnasium. I went down there to see if it might be a good place to try to stay fit and get to know some of the Members, and there I bumped into a gentleman named George Goodling, BILL GOODLING's father.

He was in his late 60s, early 70s, perhaps, and they had a sissy game down there called paddleball. Now, I was a pretty serious handball player and, of course, a young whipper snapper compared to George Goodling, so he asked me if I would play. I, in a rather condescending way, said sure. I thought it would be nice to get to know the old gentleman, and so we played a game of paddleball.

Mr. Speaker, he beat me into the ground. He destroyed me. He humiliated me. He embarrassed me. That was my introduction to the Goodling family. Well, he retired, and I heard his son was going to come to Washington. I heard that, just as his father, he was an outstanding person. But I worried about whether he was as good an athlete as his dad. I heard he had been a football coach and an athlete himself, and I resolved right then that while I would do my best to become friends with BILL GOODLING, I would never under any circumstances play paddleball with him in the House gym. Mr. Speaker, I have kept that resolve over the years, and as a result, and perhaps hopefully for other reasons as well, we have remained good friends and neighbors in terms of parts of our district adjoining each other.

If anybody in this body deserves the title ''Mr. Education,'' it is BILL GOODLING, because he has forgotten more about education in America than most of us will ever know. And, of course, by virtue of his service on the Committee on Education and the Workforce, his becoming chairman of the committee, he has been in a position to do so many good things for America, for Pennsylvania, and for his own congressional district.

It is a great honor to salute BILL. In his first election, he was elected with only 51 percent of the vote, a very, very tight election. But in his 13 straight terms, which I might emphasize is the longest tenure for the 19th district in this century, he typically now captures about 70 percent of the vote.

He served on the Committee on Education and the Workforce since his first term, becoming the ranking member in 1990, and chairman in 1994. He served with great distinction on the Committee on International Relations, as well as on the House Permanent Select Committee where I had the great privilege of serving as both a member and as the ranking member. He also served on the House Budget Committee.

Mr. Speaker, I think perhaps he and I feel the same about the Committee on the Budget. I had the privilege of serving on that committee as well, and it is sort of like the story about the two happiest days in a boat owner's life: the day he buys his boat and the day he sells his boat. It was a great privilege to serve on the Committee on the Budget and learn so much, but after being put through that wringer for 6 years, getting off of it was not exactly a negative experience.

BILL has been married to his wife, Hilda, forever. She's a wonderful lady. A wonderful lady. Two children, Todd,

an architect, and Jennifer, who by the way which simply shows what athletic genes this family has, was a professional tennis player and is a phys ed. instructor. In addition to all of his many talents, BILL enjoys singing and he is also a pianist, a tremendous sports enthusiast, and he raises horses.

Since I also have been in the business of racing horses, I learned that if one really wants to figure out how to get rid of what little money they have, the thing to do is buy a race horse. Now, I hope BILL has had better luck than I have, but anyway we have mended our ways in the Shuster family and now only have riding horses.

BILL is really a man for all seasons. He is an intellectual, an athlete, a good family man, an educator, a distinguished American. And so it is my great privilege and my honor to take the floor today to recognize my colleague and friend, BILL GOODLING.

TRIBUTES TO HON. BILL GOODLING UPON HIS RETIREMENT

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

Mr. BORSKI. Mr. Speaker, before I give my own tribute to my good friend, the gentleman from Pennsylvania (Mr. GOODLING), I yield to the gentleman from Michigan (Mr. KILDEE), who served for a number of years with Mr. GOODLING on the Committee on Education and the Workforce.

Mr. KILDEE. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. BORSKI) for yielding me this time.

Mr. Speaker, I have known BILL GOODLING for 24 years. When I arrived in Congress, he had already been here 2 years. We served together on the Committee on the Budget and the Education and Labor Committee, now the Committee on Education and the Workforce. I number him among my very, very best friends here in the Congress of the United States.

I have told this story many times but, BILL, I am going to tell it one more time. In November 1994, about 2 o'clock in the morning, I realized that I had survived the election, but I was a survivor in Cornwallis' army rather than Washington's army, and for the first time in 40 years the Republicans had taken control of the House of Representatives. I had been BILL GOODLING's chairman of a subcommittee for about 6 or 8 years, and I realized that now BILL GOODLING was going to be my Chairman, not of subcommittee, but of full committee.

So I felt I should call him. I called him at 7 o'clock in the morning the day after election. One should call no politician that early in the morning the day after election but he is a farmer and I knew he would be up. So I called him and did not identify myself. I merely said, ''Mr. Chairman.'' And he responded, ''How sweet it is.''

Mr. Speaker, it has been sweet working with BILL. BILL really believes in education. He has educated me and the full committee that we should look for quality and results, and that has been his theme all the way through his time here.

On the Individuals with Disabilities Education Act, we have had no greater champion in this House than BILL GOODLING, both on Committee on the Budget and the Committee on Education and the Workforce. He finally put through this House a bill leading us to full funding of that 40 percent of extra cost of IDEA.

The gentleman from California (Mr. MCKEON) and I and BILL GOODLING, we worked together on I think the best higher education bill that we have ever passed. It was a bipartisan bill and passed this House, I think, around 418 to 1, and the Senate 95 to nothing. We have worked well together because we are really concerned about the fact that this House had to come together on those issues that really touched American children and young people.

BILL has always had that it is his belief that when we write education bills, we do not think Democrat, we do not think Republican, we think what is good for the children of this country. And the children in this country one better off because of BILL GOODLING: in their education, in their nutrition, in their approach to life.

BILL, thank you for what you have done. God bless you.

Mr. BORSKI. Mr. Speaker, reclaiming my time, let me say I became friends with BILL GOODLING as a freshman Member here. The Pennsylvania delegation would from time to time get together and have lunch. He was someone who I consider as a mentor.

We have all heard about his education background as a teacher, a coach, an administrator, and truly someone who knows the passion and speaks with the passion of education for all the kids in our country. Few know better than BILL GOODLING that a solid education will provide all workers with the necessary foundation to compete in a highly competitive workforce.

He is a good friend, from those early luncheons in the early days in the House to the time where we had offices just across the aisle from each other. He would wander into our office and pick up the Inquirer, look for the sporting results. I think particularly he was looking for the horse racing results. Would come in and talk with all the Members of our staff. He is just a first-class gentleman.

Mr. Speaker, I am proud to have served with him, proud to call him my friend, and I wish him the very best in his retirement years.

THE RETIREMENT OF HON. WILLIAM GOODLING

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

Mr. LEWIS of California. Mr. Speaker, I could not help but notice as I walked in the Chambers that the gentleman from Pennsylvania (Mr. MURTHA) was speaking and he talked about our interest in national defense. He probably does not know that I entered public affairs some years ago as a member of a local school board, running for that school board largely because at the time I had four children in the public schools.

Mr. Speaker, I must say that the job that was being done for those kids and with those kids at a local public elementary school was truly just short of fantastic, and I ran for the school board in order to try to extend that kind of local education in my local community.

Over the years, all of us have seen some significant change in education and the way it works and sometimes does not work so well. Upon arriving in the Congress, that interest in education continued. The first thing I did was to look for leadership on my side of the aisle. The first person I looked to was BILL GOODLING.

So it is a great privilege for me to rise today and express my strong feelings of not just support, but the reality that the House will dearly miss his leadership in this very, very important field.

BILL has taught many of us many things. I remember in that first term, I was asking some of my colleagues about who provided the kind of leadership we needed in education, and I had a conversation with my friend, Dick Cheney, who was then a part of my freshman class, but he had been around Washington for a while. He pointed to BILL GOODLING as the guy to seek out if I wanted some counsel.

I wanted to share with BILL probably the most important lesson I think he has reminded me of during these years by way of a story that relates to my comments about Dick Cheney. Not very long ago in my home town of Redlands, Dick Cheney and his wife, Lynn, were present and they were involved in a panel in a classroom with about 90 people present, and of course the media is always there. But on the right-hand side there was this very interesting panel made up of two administrators, a Hispanic and an Anglo, a second grade teacher of Asian descent and a Hispanic mother.

The reason they were there is because they had recently participated in a program where for some weeks they went to Texas to look at what was going on in education there and they brought it back to Redlands to implement those programs in our schools. They described the fantastic result of this effort, making the point that BILL GOODLING has made for me that local schools run best when they are run by local people, and that we at the Federal level need to make sure we are careful about the way we spend those

10 cents on the dollar that we give to the schools and not try to dominate those schools from Washington, D.C.

Mr. Speaker, I thank BILL GOODLING for that and for all of his leadership for years in the Congress.

TRIBUTES TO CHAIRMAN BILL GOODLING

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

Mr. HOEFFEL. Mr. Speaker, I yield to my colleague from Ohio (Mr. SAWYER).

Mr. SAWYER. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. HOEFFEL) for yielding.

Mr. Speaker, in a few days, or maybe a little longer, all of us will be heading home. Most of us will be flying. BILL will be driving. And for the first time in his more than 25 years in Congress, he will be going home without the expectation of returning for the long term. That will be sad for all of us who have worked with him.

He has provided lessons to us all in more ways than we can count. I want to concentrate on just one though. When most of us go home, we will go home by getting on airplanes. And at some point before that plane takes off, there will be a flight attendant who comes and stands before us and announces all of the emergency procedures and will say that in the unlikely event of an emergency, that oxygen masks will deploy from the compartment overhead. If we are traveling with children, they will tell us to put on our own oxygen mask first and then put on those for the children.

It seems kind of counterintuitive, those of us who care as deeply as all of us do about children. We do not think that that is the right thing to do. But in the end, it is, of course, the right thing to do, because we need to be in a position to take care of those children.

Mr. Speaker, BILL GOODLING has understood that in a way that has borne itself out in policy across this Congress throughout his 13 terms. One of his proudest accomplishments I am sure is the development of the Even Start program. When he was superintendent at Spring Grove area schools, BILL GOODLING noticed that the youngsters who were having the most difficulty in school were often the children of some former students who had also not performed well academically. Working with his best teachers, he developed a program which would provide focused literacy assistance to those children and to their parents at the same time, so that the parents could help reinforce the skills of the children.

When he came to Congress, he developed this into the Even Start program, which has been a model of what it means for parents to be their children's first and most important teacher by improving the academic skills of the parents themselves.

His work on the National Literacy Act, during a time when we were having enormous difficulty getting anything passed through this Congress, the National Literacy Act was the only education legislation that was enacted into law during that session of Congress.

Today, the Literacy Involves Family Together Act, the LIFT Act, will extend his literacy legacy into the 21st century and beyond.

The truth of the matter is that what the gentlewoman from New York (Mrs. MCCARTHY) implied is a vivid truth in the life of BILL GOODLING. If one has ever really been a teacher, they are always a teacher.

Mr. Speaker, I say to the gentleman, We are learning from you still, BILL.

Mr. HOEFFEL. Mr. Speaker, reclaiming my time, I thank the gentleman from Ohio for his eloquence.

Mr. Speaker, those of us in Pennsylvania are very proud of BILL GOODLING. I would simply like to add my best wishes to him and my congratulations to him for his long and illustrious career and note in particular with my support and gratitude, his dedication to the concept of local control of education.

Every time we try in Congress to deal with educational matters, we can be accused of trying to interfere somehow with the very valid principle of local control of education. I think that Mr. GOODLING has always held our feet to the fire as an institution to make sure we did not interfere with that. But he has supported notable legislation, like the Education Flexibility Act, which gives more flexibility locally, while also understanding that the Federal Government has a significant role to play in promoting public schools.

I think that BILL GOODLING got that balance just about right, and we will remember his leadership on that, and so many other educational issues, after he has left these halls, but certainly not left our memory. We will be grateful to him for many years to come.

BILL GOODLING, THE MAN

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

Mr. PETERSON of Pennsylvania. Mr. Speaker, today, I do not want to talk about the legislative accomplishments of the gentleman from Pennsylvania (Mr. GOODLING). I want to talk about the man.

Mr. Speaker, I had a 26-year business career. I met a lot of business leaders. I was fortunate to have 19 years in State government, and I know most of Pennsylvania's leaders of today. This is my fourth year here in Congress and I have gotten to know many of the fine Members of this body. But in my view, BILL GOODLING is a class act.

BILL GOODLING exemplifies what all Members of Congress ought to be. First, he came here with experiences in a multitude of fields. I think we are always served best by people who have succeeded in what I call the ''real world'' and then come to government and help us govern, because they have the wisdom and the knowledge from the fields they left.

He was in agriculture, Pennsylvania's leading industry. He was an educator, a top flight educator. BILL GOODLING is the kind of person we would like to have as a neighbor, as a business partner, as a personal friend. He not only is competent and qualified; he is a fine human being. He is an example we can hold up to our young people that this is how they ought to live their lives. Be successful in a field and then give back as he has given.

Mr. Speaker, I guess what has amazed me about the gentleman from Pennsylvania, and it is unfortunate he has to leave before we say these things, but he has been here 26 years. Today, in his final weeks, he still has the passion of his convictions. He still feels passionately about local education and the importance of keeping the decisions locally. He has been fighting tenaciously in his last weeks in Congress espousing things he has been espousing for a long time, but with no less gusto. Not many people do that.

I want the gentleman to know that I admire him. He is a person that I look up to. He is the kind of person that I believe exemplifies what we all ought to be, and we are going to miss him.

Mr. Speaker, I yield to the gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. PETERSON) for yielding.

Mr. Speaker, I would say first of all that I know that my colleague from Wisconsin and a long-time member of the committee, STEVE GUNDERSON, had wished that he could be here today as a Member of this body to participate in this occasion.

Mr. Speaker, it has been an honor and a privilege to learn about education at the knee of BILL GOODLING, a true expert who spent his life in the field. He will be sorely missed.

It is with immense pleasure and honor that I rise to express a few thoughts about my colleague and good friend, BILL GOODLING. I would like to say at the outset that I know that my former colleague from Wisconsin, Steve Gunderson, would very much like to be here today to participate in this occasion. He is a great admirer of Chairman GOODLING.

The Education and the Workforce Committee, formerly the Education and Labor Committee, was blessed the day BILL was first elected to Congress. Drawing on his experiences as a coach, a high school principal, and a Superintendent of schools, BILL has always approached the issue of education with the interests of America's children at heart. I can remember many conversations we have had, especially in the days when we had adjoining offices in Rayburn, discussing ways to more effectively educate the children of his nation.

Given all the work we still have to do in that regard, I hope and trust that those conversations will continue, for BILL's experience, insight, and thorough understanding of these issues are a priceless resource. Both as a member of the majority and of the minority, BILL has maintained his loyalty to our children, often in the face of fervid opposition by many who put their own special interests ahead of the well being of America's kids. His career in Congress is a monument and a tribute to a man of honor, integrity, courage, and vision.

I know there are several other Members here who would like some time to share their comments for Mr. GOODLING, so I won't go into the details of BILL's accomplishments as a Member of Congress. I'm not sure I could do it even if I had all forty minutes to speak! But I would like to say that many, many programs—not just the Literacy Involves Families Together Act, which we appropriately renamed a few weeks ago as the William F. Goodling Even Start Family Literacy Program—owe a debt of gratitude to Chairman GOODLING. These are programs near and dear to his heart, and they are a reflection of BILL's tireless efforts and passion for providing the children of this nation, all of them, with the best possible education.

It has been my pleasure and honor to have known Chairman GOODLING for 22 years, and he will be missed—as much as he misses his horses when he's here in Washington—when he retires at the end of this session.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I yield to the gentleman from California (Mr. MCKEON).

Mr. MCKEON. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding.

Mr. Speaker, a couple of weeks ago, many of us traveled to southern Virginia to attend the funeral of a good friend and colleague, Herb Bateman, and many wonderful things were said about him at that time. I wish we had been able to have that kind of a meeting for Herb when he was with us.

I am really happy that we are able to stand today and say just a few good things about our good friend, BILL GOODLING.

When the gentlewoman from New York (Mrs. MCCARTHY) was talking earlier about him starting meetings at 9:30, and the gentleman from Michigan (Mr. KILDEE) remarked about him getting up early, being a farmer; when he started meetings at 9:30, he has already probably been up at 5 o'clock, fed the horses, done the things that he needed to do at the farm and then driven down here from Pennsylvania to start his day's activities in Congress. Or if he did not go home the night before and spent the night in his office, he had already been to the gym and done a good day's work before he started that meeting at 9:30.

It has been an honor and a privilege to serve with BILL GOODLING. It is ironic that now education seems to be the top issue in the country. He has been speaking about education as a voice in the wilderness for 26 years.

He is a man of integrity and passion. His passion includes many things: horses, music, and golf. And I have been able to participate in some of those things with him. But really his main passion is education and literacy. He truly cares about helping people through education. His work ethic is second to none. He is a strong Christian and stands tall for what he believes in.

A beloved king once told his people, ''When you are in the service of your fellow man, you are only in the service of your God.'' I know of no one who has exemplified that better than BILL GOODLING. I am privileged to call him a friend.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I yield to the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. PETERSON) for yielding.

Mr. Speaker, let me join with my colleagues in thanking BILL GOODLING for having the honor to have served with him, in my case, for 10 years, but for his service in the House for 26 years.

BILL's background as an educator for 20 years, as we have heard, brought him to this Chamber with a wealth of experience. He had seen a lot of programs out of Washington, some that worked, many that did not, and brought that knowledge and that background in working with parents and teachers at the local level here to Washington. And over the 10 years that I have been here, I do not think there is any Member of Congress, not of the 435 that are here today, or the hundreds that have come and gone in just my short tenure, who have cared and delivered more on the issue of education than BILL GOODLING. It really is his passion.

And we have heard much about that this morning, but knowing BILL GOODLING for the years that I spent on the committee with him, what a lot of people do not realize is that his interest in music is far beyond superficial. Not only is he part of a singing group, and has been here in town for some 20 years-plus, but he is known for waking up his neighbors and keeping the janitorial staff awake at night as he is playing his piano that he keeps in his office.

Mr. Speaker, I think all of us here are going to regret his leaving and his decision to retire. I can say as someone who spent an awful lot of time with him in an awful lot of battles, I would want him on my side every time.

BILL GOODLING: DEDICATED CHAMPION OF EDUCATION POLICY

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

Mr. KIND. Mr. Speaker, as a Member of the Committee on Education and the Workforce, I also rise to pay tribute to an individual that is clearly one of the most dedicated champions of education policy in this country, our departing chairman, BILL GOODLING.

As a relatively new member of the Committee on Education and the Workforce, I can honestly say that Chairman GOODLING has been the best chairman it has been my pleasure to serve with, but also the worse because he has been the only chairman that I have had the chance to work with on the Committee.

Mr. Speaker, what has impressed me over the last 4 years, is an opportunity to sit there in front of him, to watch, listen, to learn, but also to watch how he runs the committee with such decency and fairness. Even though we had some heated discussions, disagreements at times over the best policy to pursue in regards to education, he was always eminently fair and decent in allowing Members to make their arguments during the course of debate.

But what also impressed me about the Chairman was that in the final analysis, everyone knew that for the chairman it always came down to one thing, and that was the kids. And for the chairman, it was really one word that we heard repeatedly during the course of committee work, and that was ''quality, quality, quality.'' I especially appreciated, that emphasis given the fact that I sat right in front of him during committee, so I would be bombarded with quality, quality, quality, every day during the course of debates. Granted, some of that may have gone over my head, but a lot of it did sink in.

I appreciated the chance to work with the gentleman on a few very important education initiatives: the Education Flexibility Act, which will provide local school districts greater flexibility in the use of Federal funds for programs that are working for them at the local level.

The hard work that we put in on the Teacher Empowerment Act, again emphasizing quality. He knew that it does not matter what else goes on, but if we do not have quality teachers in the classroom, we are not going to see the type of student performance that all of us hope to see in the course of education reform.

And the chairman has been one of the strongest earliest proponents of early childhood literacy and family literacy programs. That is why a lot of Members have already paid tribute to him for the work he did with the gentleman from Michigan (Mr. KILDEE) on the Even Start program and now the LIFT Act that recently passed in this session of Congress.

These are things that I think we have a lot of hope and promise of building upon, realizing that ultimately it is going to take quality educational instruction to see the type of student achievement that all of us would like to see achieved in this country.

I do not know what the outcome of the November elections are going to be, and I do not know if I would hold much sway in a possible Bush administration if it comes to that, but I for one would be one of the first to recommend under

a Bush administration for Secretary of Education, a person of the integrity and fairness and knowledge that Chairman GOODLING would bring to that postition. I wish him well in retirement and I hope he realizes his leadership will be missed on the committee and in this House.

Mr. Speaker, I yield to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. KIND) for yielding me this time. I want to join in this tribute to our chairman, BILL GOODLING.

Mr. Speaker, we have had our battles. They even got to the point one time where he threatened to hit me over the head with the gavel, and I thought the next committee meeting I would come wearing a helmet so that we could continue our amicable discussions.

But I think the gentleman from Wisconsin (Mr. KIND) has hit it on the head. There was a core principle there. And as much as we come from different parts of the ideological spectrum, I was amazed at how well we were able to work together, once I understood the code. The code was simply: You mean what you say and you say what you mean.

BILL GOODLING has held that principle all of the time that he has served on the Committee on Education and the Workforce. We came together to the Congress and served our entire careers on that committee. His focal point was the children and whether or not we really meant what we said. If we were going to have quality, then we were going to have quality and we were going to hold someone accountable for delivering that quality. And if they were not going to do that, we were not going to fund them or we were going to know why.

When we said we were going to fund the excess cost of special education, the 40 percent, in his time as chairman he has moved us further toward that goal than any other single individual. When they said that a diploma ought to mean something, he asked those questions and that is what teacher empowerment was about, whether or not a diploma would, in fact, mean something.

For schools of education where we are turning out our teachers of the future, if they did not know the subjects they were teaching, he wanted to know why, and has dramatically changed the manner in which schools of education will now educate the teachers of the future so they will be better equipped to provide that quality education that has always been at the core of all of his dealings on this committee.

He has not been much for the politics. He has not been much for the posturing. But he has certainly done a great deal for the education and the well-being of the children of this Nation, and we are going to miss him.

Mr. Speaker, it has been a pleasure to serve with the gentleman from Pennsylvania (Mr. GOODLING).

TRIBUTE TO CHAIRMAN GOODLING OF THE COMMITTEE ON EDUCATION AND THE WORKFORCE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Pennsylvania (GREENWOOD) is recognized during morning hour debates for 4 minutes.

Mr. GREENWOOD. Mr. Speaker, my mother once said to me that no matter how important you think you are, remember that the number of people who come to your funeral will be primarily determined by the weather. It must be a good day today because Mr. GOODLING is blessed with too many speakers, and we will all have to be brief.

Mr. Speaker, I will miss Mr. GOODLING as a member of the Committee on Education and the Workforce and a fellow Pennsylvanian. The children and the teachers and the parents and the school board administrators will miss BILL GOODLING, because he is someone that has become a rarity in this town. He believes that politics belongs on the campaign trail, and here in Washington in the Nation's capital, because we are supposed to do the people's business, we are supposed to compromise. We are supposed to put politics second to people.

BILL GOODLING has done that every day for his 26-year career. It is an honor to serve with him and join in this tribute today.

Mr. Speaker, because time is limited, I will cut my remarks brief and I yield to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. GREENWOOD) for yielding.

Mr. Speaker, like others today, I am here to recognize the tremendous contribution that Congressman GOODLING has made to this Congress, to this country, and particularly to education.

BILL GOODLING spent his entire career with a focus on education. As a teacher, as a coach, as a guidance counselor, as a school administrator, and when he was elected to Congress by the people from the 19th district in Pennsylvania, he chose to go on the committee that focused on education.

He became the chairman of that committee. He has been a tireless advocate for making public schools better through real reform. He has pursued full funding of IDEA, understanding that the Federal Government needs to first of all keep its word.

As a former college president, I particularly appreciate all the chairman has done to substantially increase the Pell Grant funding. And during his leadership of that committee, Pell Grant funding has increased in a way that it has never increased before.

There are really too many accomplishments to talk about all of them, certainly the signature piece of legislation, the William F. Goodling Child Nutrition Reauthorization Act. This legislation gives more flexibility to school districts as they try to meet the needs of children, as they try to do what is best for the children of America.

On behalf of America's students, on behalf of America's educators, as the cochairman of the Education Caucus here in the Congress, I just want to thank the chairman for his outstanding record of public service, for his commitment to education, for his great work for the people of Pennsylvania.

Mr. GREENWOOD. Mr. Speaker, I yield to the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. GREENWOOD) for yielding me this time.

Mr. Speaker, when I hear the name GOODLING, I immediately think of four different words. The first pair is ''quality and accountability.'' We kept hearing that over and over in the committee. And those are very, very important words for us to hear. Will a proposal bring forth quality? Will it provide for accountability?

The second pair of words is ''reading and literacy,'' obviously, very, very great needs in this country. I believe we should improve math and science education in this country, and but the gentleman from Pennsylvania (Mr. GOODLING) is totally dedicated to improving reading and literacy; I totally agree with that as well, because we need to do both.

It has been a pleasure to serve on the Committee on Education and the Workforce with Mr. GOODLING. He is an experienced teacher, administrator, and a Congressman. As an educator myself for 22 years, I was delighted to have a person heading that committee who had experience in education too, because there are many people in this world who think they know exactly what is wrong with the schools and how to fix it, but they do not have any experience at it. Mr. GOODLING has that experience, and I was delighted to have him as chairman.

Mr. GREENWOOD. Mr. Speaker, I yield to the gentleman from Georgia (Mr. ISAKSON).

Mr. ISAKSON. Mr. Speaker, I will be very brief in order to leave enough time for the chairman himself to speak, by simply saying this, most politicians put their careers first. BILL GOODLING has put children first. Most politicians will compromise at a time to move an inch. BILL GOODLING is patient, but he is always persistent.

He believes in quality education for our children, trained teachers for our children, and local control. America is better off and her children far better off for the service of BILL GOODLING.

HON. BILL GOODLING: A BRILLIANT CAREER

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from

Pennsylvania (Mr. KANJORSKI) is recognized during morning hour debates for 4 minutes.

Mr. KANJORSKI. Mr. Speaker, no one could deny our colleague that we honor today, BILL GOODLING, has had a brilliant career in education in this Congress and is well known. But I can attest to the fact that he has more horse sense than any Member that ever served in the United States Congress, and that is saying something.

BILL is the type of guy that has a twinkle in his eye and love for what he does and for his colleagues that we are going to miss, because he is of the old tradition of the House. As I drive back to my district in Pennsylvania, I go through the gentleman's district. So many times, I have had the occasion to see him when we have stopped for coffee or something. I am going to miss those occasions.

Mr. Speaker, I would just suggest that the Members of the House today that have not had the opportunity to spend late evenings with BILL at dinner when we are in session and hear about his horses or hear about his violets, it is a great treat. Because here is a sensitive man who has dedicated his career to the 19th District of Pennsylvania that has not only served his district, but has served this Nation with honor and distinction.

As his colleagues have attested to today, he is probably known as ''Mr. Education'' in the House of Representatives. I am going to miss my good friend, BILL GOODLING. And as a member of the Pennsylvania delegation, I wish him well, he and Hilda, in their retirement. But I am sure we will hear from him in all of those special occasions.

Mr. Speaker, I yield to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, when one mentions improvements in education, they mention Chairman GOODLING. When one mentions advocating for America's children, they mention Chairman GOODLING. When one mentions good schools, they mention Chairman GOODLING. When one mentions enhanced curriculum, they mention Chairman GOODLING. When one mentions support for local school boards, they mention Chairman GOODLING.

When one mentions honor and accountability, they mention Chairman GOODLING. When one mentions great American leaders who have placed their fingerprints on America's future greatness, they mention Chairman GOODLING.

Chairman Goodling will be sorely missed. When we mention America, we have to mention the presence of Chairman GOODLING.

Mr. Speaker, I say to the gentleman, My best to you, Chairman. God bless you in your appointed rounds. You will be sorely missed.

QUALITY, NOT QUANTITY; RESULTS, NOT PROCESS

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

Mr. DREIER. Mr. Speaker, I would like to take this opportunity to offer my best wishes to our colleague Chairman BILL GOODLING as he returns to the private sector and express my thanks for his many years of service to the nation and to the people of Pennsylvania. I have had the privilege to serve with BILL GOODLING since I was elected to the House in 1980 and throughout that time I have been impressed with his strong commitment to putting people before politics.

BILL GOODLING's 22 years of experience as a public school teacher, coach and principal in York County, Pennsylvania were the perfect preparation for his service as Chairman of the Committee on Education and the Workforce. Throughout his tenure as Chairman, Congressman GOODLING has made a lasting impact on how we view the federal role in both education and the workforce. Chairman GOODLING has emphasized allowing decisions to be made on the local level and creating a federal system that works effectively and efficiently with local authorities.

Since Republicans came into the majority, BILL GOODLING has taken the primary leadership role on some of the most important legislation affecting Americans. He has been central to Congressional efforts to pass legislation to reform the welfare system and to eliminate waste in the Department of Education. Through bills like Dollars to the Classroom which would direct 90 percent of federal funding for education directly to the States and local school districts and allow no more than 10 percent to be used for administrative purposes and the EdFlex legislation which provide States with the flexibility to decide where federal funding is most needed without the typical red tape and regulations from Washington, he has been successful in forcing us to reexamine the role of the federal government in education.

Along with these accomplishments, his work to address the needs of the disabled in both our education system and the workforce will remain a strong legacy for BILL. Since it's enactment in 1975, he has shown a strong dedication to the Individuals with Disabilities Education Act (IDEA). IDEA has helped to ensure that students with disabilities receive the same access to a quality education as other children. he has been tireless in his work to improve the program and to push for the full federal funding requirement 40 percent which, under his leadership and commitment is expected to happen by 2004.

I would like to express my personal appreciation for Chairman GOODLING's help in my attempt to promote financial literacy education in our schools. With his support, the House passed my concurrent resolution encouraging the Secretary of Education to promote financial literacy programs in schools. As well as this resolution, he also supported my request for inclusion of language in the Elementary and Secondary Reauthorization Act that would provide grants to states and implement financial literacy programs in their schools.

While we will all miss BILL GOODLING's leadership and friendship, I know he will enjoy this next step in his life and I wish him and his wife Hilda all the best.

Mr. COYNE. Mr. Speaker, I want to pay tribute to one of our colleagues, BILL GOODLING, who is retiring this year after 26 years of service in the House of Representatives.

BILL GOODLING has served his constituents well in his time in Congress. He has honestly and consistently reflected their views, and he has worked hard to improve the economic health of Pennsylvania's 19th Congressional District. He also worked tirelessly and in a bipartisan fashion as a member of Pennsylvania's Congressional delegation to address problems facing the Commonwealth.

BILL GOODLING's public service is by no means limited to his time in the House of Representatives. Before being elected to Congress, he worked as a teacher, coach, principal, and school board president. His experience in education allowed him to bring a practitioner's knowledge and experience to his service on the House Education and Labor Committee—and eventually to his chairmanship of the House Committee on Education and the Workforce. His lifelong dedication to education is an outstanding example of a life spent in public service.

I am sorry to see BILL leave this body. I want to wish him and his family the best in the coming years.

Mr. GILMAN. Mr. Speaker, It is with a great deal of sadness that I join in bidding farewell to an outstanding Member of this chamber, one of the leading Members of Congress of the last quarter century, and a good and dear friend.

BILL GOODLING was initially elected to Congress to succeed his father, who represented the 19th District of Pennsylvania for 12 years. but BILL soon made it clear that his agenda of outstanding representation of his district coupled with sincerely held beliefs was his own. BILL brought his own distinct style to this chamber, and for this he is going to be sorely missed.

For the past six years, BILL GOODLING served as Chairman of the Committee on Education and the Workforce. In that position, he has been one of the more outstanding Members of our House leadership. BILL was never afraid to remind us that he who governs the least governs the best. He especially championed the right of local school boards to make their own decisions, free from the dictates of Washington bureaucrats.

BILL chose to retire this year, and his shoes are going t0 be extremely difficult to fill. To his wife, Hilda, and his two children, we state that while you are gaining a full time family member we in the House are losing an inspiration and role model.

Mr. Speaker, I invite all of our colleagues to join with me in wishing BILL GOODLING and his family all of the best in the future, and many happy healthy years to come.

Mr. BARRETT of Nebraska. Mr. Speaker, I want to join my colleagues in honor of Chairman BILL GOODLING. For the last ten years, I've had the privilege of working with BILL GOODLING on the Education and Workforce Committee to promote fairness in labor as well as education policy. Those that are closest to my heart are policies particularly affecting our nation's rural children. Our nation's children are fortunate to have had someone as dedicated and experienced at the helm of the committee charged with creating and refining

education policy. Through his steadfast commitment to promoting children's issues like literacy, technology, quality teachers, and IDEA funding—BILL GOODLING has truly been a champion for children across this country.

At the end of this session, BILL GOODLING and I will both be stepping down and moving on to new challenges in private life. But no matter what the future has in store for BILL GOODLING, I know his commitment to our nation's children will continue and that our country is a better place because of his service.

Mr. THOMAS. Mr. Speaker, it is my pleasure to honor my good friend BILL GOODLING, who retires this year after a quarter-century of service to this country in this House, during which he has become one of the nation's foremost advocates on common-sense education policy.

Since becoming Chairman of the Education and the Workforce Committee, BILL GOODLING has fought tirelessly to send more control over our schools to local authorities. BILL's leadership and success in education policy have created options for educators and students throughout the U.S. which were not previously available.

For the last quarter-century, BILL GOODLING has been a friend, mentor, and leader on education issues. Like many other Members, I have looked to him for guidance. I am proud to have been his colleague, and honored to call him a friend. The people of Adams, York, and Cumberland Counties are truly fortunate to have had BILL GOODLING represent them in Congress for all of these years. I thank him for his friendship and wish BILL and Hilda the very best for the years to come.

Mr. GOODLING. Mr. Speaker, first of all, I want to thank everyone for their overly generous comments that were made this morning. It has been a labor of love. We have done a lot of wonderful things together in a bipartisan fashion, always with the best interest of children in mind.

Mr. Speaker, I hope that when I leave here, the echoes will still be in the Chamber saying: Quality, not quantity. Results, not process.

But I want to leave three challenges to Members. First of all, this is the greatest institution in the world. It is the most important institution in the world. We do not do a very good job of making sure that everybody in this country understands that and everybody in the world understands.

I know how it is at home. They bad mouth this institution. They say disparaging remarks about some of our colleagues, and we let them get away with it because they will always say, Now, we are not talking about you. You are a good Member.

Well, I always tell them, I would like to see anyone get 435-plus members in any organization together to do as well as this group does, to be as honorable as this group, to be as dedicated as this group. And we just have to make sure that everybody understands that and we do not let them get away with making bad remarks.

Philosophically, we may have awful arguments and disagreements and so on. But man-to-man, woman-to-woman, man-to-woman, et cetera, in this institution, all of these people were very successful people before they ever came here, and I would hope that we would take that challenge and make sure that everybody understands everything we do, everything we say, not only affects our constituents but all over the country, all over the world. We are the greatest institution and the most important institution.

Secondly, I would hope that every vote is cast with the best interest, and particularly in the area of education, with children. I do not care about perception or anything else. What is it that we are doing that will assure a quality education for all of our children? Fifty percent of our children are not at the present time receiving a quality education, and I am sorry that I could not do more about bringing about that quality while we were here.

And then last, I worry about the young Members and their young families. In fact, they are in my prayers constantly. This is not a family-friendly institution. All I say to my colleagues is put that family first, always put the family first. And I am sure that they will reap great rewards by doing that.

Mr. Speaker, lastly let me say, we owe so much to our staffs. I am not going to recite all the staff members that I have. But my district staff, my staff on the committee, the staff in my office here, they are just wonderful, wonderful dedicated people giving hours and hours and hours of their time and sometimes not paid too well for doing it. And so my hat is off to the staff.

Again, I thank my colleagues for their generous comments. And always remember: quality, not quantity; results, not process.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 10 a.m. today.

Accordingly (at 9 o'clock and 50 minutes a.m.), the House stood in recess until 10 a.m.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BASS) at 10 a.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Heavenly Father, You know the disobedient son and daughter as well as Your obedient children. Your loving attention may be even more focused on the disobedient who are in need of Your tender mercy.

Help all in this Nation to become better citizens of the world community. Take us beyond ourselves. Transform us by Your own spirit to be more concerned for the safety of others and a broad security that bears Your gift of peace to all.

You have called the Members of this assembly to be public servants. Their pledge of a good conscience empowers them to speak and act on behalf of their brothers and sisters everywhere. Grant them guidance in the monumental task before them. For You are living and present 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.

PLEDGE OF ALLEGIANCE

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

Mr. HOLDEN 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. Cheek, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4392. An act to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 4392) ''An Act to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SHELBY, Mr. LUGAR, Mr. KYL, Mr. INHOFE, Mr. HATCH, Mr. ROBERTS, Mr. ALLARD, Mr. MACK, Mr. WARNER, Mr. BRYAN, Mr. GRAHAM, Mr. KERRY, Mr. BAUCUS, Mr. ROBB, Mr. LAUTENBERG, and Mr. LEVIN, to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4733) ''An Act making appropriations for energy and water development for

the fiscal year ending September 30, 2001, and for other purposes.

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate to the bill (H.R. 2392) ''An Act to amend the Small Business Act to extend the authorization for the Small Business Innovation Research Program, and for other purposes,'' with amendment.

PRIVATE CALENDER

The SPEAKER pro tempore. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

LUIS A. LEON-MOLINA, LIGIA PADRON, JUAN LEON PADRON, RENDY LEON PADRON, MANUEL LEON PADRON, AND LUIS LEON PADRON

The Clerk called the bill (H.R. 3414) for the relief of Luis A. Leon-Molina, Ligia Padron, Juan Leon Padron, Rendy Leon Padron, Manuel Leon Padron, and Luis Leon Padron.

There being no objection, the Clerk read the bill as follows:

H.R. 3414

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

SECTION 1. PERMANENT RESIDENCE.

(a) IN GENERAL.—Notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Luis A. Leon-Molina, Ligia Padron, Juan Leon Padron, Rendy Leon Padron, Manuel Leon Padron, and Luis Leon Padron shall each be held and considered to have been selected for a diversity immigrant visa for fiscal year 2001 as of the date of the enactment of this Act upon payment of the required visa fee.

(b) ADJUSTMENT OF STATUS.—If Luis A. Leon-Molina, Ligia Padron, Juan Leon Padron, Rendy Leon Padron, Manuel Leon Padron, or Luis Leon Padron enters the United States before the date of the enactment of this Act, he or she shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

SEC. 2. REDUCTION OF NUMBER OF AVAILABLE VISAS.

Upon the granting of permanent residence to Luis A. Leon-Molina, Ligia Padron, Juan Leon Padron, Rendy Leon Padron, Manuel Leon Padron, and Luis Leon Padron as provided in this Act, the Secretary of State shall instruct the proper officer to reduce by 6 during the current fiscal year the total number of immigrant visas available to natives of the country of the aliens' birth under section 203(c) of the Immigration and Nationality Act (8 U.S.C. 1153(c)).

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ZOHREH FARHANG GHAHFAROKHI

The Clerk called the bill (H.R. 3184) for the relief of Zohreh Farhang Ghahfarokhi.

There being no objection, the Clerk read the bill as follows:

H.R. 3184

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

SECTION 1. PERMANENT RESIDENT STATUS FOR ZOHREH FARHANG GHAHFAROKHI.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Zohreh Farhang Ghahfarokhi shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Zohreh Farhang Ghahfarokhi enters the United States before the filing deadline specified in subsection (c), she shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Zohreh Farhang Ghahfarokhi, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SEPANDAN FARNIA AND FARBOD FARNIA

The Clerk called the bill (H.R. 848) for the relief of Sepandan Farnia and Farbod Farnia.

There being no objection, the Clerk read the bill as follows:

H.R. 848

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

SECTION 1. PERMANENT RESIDENT STATUS FOR SEPANDAN FARNIA AND FARBOD FARNIA.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Sepandan Farnia and Farbod Farnia shall each be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Sepandan Farnia or Farbod Farnia enters the United States before the filing deadline specified in subsection (c), he shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Sepandan Farnia and Farbod Farnia, the Secretary of State shall instruct the proper officer to reduce by 2, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the aliens' birth under section 202(e) of such Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SAEED REZAI

The Clerk called the bill (H.R. 5266) for the relief of Saeed Rezai.

There being no objection, the Clerk read the bill as follows:

H.R. 5266

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

SECTION 1. PERMANENT RESIDENT STATUS FOR SAEED REZAI.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Saeed Rezai shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Saeed Rezai enters the United States before the filing deadline specified in subsection (c), he shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Saeed Rezai, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act.

(e) DENIAL OF PREFERENTIAL IMMIGRATION TREATMENT FOR CERTAIN RELATIVES.—The

natural parents, brothers, and sisters of Saeed Rezai shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

KERANTHA POOLE-CHRISTIAN

The Clerk called the Senate bill (S. 302) for the relief of Karantha Poole-Christian.

There being no objection, the Clerk read the Senate bill as follows:

S. 302

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

SECTION 1. CLASSIFICATION AS A CHILD UNDER THE IMMIGRATION AND NATIONALITY ACT.

(a) IN GENERAL.—In the administration of the Immigration and Nationality Act, Kerantha Poole-Christian shall be classified as a child within the meaning of section 101(b)(1)(E) of such Act, upon approval of a petition filed on her behalf by Clifton or Linette Christian, citizens of the United States, pursuant to section 204 of such Act.

(b) LIMITATION.—No natural parent, brother, or sister, if any, of Kerantha Poole-Christian shall, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER pro tempore. This concludes the call of the Private Calendar.

THE 23 FUND KEEPING ALIVE THE MEMORY OF RAMIRO ''TOTI'' MENDEZ

(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, baseball continues to be Americans' favorite pastime. Young boys who favor this sport dream of playing for their college teams.

This dream came true for Ramiro Mendez, warmly known as Toti to his teammates, his family and friends. He was number 23 for Florida International University's baseball team until the day he succumbed to a rare heart disease.

Little is known about this heart problem, which is oftentimes not found until it is too late. Toti's family is working to pass legislation in Florida that would make heart tests mandatory for student physical exams.

In an effort to keep his memory alive, Toti's family and friends have established the 23 Fund for tuition assistance for other student athletes at Florida International University.

On October 19, FIU and the AXA Foundation will raise scholarship funds to memorialize Toti and the hundreds of other athletes who have been affected by this heart ailment.

Toti will continue to live in the spirit of his family, his teammates and all of us who were privileged to know him.

TRIBUTE TO KRISTY KOWAL

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

Mr. HOLDEN. Mr. Speaker, I rise today to ask all of my colleagues in the House to join me in paying tribute to my constituent, Kristy Kowal. Kristy recently won the silver medal in the Woman's 200 Meter Breaststroke at the Olympic Games in Sydney, Australia.

Kristy, the daughter of two very proud parents, Edward and Donna Kowal, is a resident of Colony Park, Berks County, Pennsylvania, and is a graduate of Wilson High School.

She is a 21-year-old all-American from the University of Georgia and holds three American records in swimming.

As impressive as that may sound, Kristy says she is most proud of the fact that she is also an academic all-American. Her major is education, because her mother is a teacher, and like her mother, Kristy wants to be able to influence people and make a difference in their lives.

As Kristy traveled to Australia to compete in this year's Olympics, the many flags and banners displayed around the Colony Park community are a testament to the pride and support that Kristy has in the community.

To be specific, there were 365 flags and 30 banners displayed on homes, area businesses, and schools. We are also proud of her accomplishments at Sydney. Kristy, congratulations on a job well done.

BOLSTERING OUR MILITARY FORCES

(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, the first responsibility of government is to protect and defend the American citizens from threats. To meet this responsibility, the United States must maintain a modern, highly skilled and well-trained military force.

As a veteran of both the Vietnam and Persian Gulf Wars, I am very proud of this Republican-led Congress that remains committed to rebuilding and strengthening our military and to treating our troops with the respect that they deserve.

In addition to bolstering America's military readiness, this Republican-led Congress is working to provide a better quality of life for our servicemen and women.

We are working to ensure sure that no U.S. serviceman or woman will ever have to rely on food stamps just to feed their family. Again, this Republican-led Congress is committed to providing our military members, both current and past, with quality health care service.

Mr. Speaker, I am proud of the accomplishments of this Republican-led Congress, and I am proud of all the men and women who have served and sacrificed for their country in our military service.

ISSUES ON CHINA

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

Mr. TRAFICANT. It is a proven fact, China has missiles pointed at America. China bought submarines and attack aircraft from Russia. China has spied on America. China has illegally purchased American secrets, and China is now taking $100 billion a year in cash out of our economy in sweetheart trade deals. If that is not enough to smell the gun powder, a Chinese spokesman announced, and I quote, Cuba is our Communist ally and China will now embrace Castro.

Beam me up. Let me caution Members, China has more soldiers than America has citizens. I yield back both the treason of Janet Reno and the blindness of the Congress of the United States of America.

MEDIA TILTS LEFT

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

Mr. SMITH of Texas. Mr. Speaker, the evidence is mounting that the media tilts left. In its recent poll, ''Editor and Publisher'' magazine found that two-thirds of newspaper readers feel that AL GORE receives preferential treatment. Most revealing, two-thirds of the newspaper readers who consider themselves independents also said there is bias favoring AL GORE.

It is no surprise that over half of George Bush's supporters says there is press bias, compared to less than a third of AL GORE's supporters.

Media bias is dangerous to our democracy. It prevents the American people from getting the facts, and if we do not have the facts, we cannot make good decisions. We should help the media remember that their job is to give us fair, objective, and impartial news reports.

No one should play games with the people's right to know the facts. The media should give us the news straight.

U.S. CUSTOMS SERVICE CYBERSMUGGLING CENTER

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

Mr. LAMPSON. Yesterday I participated in the ribbon-cutting ceremony

for the new location of the U.S. Customs Service Cybersmuggling Center. Child pornography was a worldwide industry that was all but eradicated in the 1980s. And unfortunately, it has resurfaced with vengeance thanks to computer technology.

Although, I learned of the work of the U.S. Customs Service through the National Center for Missing and Exploited Children's leader, Ernie Allen, I was so impressed with the work of the Cybersmuggling Center and its agents that I introduced legislation that would authorize much needed funds specifically for the U.S. Customs Service, Child Pornography Enforcement Program.

The U.S. Customs Service has long been recognized by law enforcement and the international community for its knowledge and skill in investigating cases of child pornography and child exploitation. Proper funding of the Cybersmuggling Center will allow the Customs Service to continue its worldwide leadership in the prevention of the sexual exploitation and abuse of children in the United States and abroad. Congress got the message and now we can commend the work done by the men and women who spend their days and nights protecting our most vulnerable citizens, our children.

LET US LOOK AT THE FACTS

(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, let us look at the facts. Republicans have locked away 100 percent of the Social Security and Medicare surplus. Republicans have eliminated over $350 billion of our Nation's debt and will totally eliminate it by 2012.

We asked the Vice President to join us in dedicating another 90 percent or $240 billion of next year's surplus toward eliminating the debt. Unfortunately, the Vice President does not agree. You see he wants to spend over $1 trillion on increasing the size of our government.

Most Americans would agree the Vice President's plan to spend 1 trillion more dollars is shortsighted. We do not need a bigger government. Americans do not want, do not need and do not deserve a big government spending spree. They deserve a secure retirement and a debt-free America.

BEYOND CANCER: JOURNEYS OF THE HUMAN SPIRIT

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

Mr. BARRETT of Wisconsin. Mr. Speaker, Wes Scott, Josie Wisialowski, Linda Smith, Lyle Beres, Raksha Chand, Erik Oliverson, Pat Kaldor, Charlotte Lass, Val Banks, Tim Cleary, Marcia Boler, Barbara Kluth, these people are men and women, black and white, students and executives, community leaders, young and old. Despite their differences, these people all share one terrible reality, they have all had cancer. They also share one wonderful reality, they have all survived cancer.

Our guests today are a few of the survivors featured in the photographic exhibit Beyond Cancer: Journeys of the Human Spirit, on display through October 14th in the Rotunda of the Cannon House Office Building. The exhibit features pictures just like this one here showing the very human face of cancer in America and telling the very personal stories of the people who have fought and overcome this terrible disease. Beyond Cancer was developed by Milwaukee's St. Joseph Hospital and brought to Washington with the support of Abbott Labs. I am honored to have sponsored its display here on Capitol Hill.

Beyond Cancer is an inspiring tribute to the enduring strength of everyday Americans who decide that they will not allow cancer to define them, they will fight to survive, and that their life is beyond cancer.

Mr. Speaker, I ask that my colleagues join me in giving heartfelt thanks to these individuals, they offer examples of strength, faith, and perseverance to which we all might aspire.

□ 1015

CHARLOTTE, NORTH CAROLINA, THE HORNET'S NEST

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

Mrs. MYRICK. Mr. Speaker, while Charlotte is proud of its professional basketball teams, the Hornets and the Sting, I would like to share with Members how the area first became known as the Hornet's Nest.

On October 3 of 1780, hungry British soldiers, coming off victories in South Carolina, were driven away by our local farmers. In the commotion, the soldiers knocked over the beehives at McIntyre's farm, and the insects, along with the Charlotteans, swarmed all over the fleeing Redcoats.

Four days later, frontiersmen from Georgia, Virginia, and both Carolinas destroyed the left wing of General Cornwallis's army in less than 1 hour of battle.

News of the victory revived hopes, and soon patriots like Thomas Sumter, Elijah Clarke, and Francis ''the Swamp Fox'' Marion stepped up their harassment of the British troops.

As they say, the rest is history. Cornwallis referred to Charlotte as a ''hornet's nest of rebellion,'' and his stay lasted there only 16 days.

I encourage Members to join me and my fellow Carolinians in celebrating the 220th anniversary of both the Battle of the Bees and the Battle of Kings Mountain.

A MISSED DEADLINE TO REAUTHORIZE THE VIOLENCE AGAINST WOMEN ACT

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

Mrs. MALONEY of New York. Mr. Speaker, 3 days ago the deadline passed for reauthorizing the Violence Against Women Act.

There was no good reason for the Congress not to pass this important bill. After all, it passed this House with an overwhelming majority, 415 to 3. Judges support this bill, police officers support this bill, prosecutors support the bill, victims, social workers, health care workers, men and women around the Nation support this bill. It protects women from violence, it protects children from witnessing violence, it stops the cycle of violence.

Unfortunately, some in Congress are talking about using this bill as a sweetener, adding it to other bills to help them pass. The Violence Against Women Act deserves to pass on its own, and adding it to another bill to sweeten it is an insult to the women of America. Let us get our work done. Let us pass the Violence Against Women Act.

REPUBLICAN-SPONSORED LEGISLATION TO HELP AMERICA'S SENIORS

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

Mr. KINGSTON. Mr. Speaker, what is it like to be retired in the 1990s on a fixed income with rising health care costs, high prescription drugs, and expensive, long-term residential treatment?

It does not have to be this way, though. That is why this Congress, this Republican Congress, has worked to take social security money off-budget so that the social security trust fund will be secure and the money will not be taken out of that lockbox and used for roads and bridges or congressional salaries. We believe that is an important commitment to America's seniors.

That is why this Congress has passed the only prescription drug program, to make prescription drugs available and affordable to our seniors.

I might add that the other body across the hall has yet to act on this important piece of legislation. Neither has the White House. But we think it is important.

That is why this Congress has worked hard for cops on the streets and local law enforcement grants, to make sure that American seniors at home in their retirement will be safe and secure, so they can sit on their porch or walk down the street and not be worried about being a victim of crimes.

Mr. Speaker, it is our moms and dads we are talking about. They looked after us all these years. Let us not forget them.

TRIBUTE TO HON. WILLIAM GOODLING, CHAIRMAN OF THE COMMITTEE ON EDUCATION AND THE WORKFORCE

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

Mr. FATTAH. Mr. Speaker, I seek the opportunity to join my colleagues in saying a word for our party member, the retiring gentleman from Pennsylvania (Mr. GOODLING).

I have had the opportunity to serve with him for a number of terms as he has led the House Committee on Education and the Workforce. His work in regard to improving the life skills and life chances of millions of young people, and in particular his work in developing the Even Start Program and his support for additional resources to be provided in terms of special education, are of particular note.

I join with my colleagues from the State of Pennsylvania and many of us who served with him on the House Committee on Education and the Workforce in wishing the gentleman God speed in his retirement.

THE FIRST LADY SHOULD PUT TAXPAYERS' INTERESTS AHEAD OF PERSONAL AMBITION

(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, there appears to be a double standard at the White House. At last count, the First Lady's campaign for the U.S. Senate has cost the taxpayers well over $1 million. She is flying around the Empire State in grand style using military aircraft, full-time Secret Service protection, not only for herself but also for her campaign aides, and continues to drag her feet in reimbursing the taxpayers.

She has reimbursed the Treasury just over $6,000 for one 4-day campaign trip in August, but in reality, this trip cost about $60,000 as they flew around in an Air Force C–20. So far she has only reimbursed the taxpayers $185,000, about 5 percent of what she owes.

As First Lady, Mrs. Clinton should get the same security and security measures that previous First Ladies have had, but the taxpayers should not be footing the bill for a political campaign for public office.

The First Lady should put the American taxpayers' interests first above a personal desire for power.

ILLEGAL DIAMOND SALES SUPPORT BRUTAL REBEL GROUPS IN SIERRA LEONE

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

Mr. EHLERS. Mr. Speaker, I rise today to discuss a very serious situation in Africa, the situation in Sierra Leone.

Last week, under the leadership of the gentleman from California (Mr. ROYCE), who serves as chairman of the Subcommittee on Africa, we had a special meeting or hearing at which we heard from victims of the violence in Africa.

Just as an example, there were two 4-year-old children, both of whom had had an arm chopped off, when they were 2 years old, by the rebels. We also saw a student who had said, please, don't chop off my right hand; I am a student and I have to write with it. They chopped off his right hand. Another gentleman had both arms chopped off. This is the type of violence taking place.

But this is not a political revolution, this is a revolution of bandits who wanted to get control of the diamond mines, and in fact, they have achieved that. They are financing their war with the revenue from the mines.

These so-called ''conflict diamonds,'' which I call bloody diamonds, are fueling the conflict over there, and many of those diamonds are being sold in the United States. We must stop the importation of those diamonds.

Our State Department has to enforce international law, and bring pressure on Charles Taylor of Liberia and others to stop their meddling in the affairs of Sierra Leone, Above all, we must end the conflict.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Any record votes on postponed questions will be taken later today.

CONVEYANCE OF CERTAIN REAL PROPERTY AT CARL VINSON DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER

Mr. STUMP. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5139) to provide for the conveyance of certain real property at the Carl Vinson Department of Veterans Affairs Medical Center, Dublin, Georgia.

The Clerk read as follows:

H.R. 5139

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

SECTION 1. CONVEYANCE OF CERTAIN PROPERTY AT THE CARL VINSON DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, DUBLIN, GEORGIA.

(a) CONVEYANCE TO STATE BOARD OF REGENTS.—The Secretary of Veterans Affairs shall convey, without consideration, to the Board of Regents of the State of Georgia all right, title, and interest of the United States in and to two tracts of real property, including any improvements thereon, at the Carl Vinson Department of Veterans Affairs Medical Center, Dublin, Georgia, consisting of 39 acres, more or less, in Laurens County, Georgia.

(b) CONVEYANCE TO COMMUNITY SERVICE BOARD OF MIDDLE GEORGIA.—The Secretary of Veterans Affairs shall convey, without consideration, to the Community Service Board of Middle Georgia all right, title, and interest of the United States in and to three tracts of real property, including any improvements thereon, at the Carl Vinson Department of Veterans Affairs Medical Center, Dublin, Georgia, consisting of 58 acres, more or less, in Laurens County, Georgia.

(c) CONDITIONS ON CONVEYANCE.—The conveyance under subsection (a) shall be subject to the condition that the real property conveyed under that subsection be used in perpetuity solely for education purposes. The conveyance under subsection (b) shall be subject to the condition that the real property conveyed under that subsection be used in perpetuity solely for education and health care purposes.

(d) SURVEY.—The exact acreage and legal description of the real property to be conveyed under this section shall be determined by a survey or surveys satisfactory to the Secretary of Veterans Affairs. The cost of any such survey shall not be borne by the Secretary.

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

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. STUMP) and the gentleman from Illinois (Mr. EVANS) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. STUMP).

GENERAL LEAVE

Mr. STUMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 5139.

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

There was no objection.

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

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

Mr. STUMP. Mr. Speaker, H.R. 5139 provides for the conveyance of certain real property at the Carl Vinson Department of Veterans Affairs Medical Center in Dublin, Georgia.

Due to changes in the way health care is delivered, the VA has consolidated its health care in the central part of this large campus in Dublin. However, it continues to spend hundreds of hours and tens of thousands of dollars each year to maintain vacant buildings and grounds on this campus.

The State of Georgia has identified two uses for part of this campus. One part would be used to expand the Middle Georgia College, a State-run institution of higher learning. The other

would be used by the State to expand mental health services to residents in the Dublin area.

In addition to ridding itself of the annual maintenance costs, the VA would receive services for veterans and employees from these State-sponsored institutions.

I urge my colleagues to support the passage of H.R. 5139.

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

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

Mr. Speaker, I rise in support of H.R. 5139. The gentleman from Georgia (Mr. NORWOOD) has brought forth a measure that is a good deal for the VA, a good deal for veterans, and a great deal for the State of Georgia. It will allow the VA to gain the benefit from two parcels of land which are no longer needed.

The first parcel will be conveyed to the State Board of Regents to expand Middle Georgia College. The second will go to Middle Georgia's Community Service Board to provide mental health services.

In addition to helping the VA in the cost of maintaining unnecessary grounds and obsolete buildings, the State will also assume the cost of remediation of hazardous materials. In exchange, the VA will be able to provide veterans and its employees with some good new benefits.

Middle Georgia College will provide free tuition and fees to employees, their spouses, and dependents, and to any veteran receiving treatment at the Dublin VA Medical Center. It also offers the VA priority consideration to offer the Board of Regents maintenance and food services. This may allow the VA to develop new funding streams that will allow improved health care services for veterans.

I am pleased to lend my support for this measure, and ask my colleagues to join with me in giving it favorable consideration.

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

Mr. STUMP. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. NORWOOD), the author of the bill, to provide further details on H.R. 5139.

Mr. NORWOOD. Mr. Speaker, I thank the chairman for yielding me the time.

Mr. Speaker, I would like to begin my remarks today by thanking my colleagues who have been very helpful in bringing this bill to the floor on the suspension calendar.

The gentleman from Arizona (Chairman STUMP) and the ranking member, the gentleman from Illinois (Mr. EVANS), of the Committee on Veterans' Affairs, have been very helpful to us on this. I thank them and their staffs.

As has been pointed out, Mr. Speaker, this bill provides for the conveyance of property from the Carl Vinson VA Medical Center in Dublin, Georgia, to Middle Georgia College and the Community Service Board of Middle Georgia.

There are many benefits with this transfer of land. The VA obviously is going to be able to save on the cost of renovating several rundown old buildings, as well as the maintenance and upkeep costs on those buildings.

The VA Center employees and patients are going to receive free tuition and fees to the Middle Georgia College, and free mental health counseling at a mental health facility that will occupy one of these buildings that is being transferred.

Probably one of the most important features of this entire bill is that that property that will be transferred to the university system of the State of Georgia is going to be used to build a nursing treatment facility there.

Now, in Middle Georgia it is absolutely a wonderful quality of life, but it is rural Georgia, and they have a very hard time competing for nurses, for example, with the Medical College of Georgia in Augusta and Atlanta, Georgia. This is going to give us a nursing facility right next to the hospital, which is so desperately needed at this particular VA hospital.

In addition to that, and I am very pleased about this, this is a perfect example of the government and private citizens working together to improve the quality of life for all of our citizens.

Part of this property goes to the Community Services Board, and the private citizens of Lawrence County, Dublin, Georgia, have raised over half a million dollars already to renovate one of the buildings that will be used for mental health, which later, after it is finished and completed, will be used for our veterans or their employees. Any of them that need any of these facilities, it will be made available to them.

So I am proud of the people of Lawrence County because they are going to work to do their part to raise the private funds to restore these buildings that at the present time are frankly draining the VA Treasury, and are not helping one veteran in Dublin, Georgia.

This move is going to help a great number of veterans by increasing our nursing staff, by making facilities available to those veterans.

So again, let me thank the gentleman from Illinois (Mr. EVANS), the gentleman from Arizona (Mr. STUMP), and all who have been involved. I encourage each of my colleagues to let us please pass this and let these folks down in Dublin, Georgia, improve the VA Center and improve their mental health and improve their nursing facilities.

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

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

I want to thank the gentleman from Illinois (Mr. EVANS) for his concurrence in considering this legislation in such a timely manner. I would also like to commend the gentleman from Georgia (Mr. NORWOOD) for all his work on this measure, and for pursuing a new and creative use of VA property to benefit both veterans and the low-income.

□ 1030

This is a bipartisan measure, and I urge all Members to support it.

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

The SPEAKER pro tempore (Mr. BASS). The question is on the motion offered by the gentleman from Arizona (Mr. STUMP) that the House suspend the rules and pass the bill, H.R. 5139.

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

A motion to reconsider was laid on the table.

HONOR GUARD FOR VETERANS EMPOWERMENT ACT

Mr. STUMP. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 284) to amend title 38, United States Code, to require employers to give employees who are members of a reserve component a leave of absence for participation in honor guard for a funeral of a veteran, as amended.

The Clerk read as follows:

H.R. 284

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Honor Guard for Veterans Empowerment Act''.

SEC. 2. EMPLOYERS REQUIRED TO GRANT LEAVE OF ABSENCE FOR EMPLOYEES TO PARTICIPATE IN HONOR GUARDS FOR FUNERALS OF VETERANS.

(a) DEFINITION OF SERVICE IN THE UNIFORMED SERVICES.—Section 4303(13) of title 38, United States Code, is amended—

(1) by striking ''and'' after ''National Guard duty''; and

(2) by inserting before the period at the end '', and a period for which a person is absent from employment for the purpose of performing funeral honors duty as authorized by section 12503 of title 10 or section 115 of title 32.''.

(b) REQUIRED LEAVE OF ABSENCE.—Section 4316 of such title is amended by adding at the end the following new subsection:

''(e)(1) An employer shall grant an employee who is a member of a reserve component an authorized leave of absence from a position of employment to allow that employee to perform funeral honors duty as authorized by section 12503 of title 10 or section 115 of title 32.

''(2) For purposes of section 4312(e)(1) of this title, an employee who takes an authorized leave of absence under paragraph (1) is deemed to have notified the employer of the employee's intent to return to such position of employment.''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect 180 days after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. STUMP) and the gentleman from Illinois (Mr. EVANS) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. STUMP).

GENERAL LEAVE

Mr. STUMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 284, as amended.

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

There was no objection.

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

Mr. Speaker, H.R. 284 would require employers to give employees who are a member of a reserve component a leave of absence for participation in an honor guard for the funeral of a veteran.

Mr. Speaker, there has been substantial progress made over the last several years towards making military honors available for funerals of veterans. The plan adopted recently by the Department of Defense envisions that reservists and guardsmen will perform a substantial part of this important funeral duty. Under existing law, a reservist is entitled to job protection for absences due to military obligations. This bill would simply clarify that performing funerals is treated like any other military obligation for purposes of the law which provide reservists job protection.

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

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

Mr. Speaker, I thank the gentleman from New York (Mr. SWEENEY) for his leadership on this important legislation on behalf of the Nation's veterans and their family. As one of the House authors of the law that mandated standards for honor guard participation in the funerals of veterans, I believe this bill will help our Nation live up to its commitment to those veterans.

Mr. Speaker, the bill would amend title 38, U.S. Code, to require employers to give employees who are members of the ready reserve a leave of absence to participate in honor guard funerals for veterans.

It is sad when a veteran of the armed services dies. Often his or her family wants a simple honor guard to accompany that service. It is sadder still when no such honor guard can be provided.

This bill would make provisions for such an honor guard without requiring the Department of Defense to send active-duty personnel for the task. Members of the reserve components, veterans themselves, can volunteer to provide those honors.

Mr. Speaker, H.R. 284 is a bipartisan effort to honor our Nation's veterans and their families for their sacrifices. I strongly support H.R. 284, as amended, and urge my colleagues to approve this important legislation.

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

Mr. STUMP. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. SWEENEY), the author of H.R. 284, for further explanation.

Mr. SWEENEY. Mr. Speaker, I thank the gentleman from Arizona (Chairman STUMP) for yielding me this time.

Mr. Speaker, I rise today to ask my colleagues to support H.R. 284, the Honor Guard for Veterans Empowerment Act.

First, I want to give my heartfelt thanks to the gentleman from Arizona (Chairman STUMP). I know it was his great efforts that got this bill to the floor today on suspension, and the gentleman from Illinois (Mr. EVANS), ranking member, for all of their work in assisting me to bring this legislation to the floor today.

Mr. Speaker, H.R. 284 codifies the performance of voluntary inactive-duty funeral honors by reserve component members as protected under title 38, chapter 43 of the United States Code.

H.R. 284 makes sense because it clarifies current law. It protects members of our reserve forces. It educates employers and requires no government spending. Finally, it supports our Nation's veterans.

Mr. Speaker, we know that our veteran population is growing older. We know that more of these heroes are beginning to pass away. The Department of Veterans Affairs expects the annual veteran death rate to peak at 614,000 in the year 2008. That averages out to about 1,700 veterans' funerals each day by the year 2008.

Mr. Speaker, with this trend comes increasing requests by veterans and their families for military honors at funerals. The Department of Defense estimates these funeral requests could reach anywhere from 270,000 to 465,000 per year by 2008.

Coupled with the increasing death rate, there has also been a shrinking of our active duty military forces. The active duty military has declined by 1.4 million today, a 35 percent decrease from 1989.

Active duty forces are just not available in sufficient quantity to perform the enormous number of military honor funerals which are being anticipated to occur over the next several years. That is why we introduced H.R. 284.

This year, the Department of Defense, as well, implemented new policies on military honor funerals, Mr. Speaker. At a minimum, the military now must send two service members, a flag, a recording of Taps to be played at each veterans funeral service. At least one of the two-member honor guard must be from the service of the deceased veteran.

The combination of an increased veteran death rate and reduction in active duty forces has placed us in a troubling situation. We have committed support to our veterans, yet appear not to have the active duty forces to provide adequate funeral honors for veterans who deserve it.

As a result, the Department of Defense is increasingly turning to its reserve component to assist with the performance of these honored burial duties. In fact, it is hard to imagine how the new burial policies would succeed without the enthusiastic support and participation of reservists.

Mr. Speaker, the ready reservists represent a quality force of nearly 1.3 million soldiers, sailors, and airmen who can assist with the performance of honor guard duty at a veteran's funeral.

The Department of Defense is developing a statistical program to track the number of funeral honors performed by the service. That information is currently unknown, but I can tell my colleagues those numbers will grow rapidly in the next several years.

Current defense policy allows reservists to receive a $50 stipend, one retirement point, and travel reimbursement for expenses if they travel over 50 miles from home during the performance of the funeral duties for a veteran.

These soldiers are placed on inactive duty status and perform a function on a voluntary basis without a full day's pay, primarily out of patriotism, Mr. Speaker, and respect for our veteran population.

The compensation they receive, I should point out, is hardly enough to risk losing a full-time civilian job should their employer balk at the prospect of the service member missing a day of work. H.R. 284 addresses that potential service member-employer situation.

H.R. 284 clarifies title 38, United States Code, chapter 43 regarding employment and reemployment rights of members of the uniformed services by ensuring reserve component members performing voluntary inactive-duty funeral honors duty are protected.

This bill provides an additional incentive for reserve component members to perform burial service duty and educates employers about the reservists' vital role in these funerals.

Before closing, let me briefly mention the amendments to the version of H.R. 248 which is before us today.

After substantial discussion with the Department of Defense and the Department of Labor, it was determined that two technical corrections were necessary to fine-tune this legislation. Based on the Department's recommendations, we have inserted the leave of absence language and specific duty authorization language into section 4303, subsection 13 of title 38, as well as section 4312. These changes help clarify title 38.

H.R. 284 makes sense, Mr. Speaker, because it clarifies current law, protects members of our reserve forces, educates employers, creates no new government spending, and supports our Nation's veterans. I ask my colleagues to support its passage.

Mr. Speaker, in closing, I again want to give my substantial thanks to the gentleman from Arizona (Chairman STUMP) and to the gentleman from Illinois (Mr. EVANS), ranking member, for

assisting me in bringing this legislation to the floor. I would also like to thank the members of the committee for moving on this. Finally, I would like to thank the over 100 members who cosponsored this important legislation.

The Honor Guard for Veterans Empowerment Act is an important effort to protect the reserve component service members, educate and motivate employers, and support our veteran population.

Mr. EVANS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. SANCHEZ).

Ms. SANCHEZ. Mr. Speaker, I cannot tell my colleagues how many times I have received a phone call to my office from somebody whose father or brother or sister are now deceased, who have been a veteran, and the phone call has usually been about trying to get an honor guard to the funeral.

Usually they are distraught because, of course, when we go through something like that, especially for someone who has served with honor in the military, and not to be able to have an honor guard at their funeral seems unjust. And, in fact, it is.

In the year 2000 Defense authorization bill, we actually wrote legislation, we wrote some words that talked about each and every veteran having an honor guard at their funeral. Well, that is because it is a promise that we made. It is something for our country to uphold.

But due to the large and aging population of World War II and Korean veterans, we anticipate about 600,000 funerals this year. What that means is, as we have cut back on our current service personnel, and as we send them around the world, we have fewer and fewer of them around to help with that duty at funerals. So we have begun to rely on our reservists to help with this. The more the reservists go out to conduct that, the more time actually they have to spend away from their employment.

So this is really a resolution to let employers know how important it is for our reservists to take the time to go and honor the commitment that this Nation has made. It is important for us to explain to employers. It is important for Americans to understand that we are trying to hold to that commitment. It is important that, when duty calls, reservists do not jeopardize their jobs.

This Nation and this Congress must stand behind our reservists. That is why I would ask my fellow colleagues to approve House Resolution 284, because it is a reaffirmation of great honor to those who have served with honor to our country. Congress reaffirms that; and when we do that, America reaffirms the work that these veterans have done.

I support this bill, and I urge my colleagues to support the bill also.

Mr. STUMP. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. QUINN), the chairman of our Subcommittee on Benefits.

Mr. QUINN. Mr. Speaker, I want to begin by thanking the gentleman from Arizona (Mr. STUMP) and the gentleman from Illinois (Mr. EVANS) for their normal bipartisan approach to this issue here this morning, as we always approach these issues in the Committee on Veterans Affairs in the Congress.

Also, besides thanking the gentleman from Arizona and the gentleman from Illinois, it is an opportunity for me to thank the gentleman from New York (Mr. SWEENEY) from the Saratoga region of New York, who just opened, by the way, a brand-new national cemetery in Saratoga, New York, Mr. Speaker, this past year, and understands clearly what it is about to pay tribute to veterans who have served their country.

So I join in support from the Subcommittee on Benefits' perspective to support H.R. 284 this morning, the Honor Guard for Veterans Empowerment Act, and also urge all of our colleagues later today to vote in the affirmative on this.

In the Subcommittee on Benefits, Mr. Speaker, we have had opportunity this past year or two to visit this whole discussion of burial for our veterans. It is interesting to me when we have an opportunity, and just last year a number of us traveled over to Arlington to view right here in D.C. and over in Arlington, Virginia, the situation for burials in the columbarium as well as full burial service.

It is interesting for us to see on the committee the support we get when we bring bills like this to the floor and the support that we need during the course of the year to make certain that we budget the kind of money, the kind of personnel that would be necessary to make certain when we have an opportunity that we treat our veterans the way they should be treated, with dignity and with honor.

□ 1045

That is why the gentleman from New York (Mr. SWEENEY) has really hit the mark this morning with a common sense approach to this issue. He understands what that means, and we all owe him a debt of gratitude.

It is also an opportunity for me to just take a few brief moments this morning to talk about other work on the subcommittee. We, from time to time, debate here on the floor, and certainly back in our district, I know in Buffalo, New York and Saratoga, New York and Arizona and Illinois and other places have a chance to discuss whether or not we are meeting the needs of our veterans when it comes to health care, for example; when it comes to education benefits for our veterans; when it comes to housing benefits; or whether or not we are discussing the important issue of homelessness among our veterans.

Fully one-third of the homeless people in this country are veterans. So we will agree to disagree sometimes about whether or not we have full funding or adequate funding for health coverage, for education benefits, for housing benefits for the homeless veterans, but when it comes to burial, when it comes time, as the gentlewoman from California (Ms. SANCHEZ) just pointed out a few moments ago, to talk about the family that remains after a veteran passes on, we really need to step up to the plate and make certain that these veterans and their families are given the honor and dignity that they deserve.

The gentleman from New York (Mr. SWEENEY) brings us a bill this morning that does exactly that and, at the same time, makes certain that our reservists are also given the opportunities that they need to protect the job back home, and to make certain that they have done what they have done for their families at the right time and place.

H.R. 284, then, is that bipartisan approach that we talk about so often here in the House of Representatives. I am happy to join, and my colleague, the gentleman from California (Mr. FILNER), the ranking member on the Subcommittee on Benefits, joins me this morning and all others in supporting H.R. 284. This is common sense approach to making certain that dignity and honor is afforded to the veterans in our country.

Mr. Speaker, I want to thank the chairman of the committee, the gentleman from Arizona (Mr. STUMP), and the ranking member, the gentleman from Illinois (Mr. EVANS), as well as the gentleman from New York (Mr. SWEENEY).

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

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume, and I want to thank again the gentleman from Illinois (Mr. EVANS), the ranking member, and the gentleman from New York (Mr. QUINN), the chairman of the subcommittee, as well as the ranking member of that subcommittee for all their work in bringing this to the floor.

I also want to commend the gentleman from New York (Mr. SWEENEY) for all the hard work he has done and for sponsoring this bill, as the chief sponsor.

Mr. Speaker, this may be the last bill the Committee on Veterans' Affairs brings to the House floor under suspension, and I believe we can be very proud of the legislative achievements we have passed in the House during this last 106th Congress. From health care, to disability compensation and national cemetery issues, the House has maintained its bipartisan tradition. By working together, with the best interest of veterans in mind, and putting partisan politics aside, Congress has improved the lives of veterans and their families throughout the Nation.

I want to express my appreciation to the leadership of this House, to the members of the committee, and especially to the chairmen of the subcommittees and their ranking members. And I want to single out and offer a special note of thanks to the gentleman from Illinois (Mr. EVANS), the ranking Democrat of the Committee on Veterans' Affairs, for all his work and for the legislation that we have been able to enact. He and his staff have been truly great to work with this year, as well as previous years. He is thoroughly committed to improving the lives of veterans; and due to his contributions to the legislative process, we have improved our work products immensely.

I want to acknowledge the contribution of the majority staff for this committee's work. Staff plays a key role in getting bills enacted, and it is important to recognize the contribution they make to the legislative process, and I thank them all for the work that they have done this year. That said, Mr. Speaker, I urge my colleagues to support H.R. 284.

Mr. PICKERING. Mr. Speaker, I rise today, as a cosponsor of H.R. 284, to support this measure, the ''Honor Guard for Veterans Empowerment Act.'' This bill does a tremendous service to the men and women who so honorably served our country to preserve the freedom and prosperity we enjoy today. There is no doubt that those women and men deserve to have an Honor Guard funeral on their burial day. The Honor Guard for Veterans Empowerment Act is a critical piece in fulfilling this countries obligation to our Veteran community.

As the member who represents Congressman Sonny Montgomery's district I am proud to continue his legacy as a defender of our Veterans' rights. I believe this legislation continues the work he left in defending and honoring those who served this country in the time of greatest need.

I strongly support the Defense Departments January 1st, 2000 decision, ensuring that all veterans desiring a military funeral will have the opportunity. This legislation makes that commitment viable. H.R. 284 responds to the 21% growth in request for an honor guard funeral. It is critical that we have the resources to provide the greatest generation with the honor they are due on the day they are laid to rest.

Mr. KUCINICH. Mr. Speaker, I strongly support H.R. 284, which will allow Reservists to serve at military funerals by granting them the necessary release of time from their civilian jobs. Active military personnel are shrinking in numbers and the number of funerals performed are rising each year. Add to this the new policy adopted by the Department of Defense ensuring that all veterans receive a proper military honor funeral, and we must call upon the Reservists to perform occasionally in this capacity. These people should be supported for their willingness to serve this function and this bill will protect them in regard to their civilian employers. For these reasons I urge passage of this important bill.

Mr. GILMAN. Mr. Speaker, I rise today in strong support of H.R. 284, the Honor Guard for Veterans Empowerment Act. I urge my colleagues to join in supporting this urgently needed legislation.

H.R. 284 sets in statute language protecting the performance of voluntary inactive-duty funeral honors by Reserve component members. This is an important development in light of the increase in military funerals over the past 2 years.

Last year the Congress passed legislation requiring the Department of Defense to provide personnel for military funerals whenever an eligible veteran's family made such a request. However, manpower shortages in our active duty forces have made fulfillment of this task problematic.

Moreover, the number of requests by veterans and their families for military honors at funerals is on the rise. During the first 6 months of 2000, the number of such requests was 21 percent higher over the same period in the previous year.

As a result of these two factors, the Department of Defense has had to place an increasing reliance on its Reserve components for the performance of their duties. Yet current regulations do not reflect this reality, offering small compensation to the Reservist in exchange for the possible loss of a full-time job.

H.R. 284 protects Reservists by ensuring the performance of voluntary inactive-duty funeral honors by Reserve component members is protected under title 38, United States Code, chapter 43. It also offers additional incentives to reservists for the performing of these duties, and educates employers about the vital role played by reservists in veterans funerals.

Mr. Speaker, since this legislation is desperately needed, I urge my colleagues to lend it their wholehearted support.

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

The SPEAKER pro tempore (Mr. BASS). The question is on the motion offered by the gentleman from Arizona (Mr. STUMP) that the House suspend the rules and pass the bill, H.R. 284, as amended.

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

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess for approximately 10 minutes.

Accordingly (at 10 o'clock and 53 minutes a.m.), the House stood in recess for approximately 10 minutes.

□ 1101

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PEASE) at 11 o'clock and 1 minute a.m.

SENSE OF HOUSE REGARDING FIGHT AGAINST BREAST CANCER

Mr. COBURN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 278) expressing the sense of the House of Representatives regarding the importance of education, early detection and treatment, and other efforts in the fight against breast cancer.

The Clerk read as follows:

H. RES. 278

Whereas an estimated 175,000 women and 1,300 men will be diagnosed with breast cancer in 1999, and an estimated 43,300 women and 400 men will die of the disease;

Whereas breast cancer is the most common form of cancer among women, excluding skin cancers;

Whereas breast cancer is the second leading cause of cancer death among all women and the leading cause of cancer death among women between ages 40 and 55;

Whereas breast cancer can often be treated most successfully if detected early on;

Whereas education, regular clinical and self-examinations, regular mammograms, and biopsies (when appropriate) are critical to detecting and treating breast cancer in a timely manner;

Whereas the American Cancer Society recommends that all women aged 40 and over have annual screening mammograms and clinical breast examinations by health professionals, that women aged 20 to 39 have clinical examinations every three years, and that all women aged 20 and over perform a breast self-examination every month; and

Whereas the House of Representatives as an institution and Members of Congress as individuals are in unique positions to help raise public awareness about the detection and treatment of breast cancer and to support the fight against breast cancer: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) all Americans, and above all women, should take an active role in the fight against breast cancer by using all the means available to them, including regular clinical and self-examinations, regular mammograms, and biopsies (when appropriate);

(2) the role played by national and community organizations and health care providers in promoting awareness of the importance of regular clinical and self-examinations, regular mammograms, and biopsies (when appropriate), and in providing information, support, and access to services, should be recognized and applauded; and

(3) the Federal Government has a responsibility to—

(A) endeavor to raise awareness about the importance of the early detection of, and proper treatment for, breast cancer;

(B) continue to fund research so that the causes of, and improved treatment for, breast cancer may be discovered; and

(C) continue to consider ways to improve access to, and the quality of, health services for detecting and treating breast cancer.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oklahoma (Mr. COBURN) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Oklahoma (Mr. COBURN).

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

Mr. Speaker, October is National Breast Cancer Awareness Month. In our country this year, 175,000 women will be diagnosed with breast cancer. That is very personal to me in that my sister has been diagnosed with it, my sister-in-law, and a very close first cousin recently died of this disease.

The facts that face American women is one in eight women in this country will encounter this disease at some time in the future. Prevention is a key to diagnosis. And as a practicing physician that has diagnosed multiple women with breast cancer, I know the importance of improving awareness and improving the knowledge of women in our country and men as to the preventive measures that can take place.

I also think it is incumbent upon me to make sure that the American public is aware of the connection between the incidence of breast cancer and abortion.

There has now been, throughout the United States and Europe, 32 studies of which 29 absolutely connect a marked increase in the likelihood of breast cancer when one has had an abortion. That goes up if that abortion occurred before 18 or after 30, but nevertheless, the risk is twofold.

Unfortunately, many in our country do not want the benefits of that scientific data known, and that is unfortunate. Nevertheless, I think the key thing is that we want women to be aware of what they can do to protect themselves against breast cancer. We want to encourage the awareness on the part of women in our country for risk factors associated with that besides family members, smoking, as well as abortion.

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

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

Mr. Speaker, I rise in support of H. Res. 278, the importance of education, early detection and treatment, and other efforts in fighting breast cancer. I will be brief because I believe we will have a handful of speakers that want to talk on this.

As my friend the gentleman from Oklahoma (Mr. COBURN) said, October is National Breast Cancer Month. One out of eight women in this country will at some point in their lives be diagnosed with breast cancer.

Nothing is more important than early detection. Clearly, we know that nothing is more important than education and women doing everything from self-examination to mammograms to making sure that they make frequent visits to the doctor and especially examinations after the age of 40.

We founded in Ohio some time ago, about 6 or 7 years ago, the Northeast Ohio Breast Cancer Task Force. That task force has been especially active in working with local physicians and nurses and working with other providers and especially has been active in educating women of all ages throughout Northeast Ohio in terms of education and in terms of self-examination and all of that.

So, Mr. Speaker, this resolution is important for all of us. It is important for our daughters and for our wives and for our mothers and for our sisters and for our families.

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

Mr. COBURN. Mr. Speaker, I yield such time as he may consume to the gentleman from New Hampshire (Mr. BASS).

Mr. BASS. Mr. Speaker, I thank the distinguished gentleman from Oklahoma for yielding to me.

Mr. Speaker, I am pleased today to rise to ask my colleagues to support this breast cancer awareness resolution, a similar one I introduced last year, as well, which also passed.

This will indeed be the second consecutive Congress to pass such a resolution. I look forward to building on this work with my colleagues in future Congresses.

I also want to thank the House leadership and the gentleman from Virginia (Chairman BLILEY) and the gentleman from Florida (Mr. BILIRAKIS) and, of course, the gentlemen on both sides of the aisle here for their help and leadership on this issue, as well as the leadership of Members like the gentlewoman from California (Ms. DUNN) and the gentlewoman from New York (Mrs. KELLY) and the gentleman from Texas (Mr. BENTSEN) as well as over a hundred other Members of Congress who chose to cosponsor this resolution.

Mr. Speaker, the resolution outlines the devastating impact that breast cancer has on far too many women as well as men every single year. But it also notes the critical difference that education, early detection and effective treatment can make.

Moreover, it reminds each and every one of us of the role that we can play both as individual Members and as an institution in educating our constituents and raising awareness of breast cancer. And that is really the key to this resolution. The Congress can play a role in communicating an important message to the American people and that message and the effective communication of it may save countless lives over the next year.

Now, the last decade saw a leveling off of the incidence rate and an increase in the survival rate. But as we heard a minute ago, breast cancer continues to remain the most common form of cancer among women and the second leading cause of cancer deaths nationwide.

More than 180,000 women and some 1,400 men will be diagnosed with breast cancer this year; and nearly 41,000 women and 400 men will die of this disease.

Mr. Speaker, no woman, no man, no family should have to suffer all that comes with breast cancer. But each and every one of us must do everything we can to raise awareness of this disease and the importance and methods of early detection and treatment.

As was mentioned before, October is Breast Cancer Awareness Month; and National Mammography Day is on October 20. With this in mind, I urge my colleagues to pass this resolution today and to adhere to its call upon us all to fight this deadly disease.

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

Mr. Speaker, I have a couple of comments.

The Congress is considering H. Res. 278, which it is late in the session, and this is a good thing. As I said, I support it. I am a cosponsor. It seems like if we look at this, virtually every Member of the House almost is a cosponsor. But this is a resolution that other than saying, we are against breast cancer, we are fighting against breast cancer, we as a body want to go on record saying we think breast cancer is a bad thing, encouraging women to do self-examination beginning at the age of 20, encouraging women between 20 and 40 to get every-three-year examinations from their doctor, encouraging women from 40 to get annual examinations especially if they have a family history, all of those things, and this Congress has not, Mr. Speaker, tackled the real issues in health care.

We still have not passed a prescription drug bill through this Congress. We still have not passed a Patients' Bill of Rights through this Congress. It is locked in conference committee. We still have not sent to the President the Ryan White bill. We still have not sent to the President the bill on health disparities. The real issues that we ought to be addressing we have simply shunted side.

We are passing this resolution. Again, I support this resolution. But we are passing resolutions that say nice things and tell us all to do good things, but we simply are not moving in the direction this Congress should move.

Mr. Speaker, I yield 2½ minutes to my friend, the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I thank the gentleman from Ohio (Mr. BROWN) for yielding me the time and also recognize and commend the work of the gentleman from New Hampshire (Mr. BASS) for his leadership on this issue.

Mr. Speaker, breast cancer is the most common form of cancer in America excluding skin cancers and claims the lives of approximately 40,000 women in the United States each year. My friend, the gentleman from Oklahoma (Mr. COBURN), has brought this to our attention time and time again on health matters.

An estimated three million women in the United States are living with breast cancer. Another two million have been diagnosed. And an estimated one million do not yet know they have the disease.

One out of every eight women in the United States will develop breast cancer in her lifetime, a risk that was one out of 14 in 1960. So we are making progress. But it is not good enough.

This year a new case will be diagnosed every 3 minutes, and a woman will die from breast cancer every 12 minutes. Of all women diagnosed with

breast cancer, 48 percent will die from it within 20 years.

This resolution recognizes the importance of education, early detection and treatment of breast cancer, which is critical to millions of women and men and their families across this country.

This resolution is especially timely because October is the month we recognize this horrible disease. All across America people are walking, spreading education materials, sponsoring free mammograms, and hosting charity walks to commemorate loved ones that are still fighting the battle against breast cancer.

As Members of Congress, we have a responsibility to follow the tenet laid out in this resolution. We must raise the profile of the significance, the importance of regular checkups, breast self-examinations, and early mammograms.

I encourage my colleagues to do the same and to promote and participate in Breast Cancer Awareness Month activities across this country. I commend those who brought it to this floor, and I am proud to be a cosponsor of this legislation. I salute Members on both sides of the aisle.

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

Mr. Speaker, I would like to thank the gentleman from New Hampshire (Mr. BASS) for his leadership on this resolution. It is important to note that in fact information is power and power leads to decisions that can save people's lives.

The other thing I would like to answer in direction to the gentleman from Ohio (Mr. BROWN) and his comments, we have the breast and cervical awareness bill that is being held up at this very time. The reason it is not coming out of conference is because there are people who do not want women to have information about cervical cancer.

The fact that they are objecting to the fact that women would be notified that human pappiloma virus, the number one sexually transmitted disease in the country that infects almost 40 million women today and 30 million men, is the number one cause 99 percent of the time that causes cervical cancer and we cannot get that bill that will help women of moderate and poor means the treatment that they need for breast and cervical cancer is because somebody does not want them to have that information.

And so, the people that do not want women to have that information are the people that do not want us to ever do anything despite the fact that condoms are not 100 percent effective protection, and in fact they are not protective at all according to the director of the NIH and the National Cancer Institute.

So, back to the subject at hand. This is an important bill. I am very thankful to the gentleman from New Hampshire (Mr. BASS), as is the whole Committee on Commerce, for his leadership in this.

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

□ 1115

Mr. BROWN of Ohio. Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I want to thank the gentleman from New Hampshire (Mr. BASS) for bringing this resolution to the floor today. Increased awareness is vital if we are, in fact, to empower women in the fight against breast cancer. I thank my colleague for drawing attention to this issue.

Over the past 10 years, we have made great strides in the fight against breast cancer through an increased investment in biomedical research at the National Institutes of Health. But sadly, for many women, the fight against breast cancer also means waging a battle with their HMO over the amount of time that they can stay in a hospital.

Studies have shown that the average hospital stay for breast cancer patients in Connecticut and across the Nation is decreasing. Despite the medical standard of 2 to 4 days to recuperate and gain physical and emotional strength, insurance companies regularly refuse to cover a hospital stay and women find themselves forced to leave the hospital only hours after surgery, still groggy from the anesthesia and in physical and emotional pain.

This is the reason I introduced the Breast Cancer Patient Protection Act, H.R. 116. The legislation ensures that women receive the care they need and deserve while recovering from breast cancer surgery by guaranteeing a minimum stay of 48 hours for a woman who is having a mastectomy and 24 hours for a woman undergoing a lymph node removal. It simply says that any decision in favor of a longer or shorter hospital stay will be made by a doctor and a patient, not an HMO.

The bill has the bipartisan support of over 220 cosponsors, more than enough, I might add, to be able to pass this House. Yet regrettably the leadership of this House has refused to allow the Breast Cancer Patient Protection Act to be considered on the floor. Resolutions and raising awareness are vital, and I wholeheartedly support this effort. It is through education and the awareness of this issue that, in fact, so much and so many of our resources have been directed at breast cancer. We also need to empower women as they struggle with breast cancer. I urge the leadership of this House to bring this bipartisan bill to the floor.

I have said on this floor many times in the past that I am a survivor of ovarian cancer. When I went home, I had a very loving family. They were not health care professionals but they cared deeply and took care of me. Having the additional stay in the hospital for someone who is facing a life-threatening illness is so critically important to both their physical well-being and survival as well as their emotional well-being and survival. We can pass a bill that has 220 cosponsors. It is a bipartisan bill. I hope that I can engage my colleagues in this effort to help us to bring this bill to the floor.

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

In response, I would just say I would hope that the gentlewoman would help us provide the knowledge about human papilloma virus as she has on this because that causes 99 percent of the cervical cancer in this country and we have an attempt at covering up the pathogenesis and the significant penetration of that disease in this country. I thank the gentlewoman for her work.

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

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. Mr. Speaker, I rise in support of this legislation because this disease is too close for comfort for so many women and their families. On Long Island, one in nine women have had to face the living nightmare of breast cancer.

October is Breast Cancer Awareness Month. I look forward to the day when we no longer have to dedicate a month to bring attention to this disease, because that will mean we have found a cure.

Mr. Speaker, as a nurse, I have seen firsthand the toll that this disease takes on everyone involved. In addition, my area has one of the highest incidences of breast cancer in the country. On Long Island, approximately 127 of every 100,000 women will be diagnosed with breast cancer compared with 100 of every 100,000 nationwide. Because of these frightening statistics, we must increase funding for research, we must find what the environmental causes are, we must raise awareness, and we must find a cure today, because time is running out for too many of our loved ones.

I urge all of my colleagues to pass this legislation and help find a cure today.

Mr. BROWN of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. BENTSEN).

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

Mr. BENTSEN. Mr. Speaker, I rise today in strong support of this legislation that would express the sense of the House of Representatives that all Americans should take an active role in the fight against breast cancer. As a cosponsor of this legislation, I believe it is vitally important that we raise awareness about this disease.

The statistics about breast cancer are alarming. In 1999, an estimated 175,000 Americans will be diagnosed with breast cancer. In addition, more than 45,000 Americans will die of this disease this year. Breast cancer is the leading cause of death among women aged 40 to 55. This legislation will help to educate more Americans about this disease and how early detection of breast cancer can save lives.

With early detection, many breast cancer patients can have successful outcomes. All Americans should use all of the diagnostic tools available to them to catch this disease in its earliest stages. If found, many breast cancers can be cured. However, late detection reduces the survival rates of these patients. Today, all Americans should get regular clinical breast exams as well as mammograms. All women should also be encouraged to conduct monthly self-examinations. These self-examinations can empower women to learn more about their bodies and to seek treatment if irregularities are found. Women should also get biopsies when appropriate to determine whether any cancer is present.

This legislation would also urge the House of Representatives to provide maximum Federal funding for breast cancer research. As a cochair of the Congressional Biomedical Caucus, I am strongly supporting efforts to provide this funding for such research. Earlier this year, we voted in the fiscal year 2001 Department of Defense appropriations bill to include $175 million in Federal funds for peer-reviewed breast cancer research.

I am also working to double the budget for the National Institutes of Health where much of our biomedical, basic clinical research is funded. For the past 2 years, we have successfully provided 15 percent more funding for the NIH. This year, the House is working to provide a $20 billion budget for the NIH, the third installment on our 5-year effort to double the NIH's budget. Today, only one-third of peer-reviewed, merit-based research grants are funded by the NIH. This additional investment will ensure that our Nation's scientists have the resources they need to find a cure for breast cancer and other ailments. The NIH budget has not been finalized, but I am hopeful that we can get this passed.

Mr. Speaker, I believe that we in Congress have a role in informing all Americans about breast cancer and the need for early detection. This legislation is an important first step in providing the information that Americans need to combat breast cancer while encouraging more Federal funding for finding a cure. I urge my colleagues to support the measure.

Mr. COBURN. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. SHAW).

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

Mr. Speaker, I rise in strong support of this bill. I think the fact that we have Breast Cancer Awareness Month is a very positive step forward. There is technology out there that helps tremendously in early detection. I have a very special interest in this particular subject. My wife Emily lost both her sister and her mother to cancer, and they both had breast cancer. Obviously in my family, my daughters and my wife are very, very cautious to be sure that they have their regular mammograms and that they do what is necessary in order to find early detection should they be stricken with this terrible disease.

Also, I would like to point out the new technology, the digital technology out there that is just now coming online. The gentleman from Wisconsin (Mr. KLECZKA) and I have cosponsored a bill along with others in order to fund the digital equipment and this new technology. I would urge all of my colleagues to vote in favor of this bill.

Mr. BROWN of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. BARRETT).

Mr. BARRETT of Wisconsin. Mr. Speaker, I rise in support of this resolution. This is an important resolution and one that I hope all Members of the House will support as well.

This is important for me personally. Today is my mother's birthday, and I want to wish my mother a happy birthday. But I also want to tell my fellow Members that it is equally important because she is a breast cancer survivor, and she is able to celebrate this birthday because of the treatment that she received. This is a disease that, if treated at its earliest stages, is certainly a curable disease; and I think the message that we have to get across to all women in this country is the importance of self-examinations and the importance of getting treatment at the earliest possible stage.

In honor of my mother, I would urge all my fellow Members to support this resolution.

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

Mr. Speaker, I rise in support of this resolution. Breast cancer, as the gentleman from Wisconsin said, is a formidable threat. Complacency is a luxury that we cannot afford, not when 180,000 women are diagnosed with breast cancer each year in this country, not when one in eight women will be diagnosed during their lifetime, not when 46,000 women die each year from this disease.

I am proud to be an original cosponsor of H. Res. 278 which underscores how important it is to combat breast cancer with every tool at our disposal. It means early detection, it means education and efforts to raise public awareness, it means research, it means access to treatment. It is going to take this momentum of what all the people around the country are doing and a commensurate response from the public sector to fight and win this battle.

It is also going to take a Congress which does its job, not just in reminding the public that education, that early detection, that prevention, all of those are important but it is also going to take a Congress which does its job by passing a prescription drug bill which this Congress has failed to do, by passing the Patients' Bill of Rights which the House-Senate conference committee has locked up, with passing the Ryan White bill, with passing other legislation that really matters in the fight against breast cancer.

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

Mr. COBURN. Mr. Speaker, I yield myself such time as I may consume. I want to relate a story about a woman by the name of Sharon Coburn Wetz. She was a scrub nurse RN for a surgeon in Midwest City, Oklahoma. The vast majority of her early career was spent in assisting on surgery of the breast. Ironically, in 1983 she developed breast cancer herself as a very young woman. This last year she died as a result of that disease. She spent the 15 years before she died doing nothing but helping other women in diagnosis, treatment and reaching for recovery as an expert in mammography, treatment medically and assistance in the breast cancer center at the University of Oklahoma. I think it is fitting that her name be mentioned at this time because in the true spirit of most women and most mothers, what she did was gave of herself.

Mr. Speaker, I yield such time as he may consume to the gentleman from New Hampshire (Mr. BASS) for the concluding statements.

Mr. BASS. Mr. Speaker, I thank the gentleman for yielding me this time. I want to thank all of my colleagues in this body for supporting this significant resolution. As we have seen, there is probably no Member of Congress who cannot cite someone close to them who has had breast cancer. I will only relate one individual who is close to me who died of breast cancer some 28 years ago during a time when treatment for breast cancer was barbaric at best. She was 48 years old when she was diagnosed, and she died at the age of 51. That individual was my mother.

I want to commend this Congress for paying special attention to this significant disease, celebrating the progress that we have made in the last 20 years but understanding that there is enormous work yet to go, and we all must put our shoulders to the wheel to find a cure for this horrible disease.

GENERAL LEAVE

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

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

There was no objection.

Mr. EVERETT. Mr. Speaker, today, I lend my wholehearted support to H. Res. 278, the Importance of Education and Early Detection in Fighting Breast Cancer Act and thank my colleague, Representative CHARLIE BASS, for introducing this resolution.

Breast cancer strikes an estimated 180,000 women a year and kills over 46,000 annually. As we all know, the best defense against this dreaded disease is early preventative screenings and treatment. This is crucial.

If cancer is detected, it is extremely important to have access to reliable and understandable information on breast cancer.

Sources of knowledge and assistance, such as the American Cancer Society, deserve our thanks and recognition for their continued good work.

Americans also need information on all of the treatment options available to them. Unfortunately, I have learned this from personal experience.

Last January, my wife received the life-altering news that she had breast cancer. Despite her annual check-ups and mammograms, our doctors told us that she faced undergoing a radical bilateral mastectomy. We felt extreme shock that the prognosis was so drastic.

However, after much research on the subject, she made the decision that this was indeed the best option for her. Her surgery was a complete success, and she has not even required any followup chemotherapy or medication.

So, I close with the same message—We must support and encourage the utilization of all of the modern-day prevention, detection and treatment options available. Our experience has shown us that this is essential in the battle against breast cancer.

Mr. POMEROY. Mr. Speaker, I rise in strong support of H. Res. 278 and in honor of the millions of women who have shown the strength and courage to fight back against breast cancer. Breast cancer is the most common form of cancer among women in the United States. This year, almost 182,800 new cases of breast cancer will be diagnosed and an estimated 40,800 women will die from this terrible disease.

Breast cancer touches not only the lives of those afflicted with the disease, but also their loved ones. Recently, my fellow North Dakotans came together to pray for a courageous woman, a woman who has dedicated her life to improving the health and welfare of others. Heidi Heitkamp, our state Attorney General, was diagnosed with breast cancer. Like so many afflicted with this disease, however, the strength, determination, and sheer will that Heidi has displayed through this most difficult of times has been an inspiration to her family, friends and all who know her.

Mr. Speaker, the story of Heidi Heitkamp, like that of so many other women, is also a story of hope. Each year, the number of deaths caused by breast cancer has slowly fallen. Increased education and increased technology has extended the life and increased the survival rate of those afflicted with this disease. The fight against breast cancer can be won. I call on my colleagues to join the fight by increasing funding for breast cancer research, increasing access to screening and treatment options, and increasing awareness. I call on my colleagues to fight for the lives of their mothers, sisters and other loved ones.

Mr. GILMAN. Mr. Speaker, I rise today in support of H. Res. 278, which expresses the sense of the House that all Americans, and above all women, should take an active role in the fight against breast cancer by using all the means available to them, including regular clinical and self-examinations, regular mammograms, and biopsies.

By calling for greater awareness and education for all women, may will benefit from early detection and by following up a screening with medical treatment, fewer women will succumb to this devastating disease.

Mr. Speaker, this issue is especially important to me and to my constituents, especially those in Rockland County. Recent studies have found that Rockland County has the highest rate of breast cancer in New York State and according to some studies, in the Nation. This legislation will help inform many of my constituents of how they can take an active role in the flight against breast cancer. Moreover, this resolution applauds and recognizes the role played by national and community organizations and health care providers in promoting awareness of the importance of regular clinical and self-examinations, regular mammograms, and biopsies and in providing information, support, and access to services. I strongly support this legislation and urge my colleagues to fund support this measure.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oklahoma (Mr. COBURN) that the House suspend the rules and agree to the resolution, House Resolution 278.

The question was taken.

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

The yeas and nays were ordered.

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

CERVICAL CANCER PUBLIC AWARENESS RESOLUTION

Mr. COBURN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 64) recognizing the severity of the issue of cervical health, and for other purposes.

The Clerk read as follows:

H. CON. RES. 64

Whereas cervical cancer annually strikes an estimated 15,000 women in the United States;

Whereas during an average woman's lifetime cervical cancer strikes one out of every 50 American women;

Whereas it is estimated that during this decade more than 150,000 women will be diagnosed with cervical cancer in the United States;

Whereas according to the Surveillance, Epidemiology, and End Results Program of the National Cancer Institute, when cervical cancer is detected at an early stage, the five-year survival rate is 91 percent;

Whereas in most cases cervical cancer is a preventable disease yet is one of the leading causes of death among women worldwide;

Whereas according to the Centers for Disease Control and Prevention, the mortality rate among American women with cervical cancer declined during the period 1960 through 1997, but now has begun to rise;

Whereas clinical studies have confirmed that the human papillomavirus (HPV) is a major cause of cervical cancer and unknown precursor lesions; and

Whereas cervical cancer survivors have shown tremendous courage and determination in the face of adversity: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. SHORT TITLE.

This resolution may be cited as the ''Cervical Cancer Public Awareness Resolution''.

SEC. 2. RECOGNIZING THE SEVERITY OF CERVICAL CANCER.

The Congress—

(1) recognizes the severity of the issue of cervical health;

(2) calls on the United States as a whole to support both the individuals with cervical cancer as well as the family and loved ones of individuals with cervical cancer through public awareness and education;

(3) calls on the people of the United States to take this opportunity to learn about cervical cancer and the improved detection methods available;

(4) recognizes through education and early detection, women can lower their likelihood for developing cervical cancer;

(5) recognizes the importance of federally funded programs that provide cervical cancer screenings and follow-up services to medically underserved individuals; and

(6) encourages all women to have regular Pap smear tests.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oklahoma (Mr. COBURN) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Oklahoma (Mr. COBURN).

□ 1130

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

Mr. Speaker, prior to coming to Congress, I had a full-time practice in obstetrics and family medicine; and it was not uncommon that 50 to 200 times a year I would diagnose cervical cancer, and over the 15 years in practice prior to coming here, what I saw was an ever-increasing number of people who were being diagnosed with either cancer or pre-cancer of their cervix.

What we have come to know on the science of this is this is all caused by one virus, different strains of the same virus. Squamous carcinoma of the cervix is rarely caused by anything other than human papilloma virus. What we have today is a bill to make awareness of this issue for women in our country.

I want to thank the gentlewoman from California (Ms. MILLENDER-MCDONALD) for her work in this area, and also in the area of HIV and her care for those most affected by this. Raising the awareness of the high risk of cervical cancer is important not just to the more mature women in our country, but also to the young women in our country.

Along with that comes the very sad fact that our institutions that we should be trusting in this area have failed us. The Center for Disease Control has failed, because the full name of the Center for Disease Control is the Center for Disease Control and Prevention. The NIH has released a statement, as well as NCI, and on their Web site you can find that this disease is caused by human papilloma virus and that a condom fails to protect. We are so sold on this concept of ''safe sex'' in this country that we refuse to accept the etiology and pathogenesis of this disease, and we refuse to be honest with the American public in that a condom cannot protect them from this.

The thing that is exciting to me about this resolution coming up is it perhaps will have some honesty coming

out of the institutions that are funded with the taxpayers' money in this country, both the NIH and the NCI, as well as the CDC.

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

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

Mr. Speaker, it is tragic that this year alone 15,000 women will be diagnosed with cervical cancer. More than 4,500 women will lose their lives to it. It is tragic that cervical cancer remains such a virulent killer when it is within our power to prevent it. In my own State of Ohio, over 200 deaths each year are attributable to cervical cancer.

Experts believe that cervical cancer deaths can be virtually eliminated through behavioral changes, early detection, and timely access to treatment, all of which hinge on public awareness.

The public needs to know that safe behaviors and proper screening can reduce cervical cancer death rates dramatically. The public needs the facts about screening test accuracy, new detection methods and about treatment breakthroughs so that all of us can play an active role in prevention and in treatment decisions.

The public needs to know about initiatives like the CDC's breast and cervical cancer early detection program, which has reached millions of uninsured women with free screening tests. Public awareness can help us garner the resources needed for CDC and its State and local partners to do more than scratch the surface of this problem.

As currently funded, the CDC program can only reach 15 percent of uninsured women. Unfortunately, because of congressional inaction, we make the early detection almost a cruel hoax on uninsured women, because we have not funded well enough the treatment for these women if early detection actually shows cervical cancer. We can do much better than that.

Mr. Speaker, knowledge fuels advocacy, and in the case of cervical cancer, advocacy can save countless lives. I am proud to be a cosponsor of the resolution offered by the gentlewoman from California (Ms. MILLENDER-MCDONALD) affirming that principle. I thank my colleague from California for her excellent work on this issue.

Mr. Speaker, I would add that I would hope that Congress, while passing this resolution, would do its job and move forward on other health care legislation that has the force of law, that sends money where it is needed, that changes laws where they are needed, that can help with prescription drugs, that can help with the Patients' Bill of Rights, that can help with Ryan White, that can do all the things that this Congress in the health care areas all too unfortunately bottled up.

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

Mr. COBURN. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. SHAW).

Mr. SHAW. Mr. Speaker, I thank the gentleman for yielding me time. I would like to say the gentleman is certainly going to be missed next year. I wish he were coming back.

Mr. Speaker, today I rise in strong support of H. Con. Res. 64, the Cervical Cancer Public Awareness Resolution. Educating women of all ages on risk factors associated with cervical cancer and the importance of early diagnosis is imperative in reducing the number of women who are diagnosed and die of the disease each year.

I have been a long-standing supporter of efforts to raise the public's awareness of cervical cancer, and I strongly believe education is a critical first step in our fight against this dreadful disease that strikes one out of every 50 American women.

A real tragedy exists, because in many cases, cervical cancer is a disease that, if detected in its initial stage, can be successfully treated. We have a proven and effective screening tool in the Pap test, and we have the medical advances necessary to treat and save women's lives. Yet, unfortunately, cervical cancer remains a leading cause of death among women.

Increasing public awareness about cervical cancer will help educate women about the need to seek preventive care. It is a vital part of our fight against this disease.

Also vital to our fight is to make certain that women have access to and coverage for appropriate preventive care that will reduce cervical cancer deaths. That is why I, along with my colleague, the gentlewoman from Florida (Mrs. THURMAN), have introduced the Providing Annual Pap Test to Save Women's Lives Act of 2000, which would require Medicare to cover Pap tests and pelvic exams.

Medicare generally only covers Pap tests for women every 3 years. Since the Pap test's introduction shortly after World War II, death rates from cervical cancer have decreased 70 percent in the United States. However, despite the Pap test's unparalleled record of success, studies show of those women who die of cervical cancer, 80 percent had not had a Pap test in 5 years preceding their death. A January 1999 report on cervical cancer by the Agency for Health Care Research and Quality showed that cancer deaths and cancer cases are reduced with annual screening.

Fighting cervical cancer should be a national priority. Without question, we need to promote public awareness about the severity of cervical cancer and the risk factors associated with the disease. At the same time, we must promote a health care policy that allows women to be routinely covered for screening Pap tests. Therefore, Mr. Speaker, I urge my colleagues to take this important step in the battle against cervical cancer and support H. Con. Res. 64.

I look forward to continuing to work to improve coverage policies so that women across this country can get the life-saving care that they need and they deserve.

Mr. BROWN of Ohio. Mr. Speaker, I yield 5 minutes to the gentlewoman from California (Ms. MILLENDER-MCDONALD), the sponsor of the resolution.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I would like to thank all of those Members, the gentleman from Oklahoma (Mr. COBURN) for his leadership in helping me with this resolution and the input for the language, as well the ranking member and the chairman.

Mr. Speaker, I am proud to sponsor the Cervical Cancer Public Awareness Resolution with the gentleman from Oklahoma (Mr. COBURN). Together we have worked to raise awareness of cervical cancer throughout the past 2 years. Our work began with the Committee on Commerce, which held an eye-opening hearing on cervical cancer in early 1999.

I appreciate all of the support the gentleman from Virginia (Chairman BLILEY), the ranking member, the gentleman from Michigan (Mr. DINGELL), the gentleman from Florida (Mr. BILIRAKIS), and the gentleman from Ohio (Mr. BROWN) have given to this cause, and especially the gentleman from Ohio (Mr. BROWN). He has been most helpful.

More than 50 years ago, Dr. George Papanicolaou developed what is considered the most effective cancer screen in the history of medicine, the Pap smear test. This test is still one of the most effective tools in saving lives and preventing invasive cervical cancer.

When cervical cancer is detected at an early stage, the 5-year survival rate is 91 percent, according to the National Cancer Institute. The CDC reports that the mortality rate among American women with cervical cancer declined from 1960 to 1997 in large part because of the extensive use of the Pap smear test.

However, in 1997, the number of women with cervical cancer began to rise. An estimated 15,000 women in the United States develop cervical cancer each year, and far too many of these women do not get annual screenings.

In October of 1997, a Gallup survey found that almost 87 percent of the women surveyed know they should have a Pap smear every year. Nearly 40 percent of these same women failed to do so in the previous year. One in four of the women who had not had an annual Pap smear test said they did not have the time. Other reasons include the belief that they are too old, feel embarrassed, are afraid of the results, or think it is too expensive. While all of these reasons are valid, they are not acceptable, when one considers that 80 percent of the women who die of cervical cancer have not had a Pap smear test in the past 5 years or more.

Women must understand what cervical cancer is, what steps they can

take to reduce the likelihood of getting cervical cancer, how it can be detected early, and what all of their treatment options are when facing this disease.

While it is encouraging that women seem to know of the Pap smear test, many women do not understand just how life-saving this annual screening can be. That is why I sponsored this resolution, Mr. Speaker, with the gentleman from Oklahoma (Mr. COBURN).

Our resolution is part of a national campaign to raise awareness and increase annual screenings among women. I want to end the confusion, discomfort, and misunderstanding that form an unnecessary barrier to too many women, and particularly low-income and minority women. One out of every three Hispanic women reported in an HHS study that they failed to get a Pap smear test in the preceding 3 years, compared with about one-quarter of all American women. In addition, another survey by HHS found that 87 percent of employed women had a recent Pap test within the past three years, while 73 percent of women who were not in the labor force had done so.

More disturbing than the gap in lack of screening is that more women of color are dying from this disease. The rate of mortality for African American women is nearly twice that of Caucasian women, according to HHS. Equally disturbing is the high rate of STD transmission within this community. The World Health Organization and the National Institutes of Health report that the principal cause of cervical cancer is HPV infection, which is also the most common STD.

In my own district of South-Central Los Angeles, including Watts, the County Health Department reports that the rates of STD among African Americans are up to 20 percent higher than among Caucasians. The main reason is lack of information on how to prevent this transmission, which undetected years later, can lead to cervical cancer.

Although the risk factors for cervical cancer can vary, the cultural, financial and even geographical areas that complicate the fluid delivery of quality health care linger as a dangerous indication of the need for more dialogue on this issue.

Mr. Speaker, let me thank my colleagues, the gentleman from Oklahoma (Mr. COBURN) first for his leadership in joining me on this resolution and all of the national effort in raising the awareness of this deadly disease. I applaud the thousands of persons who are out there helping to make this awareness possible.

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

Mr. Speaker, I want to read some literature from experts at the National Cancer Institute and the American Cancer Society, their published statements, and I will include them for the record. This is a quote from the National Cancer Institute:

''Condoms are ineffective against human papilloma virus because the virus is present not only in the mucosal tissue, but also on dry skin of the surrounding abdomen and groin, and it can migrate from those areas into other areas into the vagina and the cervix. Additional research efforts by NCI on the effectiveness of virus transmission are not warranted.''

□ 1145

The American Cancer Society recent research shows that condoms cannot protect against infection with HPV. The absence of visible signs of this disease cannot be used to decide whether caution is warranted since this disease can be passed on to another person when there are no visible signs of the disease externally. That is the American Cancer Society and the National Institutes of Health.

National Institutes of Health, April 3, 1996, the data on the use of barrier methods of contraception condoms to prevent the spread of human papilloma virus is controversial but does not support it as an effective method of prevention.

I include for the RECORD the following information:

DO CONDOMS PROTECT AGAINST HPV INFECTION?—ACCORDING TO THE SCIENTIFIC EXPERTS, THE ANSWER IS A RESOUNDING AND CONCLUSIVE ''NO''.

NATIONAL CANCER INSTITUTE

''Condoms are ineffective against HPV because the virus is prevalent not only in mucosal tissue (genitalia) but also on dry skin of the surrounding abdomen and groin, and it can migrate from those areas into the vagina and the cervix. Additional research efforts by NCI on the effectiveness of condoms in preventing HPV transmission are not warranted.''—Excerpt from a February 19, 1999 letter to House Commerce Committee Chairman Tom Bliley from Dr. Richard D. Klausner, Director of the National Cancer Institute at the National Institutes of Health.

AMERICAN CANCER SOCIETY

''Recent research shows that condoms (''rubbers'') cannot protect against infection with HPV. This is because HPV can be passed from person to person with any skin-to-skin contact with any HPV-infected area of the body, such as skin of the genital or anal area not covered by the condom. The absence of visible warts cannot be used to decide whether caution is warranted, since HPV can be passed on to another person even when there are no visible warts or other symptoms. HPV can be present for years with no symptoms.''—Excerpt from the American Cancer Society website (www.cancer.org).

NATIONAL INSTITUTES OF HEALTH

''The data on the use of barrier methods of contraception to prevent the spread of HPV is controversial but does not support this as an effective method of prevention. . . . Reducing the rate of HPV infection by encouraging changes in the sexual behavior of young people and/or through developing an effective HPV vaccine would reduce the incidence of this disease.''—National Institutes of Health Consensus Development Conference Statement on Cervical Cancer, April 1–3, 1996.

Mr. Speaker, the reason that is important is we have a breast and cervical cancer treatment bill by the gentleman from New York (Mr. LAZIO) and the gentlewoman from North Carolina (Mrs. MYRICK) that is being held up at this time on the basis of the Senate conferees not wanting to agree to the language in that in regards to HPV and cervical cancer.

Mr. Speaker, I would like to ask the body that they would put pressure on their fellow Senators that they might accede to this. The fact is, the reason we have this awareness up is we want women to get treated. This is a disease that is absolutely curable. It is not like breast cancer; we cannot always cure breast cancer.

This disease, if diagnosed properly and treated, is 100 percent curable. Knowledge and the fact that we are allowing a safe sex message of condoms preventing this disease to continue will do nothing but harm women. It will not undermine anybody's position on sexuality or abortion or any other issue. The fact is, it is harmful to women to let that lie continue.

Mr. Speaker, I would ask that as we support this, that we remember what we are really talking about is our sisters, our nieces and our daughters in the future that they would be given the knowledge with which to make great decisions, and the knowledge is that a condom does not prevent transmission of this disease. And until young women know that and know that certainly so that they can make a different choice, at least allow the young women in this country the ability to make an informed choice.

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

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

Mr. Speaker, I ask for support of this resolution, and I also ask that Congress move on the conference committee on the breast and cervical cancer bill. Public health officials want us to move on the Senate version of the bill. We should not bog this legislation down in this argument that we heard today. We should move forward, pass this legislation, and also move forward and pass the Millender-McDonald resolution

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

The SPEAKER pro tempore (Mr. LATOURETTE). The question is on the motion offered by the gentleman from Oklahoma (Mr. COBURN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 64.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. COBURN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 64.

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

There was no objection.

WAIVING POINTS OF ORDER ON CONFERENCE REPORT ON H.R. 4578, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 603 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 603

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany 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. 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 Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, H. Res. 603 is a rule waiving all points of order against the conference report to accompany H.R. 4578, the Department of Interior and Related Agencies Appropriations Act of 2001, and against its consideration. The rule provides that the conference report shall be considered as read.

The Interior conference report appropriates $18.8 billion in new fiscal year 2001 budget authority, which is $3.9 billion more than the House passed and $2.5 billion above the President's request. Approximately half of this funding, $8.4 billion finances Interior Department programs to manage and study the Nation's animal, plant and mineral resources and to support Indian programs.

Among the Interior agencies receiving increases in this conference report are the National Park Service, the Fish and Wildlife Service, the Bureau of Land Management, the Minerals Management Service and the U.S. Geological Survey.

The balance of the measure's funds support other non-Interior agencies that carry out related functions. These include the Forest Service in the Department of Agriculture, conservation and fossil programs run by the Department of Energy as well as the Smithsonian Institution and similar cultural organizations.

Notably, the bill includes increased funding $300 million above the President's request, for wildfire readiness, wildfire suppression and the rehabilitation of areas damaged by wildfires this summer.

Finally, I am particularly pleased that the bill appropriates $5 million to be used solely for the reduction of the national debt. Mr. Speaker, although many Members, myself included, have concerns about certain sections of the bill, overall this is a responsible and balanced conference agreement. Accordingly, I urge my colleagues to support both the rule and the Interior conference report itself.

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

Ms. SLAUGHTER. Mr. Speaker, I yield myself such as time as I may consume and I thank the gentleman from Washington (Mr. HASTINGS) for yielding me the customary 30 minutes.

Mr. Speaker, the conference report has come after extensive negotiations to produce a bill that the President can sign. The underlying bill will provide $18.8 billion for fiscal year 2001, $3.9 billion more than the current fiscal year.

The measure will establish a new land legacy trust program which will provide $12 billion over 6 years for land conservation, preservation and maintenance and provides $1.8 billion for efforts to fight forest fires. Moreover, $8 million is slated for the Northeast for the heating oil reserve, a program of critical importance to the Northeast.

I am especially pleased that the conferees provided $105 million for the National Endowment for the Arts, a $7 million increase over fiscal year 2000 and the first increase since fiscal year 1992. We still lack the funding levels that truly reflect the importance of arts to the American people. My colleagues may recall, Mr. Speaker, our earlier efforts to secure the funding increase. I was proud to lead the fight on the House floor and hope that this modest increase sparks a trend for increased funding in the years ahead.

Mr. Speaker, the arts enhance so many facets of our lives from the educational development of our children to the economic growth of our towns and cities. We learn more every day about the ways in which the arts contribute to our children's learning. One recent study showed that children with 4 years of instruction in the arts scored 59 points higher on the verbal portion and 44 points higher on the math portion of the SATs than did students with no art classes.

New research in the area of human brain development shows a strong link between the arts and early childhood development. Obviously, arts education pays great dividends in a wide range of fields, and no other Federal program yields such great rewards on such a small investment.

The investment that we make contributes to a return of $3.4 billion to the Federal Treasury. The arts support 1.3 million jobs all over the country and has revitalized small cities such as Providence, Rhode Island; Rock Hill, South Carolina; and Peekskill, New York.

The conference report also funds the new Women's Progress Commemoration Commission, the provision that I strongly endorse. I sponsored the legislation, established a commission, and was recently elected commission chair. The funding will allow us to fulfill our mandate to identify national sites significant to women's history that we may be in danger of losing due to lack of privatization or other factors.

We will make recommendations to the Secretary of Interior for action to preserve endangered sites. The long-term goal is to further educate the public regarding significant contributions of women in America.

Mr. Speaker, there are still other things that are important in this bill, but I was disappointed to see that the conference report contains language that will undermine the passage of the CARA act, a measure I long supported. The CARA would provide more than $3 billion each year for important conservation and recommend recreation projects. But the conference report contemplates less than half of the funding and at levels similar to recent years. Moreover, CARA would dedicate funds for specific programs each year while the conference report provides no such guarantees.

For more than 30 years, the Committee on Appropriations has failed to provide funds and live up to the promise of existing conservation and recreation programs. Unfortunately, this report provides more of the same.

With those reservations, Mr. Speaker, I want to thank my colleagues on the conference committee for their hard work, particularly for their efforts in regards to the NEA.

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

Mr. HASTINGS of Washington. Mr. Speaker, I yield 3 minutes to the gentleman from Alaska (Mr. YOUNG), distinguished chairman of the Committee on Resources.

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Speaker, of course, I rise to oppose the rule, not because the rule is structured incorrectly, because it did not include CARA, as the gentlewoman from New York (Ms. SLAUGHTER) mentioned. Most of my colleagues are aware that this House passed my Conservation Reinvestment Act 315 to 100 some odd votes. That is what the public wants, 5,285 organizations support that legislation.

Unfortunately, the Committee on Interior tried to have ''CARA-lite'' passed, but I again stressed the point that for those that are listening to this program and those on the floor understand this is not CARA. It is, in fact, a

system set forth that for each part of our CARA bill, historical preservation, urban parks, fish and wildlife restoration, native lands reclamation, land purchasing, all of it has to come back to the appropriating committee.

For those listening to this, this is not CARA. I will say this to the Committee on Appropriations, I think that my biggest concern is, my colleagues have asked us to authorize, and when we authorize, unfortunately, my colleagues have decided our authorization is not correct, and my colleagues are going to do the authorization. So the rule recognizes my colleagues' role to authorize legislation and that is inappropriate and I think it is against the House rules. That is one reason why I am voting against this rule.

And for the leadership of this House on my side of the aisle, I have never voted against a rule before that my colleagues asked me to vote for, and it is unfortunate my colleagues have not asked me to vote for this rule, in fact, my colleagues have not communicated with me on this issue.

This issue is not going to go away I say to the appropriating committee, I will be here long after my colleagues are gone. I will win this battle to preserve our wildlife, because my colleagues do not do it in this bill. My colleagues have given a great authority to fish and wildlife but do not say how it shall be spent. My colleagues do not recognize the importance of fish and wildlife; and for those sportsmen, I hope they understand what the appropriating committee has done.

This is a battle that is not over. We have a long ways to go, and I will win this battle for the people of America. My colleagues owe us $13 billion dollars and have not spent it. We will not spend it in the future. My colleagues will spend it for land acquisition with no property rights. Oh, my colleagues will do that, but will not protect the people of this Nation and provide them for the spaces that they need, because my colleagues did not do it in the past and will not do it in the future.

My colleagues can say all they want about how great you have done in this bill, I say this out of friendship, my colleagues have actually put forth something that is hollow, something to appease the voters. When they do not read this bill, they will say what a great job. But when they find out, I will be back. I will be able to prevail.

I am going to make sure that the space is there for our young people, to have the hunting and fishing and recreation is required and the urbans parts are put in place and the past is preserved for us. My colleagues do not do it in this bill. It is a hollow promise.

Ms. SLAUGHTER. Mr. Speaker, I yield 10 minutes to the gentleman from Wisconsin (Mr. OBEY).

□ 1200

Mr. OBEY. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, it is very true, this is not CARA. This is not an entitlement. In my view, we should add no new entitlements to the Federal budget until we first declare that every American has an entitlement to basic health care. That is the first new entitlement that I want to see added. After that happens, I will be happy to look at adding others, but not before.

But this bill is an amazing victory for those who care about preserving our precious natural resources, who care about preserving our outdoor resources, who care about setting aside crucial pieces of land for enjoyment by future generations.

This bill, for the programs included in it, takes what would otherwise be a $4 billion appropriation level over the next 6 years and expands it to $12 billion. That is a huge advance forward, and has been described so by a variety of environmental organizations, and by, for instance, the Council on Environmental Quality at the White House and others.

This bill essentially says that, for this year, we will set aside $1.6 billion for these activities, and those funds will rise each year for the next 5 years until we hit $2.4 billion. That money is fenced. It is not an entitlement, but if it is not spent on these programs, it cannot be spent on any others.

It is modeled precisely after the violent crime trust account which we established a number of years ago, the same duration, 6 years, and the same principle. That virtually guarantees, for anybody who wants to look at legislative reality, that these funds will go for the purposes that they are supposed to go for; namely, these conservation and environment programs.

I would say to our friends from coastal States who feel that they have not been given a big enough break in this bill, we take the appropriation for their States from a little over $100 million a year to about $400 million. That is not bad. That is not hay. That is taxpayers' dollars put to a good and worthy purpose. For people to make or to claim that that is a defeat requires a new definition of that word for Webster's dictionary.

I would also say to those conservation groups who are not happy that this is not CARA, there are lots of times in life when we have to settle for a little bit less than what we regard as perfect. But I am reminded of old Ben Reihle, the fellow who used to represent rural Marathon County, my home county, in the legislature.

He was talking to education groups one night who were unhappy because he had not voted for exactly the amount of money that they wanted in the State budget that year for education. He had voted for an increase, but it was not a big enough increase.

Old Ben looked at them and said, ''Folks, I ask you to remember one thing. I may not have voted for every dime you ever asked for, but I voted for every dime you ever got.''

If we think about it, there is a lesson in that for every single person interested in preserving wildlife, in preserving land, in preserving pristine coastal areas. This is a terrific bill for all of the purposes laid out in this legislation.

Members will hear from the gentleman from Washington (Mr. DICKS) and others what the bill contains in more detail, but I want to congratulate him. I want to congratulate everyone who had anything to do with putting this package together. I certainly want to congratulate the White House for recognizing a good deal when they saw one. I want to congratulate the gentleman from Ohio (Mr. REGULA) and the staff.

No, this is not CARA, but CARA was dead as a dodo bird in the Senate, and this bill resurrected the effort to put aside important pieces of land for future generations. It creates new State programs for their protection, and this rule should be supported, and so should the bill.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 7 minutes to the gentleman from Ohio (Mr. REGULA), the subcommittee chairman for the Committee on Appropriations.

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

This is a bipartisan bill. It is a good bill. It is fair. As the gentleman from Wisconsin said, it does not give everybody everything they want, but I think it does a remarkable job of balancing the challenges to those of us wanting to preserve the good things in our natural heritage, along with meeting the needs immediately of the American public.

I would urge all of the Members to vote for this rule. If they look at the facts, I am sure they will be convinced that this is a bill that meets the needs of the Nation in a good way. I think that is evident by the fact that every member of the conference, both parties, both Houses, every member, signed the conference report. This is the first time that I can remember that happening, and certainly since I have been chairman. I think it is evidence of the fact that there is strong bipartisan support for the bill.

The White House has indicated the President will sign the bill. I think all of America will be benefited by that set of circumstances.

I want to specifically address the wildlife conservation issue. There have been some facts bandied around about wildlife conservation which perhaps do not give the full picture. I just want to give Members the accurate facts on it.

This bill contains $540 million for Federal and State programs under the Land and Water Conservation Fund. This number represents an increase of $93 million over fiscal year 2000, 21 percent. Keep in mind that the fiscal year 2000 bill had the Baca Ranch land acquisition in it, which increased that number considerably. Without that purchase, it would have been much greater in terms of an increase this year.

The conference report provides $300 million for State and other conservation programs. That is an increase of $232 million over the fiscal year 2000 bill. Particularly, it has a new $50 million State wildlife grant program, $50 million to the States. All of this is a 293 percent increase. That is not bad, 293 percent to the States for their programs.

We have heard from a few States that said, well, you may submit a plan. For shame. Submit a plan? We have a responsibility for accountability.

Mr. YOUNG of Alaska. Mr. Speaker, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Speaker, is the gentleman saying, there have to be competitive bids for wildlife. Who makes the decision what it will be, the Federal government or the States?

Mr. REGULA. Is the gentleman saying as to the allocation between Federal and State?

Mr. YOUNG of Alaska. The Federal government makes the decision, whether it is correct or not, is that correct?

Mr. REGULA. The people who administer the funds make the decision.

Mr. YOUNG of Alaska. So the States do not have the say-so? If the Federal Government does not agree, they do not get the money?

Mr. REGULA. That is not necessarily true. They have to submit a plan.

Mr. YOUNG of Alaska. If they do not agree, they do not get the money?

Mr. REGULA. States have to be accountable.

Mr. YOUNG of Alaska. If the States submit a plan for rehabilitation of wildlife in a certain area and if the Federal government does not want to do that, they do not get the money, under the gentleman's program?

Mr. REGULA. There has to be accountability.

Mr. YOUNG of Alaska. But the gentleman is letting the Federal government do it and not the States. That was the whole idea of CARA. CARA had an an idea how to spend the money on the ground. The gentleman likes big government.

Mr. REGULA. This is not CARA. The gentleman makes his point very clearly. This is not CARA. It requires accountability on the part of the States.

I think if we are disbursing Federal dollars that we collect from the taxpayers throughout the Nation, then we have a right to ask for accountability for that money. That is what we have said.

Nevertheless, there is a 293 percent increase for the State Wildlife Grant programs, $50 million for the new program, and an additional amount for the existing programs.

It provides $66 million for urban parks and forests, an increase of $33 million, a 100 percent increase over last year, recognizing that it is important in the urban areas to have the development of parks, because this is where the compression of people exists, in our urban areas, and they need open spaces. For that reason we expand that program by 100 percent.

Of course, it has been pointed out that there will be 12 billion additional dollars over the next 6 years to be spent on land programs and the acquisition of open spaces in the jurisdictions under this Nation. Certainly, this I think is a remarkable step forward in providing all of these funds.

On the more practical side, we have $2.9 billion to deal with fires. We all recognize what has happened in the west, so we have a large amount of money, a very substantial increase.

We have increased PILT by $65 million. There is a lot of concern on the part of Westerners that there be additional money spent on PILT. We have increased that very substantially.

In the Northeast, we have doubled the funding for home heating oil from $4 million to $8 million. We have a substantial amount for backlogged maintenance. We have had testimony in our committee that there is over $12 billion in backlogged maintenance. We are addressing that problem.

We have increased many of the other areas. In the energy field, we are providing for new technology, to recognize the need to meet our energy challenges: fuel cells, weatherization, the development of an 80-mile per gallon automobile. So again, these are important things to the people of America.

One that I think reflects the compassion of this bill is Indian health care. We have increased Indian health care $214 million. I am pleased that the committee has supported this funding, because there is a great need. We had some testimony from the American Dental Association that only 25 percent of Native Americans have dental care. That should be 100 percent; if Members can imagine, going without dental care. So we put a large increase in the Indian health care.

Parks funding is up. We took care of the south Florida area. As it was mentioned earlier on coastal funding, we have put in $400 million, an increase from $100 million, to deal with the challenges of our coastal States. This will be managed by NOAA. Obviously, NOAA is a Federal agency, but these are Federal dollars. Therefore, we want to give this responsibility to an agency that has experience in dealing with coastal areas.

I just think on balance this is a very bipartisan bill. It is very well balanced in meeting all of the needs. I certainly urge my colleagues to support this rule and support the bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. GEORGE MILLER).

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

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, I rise in opposition to this rule. I do so not because this is a bad bill, I do so not because this bill has failed to dramatically increase the monies for the various environmental accounts. In many ways, this is the most environmentally friendly bill we have had out of this subcommittee in a number of years.

I do so because I have strongly believed there was another way to redeem the promise that was made to the American people about the use of offshore oil royalties. I believed that the method by which that should have been done was in CARA, H.R. 701.

It has been said several times that this appropriations bill is not CARA. Nobody is more aware of that than the gentleman from Alaska and myself. This approach is not CARA. This was devised within the Committee on Appropriations in responding to CARA and the grass roots support that was lobbying on behalf of CARA. They chose to do it in a Washington fashion.

CARA was the outgrowth of grass roots organizations, over 5,000 organizations from across the country, that looked at what the Congress had done over the last 20 years and decided there had to be another way. There had to be certainty for communities to be able to plan for the protection of their environmental assets, whether that was open space or whether that was trails or whether that was trying to solve endangered species problems.

There clearly had to be a way to help those States that have suffered the impacts of offshore oil.

Also, there had to be a commitment established so we could go out and try to secure private financing, fundraising from foundations, from corporations, and from individuals over the long term to help pay for land acquisitions. That is why the certainty of funding was a key feature of CARA occurs, so it is not a start-again, stop-again operation.

We believed that was important, and 315 Members of this House believed that was important, the biggest bipartisan vote I think we have had on any controversial legislation in this Congress.

We sent it to the Senate. Unfortunately, there it started to stall out. We ask our colleagues to oppose this rule so we can have a chance to pass CARA and not undermine it with the actions of the Committee on Appropriations. We hoped that the same kind of bipartisan support could be resurrected in the Senate to see this bill through to the desk of the President, who has promised to sign it.

□ 1215

I have to admit that I am a little disappointed in the signals from the Senate leadership about the improbability of scheduling the CARA legislation this year. But I believe the underlying proposition of CARA is the correct way for the Congress to deal with these issues, because local governments and park agencies and fish and wildlife agencies are struggling every day where the

people and the species and the open space and the lands and the assets meet on a daily basis.

What they need is a diversity of funding, and a certainty of funding; and they need a level of funding that will let them attack those problems in a manner that they understand best.

I believe that that is what the CARA legislation did. It is unfortunate, that we will not be able to complete acton on that legislation in the Congress if the current indications from the Senate continue to hold true, because we believe that legislation, supported by a bipartisan coalition would have truly redeemed the promise that this Congress made to the American people about taking the monies from exploitation of nonrenewable resources and putting them into a permanent fund to protect renewable resources.

While it is very clear to anybody who reads this legislation that this is clearly the most dramatic increase in the environmental accounts that we have seen in 25 years, I would have hoped that we would have been able to include the CARA program that would have guaranteed to local communities the kind of certainty they need to support private and public partnerships at the local level for the protection of these assets.

It is for that reason that I will ask Members to vote against this rule.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE). The Chair would remind all Members it is inappropriate to cast reflections on the actions or inactions of the United States Senate, collectively or individually.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 2 minutes to the gentleman from Utah (Mr. HANSEN).

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

Mr. HANSEN. Mr. Speaker, let me point out that, as I looked at this and finally got the inspired version of what was in it, I would have to say there are awfully good things in it. People have worked very hard on this bill. I have the greatest respect for the gentleman from Ohio (Mr. REGULA), the gentleman from Washington (Mr. DICKS), the gentleman from Wisconsin (Mr. OBEY), the gentleman from Alaska (Mr. YOUNG), and others who have worked on it. I know they had to probably tear their hair out a lot to come up with this.

Just last Friday or Thursday, I got a lecture from the appropriators saying there are certain things they could not put in the bill. Well, why cannot we put it in the bill? Well, it has not gone through the procedure of this House. We cannot do it that way, because on the House floor we do different things. We look at the rules, and the rules do not let us do that.

So I pick this up now; and as one of the authorizers with the gentleman from Alaska (Mr. YOUNG) over here, I can count maybe 20 things in here that were never authorized. Now, how come last Thursday I get a lecture and say we cannot do these things like San Rafael Swell and other areas, but we can put these 20 in it when we are behind closed doors somewhere? That kind of bothers me a little bit, Mr. Speaker. I thought if it was good for one deal, it was good for all of us.

So I know there is some good things in here. I compliment the gentleman from Washington (Mr. DICKS) and the gentleman from Ohio (Mr. REGULA), two very, very fine legislators. However, in good conscience, I really feel, as chairman of the Subcommittee on National Parks and Public Lands, there are things in here, in this list and this list, that just blow my mind. I do not know where we can come up with these things.

There is $12 billion over the next 6 years; $12 billion is an awful lot of money. My little State of Utah, the entire budget is only $6 billion. They are going to spend $12 billion here.

There is no protection for property rights. Who is going to be the wise all-knowing guru who is going to say this is right and wrong with some of this stuff? I wish somebody would tell me this. So a blank check goes to somebody.

Even though there are some awfully good things in this bill, I very reluctantly have to vote against the bill and the rule. I say that feeling bad in a way because it has got the genesis of being a fine piece of legislation. But where we are now I think we are taking the American people down the primrose path.

I honestly urge my colleagues to vote against this and hope we can come up with something a little better and hope we can authorize from now on.

Ms. SLAUGHTER. Mr. Speaker, I yield 7 minutes to the gentleman from Washington (Mr. DICKS).

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

Mr. DICKS. Mr. Speaker, first of all, I rise in very strong support of this rule. I think it is a very good rule, a very fair rule. I want to compliment the gentlewoman from New York (Ms. SLAUGHTER), who worked with me on the floor of the House and has been one of the advocates for increasing the funding for the National Endowment for the Arts.

We were able to add $7 million in this bill for the endowment. Also a program that is very important to the gentlewoman from New York is the home heating oil provision, $8 million, which will help every Northeasterner in this country.

I am here today to talk to my colleagues a little bit about this superior appropriations bill and the land conservation preservation and infrastructure improvement program. The gentleman from Wisconsin (Mr. OBEY) and I worked on this. We offered it in the conference. The gentleman from Ohio (Mr. REGULA), Mr. GORTON, and Mr. BYRD, they all agreed to this.

I think it is a day we should be here celebrating. I would say to my friends who worked so hard on CARA, and I realize 4 years of effort on CARA, but I want my colleagues to understand something. I believe that that work was translated into this legislation. This is a blend between the President's Land Legacy Program and CARA.

We have the most dramatic increase in conservation spending in the history of this country. Last year, we spent about $782 million. This year, for the same programs, it goes up to $1.6 billion. Then in increments of $160 million a year, it goes up to $2.4 billion in the year 2006. These are some of the most popular programs in our country for protecting precious lands in both the Federal and State categories, for urban parks, for historic preservation, for restoring our salmon runs. There is also $400 million that goes through the State, Justice and Commerce appropriations for coastal programs, including the Pacific salmon recovery program. This is the most dramatic increase in conservation spending in the history of the country.

Let me just read to my colleagues a few quotations from people who have looked at this program. A good friend of mine, a fellow University of Washington graduate, Roger Schlickeisen, president of the nonprofit Defenders of Wildlife Society called it ''probably the best conservation funding bill in our lifetime.'' Then George Frampton, chairman of the White House Council on Environmental Quality. ''This represents a historic breakthrough in conservation funding,'' said Frampton. ''It is a fantastic step forward.''

Today, the New York Times in an editorial, lead editorial said ''Congressional Dos and Don'ts. Land conservation. The White House and Congressional negotiators reached agreement last Friday on a plan to set aside some $12 billion over 6 years for a range of Federal and State land conservation programs. It is the most important land conservation bill in many years and deserves prompt approval on the House and Senate floors. Budget purists are annoyed that the money will be fenced off in a special conservation account similar to the Highway Trust Fund. But open space has been shortchanged for years, and this is a way to make restitution.''

Then finally, the White House, the President supports this bill. He also, in his statement of administration policy, it says, ''By doubling our investment next year in land and water conservation, and guaranteeing even more funding in the years ahead, this agreement is a major step toward ensuring communities the resources they need to protect the most precious lands, from neighborhood parks to threatened farmland to pristine coastal areas.''

Mr. Speaker, this is, as the Washington Post said, landmark legislation. This is legislation that this Congress can be proud of. I am proud of the fact that this amendment was adopted in a

bipartisan spirit. It will be the most important step forward in conservation spending probably in our lifetime.

I would urge my colleagues who support CARA to think about this. We have moved dramatically in the direction that they laid out in their legislation. No, it is not an entitlement. This money is in a special account. The money must be spent for the purpose, or it remains in the account.

If we look at the precedent of the Violent Crime trust fund, all of that money is spent because these are important programs to the American people.

As the ranking Democrat, I want to tell my colleagues that it is my intent that this money gets spent for all the people. I would say to the gentleman from Alaska (Mr. YOUNG) this bill has so much money. This bill has so much for the great State of Alaska. This is one of the greatest funding bills in Alaska's history. I would hope that the gentleman, after he has his vote on the rule, would think about all of that money for all of those Alaskan programs and that he would be with me on final passage on the bill.

I would say to the gentleman from Alaska, I want to correct one thing that was in his letter. The money for the State games is not just for nongame. It is for game and nongame.

Mr. YOUNG of Alaska. Mr. Speaker, will the gentleman yield?

Mr. DICKS. Yes, I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Speaker, that shows my colleagues how deeply I believe that CARA was the right way to go when I can take and sacrifice the great work that has been done for the State of Alaska that I worked on for the benefit of the Nation as a whole.

Mr. DICKS. Also, Mr. Speaker, I think it is because the gentleman from Alaska knows that the chairman of the appropriations committee in the other body is going to make sure that the money remains in there.

Mr. Speaker, I yield to the gentleman from Wisconsin (Mr. OBEY). I appreciate his hard work and his guidance and his effort on this legislation.

Mr. OBEY. Mr. Speaker, I would just like to say that some of the environmental groups who think they are getting a bad deal remind me of what some of the senior citizen groups did when Social Security was passed in the 1930s. They opposed Social Security, which is a compromise with the Townsend plan. Some of those senior citizen groups opposed the creation of Social Security because they wanted the Townsend plan to pass, which was a straight $100 a month check to seniors with no contributions or anything else. So they savaged Members who voted for the compromise.

This is a similar compromise. Five years from now they will be out to ring the neck of anybody who tries to cut this program.

Mr. DICKS. Mr. Speaker, I would like to read, by the way, the names of the conservation groups that are supporting this rule and the bill: the American Oceans Campaign, Center for Marine Conservation, Defenders of Wildlife, Environmental Defense, Friends of the Earth, National Audubon Society, National Parks Conservation Association, the National Trust for Historic Preservation, the Natural Resource Defense Council, Scenic America, the Wilderness Society, and the Worldwide Fund. I mean, this is an amazing group of people supporting this. The President supports it.

I want my colleagues to know, I believe that this is one of the most important things on a bipartisan basis done in this Congress. So we should be celebrating today. We should be happy with this work product. Let us get on with it. Let us vote for the rule and pass this excellent conference report.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind all Members it is not in order during debate to characterize the legislative positions of the Senate or individual Senators.

Mr. HASTINGS of Washington. Mr. Speaker, how much time is remaining on both sides?

The SPEAKER pro tempore. The gentleman from Washington (Mr. HASTINGS) has 16 minutes remaining, and the gentlewoman from New York (Ms. SLAUGHTER) has 10 minutes remaining.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. Mr. Speaker, let there be no mistake about it, CARA is not in this bill. CARA is not in this bill. Everybody should know that.

I want to speak especially to the 102 Members of this body who voted against CARA. If my colleagues will examine their conscience, they will have to admit with me that most of them voted against CARA because they did not think there was enough property rights protection in a bill that was going to authorize an enormous amount of land acquisition in this country.

Some of my colleagues are from western States where the government already owns 60, 70, 80 percent of the property in their State. They were concerned about the government acquiring some more land without real strong private property protections.

Well, guess what we are going to vote on today when we vote on this Interior appropriations bill. We are going to vote on $540 million of new land acquisitions in this country with no private property protections. CARA had 21 separate provisions in it protecting private property. That is not in this bill. There is no provision saying one can only buy from a willing seller.

In other words, under this bill, one can spend $540 million of acquiring property from people who do not want to sell their land. That is called expropriation. When we vote for this bill without CARA, that is what we will be getting. Keep in mind that CARA guaranteed for the first time a distribution of funds to the coastal States of America.

What kind of distribution was that all about? It was simply to try to give coastal States some contribution for the minerals produced offshore in some kind of way commensurate with the money that America automatically mandates is provided to interior States for minerals produced on Federal lands in interior States.

The law currently mandates 50 percent of all Federal royalties on interior States' federally owned property goes to the States. Committee on Appropriations does not spend it. No yielding of appropriations. It is a mandate to the interior States. This bill would have provided 27 percent to be shared among all coastal States. That is gone. There is no guarantee for coastal money. There is just a lot of Federal land acquisition with no private property rights. That is not the deal that CARA would have offered us.

□ 1230

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

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

Mr. DINGELL. Mr. Speaker, I express my thanks to the distinguished gentlewoman for yielding me this time, and I want to commend and compliment my good friends from the Committee on Appropriations. They have ''done good.'' The problem is, they have not done good enough.

I want to express my respect and affection for the distinguished gentleman from Wisconsin (Mr. OBEY) and the gentleman from Washington (Mr. DICKS) and also the gentleman from Ohio (Mr. REGULA). They are good Members, and I do not want them to take anything I say here today as being hostile to them. However, they have chosen to legislate without hearings; without opportunity to perfect.

What those of us who oppose the rule want the House to do is to allow us to vote the rule down so that we may come up with a better piece of legislation, one which was approved by the House by an overwhelming vote. I refer to CARA, H.R. 701. It passed the House by a very heavy margin, 315 to 102. It is interesting to note that this was one of the most bipartisan bills that I have ever seen, but also certainly the single most bipartisan piece of legislation that has passed this Congress.

Those of us who led that effort to pass CARA share a common passion, providing a meaningful and dedicated and continuing source of conservation funding for fish, for wildlife, for lands and waters, for recreation and open spaces, and to meet the concerns that confront so many of our States and our communities. Remember, we will not have many opportunities to pass a

piece of legislation like this. This is an opportunity that will probably come once in a lifetime. In all the years that I have served in this body, never once have I seen an opportunity of this magnitude to do good for Americans, for conservation, for fish and wildlife that matched this. And never once have I seen anything which did so much to realize the hopes and the ideals of those of us who love the out-of-doors.

Now, I have no doubt that the language contained in the Interior appropriation bill and this land conservation program was drafted with the best of intentions. It is again, I note, an effort by my good friends on the Committee on Appropriations to legislate well. And part of that legislating well is preserving the jurisdiction of that committee and part of it is in sidetracking CARA, something which that committee found to be highly offensive, as we had this legislation on the floor at an earlier time, because it did take away from the Committee on Appropriations the ability to function by whim and caprice, to deny new conservation money and, in effect, to supplant the efforts of the legislative committees around here which are strongly and deeply and sincerely conversed in this.

The premise of CARA was to take Federal resource revenues from the Outer Continental Shelf to reinvest them for conservation purposes. And it was originally intended, when the Congress passed the Land and Water Conservation Fund in the 1960s, that this would be done. Since that time, the Committee on Appropriations has had the opportunity to do the kinds of things we are talking about today. Without the pressure of CARA, they never would have done them.

So I say let us assist our good friends on the Committee on Appropriations. Let us help them. Let us see to it that we have an opportunity, if we are going to legislate, to legislate well. Vote the rule down. A new rule can be brought back, and we can have a full opportunity then to address all of the important questions that exist with regard to conservation, and with regard to spending proper levels of funds to save and protect open spaces and the conservation and environmental values that are so important to this country.

The language of the conference report is quite clear. It says the program is not mandatory and does not guarantee annual appropriations. If Members need a reason to vote against this rule so that they can vote for something which is of more lasting and permanent character, this is the reason right here. This is what the Committee on Appropriations is saying to us. This is not permanent. I am sure that they have the best of intentions at this time, but within a year there will be new pressures upon the Committee on Appropriations which will tell the Committee on Appropriations that they should perhaps cavil just a little bit on the commitment that they make today and come forward with less money.

Now, they will tell us about the violent crime reduction trust fund. That expired the other day, and it was never fully funded. They have always told us what a great thing it was. And it was great, and I commend them for it. But it did not come through a legislative committee and it did not have the supervision and the care and the attention that goes to it. And it also was not as fully honored as it could have been and should have been. Certainly we are going to meet the same situation, where the Committee on Appropriations will shave conservation values just is a little here and just a little there, because it is easy to do when the pressures are on to expend monies for other purposes.

Again, I announce my respect for my good friends, the gentleman from Wisconsin (Mr. OBEY), the gentleman from Washington (Mr. DICKS), the gentleman from Ohio (Mr. REGULA), and my colleagues on the Committee on Appropriations; but they are not meeting the real challenges of greatness. They are passing aside an opportunity. They are urging this body to reject something which is perhaps the greatest piece of conservation legislation we can pass in this Congress or indeed in any other.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. BALLENGER).

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

Today, we have an opportunity to reward an agency which has completely turned itself around. For the first time in over 8 years, we have the chance to give the National Endowment for the Arts a small increase. It should be noted that this increase is dedicated to grants such as Challenge America.

Challenge America is an opportunity to serve smaller communities around the United States. Sixty percent of Challenge America grants will be distributed to communities under 200,000 in population in all 50 States. The intent of this program is to reach previously unserved communities in the same way that ArtsREACH programs work.

My colleagues may recall that in the first 2 years of ArtsREACH grants were made to the 123 mostly new communities, including places like Ft. Washakie, Wyoming; Deadwood, South Dakota; and Hattiesburg, Mississippi.

The remaining 40 percent of the Challenge America grants will be passed through the 56 State and Territorial arts agencies in keeping with the congressional practice of splitting NEA funds between State and national programs.

These new grant initiatives are part of a new NEA which supports projects in over 4,000 locations in the country. Today, NEA is doing more for communities in need than ever before, and I urge my colleagues to pass this bill which gives NEA a minimal but monumental increase.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. JOHN).

Mr. JOHN. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, I rise in opposition to this conference report. With all due respect to the gentleman from Wisconsin and the gentleman from Washington, my friends on this side of the aisle and the other side of the aisle, who have done a pretty good job putting a piece of legislation that is controversial year to year on the floor before us, we have heard other speakers before me say that this is not CARA and I can tell my colleagues that this is not CARA.

The energy behind the Conservation and Reinvestment Act, H.R. 701, is about one thing, it is about permanency. It is about making sure that they can plan for the future. Coastal programs, ball parks, conservation, wildlife management programs, they can all function if they know that they are going to have a revenue stream that is certain from year to year. That is the energy behind CARA and why 3,000 groups supported this piece of legislation and 300 Members of the House voted for it.

Let me remind my colleagues that it is not CARA, if I take just an excerpt of the conference report of the Interior bill that we are voting on today in the rule, and see where it says this program is not mandatory and does not guarantee annual appropriations. That is obviously what they have meant because they put it in black and white. Well, that undermines, I believe, and unravels the energy and the excitement behind a piece of legislation that is, I believe, one of the greatest pieces of legislation that we have had.

We have a wonderful opportunity here. The year is 2000. We have surpluses that we are dealing with. We have the greatest opportunity, I believe, in our lifetime to put in permanent funding for building ball parks, to save our coastline in Louisiana. We talk about an energy policy and the suspect of time that we are entering into with oil and gas prices. Well, Louisiana, which produces 80 percent of that, is eroding.

I firmly believe that we still have time for CARA. Let us not go forward with the rule that halfway gets us to where we need to go. I urge my colleagues to oppose the rule.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. NETHERCUTT).

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

Mr. Speaker, I am happy to stand in favor of this rule and stand in favor of this Interior Conference Report. As a member of the Subcommittee on Interior of the Committee on Appropriations, I have been proud to work with the Democrats and Republicans. Certainly my chairman, the gentleman

from Ohio (Mr. REGULA), has done a masterful job of being sensitive to all sides of these issues of conservation and reinvestment and fire protection and all the things that go into the Interior Appropriation Bill.

One thing is certain about this business: Nobody is ever satisfied. We cannot ever get perfection, but the conference committee, Democrats and Republicans alike, struggled over this bill to try to make it right, to get it the best we could for everybody concerned. People in my part of the State of Washington are very concerned about CARA and the mandatory spending requirement. Whether it is needed or not, it is mandatory.

I think our system of appropriations and discretionary spending in the years ahead is going to be better to have the Committee on Appropriations and the Congress as a whole making these judgments about conservation lands on an annual basis rather than forcing a mandatory spending program whether it is needed or not.

So I have great respect for the gentleman from Alaska (Mr. YOUNG). But I think he has to have great respect for the gentleman from Washington (Mr. DICKS) and the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Ohio (Mr. REGULA), as well as myself and others who worked so hard to craft this compromise to make sure that it meets the White House's needs and the Republicans and the Democrats needs, and that is fair under the circumstances.

If we vote against this bill, we are voting against National Park Service operations; against fire remedies that occurred this summer in the West; we will be voting against Indian Health Service. That is critically important in my part of the country and across this Nation, as Indian populations have increased in their health needs. We will be voting against the weatherization grants if we vote against this bill.

The bottom line for me is this is a fair compromise. It puts the conservation decision-making right where it ought to be, on Congress, making its best judgments on an annual basis, and I hope the membership will approve it.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from West Virginia (Mr. RAHALL).

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

Mr. RAHALL. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I rise in support of the rule and, indeed, the underlying measure, the conference report on the fiscal year 2001 interior appropriation bill.

Contained in this legislation is up to $94.5 million to bolster the financially ailing, congressionally mandated program that provides health care to certain retired coal miners and their dependents. If this funding is not forthcoming, some 60,000 beneficiaries, whose average age is 78 years old, will see their health care cut. So I ask that my colleagues who represent coal field communities, whether they be in Appalachia, in the Midwest or the western States, not turn their backs on these retirees. They were made a promise, a promise endorsed by the Federal Government, of lifetime health care. This legislation keeps faith with that promise.

Mr. Speaker, we are currently dealing with a situation where what is known as the Combined Benefit Fund (CBF) is facing financial insolvency. In this regard, Senator ROBERT C. BYRD championed a provision in the pending legislation that would transfer up to $94.5 million to the CBF to insure that health care benefits are not curtailed or halted in the immediate future. This provision is modeled after legislation I sponsored in the House, H.R. 4144, known as the CARE 21 bill.

By way of background, the CBF was created in the Coal Act of 1992 to provide health care benefits for retired United Mine Workers of America coal miners who were eligible to receive benefits as of July 20, 1992, under one of two prior multi-employer funds. Under the terms of the Coal Act, companies which signed past National Coal Wage Agreements with the union are responsible for paying premiums for retired miners assigned as being their responsibility. For those retirees where there is no responsible company can be identified, the Coal Act provides for an annual transfer to the CBF of a portion of the interest which accrues to the unspent balance of the Abandoned Mine Reclamation Fund to pay premiums for these unassigned beneficiaries.

Today, however, the CBF is facing funding shortfalls primarily due to a rash of litigation brought by companies on a variety of fronts. First, under the Eastern case, the Supreme Court relieved what are called the ''super reachback'' companies from responsibility to their former employees thereby adding some 8,000 retirees to the unassigned beneficiary roles. These companies had at one time been signatories to the National Coal Wage Agreement, but were not parties to the 1978 Agreement which included what is known as the ''evergreen clause'' in which companies committed to a continuing payment obligation. Litigation has also been brought in what are called the Dixie Fuel cases where companies challenge the validity of assignments made to them. And a third round of major litigation is taking place challenging beneficiary premium rates under what is known as the Chater decision.

This litigation is chipping away at the financial solvency of the CBF and it should be noted these cases are being brought by companies that are both current signatories to the National Coal Wage Agreement as well as what are called ''reachback'' operators who were parties to the 1978 Agreement but not to the current agreement. In effect, and there is no way to get around this fact, these companies are seeking to reduce or walk away from their past collectively bargained obligations to provide lifetime health care coverage for their former employees. This creates a certain dilemma for the Congress as it is the Congress which created the CBF and I believe we have a moral obligation to these retirees despite the actions being taken by their former employers. However, at the same time, I do not believe it is prudent to use General Fund revenues for this purpose. Instead, the provision in the pending legislation would tap additional amounts of interest in the reclamation fund to provide for the cash infusion into the CBF. This is an important consideration because it is the coal industry itself which pays a fee that finances the Abandoned Mine Reclamation Fund. It is, as such, the coal industry which is still paying for the health care benefits of these retirees under the provision contained in this legislation.

There is no doubt in anyone's mind involved with this issue that a long term solution must be devised. My CARE 21 legislation would have done just that. Unfortunately, it has not been brought to the House floor and its counterpart has not been considered in the other body. Indeed, there is still a level of greed among certain entities involved in this issue as reflected in the litigation they are bringing against the CBF that is stymieing legislative efforts in this matter. This is going to have to change because the current impasse on devising a long term solution has in my view no benefit. It certainly does not benefit the many thousands of elderly retired coal miners and their widows who are being held hostage to this situation.

Mr. Speaker, I urge adoption of this rule, and I commend the ranking minority member, the gentleman from Washington (Mr. DICKS); the gentleman from Wisconsin (Mr. OBEY); the gentleman from Ohio (Mr. REGULA); and the gentleman from Alaska (Mr. YOUNG) for their help in including this provision in the legislation.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 1 minute to the gentleman from Alabama (Mr. CALLAHAN).

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

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

Mr. Speaker, let me first say that I certainly sympathize with the appropriators, and I sympathize with the authorizers as well.

□ 1245

We are always faced as to whether or not we are going to be able to come along with a rider, whether or not this time it is okay, or this time it is not okay. But in this particular case I think the House's will is not being taken into consideration.

When we passed the CARA legislation through the House with 315 votes, I think that is a pretty good expression of what this House of Representatives wants us to do. When the chairmen of the authorizing committees come to the chairmen of the appropriation committees and say we want you to put this rider on here, then we are faced with a different situation, Mr. Speaker. We are in a dilemma.

I am going to vote for the rule today, but I disagree with the fact that we are not given the opportunity to bring forth the will of the House somewhere during this process. If it were possible to recommit this to the Committee on Rules, then I would recommit it and ask the Committee on Rules to give us an opportunity to amend the rule so we

could bring forth an amendment which could be set back. Maybe there will be an opportunity of recommittal, maybe we will have a voice, but I think that those of us that are interested in CARA have been shortchanged.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Speaker, I would just say to my colleagues, this is an indication of where the money will go under the amendment that I and the gentleman from Wisconsin (Mr. OBEY) offered. First of all there would be $550 million for the Federal and State Land and Water Conservation Fund. State and other conservation programs would get $300 million. Urban parks and historic preservation, $150 million; $150 million for the maintenance backlog; and $50 million for PILT.

This is not guaranteed, but this money is prioritized in the budget allocation and Congress is going to spend this money as we have spent the money on the Violent Crimes trust fund. So it is not a guarantee, but it is about as close as we are going to get to one and still let the Congress have some oversight over these programs. This is a tremendous increase. The President supports it. Most of the outside conservation groups support it. It is a chance for us to triple the amount of funding spent on these programs.

Now, it is not CARA; but I actually think it is better than CARA because it is a blend between the President's land legacy and the CARA program.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 1 minute to the gentleman from Alaska (Mr. YOUNG).

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Speaker, there has been a lot said about George Frampton supporting it. That is probably the biggest reason to vote against the rule.

The second thing is that every governor in the country now has blasted this agreement. Every governor. The mayors, the legislative bodies have blasted this so-called Interior appropriations.

So do not give everybody how much they support it. In reality, the governors know right now we are back to square one. We have got to go back to the appropriators and grovel, hold our hand out and beg at the end of the session.

By the way, Mr. Speaker, this has happened to us now for 6 years, 8 years, 10 years. Wait until the last moment, the Senate does not do anything, they hold it; and then the appropriators get together in the back room, and the cardinals decide what legislation is going to pass and not pass. The natives are getting restless, buddy. I am going to suggest respectfully, that is not the way this Congress was set up. It is not good legislation; it is wrong and against the House rules, but we are ready to go home, so everybody wants to vote for this thing.

I am voting no and I am going to ask for a vote on the rule.

Ms. SLAUGHTER. Mr. Speaker, I yield the balance of my time to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, what we hear today is that there are four oil-producing coastal States who this year get $100 million and who under CARA want to get $1 billion, and they are unhappy because we only gave them $400 million. That is the truth. We spread the money around more fairly among all the States, and we make no apology for it.

The fact is this is a historic bill. It is the best conservation funding bill that we have seen in a generation. This raises conservation funding from $4 billion to $12 billion over a 6-year period, and that money if it is not spent on these conservation programs cannot be spent on any other item. That is as close to a guarantee as we can get. It is a phenomenal victory for the environmental movement and a phenomenal victory for those who want to protect our outdoor resources.

The rule should be supported. The bill should be supported. This is something we can all go home and be proud of.

Mr. HASTINGS of Washington. Mr. Speaker, I urge my colleagues to support this rule so we can get on with this process.

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 SPEAKER pro tempore. The question is on the resolution.

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

Mr. YOUNG of Alaska. 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 354, nays 65, not voting 15, as follows:

[Roll No. 506]

YEAS—354

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

NAYS—65

Abercrombie	Gonzalez	Norwood
Ackerman	Hansen	Oberstar
Andrews	Hill (IN)	Ortiz
Baldacci	Hilliard	Peterson (MN)
Barcia	Holt	Phelps
Blagojevich	Isakson	Rivers
Bono	Jefferson	Roemer
Brown (OH)	John	Sanchez
Callahan	Jones (NC)	Sanders
Cardin	Kildee	Sandlin
Carson	Kind (WI)	Saxton
Chambliss	Lee	Shuster
Clay	Levin	Souder
Conyers	Lewis (GA)	Stark
Crane	Luther	Stupak
Danner	McCarthy (MO)	Tauscher
DeFazio	McDermott	Thompson (CA)
DeGette	McKinney	Watt (NC)
Delahunt	Meeks (NY)	Waxman
Deutsch	Miller, George	Woolsey
Dingell	Mink	Young (AK)
Gilchrest	Moore	

NOT VOTING—15

Dunn	King (NY)	Napolitano
Eshoo	Klink	Paul
Franks (NJ)	Lazio	Riley
Hastings (FL)	McCollum	Vento
Hefley	McIntosh	Wexler

□ 1310

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

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. NAPOLITANO. Mr. Speaker, on rollcall No. 506, the Rule for Interior Appropriations Conference Report, I was unavoidably detained in a business meeting. Had I been present, I would have voted ''yea.''

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 and that I may include tabular and extraneous material on the conference report to accompany H.R. 4578.

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

There was no objection.

CONFERENCE REPORT ON H.R. 4578, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. REGULA. Mr. Speaker, pursuant to House Resolution 603, I call up the conference report on 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.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 603, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of September 29, 2000, at page H8472.)

The SPEAKER pro tempore. The gentleman from Ohio (Mr. REGULA) and the gentleman from Washington (Mr. DICKS) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. REGULA).

□ 1315

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

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

Mr. REGULA. Mr. Speaker, first of all I want to thank those that supported the rule; and to all Members, I believe that this bill today is something we can point to with pride in supporting it.

I know there are differences on how we approached it, but this bill provides for the future of this Nation in terms of our assets, our land and our unique ecology; and I hope that all of my colleagues will look carefully at all the things that are in this bill, to realize what it means, not only to your district, but to the Nation.

As my term as chairman of the Subcommittee on Interior Appropriations nears an end with this conference agreement, I would especially like to take the opportunity to thank the Members of the subcommittee. I might say that this conference was unique. For the first time in my 6 years on this subcommittee, the conference report was signed by every member of the conference committee from both parties in both Houses, and it will be supported by the administration.

I thank the Members for their support as we did work together to produce this agreement. Especially I extend my appreciation to the gentleman from Washington (Mr. DICKS) and the gentleman from Wisconsin (Mr. OBEY) for their hard work during our conference and throughout the year.

Finally, I want to express my appreciation to the excellent staff on the subcommittee who have dedicated hours, numerous hours on this bill. And I wanted to also make a comment here, and that is that this bill is in the true tradition of Sid Yates, who was the previous chairman of this subcommittee. I think Sid would be very proud of what is in this bill. In his many years as chairing the subcommittee, much of what we have done are things that he cherished and worked for. And I say to you, Sid, if you are watching, that we thank you for all of your good service. This bill today perhaps is an accumulation of some of the things that you were pushing for for years and years as you chaired the committee.

This is a good bill, I say to my colleagues, one that all of us should support. It provides $18.8 billion in the funding for the Department of the Interior and related agencies. It includes wildfire funding, a recognition that the fires are a problem on our 200 million acres of forest land. It has $2.9 billion and of that amount, $1.6 billion is emergency funding. And for those of my colleagues who noticed the size of this bill, keep in mind that we had to address not only fire emergencies, but we also had to address other emergencies that were overlooked in the supplemental appropriations bill.

While it is a large number, it does represent a number of dollars that were meant to address the interests of many Members in the House. The conference report includes a new land conservation, preservation and infrastructure improvement title which makes available $12 billion over the next 6 years for programs such as Federal and State land acquisition, urban parks, State and wildlife conservation, PILT and backlog maintenance. State and other conservation programs receive $300 million, $300 million to the States, including a new $50 million State wildlife grant program.

We do ask for accountability, and I think that is our responsibility to the taxpayers to say to the States we want you to be accountable in the expenditures of these monies.

Also in this report, there is $200 million for PILT, that is $65 million more than what was in the bill that passed the House. And again I think it is a recognition that we have to support these local governments, the schools and local government agencies with some type of substitute for the losses that they have because of the Federal lands, and so I am pleased that we have a very substantial amount in PILT.

We have initiated several new funding provisions to prepare for wildfires, wildfires that have swept across the West. There is $128 billion for State and rural fire and economic assistance. We recognize, and I know many of my colleagues watched the shows that the people were coming even from offshore to help fight the wildfires, and, of course, the States and local communities were very instrumental in this effort.

We have $377 million to increase wildfire readiness, $422 million for additional wildfire suppression and $277 million for hazardous fuel reduction work. To address the impact of the current fire season, we have also provided $227 million to rehabilitate areas damaged by fires and $351 million to reimburse firefighting costs already incurred.

And I say one of the good features is that we try to clean up forests through the readiness programs and through the suppression programs, so that when we get lightning strikes, they do not burn with such intensity, because as you have fuel buildup by failure to thin and so on, you obviously add to the intensity of any blazes.

I am especially pleased that we have addressed the numerous operational and maintenance shortfalls. We have $1.4 billion for the operation of the national parks, $25 million more than last year. We have $1.6 billion for the BLM which includes a $66 million increase overall, and $18 million for revision of the Bureau's land management plans, and $356 million for national wildlife refuges.

Funding has been included within these operational accounts to address

maintenance priorities. This is something I have always been interested in, probably harped on it a little bit, that we must take care of what we have; We recognize this need with an additional amount of funding. We put in $12 billion, a portion of that has to be used for maintenance, because we recognize that while it is nice to build new buildings and buy more land, it is also just as important to take care of what you have.

Funding for urban parks has increased to $30 million and funding for State and private forestry is increased by $48 million to $251 million. I think particularly in the case of the urban parks, there is a recognition that as our populations become more urbanized, it is important for the quality of life in urban areas to have parks, install pocket parks, to have trees planted, to enhance the overall quality of the programs and the communities in which our urban population lives.

The conference agreement contains funding for a number of important environmental efforts, including South Florida Ecosystem Restoration Initiative, the North American Wetlands Conservation Fund, a public-private program which is funded at $40 million for wildlife, habitat projects, and $187 million for environmental restoration through the Abandoned Mine Reclamation Fund, which provides funding for cleanup of abandoned mine lands.

I wish that number could be more, because I think it really is kind of a sad commentary on what we have done to some of our lands by virtue of mining without any form of reclamation, but we have to do what we can to restore these areas.

Up to $10 million of the Abandoned Mine Reclamation Fund may be used for the Appalachian Clean Streams Initiative, because obviously abandoned mines have an impact on streams through acid mine drainage and other types of pollutants that get into the streams.

Further, through funding for the U.S. Geological Survey, scientists can assist our land management agencies in making informed, environmentally sound decisions in natural resources that may not sound like a lot. But that is very important, because it means that these agencies work together.

Sometimes I am struck by the fact that agencies almost sound like they serve two different countries, and I am delighted that the USGS will be working with parks and forests and other agencies to use their scientific knowledge which is for the betterment of America.

We are pleased to report increases for funding American Indian health care services and education. Funding for the Indian Health Service is $214 million more than fiscal year 2000, for a total of $2.6 billion. I know we are all troubled by what happens in Indian health, and we are recognizing that by substantially increasing this program.

Likewise in education, we provided funding for the construction of six new Indian schools from the Bureau of Indian Affairs priority list.

We have increased funding for important energy research and conservation programs to address the needs of consumers as we approach what is anticipated to be a difficult winter heating season. Funding for energy conservation is $815 million; and of that, $153 million is provided for weatherization grants that are distributed through local communities.

I might say fuel cells show a lot of promise. We are making progress in automobiles and making them more energy efficient. All of those things will help us deal with the crisis, which I think is probably here to stay, over the long period of time; we, therefore, need to be prepared for that.

The managers included increases for the several cultural agencies in the bill, including the National Gallery of Art, the U.S. Memorial Holocaust Museum, the Kennedy Center, and the Smithsonian. Further we have provided $98 million to the National Endowment for the Arts and $7 million for the Challenge America Arts Fund to provide art education funding to rural America and other underserved areas.

Let me emphasize that the additional money in the arts is $7 million; it is in a separate account. It will be administered by the NEA, but it is directed to rural America and to underserved areas. We want this to be widespread, small grants.

There are a couple of stories in my local paper this week about a small grant of something like $20,000 and what a difference it made in a school program.

Funding for the National Endowment for the Humanities is increased to $120.3 million.

Mr. Speaker, through this bill, we will be able to accomplish a number of high priority projects for many people across this great Nation, especially in the area of land conservation and habitat restoration. The conference agreement strikes a delicate balance between those in this House who would urge us to go further and provide larger sums and those who believe that in the area of Federal land acquisition, the Federal Government already owns enough.

We have a dichotomy among our Members on this subject, but let me say I think we have tried to strike a balance in the way we have handled the funding, and we have made it subject to appropriations. I wanted to say, on the basis of my experience of 28 years in the House, that I have a lot of confidence in the Congress. I mean we have our differences and sometimes we may come to a problem in a different way, but on balance, I have been impressed by the dedication of Members over these years.

And I am pleased, frankly, that in the disbursement of the $12 billion for State and Federal land acquisition, the responsibility for appropriating this money rests with the Members of this House. We are elected by the people to make policy decisions, and I believe that in this bill we recognize the importance of that role.

I have great confidence that in the years ahead those who have that responsibility will exercise it wisely.

Finally, Mr. Speaker, I have two technical changes to the conference report that I ask unanimous consent be printed in the RECORD at this time.

First on page 177, the increase of $4 million for heavy vehicle propulsion is an error. The $4 million increase is for advanced power electronics.

Secondly, page 135, the Lincoln Pond/Colonial Theater should be Lincoln Road Colony Theater.

The SPEAKER pro tempore (Mr. LAHOOD). Let the Chair just clarify for the gentleman from Ohio. Those corrections, the gentleman needs to make those in the RECORD. The gentleman cannot correct the conference report or joint statement by asking unanimous consent.

So the gentleman knows, they will show up in the RECORD; the RECORD will reflect congressional intent. But the Chair does not want the gentleman to be left with the impression that it was done by asking unanimous consent, to correct the joint statement that cannot be done.

Mr. REGULA. Mr. Speaker, one last comment, I urge all the Members to look at the press release, and my colleagues will see what all is in this bill. I think we will be proud to say I voted for it.

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

□ 1330

Mr. DICKS. Mr. Speaker, I yield myself 8 minutes.

Mr. Speaker, I rise in support of the fiscal year 2001 appropriations conference report. I wish to commend my colleague, the gentleman from Ohio (Mr. REGULA), who I think brings us today a historic bill to the floor of the House of Representatives.

I want to compliment him and his staff, led by the very able Debbie Weatherly. I also want to thank my staff, Mike Stephens and Lesley Turner, for the outstanding work and the work of all the staff members on the Committee on the Interior.

I have been impressed over the 24 years that I have served on this committee, and the last 2 years as the ranking Democratic member, about the bipartisan nature of our effort. I am particularly pleased about this bill. This is an historic measure.

I know there was some debate on the rule, but I want to thank all of the Members who voted for the rule from both parties. I think this is a good rule and it gives us a chance to consider this legislation today.

I think the reason this is historic is because we will, with the enactment of this legislation, in the first year double the amount of conservation spending that we have done in this country from

$782 million up to $1.6 billion, and $400 million of that goes to coastal programs under State, Justice, and Commerce; $1.2 billion goes to the Interior appropriations bill.

I appreciate the fact that the conference was willing to accept the amendment that I offered, with the able help of the gentleman from Wisconsin (Mr. OBEY), who had many good suggestions, and helped advocate for this in the conference. He was a prime sponsor of this amendment with me.

I just hope we can bring the House together now, because this is such a good bill. This should be a day of celebration. This should be a day of celebration, because the President is going to sign this bill. The administration, George Frampton, said many very positive things about this legislation.

Also, the outside environmental groups, and I want to particularly thank my friend, Roger Schlickeisen of Defenders of Wildlife, and the 12 environmental groups who endorsed this legislation, and recommended that the House vote for the rule and vote for the bill, and who recognize the historic nature of this bill.

I think we can do many, many positive things from this legislation for land acquisition, both for the Federal and State. We can do work on endangered species. I see that the gentleman from California is here, who has been one of the great advocates for urban parks, which is included.

I just want to say to the gentleman from California, I know that for 4 years he and his group worked for CARA. What we tried to do is do the best we can on the Committee on Appropriations, following as much of it as we could. I hope we can work together in the future to expand upon this legislation and to make it even better.

Mr. GEORGE MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman for yielding, and I thank him for his remarks on behalf of CARA, which I am very proud of. I think we did put together an incredible coalition.

I also thank him for mentioning the UPARR program on urban parks and recreation. As the gentleman has said, for the last 4 years I have tried to resurrect the funding for the urban parks initiative, and in this legislation, clearly the committee has done that. The appropriation of $30 million will allow us to rehabilitate some of those recreational spaces, including sports facilities at public schools or regional centers available for all young people in this country that have fallen into disrepair for a whole host of reasons. We ought not to abandon them. We ought to reclaim them. We ought to give those children the recreational opportunities so many of us have had.

I want to thank the committee for that effort to put that money into the urban parks legislation.

I want to say this, that yes, we have had our differences over CARA. We have had our differences from time to time over this bill. But this committee did a remarkable job with this bill this year. What they have done in the various environmental accounts will give us an opportunity in a whole range of areas in this country, whether they are urban, suburban, or rural areas, to deal with some of the problems we are confronting in trying to hold onto agricultural land, to try to solve endangered species areas, to save the wetlands, to create the urban park space and recreational opportunities for our children, and for something that I know the gentleman from Ohio (Mr. REGULA) has been a very outspoken person on, and that is maintenance of the Federal effort in our national parks. We can wear these parks out if we do not take care of them with the visitors that we have gotten. I appreciate the committee addressing this.

I have had my tussles with this committee, but I have always tried to say every year that this committee has had far more demands on it than resources; that they have been able to meet the demands of the Members. I think what has been done here with $12 billion over the next 6 years, the manner in which it has been capped and fenced and reserved for resource programs is a magnificent start on that effort.

We know the backlog. We know the troubles our communities face. But I think we would be remiss if we did not understand that this may be the single greatest increase for the protection of the environment in this country, certainly of the natural resources in this country, in the last 25 years. Members of Congress ought to be very proud of that.

Does that mean that others and myself will not continue to fight for CARA? Of course we will. We will continue that effort, but we should not lose sight of what is happening here today with the passage of this legislation and what it means.

Finally, I just want to say to a great guy, the gentleman from Ohio (Mr. REGULA), as much as we have battled, I must say, I have never had more respect for an individual, because day in and day out he has tried to do the right thing with the limited resources that he has had available to him.

He has been a tough guy. He has been kind of a tough guy on the street. He understands, I think, the Federal role. We have argued about that from time to time.

I just want to say, Mr. Chairman, it has been a pleasure working with you. I am sorry that the gentleman's side chose term limits, because I think the gentleman's continued role on this committee would have been good for the country.

I want to thank the gentleman from Washington (Mr. DICKS) and the gentleman from Wisconsin (Mr. OBEY) for all their effort on behalf of this particular bill, and the final result brought about on behalf of the environment in this country.

Mr. DICKS. Mr. Speaker, I thank the gentleman.

I want to also commend the gentleman from Ohio (Chairman REGULA) for his leadership on this committee.

I have served with two great chairman, Sid Yates and the gentleman from Ohio (Chairman REGULA), and the gentleman from Ohio has done a fantastic job, and been fair to everybody. He has worked hard to do a better job on maintenance on our national parks. He pushed through the historic fee demonstration program, which will allow parks to raise money all over the country to make the parks better.

I just want to commend him for his 6 years as chairman of this committee. I have really enjoyed personally working with the gentleman. We all will see what happens next year, but I hope that the gentleman from Ohio and I can still work together on these important issues.

I want to say how much I appreciate his willingness to adopt the amendment that the gentleman from Wisconsin (Mr. OBEY) and I presented. I felt it was crucial to getting the bill enacted. I thought it moved in the direction of some of the ideas of CARA. I think it is, frankly, a better bill than CARA, in my own judgment.

But the gentleman from Ohio (Mr. REGULA) was a gentleman and advocated for the House, and has been a great person to work with. I just want to say to him, I thank him for a job well done. The American people will never fully appreciate what the gentleman has done to improve our parks, our recreation areas, and to make this a better country, but we in the House understand that. We want to compliment the gentleman for his great leadership.

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

Mr. REGULA. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. YOUNG), the chairman of the Committee on Appropriations, and a gentleman who has given this committee great leadership this year.

The House has moved its bills expeditiously, and a lot of this is thanks to the chairman of the Committee and the way in which he has handled the responsibilities of leadership.

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman for yielding me the time.

I take the time to support the bill and to urge a very strong vote for the bill. But I wanted primarily to applaud the chairman, the gentleman from Ohio (Mr. REGULA), for having led this subcommittee through some very difficult times, and also the ranking member, the gentleman from Washington (Mr. DICKS), and my counterpart on the minority side, the gentleman from Wisconsin (Mr. OBEY).

When we listen to the debate and understand that this is a very good bipartisan bill, it just proves what can be

accomplished when we work together and try to resolve the differences.

I would say that when we listen to the debate, some might think this bill breezed through the conference committee with no trouble at all. But Mr. Speaker, this bill had all kinds of problems in conference. The debates were vigorous, the arguments were pretty powerful at times, but cooler heads prevailed. The issues were resolved in a most positive way.

So I really want to applaud especially the chairman, who led this effort. I certainly would be one who would be regretting strongly if in fact he had to step down as chairman because of the term limits requirements, but that will be whatever it will be.

The managers have done a really good job. They have brought to us today a bill that we can all support and that we can all go home and brag about, if Members feel like bragging, because this is a good bill. It does a good job for the people, and it is one the Congress can be very proud of.

Mr. DICKS. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY).

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

Mr. Speaker, as the Members of this House know, it is my view that many of the appropriation bills which passed this House were pretty pitiful. This is not one of them. This is one of those times when the House has been able to come together and to produce a bill which will really mark a significant turning point in Congress' dealing with our trust over public lands and our wildlife resources.

It could not have happened if we had not had some very tough fights. We are supposed to come here and fight for what we believe in, and fight for what will enhance the country's future. Sometimes that means having some very tense moments. But out of that has come a product which has been unanimously supported by the committee.

That is what we are supposed to do, we are supposed to fight like the devil for what we believe in, and then resolve our differences in a constructive way, which moves the country forward. That is exactly what has happened on this bill.

As has been said, the chairman of the subcommittee is the best advertisement I know for the idiocy of term limits. He has done a fine job, and it makes no sense to have to say that, if his party stays in the majority, he would not return as chair. He has done a fine job.

Certainly the gentleman from Washington (Mr. DICKS) has performed yeoman's service in moving forward this entire question that we have wrestled with for 2 years about how to expand public support and congressional support for preserving our outdoor resources without creating a new entitlement that raises one group of people above everybody else. This will deliver the goods without putting Congress in a procedural straightjacket.

One of the new things we do is to create a new State wildlife protection program. I know some of the State DNRs are unhappy that we did not just turn that into a simple revenue-sharing program. Frankly, I did not come here to be a tax collector for my DNR. I came here to try to protect the resources, and preserve our ability to oversee the protection of those resources at the same time.

In addition to what we do on the outdoor resource front, which is a magnificent achievement, we expand the weatherization program to deal with the needs of low-income people, now that we are having rising energy prices. We increase research into energy efficiency. We strengthen the clear water action plan. We have the first funding increase for the National Endowment for the Arts since 1996.

There are some things that I am concerned about. I would warn the Park Service that I do think that they need to recognize that there still needs to be a compromise with respect to the question of snowmobile use in our national parks. There needs to be a compromise on that. This committee did not have the jurisdiction to deal with that issue, but the Park Service needs to be flexible on that.

I also want to thank the White House, because they were teriffic in seeing to it that the egregious anti-environmental riders attached to this bill were stripped out or worked into a fashion where we could grudgingly accept a couple of them. But they did wonderful work on behalf of the public that they represent. This is a great victory for them and for all of us who believe in the preservation of our outdoor resources.

I want say that this is one of those times when this institution has produced something which will move the country forward, and as I said earlier, it may not be seen as all the money that some people wanted, but any time that we can say that over a 6-year period we have tripled the amount of funding for a worthy national goal from $4 billion to $12 billion, we have done a good day's work.

□ 1345

We have a right to be proud of the work that we have done. I congratulate everyone, staff and Members, who had anything to do with it. I only wish that some of the other appropriation bills that are being produced could represent the same quality that this does. This is one of the truly finest chapters of this session of Congress.

Mr. REGULA. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Florida (Mr. SHAW).

Mr. SHAW. Mr. Speaker, I thank the gentleman from Ohio (Chairman REGULA) for yielding me this time.

Mr. Speaker, the Subcommittee on Interior has really done fine work in supporting two very important innovations in my part of the country, south Florida. One is natural, and the other is man-made.

As the country knows, America's Everglades is an important part of our natural environmental heritage. People often speak about it in the same breath as the Grand Canyon, Old Faithful, Yosemite, or Redwood Forest.

I have introduced legislation which passed the other Chamber last week by a vote of 85 to 1, and that is to enact a comprehensive plan to restore the Everglades. But pending that authorization bill, the appropriations for Interior dedicates $75.9 million towards ongoing Everglades restoration, including $17 million for land acquisition, which is a vital step forward for the coming year.

I thank the gentleman from Ohio (Chairman REGULA) and the Subcommittee on Interior staffers, especially Debbie Weatherly, for making sure that the National Park Service has enough money, $9.23 million, to continue the science research, construction, and land accession necessary for the environmental restoration of the Everglades National Park. I also want to thank the gentleman from Washington (Mr. DICKS), ranking member.

In the NPS construction account, the conference report allocates $242 million, including $9 million for water delivery modifications in south Florida for a total of $75 million, a part of which is allocated to the Everglades restoration projects.

Turning now to one of the man-made cultural legacies in south Florida, the 465-seat art deco Colony Theater is a former movie house that anchors the western end of Lincoln Road Pedestrian Mall in Miami Beach and is listed on the National Register of Historic Places.

Originally built in 1934, the theater's art deco architecture is a local landmark and has been a vital part of the economic and social fabric of Miami Beach since the years following the stock market crash of 1929, when the winter season tourist economy developed and the modestly sized art deco hotels and theaters were built. The theater has also served as a primary entertainment location for many of the 500,000 United States troops who trained in Miami Beach between 1942 and 1945.

I might also add that this was a favorite movie theater for my wife and I when we were dating when we were back in high school.

The Colony Theater Restoration Project, which has already raised $1.8 million in State, local, and private funds, will certainly benefit from the Federal matching of $837,000 contained in this conference report.

Again, I thank the gentleman from Ohio (Chairman REGULA) and the gentleman from Washington (Mr. DICKS) and the entire subcommittee and the full committee for working so hard on behalf of the people I represent in south Florida.

Mr. DICKS. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from West Virginia (Mr. RAHALL), in order to enter into a colloquy.

Mr. RAHALL. Mr. Speaker, I thank the distinguished gentleman from Washington for yielding me this time.

Mr. Speaker, I rise to make note of the fact that the pending legislation once again carries a rider relating to the BLM's proposal to strengthen the regulations governing hardrock mining on lands under its jurisdiction. This is the fifth appropriations bill rider on this matter.

However, unlike some of the past riders, this one does not appear to hinder the ability of the BLM to finalize its proposed rule. In fact, I have before me letters from both the National Mining Association and the Mineral Policy Center, groups which are normally opposed to each other, both supporting the pending legislation. In this regard, I would ask the gentleman from Washington (Mr. DICKS), the distinguished ranking member of the Subcommittee on Interior, to engage in this colloquy.

It is my understanding that the hardrock mining provision of the conference report does not impede the BLM's ability to prevent undue degradation of public lands with a new and stronger rule so long as that rule is not inconsistent with the recommendations contained within a National Research Council's report on the adequacy of existing mining regulations. Is this understanding correct?

Mr. Speaker, I yield to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Speaker, I would say to the gentleman from West Virginia, that is correct.

Mr. RAHALL. Mr. Speaker, does not one of those recommendations direct the BLM to clarify the agency's authority to protect valuable resources not protected by other laws?

Mr. DICKS. Mr. Speaker, if the gentleman will yield, that is correct.

Mr. RAHALL. Mr. Speaker, so under the provision of the conference report, it would not be inconsistent with the Research Council report for the BLM to issue a rule that would allow the disapproval of a mine proposal if it would cause undue environmental degradation of public lands, even if the proposal complied with all other regulations.

Mr. Speaker, I yield to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Speaker, my understanding is the same as the gentleman's, and I appreciate his bringing this to our attention.

Mr. RAHALL. Mr. Speaker, I thank the gentleman from Washington (Mr. DICKS), and I commend him for his work on the pending legislation, as well as the gentleman from Ohio (Mr. REGULA).

Mr. REGULA. Mr. Speaker, I yield 3 minutes to the gentleman from Montana (Mr. HILL).

(Mr. HILL of Montana asked and was given permission to revise and extend his remarks.)

Mr. HILL of Montana. Mr. Speaker, I thank the gentleman from Ohio (Chairman REGULA) for yielding me this time.

Mr. Speaker, I rise in support of this bill, and I want to thank the gentleman from Ohio (Chairman REGULA), and I also want to thank the gentleman from Washington (Mr. DICKS), ranking member, for their sensitivity to issues that are very important to my State of Montana in this conference report.

As everybody I think in the Congress knows, in the month of August and early September, we had over a million acres in Montana destroyed by wildfire. This, as my colleagues know, Mr. Speaker, was a man-made disaster. The administration's neglect in preparation for this fire season and its neglect in managing the risk of wildfire on our public lands greatly increased the hazard these fires created.

In this bill, Congress finally addressed this issue, recognizing the growing threat of wildfire and providing very necessary funds for us to manage these risks in the future.

I particularly want to compliment the gentleman for the funds for the fire fighting effort that took place as well as additional funds to recover those areas that were badly impacted by these fires.

I also want to compliment the gentleman from Ohio (Chairman REGULA) for funds to implement restoration forestry so that we can manage the 40 million to 80 million acres that the General Accounting Office has identified as at-risk forests in the West so that we can restore the health of these forests, we can reduce the wildfire risks, and we can eliminate the prospects of ecological and economic disasters.

I want to compliment them both for the increase in PILT funding. The Federal Government is a neighbor to us. It owns about a third of the State of Montana, and they provide for or help pay for local services through what we call PILT, payment in lieu of taxes. This bill has a 50 percent increase in PILT funding for rural Montana and rural communities.

I have seven reservations, and Indian health increases which we passed on this floor when we debated this bill is very important to the increasing population on those reservations.

I want to thank the gentleman for including the provision to fund the Travelers Rest acquisition, a national historic site where Lewis and Clark and the Corps of Discovery camped twice, and where, for 10,000 years, Native Americans camped in western Montana.

The dollars for park maintenance. Montana shares with Wyoming and Idaho Yellow Stone Park, and it is home to Glacier Park. I have advocated for a long time to increase funding to deal with the backlogs of needs in our national parks, and these parks will benefit from those funds.

It is very important the funds for threatened and endangered species management at the State level. In my State, we are struggling with the impacts, budgetary and economic, of grizzly bear recovery and gray wolf recovery, and more recently east slope cutthroat trout recovery. These dollars to help these States manage these endangered and threatened species is very important.

I want to thank particularly the gentleman from Washington (Mr. DICKS) for coming to a compromise with us on the Interior Columbia Basin management plan issue, which my colleagues will recall was a very controversial issue on the floor when we debated this bill. It is a matter of great importance to those of us in the West. The fact that we are able to take measures that will ensure that any future decision on Interior Columbia Basin will work for the recovery of the forests and to benefit our economy, and that is very important.

There are many other important provisions. I just want to urge my colleagues to support the bill.

Mr. DICKS. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from New York (Mr. HINCHEY), who is also a valued member of our subcommittee.

Mr. HINCHEY. Mr. Speaker, this has been unquestionably a very contentious and hard fought process; but the results of it will be welcomed, I think, by every person in the country who cares about America's natural resources.

There are a lot of people that made major contributions, including the gentleman from California (Mr. GEORGE MILLER) and the gentleman from Alaska (Mr. YOUNG), that built the foundation upon which this bill is constructed.

The gentleman from Florida (Mr. YOUNG), the chairman of our full committee, we need to thank him, particularly, for his thoughtful and gentlemanly leadership. I thank the gentleman from Ohio (Mr. REGULA), who has been an outstanding chairman of the Subcommittee on Interior and has done an outstanding job in virtually every aspect of his responsibilities. I think of the Everglades and a whole host of other areas where he has made a very lasting and substantial contribution that will be a very important legacy for him and for all of Americans.

I want to also thank the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Washington (Mr. DICKS) on our side who made an outstanding contribution to the final provisions of this bill. I think both of these leaders on the Democratic side of the aisle made a major contribution to the preservation of America's natural resources here, and I express my appreciation to them.

The bill provides a historic level of funding to protect our parks and natural resources, $3.9 billion more than

the current fiscal year. The National Park Service is funded at $1.4 billion. That is $25 million more than the current year. National wildlife refuges are increased by $33 million over last year. Even the National Endowment for the Arts gets a small increase, $7 million over the current fiscal year. Both the National Endowment for the Humanities and Office of Museums and Library Services will receive modest increases. Obviously we must do more in these areas, and we will in the future.

The bill also provides $8 million for the Northeast Home Heating Oil Reserve, and people are going to be very grateful for that because the cost of heating homes, offices, and businesses this winter will be less expensive as a result of that provision in this bill, Mr. Speaker.

The administration and the House Senate negotiators eliminated the most egregious antienvironmental riders, and they scaled back those that remain in the bill.

The Land Conservation Preservation and Infrastructure Improvement Program provides a historic $12 billion over 6 years for high-priority Federal and State conservation and preservation programs, a wonderful contribution.

This proposal actually improves on CARA by getting rid of the environmentally harmful provisions that would have encouraged new offshore drilling, would have allowed coastal funding to be used for environmentally damaging activities, and impose burdensome new restrictions on Federal land acquisitions. All that has been taken out in this terrific piece of legislation.

Twelve distinguished environmental conservation and historic preservation groups recognize the importance of this bill when they said as follows: ''This important and historic conservation initiative represents a major contribution to the effort to protect what remains of our irreplaceable natural heritage before it is lost.''

Mr. Speaker, I want to say to my colleagues that, in the 6 years that the gentleman from Ohio (Mr. REGULA) has chaired this subcommittee, he has done an outstanding job. I can only thank him for that on behalf of my constituents and all the people of this country. I only regret that his party put in place these term limitations because the kind of leadership that he has provided has been absolutely outstanding, and he is going to be a great loss. I know he is going to continue to be on the committee, I certainly hope so; and we will have the benefit of his wisdom in that sense. I thank the gentleman from Ohio.

I thank the gentleman from Washington (Mr. DICKS), our ranking member on the subcommittee, for the outstanding work that he has done, for the hard-fought contentious battles that he was engaged in to make certain that this bill is the kind of bill that every Member of this House can be proud of and every American citizen can be grateful for.

Mr. DICKS. Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Ohio (Mr. REGULA) has 9½ minutes remaining. The gentleman from Washington (Mr. DICKS) has 11½ minutes remaining.

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

Mr. DICKS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. FARR), a member of the Committee on Appropriations and a person who cares deeply about natural resource issues in our country.

Mr. FARR of California. Mr. Speaker, I thank the gentleman from Washington (Mr. DICKS) for yielding me this time. I thank the gentleman from Ohio (Mr. REGULA) for bringing this bill to the floor.

Many of us came to Washington, came to this House hoping that we could better use the national resources, the national treasure that we have to help preserve local initiatives in trying to build more livable communities.

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In thinking about it, I am sure my colleagues will agree that the most beautiful communities in the United States are usually the most economically successful. So economic development goes hand-in-hand with environmental protection or land stewardship, and this is the bill for the first time in history that allows this relationship to truly work.

I am here to applaud, to thank and praise my colleagues. For the first time since the inception of the Land and Water Conservation Fund in 1965, these funds are now earmarked for the purpose they were originally intended. That means they cannot be used for other purposes. Historically, in Congress, every time we had another problem, we would dip into that pot and use those funds. This committee changed that, and I thank them.

The people that will really thank this committee and this Congress is every county in the United States, every State in the United States, every community that now has a lot of passion about trying to work in environmental stewardship because they now have a new partner, and that partner will be the Federal Government, in a lot of different programs. Certainly every employee of the BLM, and people who follow the Bureau of Land Management; every employee of the U.S. Forest Service, of the United States Park Service, of the U.S. Wildlife Service, and the refuges that they help protect will benefit.

I just want to conclude, Mr. Speaker, by thanking the gentleman from Ohio (Mr. REGULA). I have served in the Congress with him and know him very well, and he is truly one of the leaders that people have talked about. Things do not get done in politics unless there is leadership. I want to thank all my colleagues, all the names that have been mentioned here today, because all America benefits. It takes leadership to lift the political tide, and those Members have lifted that political tide forever.

Mr. DICKS. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. NADLER), one of the strongest supporters of the Interior appropriation bill, and in particular the National Endowment for the Arts.

Mr. NADLER. Mr. Speaker, I rise in support of this bill, and I want to join my colleagues in applauding the role played by the outgoing chairman of the subcommittee, the gentleman from Ohio (Mr. REGULA) and also the role played by the gentleman from Washington (Mr. DICKS) and the gentleman from Wisconsin (Mr. OBEY), as well as the others in producing this bill.

This bill, Mr. Speaker, is far better than the version this House passed last June and is free of the most objectionable provisions of that bill. I am disappointed it does not contain the Conservation and Reinvestment Act as it was passed by the House, but I understand the reasons for it. This bill does greatly increase protections for open spaces, but I hope we will revisit the CARA, which would provide even greater protections.

At the same time, I strongly support the modest increase provided to the arts and humanities in this bill. Most notably, at long last, the National Endowment for the Arts will receive a well-deserved and much-needed increase.

The modest increase included in this bill would not ordinarily be cause for celebration, but when its comes to the NEA, it is historic. Given the unfortunate record this Congress has produced over the last 6 years and the parliamentary chicanery we witnessed earlier this year, it is a major victory for supporters of the arts and humanities. With this increase, we have turned a corner in our debate on the arts.

Just a few years ago, we were debating whether the NEA should be allowed to continue to exist; whether it was the proper role of government to subsidize the arts. But this increase is an acknowledgment that those of us who support government subsidy to the arts have won that fight.

The American people believe the Federal Government has a role in cultivating the arts and humanities and that we must increase our commitment in this area. With this increase, the NEA will be able to continue its mission to reach those parts of the country that have not historically received grants.

The appropriators should be hailed for increasing our commitment to arts education and community activity programs. They have also increased our support for the humanities and many cultural institutions. This is truly a victory for the cultural community.

But we cannot be satisfied with this victory. While this increase is a significant step forward, we must do more. The arts can flourish throughout this country, but only if we make a significant investment. With enormous budget surpluses projected for years to come, we clearly have the money to make this a reality. The question is will we have the will to follow up on this fine step forward.

Again, Mr. Speaker, I thank the people involved in this bill.

Mr. REGULA. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. DICKS. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, I can say it in shorter words; I am in awe of what the chairman, the gentleman from Ohio (Mr. REGULA) and the ranking member, the gentleman from Washington (Mr. DICKS), have done in this legislation. This is landmark legislation that Members seek for years and years to accomplish. Its impact is monumental.

To think that in the next 6 years there will be $12 billion for land acquisition, $2.4 of that for coastal management, is extraordinary. There will be unbelievable benefit for years because of this legislation.

I want to specifically thank both the chairman, and the ranking member, for honoring and recognizing my predecessor Stewart McKinney for what he attempted to do before he passed away—establish the McKinney Wildlife Refuge, off the coast of Connecticut.

Ninety-seven percent of the Connecticut shoreline has been developed, and 10 percent of the population of the United States lives in the immediate vicinity of Long Island Sound. We need to protect our islands and coastal wetlands.

I thank my colleagues for setting aside $1.5 million in appropriations for the acquisition of Calves Island for the McKinney Refuge. This is a continual process $2.5 million has already been appropriated, of the $6 million final purchase price, leaving only a $2 million balance for the 26 acre island off the coast of Greenwich.

I know my colleague, the gentlewoman from Connecticut (Ms. DELAURO) also appreciates what the committee has done for Calves Island and in the past for the Stratford Salt Marsh. We have worked on a bipartisan basis for that.

So I am here to acknowledge the good work the committee has done and to say that I am in awe of what the committee has accomplished. I thank them.

Mr. DICKS. Mr. Speaker, I yield myself such time as I may consume, and I would just conclude by saying that I think this is a great bill. I want to thank everyone who voted for the rule. I think we should pass this bill with an overwhelming vote. I would love to see it unanimous, though I doubt it will be.

Again, I want to commend our chairman and the staff. This is truly bipartisan legislation. I want to thank the White House, the President for his commitment to conservation. I want to thank George Frampton, head of the Council on Environmental Qualities, Jack Lu, Wesley Warren, Sylvia Matthews, Martha Foley, all the people from the White House who helped us through the negotiation process.

And I also want to thank the outside environmental groups who, when they evaluated our bill, came down almost unanimously on the side that it truly was what we told the American people it was: Historic legislation that will do much to improve our outdoor environment and protect it and protect endangered species. And out there in the great Northwest the money under this bill will be used to help restore our salmon runs and to restore our forests and do watershed restoration, all of these important things.

It also supports the arts. Also, out in the West, very importantly, $2.9 billion to deal with these wildfires. This is a huge problem throughout the West. I think there is much work that we need to do as a Congress, working with the Forest Service and the BLM and the other land agencies, in order to make sure that we have taken care of those forests so that they are not susceptible to catastrophic fire. All of that is done in this bill.

So again, Mr. Speaker, I appreciate the leadership of the gentleman from Ohio. I have enjoyed working with him on this bill. I urge all Members of the House to support this conference report.

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

Mr. REGULA. Mr. Speaker, I thank the gentleman for his comments.

I think, as the gentleman from Wisconsin (Mr. OBEY) said earlier, this conference was a great example of a lot of give and take, some of it a little testy at times, but in the final analysis I think we have a product that is good for the future of these United States.

I would like to close and just quote one section from the conference report. Section 141: The building housing the visitors center within the boundaries of the Chincoteague National Wildlife Refuge on Assateague Island, Virginia, shall be known and designated as the Herbert H. Bateman Educational and Administrative Center, and shall hereafter be referred to in any law, map, regulation, document, paper, or other record of the United States, as the Herbert H. Bateman Educational and Administrative Center.

I think our beloved colleague would be proud to have a building that is an educational and administrative center bear his name, and I am pleased that we could do that in our bill.

Mr. Speaker, I urge all our colleagues to vote for this landmark gift to the American people.

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise today in strong support for the $7 million increase in funding for the National Endowment for the Arts (NEA) over the FY2000 budget. This much needed funding is included in the FY2001 Interior Appropriations bill before us today which I support.

These additional funds will enable art education programs to flourish and continue to reduce youth violence and enhance youth development. If we are serious about curtailing youth violence, we must continue funding projects that achieve positive results. One such project, YouthArts, is a collaboration between the NEA, the Department of Justice and national and local arts agencies. This project is located in Portland, OR, Atlanta, GA and San Antonio, TX and has been successful in positive behavior change for the at risk youth participants. These adolescents have demonstrated improved communication, self-discipline, and intrapersonal skills, as well as a decreased frequency of delinquent behavior. For example, in Portland, communications skills in the YouthArts participants shot up from 43% at the beginning of the program to a full 100% by the end of the twelve weeks. Equally impressive, in San Antonio, 16.4% of participants had a decrease in delinquent behavior compared with 3.4% of their peers in a control group. It's obvious that the NEA and this program have the potential to inspire millions of America's youth across America to explore positive alternatives in their lives.

In my district, NEA has successfully cofunded the Ailey Camp in Kansas City. Alvin Ailey is a national dance troupe which conducts a six week dance camp now in its eleventh year which has provided opportunities for more than 1,000 urban, disadvantaged middle schoolers in Kansas City. This camp provides a vehicle, through art, for children to acquire self esteem and enjoy the experience of success. In addition to dance, the camp also has creative writing, personal development, antiviolence and drug abuse programs. Statistics confirm the success of this program through improved behavior and learning by these at risk children.

Art and music education programs extend back to the ancient Greeks who applied music when teaching math, for example. Current studies reaffirm that when music such as jazz is introduced by teachers into the classrooms, learning comes alive and improves math and verbal scores. A 1999 national report by the College Entrance Examination Board found that high school students with coursework in music performance and appreciation scored higher on SAT; 55 points higher on the verbal section and 40 points higher on the math section.

The NEA also funds several programs at the American Jazz Museum in Kansas City, the only museum of its kind in the country. Throughout the 1930's, Kansas City was known for its celebrated jazz music, and hosted music luminaries such as Count Basie and Charlie ''Bird'' Parker. NEA funding enables the museum to preserve and present jazz so that people from all over the city, the country, and the world may appreciate one of the first original American art forms.

Mr. Speaker, I urge my colleagues to join me in full support for increased funding for the National Endowment for the Arts. This support sends a message that art and music in the classroom and in the public sphere are valued and vital to a more creative and enriched future for all Americans.

Mr. UNDERWOOD. Mr. Speaker, I rise in support of H.R. 4578, a bill making appropriations to the Department of Interior and Related Agencies for FY 2001. I would also like to take this opportunity to thank Chairman BILL YOUNG and Ranking Member Mr. DAVID OBEY of the Committee on Appropriations, and Chairman RALPH REGULA and Ranking Member Mr. NORMAN DICKS of the Subcommittee on Interior Appropriations for their work on this important bill and for their support on issues affecting the territories.

I thank the members of the appropriations committee and the subcommittee for their work to ensure that Guam received $10 million for Compact Impact Aid in this year's interior appropriations bill given Guam's continuing economic recovery from the Asian financial crisis and our unprecedented 15.3 percent unemployment rate. Increasing Compact Aid for Guam has been a priority as the responsibility of supporting an unfunded federal mandate has placed a heavy financial burden on the people of Guam.

Also included in this legislation is the Lands Legacy Trust Fund which will provide $12 billion over the next six years to pay for land conservation, preservation and maintenance. This is an important program that will assist the territories conserve and preserve scarce lands and natural resources for future generations. While I am appreciative of the work the members have put into this legislation, I encourage them to continue to be mindful of the needs of the territories when funding for this important program is allocated.

Mrs. MALONEY of New York. Mr. Speaker, I rise today in support of this legislation, and particularly in support of the additional funding to combat invasive species and to provide arts education in rural and underserved communities.

Although I am disappointed that this legislation does not include all of the provisions included in the Conservation and Reinvestment Act, a bill that certainly has strong bipartisan support in both chambers, I am pleased that this bill funds a number of important national environmental priorities. I am also excited that we have finally given additional funding to the Challenge America Arts programs, the National Endowment for the Humanities and the Office of Museum Services.

The NEA has been working hard to support quality arts projects across the country. I strongly believe that these programs help all of America's communities develop critically important cultural resources.

Through NEA grants to local communities, support is provided for more than 7,400 K–12 arts educational programs in more than 2,600 communities all across this great Nation.

The additional investment in the Challenge America Arts Fund will target additional resources to rural and underserved communities around the country. I am pleased that we have taken this positive step to ensure that every community in America has the opportunity to enjoy local arts programming and activities.

Research has consistently shown that children who are exposed to the arts do better in school and have higher self-esteem. This extra funding will help bring these benefits with children in rural and urban communities that need it most.

I would also like to commend the additional funding included in this legislation to help eradicate invasive species. In New York, we have been forced to deal with the Asian Longhorned Beetle, which has already destroyed more than 2,600 trees. Earlier this year, these beetles were found again in New York City. This legislation will provide additional resources to fight the beetle and specifically includes $12 million in additional funds for forest health treatments to help control and eradicate invasive species.

I commend the conferees for including these additional resources, and I urge all of my colleagues to support this legislation.

Mr. LARSON. Mr. Speaker, I rise today to commend my colleagues on the Interior Appropriations Committee for including $8 million in this Conference Report on HR 4578, the Department of the Interior Appropriations Act for FY2001, specifically for the maintenance of a Home Heating Oil Reserve in the Northeast.

I have fought to see this reserve created for most of the last year. I was an original cosponsor of HR 3608, the Home Heating Oil Price Stability Act, which directs the Secretary of Energy to create a fuel oil reserve containing a total of 6.7 million barrels of heating oil. Under this legislation two million barrels of heating oil would be stored in leased storage facilities in the New York Harbor Area, and 4.7 million would be stored in one of the four existing Strategic Petroleum Reserve caverns in the Gulf Coast. The bill would give the President the authority to immediately release home heating oil to the Northeast when fuel oil prices in the United States rise sharply, during a fuel oil shortage, or during periods of extreme winter weather. I was pleased that the provisions of HR 3608 were ultimately included in HR 2884, the Strategic Petroleum Reserve Reauthorization bill, which passed the House on April 12, 2000. However, this bill has seen no further action in Congress' other legislative body.

During the initial debate on this bill, we put forth an amendment on June 15, 2000, that would have provided $10 million to actually create the Home Heating Oil Reserve. That amendments was defeated by a vote of 193–195. However, we were later successful in passing an amendment on June 27, 2000, authorizing a new regional home heating oil reserve in the Northeast during consideration of HR 4733, the Department of Energy Appropriation Act for Fiscal Year 2001. Unfortunately, the Conferees on the FY01 Department of Energy Appropriation bill saw fit to eliminate that authorization from the final Conference Report, the main reason I opposed final of that bill.

However, despite this Congress' inability to reauthorize the Strategic Petroleum Reserve and authorize the creation of a Home Heating Oil Reserve, the President has decided to move forward and create the Home Heating Oil Reserve in the Northeast under his executive authority. It is my understanding that the Department of Energy has already contracted to store one million barrels of home heating oil as part of this reserve in my home state of Connecticut. I am pleased that the members of the Interior Appropriations Subcommittee have included funding to ensure that the Reserve will be ready before the long New England winter has settled in.

This is a simple bread and butter, kitchen table issue that the people of this country should expect their government to address. There is no reason that people should have to choose between putting food on their table and heating their homes. I want to thank the members of the Committee for working to ensure that we have one more tool to combat the rising price of oil and protect our constituents from winter supply shortages.

Mr. BEREUTER. Mr. Speaker, this Member rises today to express his strong support for H.R. 4578, the conference report on the Interior appropriations bills. This Member would like to especially thank the distinguished gentleman from Ohio (Mr. REGULA), the Chairman of the Interior appropriations Subcommittee and the distinguished gentleman from Washington (Mr. DICKS), the Ranking Member of the Subcommittee for their hard work on this important bill.

This Member greatly appreciates the inclusion of funding for the Homestead National Monument of America near Beatrice, Nebraska, to begin implementing the recommendations of the recently completed General Management Plan. This bill provides $400,000 for land acquisition for a new visitors center.

Homestead National Monument of America commemorates the lives and accomplishments of all pioneers and the changes to the land and the people as a result of the Homestead Act of 1862, which is recognized as one of the most important laws in U.S. history. This Monument was authorized by legislation enacted in 1936. At the initiative of this Member, the FY96 Interior Appropriations legislation directed the National Park Service to complete a General Management Plan to begin planning for the General Management Plan, which was completed earlier this year, made recommendations for improvements that are needed to help ensure that Homestead is able to reach its full potential as a place where Americans can more effectively appreciate the Homestead Act and its effects upon the nation.

The General Management Plan calls for the creation of a new ''Homestead Heritage Center,'' a 28,000-square-foot energy-efficient facility which will house the Monument's collections, interpretive exhibits, public research facilities, and administrative offices. The focal point of the Center will be the Palmer-Epard Cabin, which will provide visitors with a realistic setting in which to learn about the life of homesteaders.

It is important to note that the current visitor center complex is located within a 100-year floodplain, which exposes the Monument's facilities as well as valuable artifacts and supporting materials to the threat of flood damage. The new ''Homestead Heritage Center'' would be located outside of the 100-year floodplain and offer protection for the Monument's historic and prehistoric collections, archives and museum galleries.

Homestead National Monument of America is truly a unique historical and interpretative treasure among the National Park Service jewels. The authorizing legislation makes it clear that Homestead was intended to have a special place among Park Service units. According to the original legislation:

''It shall be the duty of the Secretary of the Interior to lay out said land in a suitable and enduring manner so that the same may be maintained as an appropriate monument to retain for posterity a proper memorial emblematic of the hardships and the pioneer life through which the early settlers passed in settlement, cultivation, and civilization of the great

West. It shall be his duty to erect suitable buildings to be used as a museum in which shall be preserved literature applying to such settlement and agricultural implements used in bringing the western plains to its present state of high civilization, and to use the said tract of land for such other objects and purposes as in his judgment may perpetuate the history of this country mainly developed by the homestead law.''

Clearly, this authorizing legislation sets some lofty goals. I believe that the establishment of the ''Homestead Heritage Center'' would begin the process of realizing these goals.

In closing, Mr. Speaker, this Member urges his colleagues to support passage of the conference report on H.R. 4578.

Mr. JONES of North Carolina. Mr. Speaker, I rise today to protest the funding levels for the National Endowment for the Arts.

Last week my colleague from Indiana stood in this well to discuss the play called ''Corpus Christi'' a play that depicts all the Apostles as the homosexual lovers of Christ.

While the Government did not directly fund the play, the American taxpayer funded the theater through the National Endowment for the Arts. Last year, this theater received two grants, $50,000 apiece.

Many of us in this Chamber believe that Jesus Christ is our Lord and Savior. It is immoral and reprehensible to us that we must fund a theater that would stage this depraved production that some government bureaucrat considered art.

In the name of art, many on the other side of the aisle will suggest this issue be about freedom of speech. But, once again the National Endowment for the Arts has shown it has little responsibility or accountability to the taxpayers.

Does freedom of speech not come with a modicum of responsibility? Not if you're the National Endowment for the Arts. The NEA has developed a pattern, continuing to this day, of throwing dollars to organizations so that they may promote religious bigotry and pornography.

Now, I'm not against the arts. I believe there is an important role for arts in society. But let's have a standard for what should be publicly funded.

This chamber agreed to a freeze, to cap the funds for the National endowment for the Arts. But again, I see we're increasing funding for this program with little or no accountability to the taxpayer to the tune of $105 million next year. I'm a music lover but this tune sounds flat to me.

I am offended that this program allows obscene, pornographic, immoral and blasphemous theaters to be funded with our tax dollars. Let the theater or the production company find the funding for that. From someplace other than the American taxpayer.

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

The SPEAKER pro tempore (Mr. LAHOOD). Without objection, the previous question is ordered on the conference report.

There was no objection.

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

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The Chair will reduce to 5 minutes the time for any electronic vote on the motion to suspend the rules on which the yeas and nays were postponed earlier today.

The vote was taken by electronic device, and there were—yeas 348, nays 69, not voting 16, as follows:

[Roll No. 507]

YEAS—348

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Coble
Collins
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Edwards
Ehlers
Ehrlich
Engel
English
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Granger
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Hastings (WA)
Hayes
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (CT)
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
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
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (PA)
Phelps
Pickett
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spence
Spratt
Stabenow
Stark
Stenholm
Strickland
Stump
Sununu
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—69

Archer
Barr
Barton
Berry
Blunt
Brady (TX)
Bryant
Burr
Burton
Cannon
Chabot
Chambliss
Chenoweth-Hage
Coburn
Combest
Cox
Crane
DeMint
Duncan
Emerson
Gibbons
Goode
Graham
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hayworth
Hoekstra
Hostettler
Hulshof
Hutchinson
Istook
Jefferson
John
Johnson, Sam
Jones (NC)
Largent
Metcalf
Miller, Gary
Myrick
Peterson (MN)
Petri
Pickering
Pitts
Pombo
Ramstad
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Smith (MI)
Stearns
Stupak
Talent
Tancredo
Tauzin
Thornberry
Tiahrt
Toomey
Vitter
Young (AK)

NOT VOTING—16

Baca
Dunn
Eshoo
Franks (NJ)
Hastings (FL)
Hefley
King (NY)
Lazio
Martinez
McCollum
McIntosh
Paul
Riley
Souder
Vento
Wexler

☐ 1431

Messrs. METCALF, HUTCHINSON, SCARBOROUGH, PETRI, BURTON of Indiana, TANCREDO and PICKERING changed their vote from ''yea'' to ''nay.''

Ms. SCHAKOWSKY and Mr. FOSSELLA changed their vote from ''nay'' to ''yea.''

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.

SENSE OF HOUSE REGARDING FIGHT AGAINST BREAST CANCER

The SPEAKER pro tempore (Mr. LAHOOD). The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 278.

The Clerk read the title of the resolution.

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

COBURN) that the House suspend the rules and agree to the resolution, H. Res. 278, on which the yeas and nays are ordered.

This will be a 5 minute vote.

The vote was taken by electronic device, and there were—yeas 420, nays 0, not voting 14, as follows:

[Roll No. 508]

YEAS—420

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
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
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
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
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
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
Hastert
Hastings (WA)
Hayes
Hayworth
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)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
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)
McCrery
McDermott
McGovern
McHugh
McInnis
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
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
Sensenbrenner
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
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
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
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—14

Coburn
Dunn
Eshoo
Franks (NJ)
Hastings (FL)
Hefley
King (NY)
Lazio
McCollum
McIntosh
Paul
Riley
Vento
Wexler

□ 1441

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 110, FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2001

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 604 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 604

Resolved, That upon adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 110) making further continuing appropriations for the fiscal year 2001, and for other purposes. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

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

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MOAKLEY), 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. Speaker, House Resolution 604 is a closed rule providing for consideration of H.J. Res. 110, a resolution making further continuing appropriations for fiscal year 2001.

H. Res. 604 provides for one hour of debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the joint resolution. Finally, the rule provides one motion to recommit, as is the right of the minority.

□ 1445

Mr. Speaker, as my colleagues know, the current continuing resolution expires at the end of the day on Friday, and a further continuing resolution is necessary to keep the government operating while Congress completes consideration of the remaining appropriations bills. H.J. Res. 110 is a clean continuing resolution that simply extends the provisions included in the H.J. Res. 109 through October 14.

Mr. Speaker, it takes a lot of hard work and tough decision-making to fund the Federal Government. We have been working hard to overcome the hurdles in our path and complete the appropriations process as soon as possible. However, honest disagreement exists between the majority and the minority on many of the appropriations bills. This fair, clean, continuing resolution will give us the time we need to resolve these differences and complete the remaining fiscal year 2001 appropriations bills.

This rule was unanimously approved by the Committee on Rules yesterday, and I urge my colleagues to support it so we may proceed with the general debate and consideration of this bill.

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

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

Mr. Speaker, I thank my colleague, the gentleman from Georgia (Mr. LINDER) for yielding me the customary half hour.

Mr. Speaker, this is the second continuing resolution and it should come as no surprise to anyone. The 1974 Budget Act requires us to finish 13 appropriation bills before October 1, so this is really nothing new.

But at the beginning of the session, my Republican colleagues said they planned to have all this work finished on time, but a few months ago, my Republican colleagues passed a budget containing $1 trillion in tax cuts, mostly for the rich. Their budget left no money for middle-class tax cuts, Social Security preservation, school construction, Medicare prescription drug benefits.

Now, it is October 3, Mr. Speaker, and my Republican colleagues' unrealistic budget has left them very much behind on the appropriation process.

So to make matters worse, Mr. Speaker, most of last week we spent our time voting on noncontroversial suspension bills. Today, 2 days into the new fiscal year, 11 out of 13 appropriation bills have yet to be signed into law. The Senate has yet to pass VA-HUD, the Commerce-Justice, and they have not even reported Treasury-Postal.

The House has just to pass Agriculture, Transportation, and our Labor, Health and Human Services conference reports. The Senate has not passed either the legislative branch of the Interior conference reports. President Clinton has vowed to veto the Energy and Water conference report.

Mr. Speaker, Foreign Operations, and the District of Columbia have not even been sent to conference. Mr. Speaker, in order to keep the Federal Government open for business, Congress must either pass 11 more appropriation bills that the President can sign by Friday or pass this continuing resolution. So this continuing resolution will keep the Federal Government open until October 14, despite the unfinished bills.

Mr. Speaker, I urge my Republican colleagues to finish the work to pass the bills that President Clinton will sign and to fulfill their responsibility to the American people.

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

Mr. LINDER. 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.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.J. Res. 110 and that I may include tabular and extraneous material.

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

There was no objection.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2001

Mr. YOUNG of Florida. Mr. Speaker, pursuant to House Resolution 604, I call up the joint resolution (H.J. Res. 110) making further continuing appropriations for the fiscal year 2001, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The text of H.J. Res. 110 is as follows:

H.J. RES. 110

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 106–275 is amended by striking ''October 6, 2000'' in section 106(c) and inserting in lieu thereof ''October 14, 2000''.

The SPEAKER pro tempore. Pursuant to House Resolution 604, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the second CR which is before us today merely extends the date of the original CR from October 6, 2000 through October 14, 2000. We need to do this because, although the House has passed all 13 bills, and as of a few minutes ago we now passed 6 of the conference reports, there are several that still have not passed, and we need to get those done.

We are moving along fairly well. We finished the conference report on the Transportation bill this morning. We will file that this afternoon and hopefully have it on the floor tomorrow.

Also we are scheduled to meet in conference on the Agricultural appropriations bill this afternoon, and we would hope that we can finish that tonight and have it ready for consideration by the House before the week is over.

We are moving, but there are still a few outstanding issues that need to be resolved, most of which, by the way, Mr. Speaker, are not really appropriations items, but they have to do with other items that have been placed upon these bills.

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

Mr. OBEY. Mr. Speaker, I yield myself 7 minutes.

Mr. Speaker, again, there is nothing new with what we are doing here today. We have in the past had Congresses that have failed to get their appropriations work done on time and so they have required continuing resolutions; that is not the issue. The issue is why we are here on this occasion still in this same crunch, and when you answer that question, you see why this session is different from so many others in the history of the Congress.

It is different, because in past years when the Congress failed to get its appropriations work done on time, it was usually because there were honest fights which were occurring over funding levels for programs all the way through, and you had honest fights between honest pieces of legislation. And it was clear what each side in those controversies were trying to do.

This year has been different. This year we have seen bill after bill after bill come to the floor initially and each time those bills came to the floor, we were told by the majority leadership, well, we know the bill does not make sense at this point, but this is only the first inning, we will fix it up along the way.

Basically, the reason that we are stuck here today and the problem we face today does not have so much to do with what people are now doing or not doing to bring this session to a close, what we are really faced with is the consequences of what was not done in the first 10 months of this session. What was not done was to bring bills to the floor which were a genuine reflection of the intention of the majority party and which were a genuine reflection of what we really in the end expected the Congress to produce in each of the 13 appropriation categories.

Those bills essentially were political press releases put out so that the majority party could continue to pretend that there was room in the budget to fund their huge tax packages, the large majority of the breaks in those packages being directed to the most well-off among us in this society. They wanted to continue the fiction they could afford those huge tax packages, also at the same time provide a pay down of debt, a huge increase in the military budget of some $20 billion, although not nearly as much of it went to readiness as the President asked for.

In order to maintain those fictions, they maintained the pretense that this Congress is going to spend about $40 billion less than, in fact, it will wind up now spending. So now we are stuck here seeing this institution having great difficulty finding the off button so that people can go home.

As I said many times, that is not the fault of the majority on the Committee on Appropriations, they are practical realists. They have tried time and time again to demonstrate what kind of legislation could be passed. And when you deal with legislation straightforwardly and forthrightly and produce legislation which honestly reflects the priorities of the House, then you can pass it with a bipartisan majority on both sides; that was just demonstrated on the previous appropriations bill that we passed today.

The problem we have is now after pretending to be fiscal tightwads for almost 9 months, the majority party is now in its rush to go home, now trying to jam a lot of money into a lot of bills in a very short period of time in order to get out of here. But they were still refusing to recognize that of the new money being put on the table, a good piece of that needs to be put in the bill that funds the education, health, social service and worker protection programs in the Federal budget.

They are refusing to put money in that bill, but they put billions more in the energy and water bill, and they will put billions more in other appropriation bills as they move through this

place. Some of those decisions will be responsible, a good many of them, in my view, will not be. So this Congress has no choice but to vote for this continuing resolution in order to keep the government open.

The reason we are in this situation is simply because the product that the Committee on Appropriations was forced by the majority leadership to produce was not a genuine product in the first place. The committee knew that on the majority side of the aisle. The committee knew that on the minority side of the aisle. I think everyone knew that on both sides of the aisle on and off the committee, but for the sake of pretense, this charade has gone on for 10 months, and only now are the real choices being faced and wrestled with.

Mr. Speaker, I regret the fact that my friend, the gentleman from Florida (Mr. YOUNG), has to bring another continuing resolution before us. He has no institutional choice, we have no institutional choice but to vote for it if we are to be responsible. But I regret very much the 9-month charade that has preceded what we are now trying to do in the last inning days of the session.

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

Mr. YOUNG of Florida. Mr. Speaker, I have no further requests for time, except to close, and I reserve the balance of my time.

Mr. OBEY. I yield 4 minutes to the distinguished gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I thank the gentleman from Texas for yielding me the time.

Mr. Speaker, I rise in support of the CR today and take no quarrel with the gentleman from Florida (Chairman YOUNG) for his handling of this bill and any other bill that he has been handling.

I am somewhat disappointed by, as the gentleman from Wisconsin (Mr. OBEY) has been talking about, the process to the extent that we have taken action on appropriation bills. We have been increasing spending appropriations in bills above the amounts requested by the President, without any indication how all the increased spending we have passed will fit within a fiscally responsible budget.

Mr. Speaker, I think people need to understand how this game is being played today, because the majority, the leadership I might say, has said that we are going to put our priorities and we are going to take out the President's priorities, and then any increase that is going to be on increased spending we are going to blame on him. That is not the way it ought to work.

This place ought to work if we are interested in keeping a fiscally responsible budget. If there is a plan on how we can continue to pass appropriation bills which spend more than the President has requested, plus all the tax cut items and other spending items and fit them into the new budgetary framework, I wish someone would explain it to me, and I think I speak for the majority on both sides of the aisle.

□ 1500

According to recent press accounts, the congressional leadership intends to quietly raise the discretionary spending limits for 2001 in the first omnibus appropriation bill.

I do not object to raising the caps for 2001. Everybody realizes the spending caps set in the Balanced Budget Act of 1997 were unrealistic. But if we are going to raise the spending cap for 2001, we should be looking at setting new, realistic discretionary spending caps for 2002, 2003, 2004, 2005, and 2006.

The existing caps for fiscal year 2002 are even more unrealistic than they are for next year. Unless we set new, realistic caps, we will face the same problem next year with discretionary caps that are ignored and no discipline on discretionary spending, and the finger of blame being pointed on both sides of the aisle.

More importantly, the discretionary spending caps expire after 2002, leaving no discipline on discretionary spending at all.

If the Republican leadership is truly interested in controlling spending, I would encourage them to again consider the Blue Dog proposal to set new discretionary caps for the next 5 years now, while we have an opportunity.

We are suddenly hearing a lot of rhetoric from the other side regarding the 90/10 plan and the majority's commitment to debt reduction. I would have preferred that the leadership had been as enthusiastic about that position 6 months ago when we offered the same budget, which would have made debt reduction the top priority for the surplus, instead of pursuing tax cuts that would consume all the surplus.

But I am glad we have come around to our way of thinking. Unfortunately, the substance of the 90/10 plan falls short of the recent rhetoric coming from the other side about debt reduction. If we have a moral obligation to pay off the debt as soon as possible, as the leadership has said, then why does the Republican leadership's debt reduction plan only apply to next year? Why can we not take action now to extend the plan to set aside surpluses for debt reduction until we have eliminated the entire national debt?

The 90/10 plan being touted by my Republican colleagues would leave Congress free to abandon our moral obligation to debt reduction and return to fiscally irresponsible proposals to use the entire surplus for tax cuts and increased spending next year.

Instead of continuing an ad hoc process without any real plan, we need to reach agreement between Congress and the President on an overall budget framework that ensures that we have enough resources to meet our various tax cut and spending priorities and pay down the debt, and then extend the discipline by setting new discretionary caps and agreeing on a plan to eliminate the national debt.

There are some on this side of the aisle that would like very much to join in that endeavor.

Mr. OBEY. Mr. Speaker, I yield 4 minutes to the distinguished gentlewoman from the District of Columbia (Ms. NORTON), who sadly has no vote on this floor, but happily, at least, has a voice.

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding time to me, especially given the very special circumstance in which I find myself.

This process has to be as frustrating for my Republican colleagues as for Democrats. After all, we are stuck here with the overwhelming number of our appropriations unresolved this late, and into a new fiscal year.

I do believe I have a right to be more frustrated than most because mine is not a case of delay in funding Federal agencies. It is more complicated than that. You are asking me to put an entire city of half a million people on hold, the city that I represent.

It is important for the House to be aware of what happens when we put a city on hold. In this high-crime big city, 175 new police officers now cannot be hired; 88 new firefighters, to help fill out the depletion that occurred when the District was in financial crisis in the 1990s, cannot be hired.

We have five new charter schools, and that is what this Congress has most wanted. They are now in operation. We have the largest number of charter schools in the United States, but there is no money for these new charter schools, making their start very shaky, because they are already in operation. School has begun.

There is $4.5 million for school recreation centers to get our kids off the streets during the busy crime hours between 3 and 6; that is on hold.

To the public, this seems like games we play with ourselves. Games or not, it is far more serious for the District of Columbia than for any other place in the United States. The District got its work done on time. We have submitted a balanced budget with a surplus. Because the Congress has not done its work, the District cannot begin to spend its own money, raised in the District of Columbia from its own taxpayers.

We cannot continue to treat this city this way. We need a new process, Mr. Speaker.

I have just called the Mayor to say to our new Mayor, the mayor who has received so much in lip service compliments for the work that he has done already in the District, to say ''Mr. Mayor, your city is on hold for CR number 2.''

We have a new Mayor. We have a new council exercising excellent oversight. They have done what the Congress said they should do. Everything in the District is new. Painstaking reforms are occurring. There is a new government in the throes of wholesale

reform. The very least this body should do is to let that government take care of itself and begin to spend its own money.

The only thing that is not new about the District of Columbia is the process that the Congress forces upon it in order for the city to spend its own money. I ask that we look closely at this process, and I ask Members to help me next year to change this process and free D.C.

Mr. OBEY. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the distinguished ranking member for yielding time to me, and again I rise, as the gentleman from Texas (Mr. STENHOLM) rose, to say to my distinguished chairman and friend, who does a great service for this institution of the House and a great service for the Committee on Appropriations, and it is a better committee for his service, but unfortunately, he was given a no-win task at the beginning of this year.

Mr. Speaker, let me quote: ''Nobody has ever done this many this quick in less time.'' Some may recall that that was the self-congratulatory statement in July of the majority leader, the gentleman from Texas (Mr. ARMEY), regarding this body's passage of all 13 appropriation bills through the House.

Even, frankly, the New York Times could not contain itself. The headline over a story earlier this year cried out, ''GOP passes spending bills at record clip.'' But oh, what a difference a few months makes, and, I might say, a dose of reality. We had passed in July and sent to the President two of 13 appropriation bills that were signed into law. August came and went. September came and went. We have two bills signed by the President of the United States and 11 still pending.

Now, we have passed the energy and water, and the President says he is going to veto that. So the two out of 13 was the same as we had in July, and despite the fact that both chambers have since passed the energy and water spending bill, the President vowed again just the other day to veto it.

In addition to the haste, I might say, that we passed these bills in, there was a great deal of hubris, too, on the part of the leadership, which acted as if we could disregard the views of the minority and the fact that it only held a six-seat margin.

My friends on the other side of the aisle have said that that makes it difficult. I agree. The only way it can be done is for us to come together and work together, realizing that the American people have elected 435 folks who have differences of opinion, 100 members of the Senate who have differences of opinion, and, as Speaker Gingrich pointed out and I referenced last week when we passed the CR, a president of the United States who does not agree with some of us.

Apparently it just never occurred to the Republican leadership that it needed to or should reach out to Democrats and to the President and try to strike a bipartisan budget resolution last April. That is why we are here, because the budget resolution passed on a partisan vote was not reasonable, was not acceptable, and could not be implemented, no matter how talented the gentleman from Florida (Mr. YOUNG) or the subcommittee chairmen were on the Committee on Appropriations. Everybody knew that and said it in April. That is why we are here.

Instead, they forged ahead, and I do not mean the chairman. He was directed to do that. They forged ahead with a budget plan that even many of my Republican friends knew was unrealistic and could not be implemented.

Were we really going to eliminate Head Start for more than 40,000 children to make room for big tax cuts? Were we really going to cut more than 600 FBI agents and 500 DEA agents? Were we really going to provide Pell grants to 316,000 less young people to go to college? Of course not. Neither that side of the aisle nor this side of the aisle thought that was going to occur.

So in failing to come up with a reasonable budget resolution, and I want to tell the Members, I voted for a couple. I particularly voted for the one that the gentleman from Texas (Mr. STENHOLM) offered which said, let us do 50 percent debt reduction, 25 percent for investment and 25 percent for targeted tax cuts. That made sense. Even if we did one-third and one-third and one-third, that would have made sense.

Now, however, because of our failure to enact a reasonable budget resolution, we are operating in an unrestrained, unidentified budget context without parameters. I do not think that is what anybody wants to do. It is certainly not what I want to do.

Yesterday my good friend, the gentleman from Alabama (Mr. CALLAHAN), a Republican leader in this House, a man of great wisdom, in my opinion, and great integrity, he is a member of the Committee on Appropriations whom I respect and who understands the necessity of legislative consensus, he was quoted in Roll Call: ''We knew all along we would appear to be losing when we broke these limits in the budget resolution.''

So this was predictable. The day of reckoning was as foreseeable as the beginning of the new school year, the turning of leaves, and the start of the football season.

The responsibility for this logjam lies with those who thought this budget resolution was reasonable.

Mr. Chairman, I urge my colleagues, however, obviously, to vote for this continuing resolution. It is not the Chairman's fault that this continuing resolution is here. We have not finished our business. Who is responsible for that? All of us. We understand that.

But I speak not so much in a partisan vein but for this institution, because if we come together, whether it is next year or the year after or whatever, in an attempt to pass appropriation bills that we can send to the President in a timely fashion, then we will not lose the leverage as a legislature, and forget about Republicans, Democrats, or who is president, but as a legislative body.

But every week that goes by, we lose leverage. That is not good for the institution of the Congress. I argued that when we were in control, and I will argue it when they are in control. Let us work together to approve the remaining spending bills. I just voted for one. I was glad to see it passed. I hope the President signs it. That is what we should have been doing all along.

I want to tell my friends, I think that 90 percent of the Republicans on the Committee on Appropriations knew that to be the case and wanted to do that. I hope we can do that, Mr. Chairman, as we conclude this session, and I hope we certainly can do it next year, whatever the outcome of the election.

Again, in closing, let me congratulate the chairman. Let me congratulate the ranking member. I do not know anybody in this body who works harder, who is more conscientious, who is more courageous in standing up for his beliefs and the beliefs of his party than the gentleman from Wisconsin (Mr. OBEY).

But I very frankly think that the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) are working together in a way in which America can be proud and can place its trust in. I am just sorry that they could not get the rest of us perhaps to go along in as bipartisan a fashion as they most of the time have the opportunity to do.

Mr. OBEY. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, the problem we face, as was described by the gentleman from Texas (Mr. STENHOLM), is that we essentially have no idea what the limits are. We had a phony limit that was produced in the original budget resolution in the spring, and the House pretended that it was going to live with the spending limit or discretionary funds laid out in that resolution.

□ 1515

But we all know that, for the third year in a row, that understated the reality by about $40 billion in terms of what the Congress would eventually do.

Now, following that pretense, for a long period of time this year, we now have been given a new construct by the majority party leadership. They have said, well, under our new 90/10 arrangement for use of our surplus, $28 billion will be available plus $13 billion because they are recomputing the base from which they were operating. That gives us about $40 billion on the table which can be used for tax actions or for spending actions or for entitlement actions.

The problem is that that is outlays. We measure the deficit in outlays. But

because we do not spend all of the money that we appropriate in any given year, there is a difference between what the committee actually appropriates and what is actually outlaid in any given fiscal year.

So because of that difference, what is really on the table is up to $80 billion in additional spending. The problem is no one knows what the plans are for using that huge amount of money. So we are asked to approve a bill at a time. I voted against the Energy-Water bill because I did not know whether we ought to be providing that much money in that bill when we still did not know what the other bills were going to look like.

So we are drifting along with no idea of what the limits are, no context, no limits, no discipline, someone in the leadership office having some idea of what the game plan is. That changes from day to day. But we do not know so we cannot tell our constituents, and the press certainly does not know.

So in the end, we will do what about six anonymous people in the leadership office tells us will be done, but that is not the way we ought to run a railroad or a legislative body. We ought to be able to know what the limits are so that we can choose within those limits. That is not a privilege which is being afforded us. There is not much we can do about that on the minority side of the aisle. But it is an irresponsible way to run what is supposed to be the greatest legislative body in the world.

Mr. Speaker, is the gentleman from Florida (Mr. YOUNG) going to yield back?

Mr. YOUNG of Florida. Mr. Speaker, I will yield back after I make a closing statement.

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

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the indication of support for the CR. The gentleman from Wisconsin (Mr. OBEY) is exactly right. We have to do this from the institutional standpoint. So we are going to pass this CR today.

I listened to the gentleman from Maryland (Mr. HOYER), one of the more articulate members of this Congress. I would have to say that I agree with an awful lot of what he said. Our budget process is less than perfect. But I want to make sure that everybody understands that the budget process is just one piece of the process. The appropriations process is something entirely different, although it might seem to some that they are both one and the same; but they are not.

But, unfortunately, the appropriations process becomes captive to the budget process on occasion, and we are not the masters of our own destiny sometimes when it comes to the appropriations process.

But we have done a good job in the House. The House can be proud of the fact that, yes, in fact we did pass all of our bills, and we passed them fairly early. In fact, all 13 bills were passed before the end of July, except for D.C., The D.C. bill was actually on the floor in July but was pulled off the floor for some other measure that apparently had more importance at one point or another.

Also, we have passed, in terms of conference reports, through the House the Defense conference report, the Military Construction conference report, the Energy and Water conference report, the Treasury-Postal conference report, the Legislative Branch conference report, and the Interior conference report, which we passed just a short time ago today.

We have completed the conference on the Transportation appropriations bill this morning. At 4 o'clock this afternoon, we will convene a conference meeting on the Agricultural appropriations bill.

So we are moving on our responsibility, but we, in the House, are only one-third of the players. The other body is a player and the President of the United States is a player. When it gets to the point that bills are sent to the President, and we do not know what he is going to do on some of these bills, he becomes as powerful as two-thirds of this House and two-thirds of the Senate. Because if he vetoes one of our bills, it takes two-thirds of both Houses to override the veto.

So we try to work together. I think what we saw earlier today on the Interior appropriations bill was an indication of how, if we work together, both sides, the majority, the minority, understanding that there are strong differences, to resolve those differences, it is amazing what we can accomplish. I am really proud of the House for the strong vote that we received for the Interior bill just a short time ago.

So Mr. Speaker, it is essential that we pass this CR today, and I again appreciate those statements from the minority, from the gentleman from Wisconsin (Mr. OBEY), recognizing that it is important to pass the CR today that would keep the government operating to the 14th of October. Hopefully by then we will have much more positive and constructive news to report.

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

The SPEAKER pro tempore (Mr. LAHOOD). All time for debate is expired.

The joint resolution is considered as having been read for amendment.

Pursuant to House Resolution 604, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the joint resolution.

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

Mr. OBEY. 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 415, nays 1, not voting 17, as follows:

[Roll No. 509]

YEAS—415

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
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
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
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 (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
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)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
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)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty

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
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
Sensenbrenner
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
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
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
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

DeFazio

NOT VOTING—17

Ballenger
Dunn
Eshoo
Franks (NJ)
Hastings (FL)
Hefley
Hinojosa
Houghton
King (NY)
Lazio
McCollum
McIntosh
Meehan
Paul
Riley
Vento
Wexler

□ 1543

Mr. CONDIT changed his vote from ''nay'' to ''yea.''

So the joint resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. RILEY. Mr. Speaker, I was unavoidably detained for rollcall No. 506, H. Res. 603, waiving Points of Order against the Conference Report on H.R. 4578. Had I been present I would have voted ''yea.'' Mr. Speaker, I was unavoidably detained for rollcall No. 507, H.R. 4578, the Interior Appropriations Conference Report for Fiscal Year 2001. Had I been present I would have voted ''yea.'' Mr. Speaker, I was unavoidably detained for rollcall No. 508, H.J. Res. 278, expressing the sense of the House of Representatives regarding the importance of education, early detection and treatment, and other efforts in the fight against breast cancer. Had I been present I would have voted ''yea.'' Furthermore, Mr. Speaker, I was unavoidably detained for rollcall No. 509, H.J. Res. 110, making further appropriations for fiscal year 2001. Had I been present I would have voted ''yea.''

FURTHER MESSAGE FROM THE SENATE

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

H.R. 3767. An act to amend the Immigration and Nationality Act to make improvements to, and permanently authorize, the visa waiver pilot program under section 217 of such Act.

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

S. 2045. An act to amend the Immigration and Nationality Act with respect to H–1B nonimmigrant aliens.

□ 1545

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. MORELLA). Pursuant to clause 8 of rule XX, the Chair announces that she will postpone further proceedings today on the remaining motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken tomorrow.

PROVIDING FOR CONCURRENCE BY HOUSE WITH AN AMENDMENT IN SENATE AMENDMENTS TO H.R. 707, DISASTER MITIGATION ACT OF 2000

Mrs. FOWLER. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 607) providing for the concurrence by the House with an amendment in the Senate amendments to H.R. 707.

The Clerk read as follows:

H. RES. 607

Resolved, That upon the adoption of this resolution the House shall be considered to have taken from the Speaker's table the bill H.R. 707, with the amendment of the Senate thereto, and to have concurred in the amendment of the Senate to the text with the following amendment:

In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Disaster Mitigation Act of 2000''.

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

Sec. 1. Short title; table of contents.

TITLE I—PREDISASTER HAZARD MITIGATION

Sec. 101. Findings and purpose.
Sec. 102. Predisaster hazard mitigation.
Sec. 103. Interagency task force.
Sec. 104. Mitigation planning; minimum standards for public and private structures.

TITLE II—STREAMLINING AND COST REDUCTION

Sec. 201. Technical amendments.
Sec. 202. Management costs.
Sec. 203. Public notice, comment, and consultation requirements.
Sec. 204. State administration of hazard mitigation grant program.
Sec. 205. Assistance to repair, restore, reconstruct, or replace damaged facilities.
Sec. 206. Federal assistance to individuals and households.
Sec. 207. Community disaster loans.
Sec. 208. Report on State management of small disasters initiative.
Sec. 209. Study regarding cost reduction.

TITLE III—MISCELLANEOUS

Sec. 301. Technical correction of short title.
Sec. 302. Definitions.
Sec. 303. Fire management assistance.
Sec. 304. President's Council on Domestic Terrorism Preparedness.
Sec. 305. Disaster grant closeout procedures.
Sec. 306. Public safety officer benefits for certain Federal and State employees.
Sec. 307. Buy American.
Sec. 308. Treatment of certain real property.
Sec. 309. Study of participation by Indian tribes in emergency management.

TITLE I—PREDISASTER HAZARD MITIGATION

SEC. 101. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) natural disasters, including earthquakes, tsunamis, tornadoes, hurricanes, flooding, and wildfires, pose great danger to human life and to property throughout the United States;

(2) greater emphasis needs to be placed on—

(A) identifying and assessing the risks to States and local governments (including Indian tribes) from natural disasters;

(B) implementing adequate measures to reduce losses from natural disasters; and

(C) ensuring that the critical services and facilities of communities will continue to function after a natural disaster;

(3) expenditures for postdisaster assistance are increasing without commensurate reductions in the likelihood of future losses from natural disasters;

(4) in the expenditure of Federal funds under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), high priority should be given to mitigation of hazards at the local level; and

(5) with a unified effort of economic incentives, awareness and education, technical assistance, and demonstrated Federal support, States and local governments (including Indian tribes) will be able to—

(A) form effective community-based partnerships for hazard mitigation purposes;

(B) implement effective hazard mitigation measures that reduce the potential damage from natural disasters;

(C) ensure continued functionality of critical services;

(D) leverage additional non-Federal resources in meeting natural disaster resistance goals; and

(E) make commitments to long-term hazard mitigation efforts to be applied to new and existing structures.

(b) PURPOSE.—The purpose of this title is to establish a national disaster hazard mitigation program—

(1) to reduce the loss of life and property, human suffering, economic disruption, and disaster assistance costs resulting from natural disasters; and

(2) to provide a source of predisaster hazard mitigation funding that will assist States and local governments (including Indian tribes) in implementing effective hazard mitigation measures that are designed to ensure the continued functionality of critical services and facilities after a natural disaster.

SEC. 102. PREDISASTER HAZARD MITIGATION.

(a) IN GENERAL.—Title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.) is amended by adding at the end the following:

''SEC. 203. PREDISASTER HAZARD MITIGATION.

''(a) DEFINITION OF SMALL IMPOVERISHED COMMUNITY.—In this section, the term 'small impoverished community' means a community of 3,000 or fewer individuals that is economically disadvantaged, as determined by the State in which the community is located and based on criteria established by the President.

''(b) ESTABLISHMENT OF PROGRAM.—The President may establish a program to provide technical and financial assistance to States and local governments to assist in the implementation of predisaster hazard mitigation measures that are cost-effective and are designed to reduce injuries, loss of life, and damage and destruction of property, including damage to critical services and facilities under the jurisdiction of the States or local governments.

''(c) APPROVAL BY PRESIDENT.—If the President determines that a State or local government has identified natural disaster hazards in areas under its jurisdiction and has demonstrated the ability to form effective public-private natural disaster hazard mitigation partnerships, the President, using amounts in the National Predisaster Mitigation Fund established under subsection (i) (referred to in this section as the 'Fund'), may provide technical and financial assistance to the State or local government to be used in accordance with subsection (e).

''(d) STATE RECOMMENDATIONS.—

''(1) IN GENERAL.—

''(A) RECOMMENDATIONS.—The Governor of each State may recommend to the President not fewer than 5 local governments to receive assistance under this section.

''(B) DEADLINE FOR SUBMISSION.—The recommendations under subparagraph (A) shall be submitted to the President not later than October 1, 2001, and each October 1st thereafter or such later date in the year as the President may establish.

''(C) CRITERIA.—In making recommendations under subparagraph (A), a Governor shall consider the criteria specified in subsection (g).

''(2) USE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), in providing assistance to local governments under this section, the President shall select from local governments recommended by the Governors under this subsection.

''(B) EXTRAORDINARY CIRCUMSTANCES.—In providing assistance to local governments under this section, the President may select a local government that has not been recommended by a Governor under this subsection if the President determines that extraordinary circumstances justify the selection and that making the selection will further the purpose of this section.

''(3) EFFECT OF FAILURE TO NOMINATE.—If a Governor of a State fails to submit recommendations under this subsection in a timely manner, the President may select, subject to the criteria specified in subsection (g), any local governments of the State to receive assistance under this section.

''(e) USES OF TECHNICAL AND FINANCIAL ASSISTANCE.—

''(1) IN GENERAL.—Technical and financial assistance provided under this section—

''(A) shall be used by States and local governments principally to implement predisaster hazard mitigation measures that are cost-effective and are described in proposals approved by the President under this section; and

''(B) may be used—

''(i) to support effective public-private natural disaster hazard mitigation partnerships;

''(ii) to improve the assessment of a community's vulnerability to natural hazards; or

''(iii) to establish hazard mitigation priorities, and an appropriate hazard mitigation plan, for a community.

''(2) DISSEMINATION.—A State or local government may use not more than 10 percent of the financial assistance received by the State or local government under this section for a fiscal year to fund activities to disseminate information regarding cost-effective mitigation technologies.

''(f) ALLOCATION OF FUNDS.—The amount of financial assistance made available to a State (including amounts made available to local governments of the State) under this section for a fiscal year—

''(1) shall be not less than the lesser of—

''(A) $500,000; or

''(B) the amount that is equal to 1.0 percent of the total funds appropriated to carry out this section for the fiscal year;

''(2) shall not exceed 15 percent of the total funds described in paragraph (1)(B); and

''(3) shall be subject to the criteria specified in subsection (g).

''(g) CRITERIA FOR ASSISTANCE AWARDS.—In determining whether to provide technical and financial assistance to a State or local government under this section, the President shall take into account—

''(1) the extent and nature of the hazards to be mitigated;

''(2) the degree of commitment of the State or local government to reduce damages from future natural disasters;

''(3) the degree of commitment by the State or local government to support ongoing non-Federal support for the hazard mitigation measures to be carried out using the technical and financial assistance;

''(4) the extent to which the hazard mitigation measures to be carried out using the technical and financial assistance contribute to the mitigation goals and priorities established by the State;

''(5) the extent to which the technical and financial assistance is consistent with other assistance provided under this Act;

''(6) the extent to which prioritized, cost-effective mitigation activities that produce meaningful and definable outcomes are clearly identified;

''(7) if the State or local government has submitted a mitigation plan under section 322, the extent to which the activities identified under paragraph (6) are consistent with the mitigation plan;

''(8) the opportunity to fund activities that maximize net benefits to society;

''(9) the extent to which assistance will fund mitigation activities in small impoverished communities; and

''(10) such other criteria as the President establishes in consultation with State and local governments.

''(h) FEDERAL SHARE.—

''(1) IN GENERAL.—Financial assistance provided under this section may contribute up to 75 percent of the total cost of mitigation activities approved by the President.

''(2) SMALL IMPOVERISHED COMMUNITIES.—Notwithstanding paragraph (1), the President may contribute up to 90 percent of the total cost of a mitigation activity carried out in a small impoverished community.

''(i) NATIONAL PREDISASTER MITIGATION FUND.—

''(1) ESTABLISHMENT.—The President may establish in the Treasury of the United States a fund to be known as the 'National Predisaster Mitigation Fund', to be used in carrying out this section.

''(2) TRANSFERS TO FUND.—There shall be deposited in the Fund—

''(A) amounts appropriated to carry out this section, which shall remain available until expended; and

''(B) sums available from gifts, bequests, or donations of services or property received by the President for the purpose of predisaster hazard mitigation.

''(3) EXPENDITURES FROM FUND.—Upon request by the President, the Secretary of the Treasury shall transfer from the Fund to the President such amounts as the President determines are necessary to provide technical and financial assistance under this section.

''(4) INVESTMENT OF AMOUNTS.—

''(A) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

''(B) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under subparagraph (A), obligations may be acquired—

''(i) on original issue at the issue price; or

''(ii) by purchase of outstanding obligations at the market price.

''(C) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

''(D) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

''(E) TRANSFERS OF AMOUNTS.—

''(i) IN GENERAL.—The amounts required to be transferred to the Fund under this subsection shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

''(ii) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

''(j) LIMITATION ON TOTAL AMOUNT OF FINANCIAL ASSISTANCE.—The President shall not provide financial assistance under this section in an amount greater than the amount available in the Fund.

''(k) MULTIHAZARD ADVISORY MAPS.—

''(1) DEFINITION OF MULTIHAZARD ADVISORY MAP.—In this subsection, the term 'multihazard advisory map' means a map on which hazard data concerning each type of natural disaster is identified simultaneously for the purpose of showing areas of hazard overlap.

''(2) DEVELOPMENT OF MAPS.—In consultation with States, local governments, and appropriate Federal agencies, the President shall develop multihazard advisory maps for areas, in not fewer than 5 States, that are subject to commonly recurring natural hazards (including flooding, hurricanes and severe winds, and seismic events).

''(3) USE OF TECHNOLOGY.—In developing multihazard advisory maps under this subsection, the President shall use, to the maximum extent practicable, the most cost-effective and efficient technology available.

''(4) USE OF MAPS.—

''(A) ADVISORY NATURE.—The multihazard advisory maps shall be considered to be advisory and shall not require the development

of any new policy by, or impose any new policy on, any government or private entity.

''(B) AVAILABILITY OF MAPS.—The multi-hazard advisory maps shall be made available to the appropriate State and local governments for the purposes of—

''(i) informing the general public about the risks of natural hazards in the areas described in paragraph (2);

''(ii) supporting the activities described in subsection (e); and

''(iii) other public uses.

''(l) REPORT ON FEDERAL AND STATE ADMINISTRATION.—Not later than 18 months after the date of enactment of this section, the President, in consultation with State and local governments, shall submit to Congress a report evaluating efforts to implement this section and recommending a process for transferring greater authority and responsibility for administering the assistance program established under this section to capable States.

''(m) TERMINATION OF AUTHORITY.—The authority provided by this section terminates December 31, 2003.''.

(b) CONFORMING AMENDMENT.—Title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.) is amended by striking the title heading and inserting the following:

''TITLE II—DISASTER PREPAREDNESS AND MITIGATION ASSISTANCE''.

SEC. 103. INTERAGENCY TASK FORCE.

Title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.) (as amended by section 102(a)) is amended by adding at the end the following:

''SEC. 204. INTERAGENCY TASK FORCE.

''(a) IN GENERAL.—The President shall establish a Federal interagency task force for the purpose of coordinating the implementation of predisaster hazard mitigation programs administered by the Federal Government.

''(b) CHAIRPERSON.—The Director of the Federal Emergency Management Agency shall serve as the chairperson of the task force.

''(c) MEMBERSHIP.—The membership of the task force shall include representatives of—

''(1) relevant Federal agencies;

''(2) State and local government organizations (including Indian tribes); and

''(3) the American Red Cross.''.

SEC. 104. MITIGATION PLANNING; MINIMUM STANDARDS FOR PUBLIC AND PRIVATE STRUCTURES.

(a) IN GENERAL.—Title III of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5141 et seq.) is amended by adding at the end the following:

''SEC. 322. MITIGATION PLANNING.

''(a) REQUIREMENT OF MITIGATION PLAN.—As a condition of receipt of an increased Federal share for hazard mitigation measures under subsection (e), a State, local, or tribal government shall develop and submit for approval to the President a mitigation plan that outlines processes for identifying the natural hazards, risks, and vulnerabilities of the area under the jurisdiction of the government.

''(b) LOCAL AND TRIBAL PLANS.—Each mitigation plan developed by a local or tribal government shall—

''(1) describe actions to mitigate hazards, risks, and vulnerabilities identified under the plan; and

''(2) establish a strategy to implement those actions.

''(c) STATE PLANS.—The State process of development of a mitigation plan under this section shall—

''(1) identify the natural hazards, risks, and vulnerabilities of areas in the State;

''(2) support development of local mitigation plans;

''(3) provide for technical assistance to local and tribal governments for mitigation planning; and

''(4) identify and prioritize mitigation actions that the State will support, as resources become available.

''(d) FUNDING.—

''(1) IN GENERAL.—Federal contributions under section 404 may be used to fund the development and updating of mitigation plans under this section.

''(2) MAXIMUM FEDERAL CONTRIBUTION.—With respect to any mitigation plan, a State, local, or tribal government may use an amount of Federal contributions under section 404 not to exceed 7 percent of the amount of such contributions available to the government as of a date determined by the government.

''(e) INCREASED FEDERAL SHARE FOR HAZARD MITIGATION MEASURES.—

''(1) IN GENERAL.—If, at the time of the declaration of a major disaster, a State has in effect an approved mitigation plan under this section, the President may increase to 20 percent, with respect to the major disaster, the maximum percentage specified in the last sentence of section 404(a).

''(2) FACTORS FOR CONSIDERATION.—In determining whether to increase the maximum percentage under paragraph (1), the President shall consider whether the State has established—

''(A) eligibility criteria for property acquisition and other types of mitigation measures;

''(B) requirements for cost effectiveness that are related to the eligibility criteria;

''(C) a system of priorities that is related to the eligibility criteria; and

''(D) a process by which an assessment of the effectiveness of a mitigation action may be carried out after the mitigation action is complete.

''SEC. 323. MINIMUM STANDARDS FOR PUBLIC AND PRIVATE STRUCTURES.

''(a) IN GENERAL.—As a condition of receipt of a disaster loan or grant under this Act—

''(1) the recipient shall carry out any repair or construction to be financed with the loan or grant in accordance with applicable standards of safety, decency, and sanitation and in conformity with applicable codes, specifications, and standards; and

''(2) the President may require safe land use and construction practices, after adequate consultation with appropriate State and local government officials.

''(b) EVIDENCE OF COMPLIANCE.—A recipient of a disaster loan or grant under this Act shall provide such evidence of compliance with this section as the President may require by regulation.''.

(b) LOSSES FROM STRAIGHT LINE WINDS.—The President shall increase the maximum percentage specified in the last sentence of section 404(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(a)) from 15 percent to 20 percent with respect to any major disaster that is in the State of Minnesota and for which assistance is being provided as of the date of enactment of this Act, except that additional assistance provided under this subsection shall not exceed $6,000,000. The mitigation measures assisted under this subsection shall be related to losses in the State of Minnesota from straight line winds.

(c) CONFORMING AMENDMENTS.—

(1) Section 404(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(a)) is amended—

(A) in the second sentence, by striking ''section 409'' and inserting ''section 322''; and

(B) in the third sentence, by striking ''The total'' and inserting ''Subject to section 322, the total''.

(2) Section 409 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5176) is repealed.

TITLE II—STREAMLINING AND COST REDUCTION

SEC. 201. TECHNICAL AMENDMENTS.

Section 311 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5154) is amended in subsections (a)(1), (b), and (c) by striking ''section 803 of the Public Works and Economic Development Act of 1965'' each place it appears and inserting ''section 209(c)(2) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149(c)(2))''.

SEC. 202. MANAGEMENT COSTS.

(a) IN GENERAL.—Title III of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5141 et seq.) (as amended by section 104(a)) is amended by adding at the end the following:

''SEC. 324. MANAGEMENT COSTS.

''(a) DEFINITION OF MANAGEMENT COST.—In this section, the term 'management cost' includes any indirect cost, any administrative expense, and any other expense not directly chargeable to a specific project under a major disaster, emergency, or disaster preparedness or mitigation activity or measure.

''(b) ESTABLISHMENT OF MANAGEMENT COST RATES.—Notwithstanding any other provision of law (including any administrative rule or guidance), the President shall by regulation establish management cost rates, for grantees and subgrantees, that shall be used to determine contributions under this Act for management costs.

''(c) REVIEW.—The President shall review the management cost rates established under subsection (b) not later than 3 years after the date of establishment of the rates and periodically thereafter.''.

(b) APPLICABILITY.—

(1) IN GENERAL.—Subject to paragraph (2), subsections (a) and (b) of section 324 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as added by subsection (a)) shall apply to major disasters declared under that Act on or after the date of enactment of this Act.

(2) INTERIM AUTHORITY.—Until the date on which the President establishes the management cost rates under section 324 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as added by subsection (a)), section 406(f) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(f)) (as in effect on the day before the date of enactment of this Act) shall be used to establish management cost rates.

SEC. 203. PUBLIC NOTICE, COMMENT, AND CONSULTATION REQUIREMENTS.

Title III of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5141 et seq.) (as amended by section 202(a)) is amended by adding at the end the following:

''SEC. 325. PUBLIC NOTICE, COMMENT, AND CONSULTATION REQUIREMENTS.

''(a) PUBLIC NOTICE AND COMMENT CONCERNING NEW OR MODIFIED POLICIES.—

''(1) IN GENERAL.—The President shall provide for public notice and opportunity for comment before adopting any new or modified policy that—

''(A) governs implementation of the public assistance program administered by the Federal Emergency Management Agency under this Act; and

''(B) could result in a significant reduction of assistance under the program.

''(2) APPLICATION.—Any policy adopted under paragraph (1) shall apply only to a

major disaster or emergency declared on or after the date on which the policy is adopted.

''(b) CONSULTATION CONCERNING INTERIM POLICIES.—

''(1) IN GENERAL.—Before adopting any interim policy under the public assistance program to address specific conditions that relate to a major disaster or emergency that has been declared under this Act, the President, to the maximum extent practicable, shall solicit the views and recommendations of grantees and subgrantees with respect to the major disaster or emergency concerning the potential interim policy, if the interim policy is likely—

''(A) to result in a significant reduction of assistance to applicants for the assistance with respect to the major disaster or emergency; or

''(B) to change the terms of a written agreement to which the Federal Government is a party concerning the declaration of the major disaster or emergency.

''(2) NO LEGAL RIGHT OF ACTION.—Nothing in this subsection confers a legal right of action on any party.

''(c) PUBLIC ACCESS.—The President shall promote public access to policies governing the implementation of the public assistance program.''.

SEC. 204. STATE ADMINISTRATION OF HAZARD MITIGATION GRANT PROGRAM.

Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) is amended by adding at the end the following:

''(c) PROGRAM ADMINISTRATION BY STATES.—

''(1) IN GENERAL.—A State desiring to administer the hazard mitigation grant program established by this section with respect to hazard mitigation assistance in the State may submit to the President an application for the delegation of the authority to administer the program.

''(2) CRITERIA.—The President, in consultation and coordination with States and local governments, shall establish criteria for the approval of applications submitted under paragraph (1). The criteria shall include, at a minimum—

''(A) the demonstrated ability of the State to manage the grant program under this section;

''(B) there being in effect an approved mitigation plan under section 322; and

''(C) a demonstrated commitment to mitigation activities.

''(3) APPROVAL.—The President shall approve an application submitted under paragraph (1) that meets the criteria established under paragraph (2).

''(4) WITHDRAWAL OF APPROVAL.—If, after approving an application of a State submitted under paragraph (1), the President determines that the State is not administering the hazard mitigation grant program established by this section in a manner satisfactory to the President, the President shall withdraw the approval.

''(5) AUDITS.—The President shall provide for periodic audits of the hazard mitigation grant programs administered by States under this subsection.''.

SEC. 205. ASSISTANCE TO REPAIR, RESTORE, RECONSTRUCT, OR REPLACE DAMAGED FACILITIES.

(a) CONTRIBUTIONS.—Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) is amended by striking subsection (a) and inserting the following:

''(a) CONTRIBUTIONS.—

''(1) IN GENERAL.—The President may make contributions—

''(A) to a State or local government for the repair, restoration, reconstruction, or replacement of a public facility damaged or destroyed by a major disaster and for associated expenses incurred by the government; and

''(B) subject to paragraph (3), to a person that owns or operates a private nonprofit facility damaged or destroyed by a major disaster for the repair, restoration, reconstruction, or replacement of the facility and for associated expenses incurred by the person.

''(2) ASSOCIATED EXPENSES.—For the purposes of this section, associated expenses shall include—

''(A) the costs of mobilizing and employing the National Guard for performance of eligible work;

''(B) the costs of using prison labor to perform eligible work, including wages actually paid, transportation to a worksite, and extraordinary costs of guards, food, and lodging; and

''(C) base and overtime wages for the employees and extra hires of a State, local government, or person described in paragraph (1) that perform eligible work, plus fringe benefits on such wages to the extent that such benefits were being paid before the major disaster.

''(3) CONDITIONS FOR ASSISTANCE TO PRIVATE NONPROFIT FACILITIES.—

''(A) IN GENERAL.—The President may make contributions to a private nonprofit facility under paragraph (1)(B) only if—

''(i) the facility provides critical services (as defined by the President) in the event of a major disaster; or

''(ii) the owner or operator of the facility—

''(I) has applied for a disaster loan under section 7(b) of the Small Business Act (15 U.S.C. 636(b)); and

''(II)(aa) has been determined to be ineligible for such a loan; or

''(bb) has obtained such a loan in the maximum amount for which the Small Business Administration determines the facility is eligible.

''(B) DEFINITION OF CRITICAL SERVICES.—In this paragraph, the term 'critical services' includes power, water (including water provided by an irrigation organization or facility), sewer, wastewater treatment, communications, and emergency medical care.

''(4) NOTIFICATION TO CONGRESS.—Before making any contribution under this section in an amount greater than $20,000,000, the President shall notify—

''(A) the Committee on Environment and Public Works of the Senate;

''(B) the Committee on Transportation and Infrastructure of the House of Representatives;

''(C) the Committee on Appropriations of the Senate; and

''(D) the Committee on Appropriations of the House of Representatives.''.

(b) FEDERAL SHARE.—Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) is amended by striking subsection (b) and inserting the following:

''(b) FEDERAL SHARE.—

''(1) MINIMUM FEDERAL SHARE.—Except as provided in paragraph (2), the Federal share of assistance under this section shall be not less than 75 percent of the eligible cost of repair, restoration, reconstruction, or replacement carried out under this section.

''(2) REDUCED FEDERAL SHARE.—The President shall promulgate regulations to reduce the Federal share of assistance under this section to not less than 25 percent in the case of the repair, restoration, reconstruction, or replacement of any eligible public facility or private nonprofit facility following an event associated with a major disaster—

''(A) that has been damaged, on more than 1 occasion within the preceding 10-year period, by the same type of event; and

''(B) the owner of which has failed to implement appropriate mitigation measures to address the hazard that caused the damage to the facility.''.

(c) LARGE IN-LIEU CONTRIBUTIONS.—Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) is amended by striking subsection (c) and inserting the following:

''(c) LARGE IN-LIEU CONTRIBUTIONS.—

''(1) FOR PUBLIC FACILITIES.—

''(A) IN GENERAL.—In any case in which a State or local government determines that the public welfare would not best be served by repairing, restoring, reconstructing, or replacing any public facility owned or controlled by the State or local government, the State or local government may elect to receive, in lieu of a contribution under subsection (a)(1)(A), a contribution in an amount equal to 75 percent of the Federal share of the Federal estimate of the cost of repairing, restoring, reconstructing, or replacing the facility and of management expenses.

''(B) AREAS WITH UNSTABLE SOIL.—In any case in which a State or local government determines that the public welfare would not best be served by repairing, restoring, reconstructing, or replacing any public facility owned or controlled by the State or local government because soil instability in the disaster area makes repair, restoration, reconstruction, or replacement infeasible, the State or local government may elect to receive, in lieu of a contribution under subsection (a)(1)(A), a contribution in an amount equal to 90 percent of the Federal share of the Federal estimate of the cost of repairing, restoring, reconstructing, or replacing the facility and of management expenses.

''(C) USE OF FUNDS.—Funds contributed to a State or local government under this paragraph may be used—

''(i) to repair, restore, or expand other selected public facilities;

''(ii) to construct new facilities; or

''(iii) to fund hazard mitigation measures that the State or local government determines to be necessary to meet a need for governmental services and functions in the area affected by the major disaster.

''(D) LIMITATIONS.—Funds made available to a State or local government under this paragraph may not be used for—

''(i) any public facility located in a regulatory floodway (as defined in section 59.1 of title 44, Code of Federal Regulations (or a successor regulation)); or

''(ii) any uninsured public facility located in a special flood hazard area identified by the Director of the Federal Emergency Management Agency under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.).

''(2) FOR PRIVATE NONPROFIT FACILITIES.—

''(A) IN GENERAL.—In any case in which a person that owns or operates a private nonprofit facility determines that the public welfare would not best be served by repairing, restoring, reconstructing, or replacing the facility, the person may elect to receive, in lieu of a contribution under subsection (a)(1)(B), a contribution in an amount equal to 75 percent of the Federal share of the Federal estimate of the cost of repairing, restoring, reconstructing, or replacing the facility and of management expenses.

''(B) USE OF FUNDS.—Funds contributed to a person under this paragraph may be used—

''(i) to repair, restore, or expand other selected private nonprofit facilities owned or operated by the person;

''(ii) to construct new private nonprofit facilities to be owned or operated by the person; or

''(iii) to fund hazard mitigation measures that the person determines to be necessary

to meet a need for the person's services and functions in the area affected by the major disaster.

''(C) LIMITATIONS.—Funds made available to a person under this paragraph may not be used for—

''(i) any private nonprofit facility located in a regulatory floodway (as defined in section 59.1 of title 44, Code of Federal Regulations (or a successor regulation)); or

''(ii) any uninsured private nonprofit facility located in a special flood hazard area identified by the Director of the Federal Emergency Management Agency under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.).''.

(d) ELIGIBLE COST.—

(1) IN GENERAL.—Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) is amended by striking subsection (e) and inserting the following:

''(e) ELIGIBLE COST.—

''(1) DETERMINATION.—

''(A) IN GENERAL.—For the purposes of this section, the President shall estimate the eligible cost of repairing, restoring, reconstructing, or replacing a public facility or private nonprofit facility—

''(i) on the basis of the design of the facility as the facility existed immediately before the major disaster; and

''(ii) in conformity with codes, specifications, and standards (including floodplain management and hazard mitigation criteria required by the President or under the Coastal Barrier Resources Act (16 U.S.C. 3501 et seq.)) applicable at the time at which the disaster occurred.

''(B) COST ESTIMATION PROCEDURES.—

''(i) IN GENERAL.—Subject to paragraph (2), the President shall use the cost estimation procedures established under paragraph (3) to determine the eligible cost under this subsection.

''(ii) APPLICABILITY.—The procedures specified in this paragraph and paragraph (2) shall apply only to projects the eligible cost of which is equal to or greater than the amount specified in section 422.

''(2) MODIFICATION OF ELIGIBLE COST.—

''(A) ACTUAL COST GREATER THAN CEILING PERCENTAGE OF ESTIMATED COST.—In any case in which the actual cost of repairing, restoring, reconstructing, or replacing a facility under this section is greater than the ceiling percentage established under paragraph (3) of the cost estimated under paragraph (1), the President may determine that the eligible cost includes a portion of the actual cost of the repair, restoration, reconstruction, or replacement that exceeds the cost estimated under paragraph (1).

''(B) ACTUAL COST LESS THAN ESTIMATED COST.—

''(i) GREATER THAN OR EQUAL TO FLOOR PERCENTAGE OF ESTIMATED COST.—In any case in which the actual cost of repairing, restoring, reconstructing, or replacing a facility under this section is less than 100 percent of the cost estimated under paragraph (1), but is greater than or equal to the floor percentage established under paragraph (3) of the cost estimated under paragraph (1), the State or local government or person receiving funds under this section shall use the excess funds to carry out cost-effective activities that reduce the risk of future damage, hardship, or suffering from a major disaster.

''(ii) LESS THAN FLOOR PERCENTAGE OF ESTIMATED COST.—In any case in which the actual cost of repairing, restoring, reconstructing, or replacing a facility under this section is less than the floor percentage established under paragraph (3) of the cost estimated under paragraph (1), the State or local government or person receiving assistance under this section shall reimburse the President in the amount of the difference.

''(C) NO EFFECT ON APPEALS PROCESS.—Nothing in this paragraph affects any right of appeal under section 423.

''(3) EXPERT PANEL.—

''(A) ESTABLISHMENT.—Not later than 18 months after the date of enactment of this paragraph, the President, acting through the Director of the Federal Emergency Management Agency, shall establish an expert panel, which shall include representatives from the construction industry and State and local government.

''(B) DUTIES.—The expert panel shall develop recommendations concerning—

''(i) procedures for estimating the cost of repairing, restoring, reconstructing, or replacing a facility consistent with industry practices; and

''(ii) the ceiling and floor percentages referred to in paragraph (2).

''(C) REGULATIONS.—Taking into account the recommendations of the expert panel under subparagraph (B), the President shall promulgate regulations that establish—

''(i) cost estimation procedures described in subparagraph (B)(i); and

''(ii) the ceiling and floor percentages referred to in paragraph (2).

''(D) REVIEW BY PRESIDENT.—Not later than 2 years after the date of promulgation of regulations under subparagraph (C) and periodically thereafter, the President shall review the cost estimation procedures and the ceiling and floor percentages established under this paragraph.

''(E) REPORT TO CONGRESS.—Not later than 1 year after the date of promulgation of regulations under subparagraph (C), 3 years after that date, and at the end of each 2-year period thereafter, the expert panel shall submit to Congress a report on the appropriateness of the cost estimation procedures.

''(4) SPECIAL RULE.—In any case in which the facility being repaired, restored, reconstructed, or replaced under this section was under construction on the date of the major disaster, the cost of repairing, restoring, reconstructing, or replacing the facility shall include, for the purposes of this section, only those costs that, under the contract for the construction, are the owner's responsibility and not the contractor's responsibility.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) takes effect on the date of enactment of this Act and applies to funds appropriated after the date of enactment of this Act, except that paragraph (1) of section 406(e) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as amended by paragraph (1)) takes effect on the date on which the cost estimation procedures established under paragraph (3) of that section take effect.

(e) CONFORMING AMENDMENT.—Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) is amended by striking subsection (f).

SEC. 206. FEDERAL ASSISTANCE TO INDIVIDUALS AND HOUSEHOLDS.

(a) IN GENERAL.—Section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174) is amended to read as follows:

''SEC. 408. FEDERAL ASSISTANCE TO INDIVIDUALS AND HOUSEHOLDS.

''(a) IN GENERAL.—

''(1) PROVISION OF ASSISTANCE.—In accordance with this section, the President, in consultation with the Governor of a State, may provide financial assistance, and, if necessary, direct services, to individuals and households in the State who, as a direct result of a major disaster, have necessary expenses and serious needs in cases in which the individuals and households are unable to meet such expenses or needs through other means.

''(2) RELATIONSHIP TO OTHER ASSISTANCE.—Under paragraph (1), an individual or household shall not be denied assistance under paragraph (1), (3), or (4) of subsection (c) solely on the basis that the individual or household has not applied for or received any loan or other financial assistance from the Small Business Administration or any other Federal agency.

''(b) HOUSING ASSISTANCE.—

''(1) ELIGIBILITY.—The President may provide financial or other assistance under this section to individuals and households to respond to the disaster-related housing needs of individuals and households who are displaced from their predisaster primary residences or whose predisaster primary residences are rendered uninhabitable as a result of damage caused by a major disaster.

''(2) DETERMINATION OF APPROPRIATE TYPES OF ASSISTANCE.—

''(A) IN GENERAL.—The President shall determine appropriate types of housing assistance to be provided under this section to individuals and households described in subsection (a)(1) based on considerations of cost effectiveness, convenience to the individuals and households, and such other factors as the President may consider appropriate.

''(B) MULTIPLE TYPES OF ASSISTANCE.—One or more types of housing assistance may be made available under this section, based on the suitability and availability of the types of assistance, to meet the needs of individuals and households in the particular disaster situation.

''(c) TYPES OF HOUSING ASSISTANCE.—

''(1) TEMPORARY HOUSING.—

''(A) FINANCIAL ASSISTANCE.—

''(i) IN GENERAL.—The President may provide financial assistance to individuals or households to rent alternate housing accommodations, existing rental units, manufactured housing, recreational vehicles, or other readily fabricated dwellings.

''(ii) AMOUNT.—The amount of assistance under clause (i) shall be based on the fair market rent for the accommodation provided plus the cost of any transportation, utility hookups, or unit installation not provided directly by the President.

''(B) DIRECT ASSISTANCE.—

''(i) IN GENERAL.—The President may provide temporary housing units, acquired by purchase or lease, directly to individuals or households who, because of a lack of available housing resources, would be unable to make use of the assistance provided under subparagraph (A).

''(ii) PERIOD OF ASSISTANCE.—The President may not provide direct assistance under clause (i) with respect to a major disaster after the end of the 18-month period beginning on the date of the declaration of the major disaster by the President, except that the President may extend that period if the President determines that due to extraordinary circumstances an extension would be in the public interest.

''(iii) COLLECTION OF RENTAL CHARGES.—After the end of the 18-month period referred to in clause (ii), the President may charge fair market rent for each temporary housing unit provided.

''(2) REPAIRS.—

''(A) IN GENERAL.—The President may provide financial assistance for—

''(i) the repair of owner-occupied private residences, utilities, and residential infrastructure (such as a private access route) damaged by a major disaster to a safe and sanitary living or functioning condition; and

''(ii) eligible hazard mitigation measures that reduce the likelihood of future damage to such residences, utilities, or infrastructure.

''(B) RELATIONSHIP TO OTHER ASSISTANCE.—A recipient of assistance provided under this paragraph shall not be required to show that the assistance can be met through other means, except insurance proceeds.

''(C) MAXIMUM AMOUNT OF ASSISTANCE.—The amount of assistance provided to a household under this paragraph shall not exceed $5,000, as adjusted annually to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor.

''(3) REPLACEMENT.—

''(A) IN GENERAL.—The President may provide financial assistance for the replacement of owner-occupied private residences damaged by a major disaster.

''(B) MAXIMUM AMOUNT OF ASSISTANCE.—The amount of assistance provided to a household under this paragraph shall not exceed $10,000, as adjusted annually to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor.

''(C) APPLICABILITY OF FLOOD INSURANCE REQUIREMENT.—With respect to assistance provided under this paragraph, the President may not waive any provision of Federal law requiring the purchase of flood insurance as a condition of the receipt of Federal disaster assistance.

''(4) PERMANENT HOUSING CONSTRUCTION.—The President may provide financial assistance or direct assistance to individuals or households to construct permanent housing in insular areas outside the continental United States and in other remote locations in cases in which—

''(A) no alternative housing resources are available; and

''(B) the types of temporary housing assistance described in paragraph (1) are unavailable, infeasible, or not cost-effective.

''(d) TERMS AND CONDITIONS RELATING TO HOUSING ASSISTANCE.—

''(1) SITES.—

''(A) IN GENERAL.—Any readily fabricated dwelling provided under this section shall, whenever practicable, be located on a site that—

''(i) is complete with utilities; and

''(ii) is provided by the State or local government, by the owner of the site, or by the occupant who was displaced by the major disaster.

''(B) SITES PROVIDED BY THE PRESIDENT.—A readily fabricated dwelling may be located on a site provided by the President if the President determines that such a site would be more economical or accessible.

''(2) DISPOSAL OF UNITS.—

''(A) SALE TO OCCUPANTS.—

''(i) IN GENERAL.—Notwithstanding any other provision of law, a temporary housing unit purchased under this section by the President for the purpose of housing disaster victims may be sold directly to the individual or household who is occupying the unit if the individual or household lacks permanent housing.

''(ii) SALE PRICE.—A sale of a temporary housing unit under clause (i) shall be at a price that is fair and equitable.

''(iii) DEPOSIT OF PROCEEDS.—Notwithstanding any other provision of law, the proceeds of a sale under clause (i) shall be deposited in the appropriate Disaster Relief Fund account.

''(iv) HAZARD AND FLOOD INSURANCE.—A sale of a temporary housing unit under clause (i) shall be made on the condition that the individual or household purchasing the housing unit agrees to obtain and maintain hazard and flood insurance on the housing unit.

''(v) USE OF GSA SERVICES.—The President may use the services of the General Services Administration to accomplish a sale under clause (i).

''(B) OTHER METHODS OF DISPOSAL.—If not disposed of under subparagraph (A), a temporary housing unit purchased under this section by the President for the purpose of housing disaster victims—

''(i) may be sold to any person; or

''(ii) may be sold, transferred, donated, or otherwise made available directly to a State or other governmental entity or to a voluntary organization for the sole purpose of providing temporary housing to disaster victims in major disasters and emergencies if, as a condition of the sale, transfer, or donation, the State, other governmental agency, or voluntary organization agrees—

''(I) to comply with the nondiscrimination provisions of section 308; and

''(II) to obtain and maintain hazard and flood insurance on the housing unit.

''(e) FINANCIAL ASSISTANCE TO ADDRESS OTHER NEEDS.—

''(1) MEDICAL, DENTAL, AND FUNERAL EXPENSES.—The President, in consultation with the Governor of a State, may provide financial assistance under this section to an individual or household in the State who is adversely affected by a major disaster to meet disaster-related medical, dental, and funeral expenses.

''(2) PERSONAL PROPERTY, TRANSPORTATION, AND OTHER EXPENSES.—The President, in consultation with the Governor of a State, may provide financial assistance under this section to an individual or household described in paragraph (1) to address personal property, transportation, and other necessary expenses or serious needs resulting from the major disaster.

''(f) STATE ROLE.—

''(1) FINANCIAL ASSISTANCE TO ADDRESS OTHER NEEDS.—

''(A) GRANT TO STATE.—Subject to subsection (g), a Governor may request a grant from the President to provide financial assistance to individuals and households in the State under subsection (e).

''(B) ADMINISTRATIVE COSTS.—A State that receives a grant under subparagraph (A) may expend not more than 5 percent of the amount of the grant for the administrative costs of providing financial assistance to individuals and households in the State under subsection (e).

''(2) ACCESS TO RECORDS.—In providing assistance to individuals and households under this section, the President shall provide for the substantial and ongoing involvement of the States in which the individuals and households are located, including by providing to the States access to the electronic records of individuals and households receiving assistance under this section in order for the States to make available any additional State and local assistance to the individuals and households.

''(g) COST SHARING.—

''(1) FEDERAL SHARE.—Except as provided in paragraph (2), the Federal share of the costs eligible to be paid using assistance provided under this section shall be 100 percent.

''(2) FINANCIAL ASSISTANCE TO ADDRESS OTHER NEEDS.—In the case of financial assistance provided under subsection (e)—

''(A) the Federal share shall be 75 percent; and

''(B) the non-Federal share shall be paid from funds made available by the State.

''(h) MAXIMUM AMOUNT OF ASSISTANCE.—

''(1) IN GENERAL.—No individual or household shall receive financial assistance greater than $25,000 under this section with respect to a single major disaster.

''(2) ADJUSTMENT OF LIMIT.—The limit established under paragraph (1) shall be adjusted annually to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor.

''(i) RULES AND REGULATIONS.—The President shall prescribe rules and regulations to carry out this section, including criteria, standards, and procedures for determining eligibility for assistance.''.

(b) CONFORMING AMENDMENT.—Section 502(a)(6) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5192(a)(6)) is amended by striking ''temporary housing''.

(c) ELIMINATION OF INDIVIDUAL AND FAMILY GRANT PROGRAMS.—Section 411 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5178) is repealed.

(d) EFFECTIVE DATE.—The amendments made by this section take effect 18 months after the date of enactment of this Act.

SEC. 207. COMMUNITY DISASTER LOANS.

Section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184) is amended—

(1) by striking ''(a) The President'' and inserting the following:

''(a) IN GENERAL.—The President'';

(2) by striking ''The amount'' and inserting the following:

''(b) AMOUNT.—The amount'';

(3) by striking ''Repayment'' and inserting the following:

''(c) REPAYMENT.—

''(1) CANCELLATION.—Repayment'';

(4) by striking ''(b) Any loans'' and inserting the following:

''(d) EFFECT ON OTHER ASSISTANCE.—Any loans'';

(5) in subsection (b) (as designated by paragraph (2))—

(A) by striking ''and shall'' and inserting ''shall''; and

(B) by inserting before the period at the end the following: '', and shall not exceed $5,000,000''; and

(6) in subsection (c) (as designated by paragraph (3)), by adding at the end the following:

''(2) CONDITION ON CONTINUING ELIGIBILITY.—A local government shall not be eligible for further assistance under this section during any period in which the local government is in arrears with respect to a required repayment of a loan under this section.''.

SEC. 208. REPORT ON STATE MANAGEMENT OF SMALL DISASTERS INITIATIVE.

Not later than 3 years after the date of enactment of this Act, the President shall submit to Congress a report describing the results of the State Management of Small Disasters Initiative, including—

(1) identification of any administrative or financial benefits of the initiative; and

(2) recommendations concerning the conditions, if any, under which States should be allowed the option to administer parts of the assistance program under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172).

SEC. 209. STUDY REGARDING COST REDUCTION.

Not later than 3 years after the date of enactment of this Act, the Director of the Congressional Budget Office shall complete a study estimating the reduction in Federal disaster assistance that has resulted and is likely to result from the enactment of this Act.

TITLE III—MISCELLANEOUS

SEC. 301. TECHNICAL CORRECTION OF SHORT TITLE.

The first section of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 note) is amended to read as follows:

''SECTION 1. SHORT TITLE.

''This Act may be cited as the 'Robert T. Stafford Disaster Relief and Emergency Assistance Act'.''.

SEC. 302. DEFINITIONS.

Section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) is amended—

(1) in each of paragraphs (3) and (4), by striking ''the Northern'' and all that follows through ''Pacific Islands'' and inserting ''and the Commonwealth of the Northern Mariana Islands'';

(2) by striking paragraph (6) and inserting the following:

''(6) LOCAL GOVERNMENT.—The term 'local government' means—

''(A) a county, municipality, city, town, township, local public authority, school district, special district, intrastate district, council of governments (regardless of whether the council of governments is incorporated as a nonprofit corporation under State law), regional or interstate government entity, or agency or instrumentality of a local government;

''(B) an Indian tribe or authorized tribal organization, or Alaska Native village or organization; and

''(C) a rural community, unincorporated town or village, or other public entity, for which an application for assistance is made by a State or political subdivision of a State.''; and

(3) in paragraph (9), by inserting ''irrigation,'' after ''utility,''.

SEC. 303. FIRE MANAGEMENT ASSISTANCE.

(a) IN GENERAL.—Section 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5187) is amended to read as follows:

''SEC. 420. FIRE MANAGEMENT ASSISTANCE.

''(a) IN GENERAL.—The President is authorized to provide assistance, including grants, equipment, supplies, and personnel, to any State or local government for the mitigation, management, and control of any fire on public or private forest land or grassland that threatens such destruction as would constitute a major disaster.

''(b) COORDINATION WITH STATE AND TRIBAL DEPARTMENTS OF FORESTRY.—In providing assistance under this section, the President shall coordinate with State and tribal departments of forestry.

''(c) ESSENTIAL ASSISTANCE.—In providing assistance under this section, the President may use the authority provided under section 403.

''(d) RULES AND REGULATIONS.—The President shall prescribe such rules and regulations as are necessary to carry out this section.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect 1 year after the date of enactment of this Act.

SEC. 304. PRESIDENT'S COUNCIL ON DOMESTIC TERRORISM PREPAREDNESS.

Title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195 et seq.) is amended by adding at the end the following:

''Subtitle C—President's Council on Domestic Terrorism Preparedness

''SEC. 651. ESTABLISHMENT OF COUNCIL.

''(a) IN GENERAL.—There is established a council to be known as the President's Council on Domestic Terrorism Preparedness (in this subtitle referred to as the 'Council').

''(b) MEMBERSHIP.—The Council shall be composed of the following members:

''(1) The President.

''(2) The Director of the Federal Emergency Management Agency.

''(3) The Attorney General.

''(4) The Secretary of Defense.

''(5) The Director of the Office of Management and Budget.

''(6) The Assistant to the President for National Security Affairs.

''(7) Any additional members appointed by the President.

''(c) CHAIRMAN.—

''(1) IN GENERAL.—The President shall serve as the chairman of the Council.

''(2) EXECUTIVE CHAIRMAN.—The President may appoint an Executive Chairman of the Council (in this subtitle referred to as the 'Executive Chairman'). The Executive Chairman shall represent the President as chairman of the Council, including in communications with Congress and State Governors.

''(3) SENATE CONFIRMATION.—An individual selected to be the Executive Chairman under paragraph (2) shall be appointed by and with the advice and consent of the Senate, except that Senate confirmation shall not be required if, on the date of appointment, the individual holds a position for which Senate confirmation was required.

''(d) FIRST MEETING.—The first meeting of the Council shall be held not later than 90 days after the date of the enactment of this Act.

''SEC. 652. DUTIES OF COUNCIL.

''The Council shall carry out the following duties:

''(1) Establish the policies, objectives, and priorities of the Federal Government for enhancing the capabilities of State and local emergency preparedness and response personnel in early detection and warning of and response to all domestic terrorist attacks, including attacks involving weapons of mass destruction.

''(2) Publish a Domestic Terrorism Preparedness Plan and an annual strategy for carrying out the plan in accordance with section 653, including the end state of preparedness for emergency responders established under section 653(b)(1)(D).

''(3) To the extent practicable, rely on existing resources (including planning documents, equipment lists, and program inventories) in the execution of its duties.

''(4) Consult with and utilize existing interagency boards and committees, existing governmental entities, and non-governmental organizations in the execution of its duties.

''(5) Ensure that a biennial review of the terrorist attack preparedness programs of State and local governmental entities is conducted and provide recommendations to the entities based on the reviews.

''(6) Provide for the creation of a State and local advisory group for the Council, to be composed of individuals involved in State and local emergency preparedness and response to terrorist attacks.

''(7) Provide for the establishment by the Council's State and local advisory group of voluntary guidelines for the terrorist attack preparedness programs of State and local governmental entities in accordance with section 655.

''(8) Designate a Federal entity to consult with, and serve as a contact for, State and local governmental entities implementing terrorist attack preparedness programs.

''(9) Coordinate and oversee the implementation by Federal departments and agencies of the policies, objectives, and priorities established under paragraph (1) and the fulfillment of the responsibilities of such departments and agencies under the Domestic Terrorism Preparedness Plan.

''(10) Make recommendations to the heads of appropriate Federal departments and agencies regarding—

''(A) changes in the organization, management, and resource allocations of the departments and agencies; and

''(B) the allocation of personnel to and within the departments and agencies,

to implement the Domestic Terrorism Preparedness Plan.

''(11) Assess all Federal terrorism preparedness programs and ensure that each program complies with the Domestic Terrorism Preparedness Plan.

''(12) Identify duplication, fragmentation, and overlap within Federal terrorism preparedness programs and eliminate such duplication, fragmentation and overlap.

''(13) Evaluate Federal emergency response assets and make recommendations regarding the organization, need, and geographic location of such assets.

''(14) Establish general policies regarding financial assistance to States based on potential risk and threat, response capabilities, and ability to achieve the end state of preparedness for emergency responders established under section 653(b)(1)(D).

''(15) Notify a Federal department or agency in writing if the Council finds that its policies are not in compliance with its responsibilities under the Domestic Terrorism Preparedness Plan.

''SEC. 653. DOMESTIC TERRORISM PREPAREDNESS PLAN AND ANNUAL STRATEGY.

''(a) DEVELOPMENT OF PLAN.—Not later than 180 days after the date of the first meeting of the Council, the Council shall develop a Domestic Terrorism Preparedness Plan and transmit a copy of the plan to Congress.

''(b) CONTENTS.—

''(1) IN GENERAL.—The Domestic Terrorism Preparedness Plan shall include the following:

''(A) A statement of the policies, objectives, and priorities established by the Council under section 652(1).

''(B) A plan for implementing such policies, objectives, and priorities that is based on a threat, risk, and capability assessment and includes measurable objectives to be achieved in each of the following 5 years for enhancing domestic preparedness against a terrorist attack.

''(C) A description of the specific role of each Federal department and agency, and the roles of State and local governmental entities, under the plan developed under subparagraph (B).

''(D) A definition of an end state of preparedness for emergency responders that sets forth measurable, minimum standards of acceptability for preparedness.

''(2) EVALUATION OF FEDERAL RESPONSE TEAMS.—In preparing the description under paragraph (1)(C), the Council shall evaluate each Federal response team and the assistance that the team offers to State and local emergency personnel when responding to a terrorist attack. The evaluation shall include an assessment of how the Federal response team will assist State and local emergency personnel after the personnel has achieved the end state of preparedness for emergency responders established under paragraph (1)(D).

''(c) ANNUAL STRATEGY.—

''(1) IN GENERAL.—The Council shall develop and transmit to Congress, on the date of transmittal of the Domestic Terrorism Preparedness Plan and, in each of the succeeding 4 fiscal years, on the date that the President submits an annual budget to Congress in accordance with section 1105(a) of title 31, United States Code, an annual strategy for carrying out the Domestic Terrorism Preparedness Plan in the fiscal year following the fiscal year in which the strategy is submitted.

''(2) CONTENTS.—The annual strategy for a fiscal year shall include the following:

''(A) An inventory of Federal training and exercise programs, response teams, grant programs, and other programs and activities related to domestic preparedness against a terrorist attack conducted in the preceding fiscal year and a determination as to whether any of such programs or activities may be duplicative. The inventory shall consist of a complete description of each such program

and activity, including the funding level and purpose of and goal to be achieved by the program or activity.

''(B) If the Council determines under subparagraph (A) that certain programs and activities are duplicative, a detailed plan for consolidating, eliminating, or modifying the programs and activities.

''(C) An inventory of Federal training and exercise programs, grant programs, response teams, and other programs and activities to be conducted in such fiscal year under the Domestic Terrorism Preparedness Plan and measurable objectives to be achieved in such fiscal year for enhancing domestic preparedness against a terrorist attack. The inventory shall provide for implementation of any plan developed under subparagraph (B), relating to duplicative programs and activities.

''(D) A complete assessment of how resource allocation recommendations developed under section 654(a) are intended to implement the annual strategy.

''(d) CONSULTATION.—

''(1) IN GENERAL.—In developing the Domestic Terrorism Preparedness Plan and each annual strategy for carrying out the plan, the Council shall consult with—

''(A) the head of each Federal department and agency that will have responsibilities under the Domestic Terrorism Preparedness Plan or annual strategy;

''(B) Congress;

''(C) State and local officials;

''(D) congressionally authorized panels; and

''(E) emergency preparedness organizations with memberships that include State and local emergency responders.

''(2) REPORTS.—As part of the Domestic Terrorism Preparedness Plan and each annual strategy for carrying out the plan, the Council shall include a written statement indicating the persons consulted under this subsection and the recommendations made by such persons.

''(e) TRANSMISSION OF CLASSIFIED INFORMATION.—Any part of the Domestic Terrorism Preparedness Plan or an annual strategy for carrying out the plan that involves information properly classified under criteria established by an Executive order shall be presented to Congress separately.

''(f) RISK OF TERRORIST ATTACKS AGAINST TRANSPORTATION FACILITIES.—

''(1) IN GENERAL.—In developing the plan and risk assessment under subsection (b), the Council shall designate an entity to assess the risk of terrorist attacks against transportation facilities, personnel, and passengers.

''(2) CONTENTS.—In developing the plan and risk assessment under subsection (b), the Council shall ensure that the following three tasks are accomplished:

''(A) An examination of the extent to which transportation facilities, personnel, and passengers have been the target of terrorist attacks and the extent to which such facilities, personnel, and passengers are vulnerable to such attacks.

''(B) An evaluation of Federal laws that can be used to combat terrorist attacks against transportation facilities, personnel, and passengers, and the extent to which such laws are enforced. The evaluation may also include a review of applicable State laws.

''(C) An evaluation of available technologies and practices to determine the best means of protecting transportation facilities, personnel, and passengers against terrorist attacks.

''(3) CONSULTATION.—In developing the plan and risk assessment under subsection (b), the Council shall consult with the Secretary of Transportation, representatives of persons providing transportation, and representatives of employees of such persons.

''(g) MONITORING.—The Council, with the assistance of the Inspector General of the relevant Federal department or agency as needed, shall monitor the implementation of the Domestic Terrorism Preparedness Plan, including conducting program and performance audits and evaluations.

''SEC. 654. NATIONAL DOMESTIC PREPAREDNESS BUDGET.

''(a) RECOMMENDATIONS REGARDING RESOURCE ALLOCATIONS.—

''(1) TRANSMITTAL TO COUNCIL.—Each Federal Government program manager, agency head, and department head with responsibilities under the Domestic Terrorism Preparedness Plan shall transmit to the Council for each fiscal year recommended resource allocations for programs and activities relating to such responsibilities on or before the earlier of—

''(A) the 45th day before the date of the budget submission of the department or agency to the Director of the Office of Management and Budget for the fiscal year; or

''(B) August 15 of the fiscal year preceding the fiscal year for which the recommendations are being made.

''(2) TRANSMITTAL TO THE OFFICE OF MANAGEMENT AND BUDGET.—The Council shall develop for each fiscal year recommendations regarding resource allocations for each program and activity identified in the annual strategy completed under section 653 for the fiscal year. Such recommendations shall be submitted to the relevant departments and agencies and to the Director of the Office of Management and Budget. The Director of the Office of Management and Budget shall consider such recommendations in formulating the annual budget of the President submitted to Congress under section 1105(a) of title 31, United States Code, and shall provide to the Council a written explanation in any case in which the Director does not accept such a recommendation.

''(3) RECORDS.—The Council shall maintain records regarding recommendations made and written explanations received under paragraph (2) and shall provide such records to Congress upon request. The Council may not fulfill such a request before the date of submission of the relevant annual budget of the President to Congress under section 1105(a) of title 31, United States Code.

''(4) NEW PROGRAMS OR REALLOCATION OF RESOURCES.—The head of a Federal department or agency shall consult with the Council before acting to enhance the capabilities of State and local emergency preparedness and response personnel with respect to terrorist attacks by—

''(A) establishing a new program or office; or

''(B) reallocating resources, including Federal response teams.

''SEC. 655. VOLUNTARY GUIDELINES FOR STATE AND LOCAL PROGRAMS.

''The Council shall provide for the establishment of voluntary guidelines for the terrorist attack preparedness programs of State and local governmental entities for the purpose of providing guidance in the development and implementation of such programs. The guidelines shall address equipment, exercises, and training and shall establish a desired threshold level of preparedness for State and local emergency responders.

''SEC. 656. POWERS OF COUNCIL.

''In carrying out this subtitle, the Council may—

''(1) direct, with the concurrence of the Secretary of a department or head of an agency, the temporary reassignment within the Federal Government of personnel employed by such department or agency;

''(2) use for administrative purposes, on a reimbursable basis, the available services, equipment, personnel, and facilities of Federal, State, and local agencies;

''(3) procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, relating to appointments in the Federal Service, at rates of compensation for individuals not to exceed the daily equivalent of the rate of pay payable for GS–18 of the General Schedule under section 5332 of title 5, United States Code;

''(4) accept and use donations of property from Federal, State, and local government agencies;

''(5) use the mails in the same manner as any other department or agency of the executive branch; and

''(6) request the assistance of the Inspector General of a Federal department or agency in conducting audits and evaluations under section 653(g).

''SEC. 657. ROLE OF COUNCIL IN NATIONAL SECURITY COUNCIL EFFORTS.

''The Council may, in the Council's role as principal adviser to the National Security Council on Federal efforts to assist State and local governmental entities in domestic terrorist attack preparedness matters, and subject to the direction of the President, attend and participate in meetings of the National Security Council. The Council may, subject to the direction of the President, participate in the National Security Council's working group structure.

''SEC. 658. EXECUTIVE DIRECTOR AND STAFF OF COUNCIL.

''(a) EXECUTIVE DIRECTOR.—The Council shall have an Executive Director who shall be appointed by the President.

''(b) STAFF.—The Executive Director may appoint such personnel as the Executive Director considers appropriate. Such personnel shall be assigned to the Council on a full-time basis and shall report to the Executive Director.

''(c) ADMINISTRATIVE SUPPORT SERVICES.—The Executive Office of the President shall provide to the Council, on a reimbursable basis, such administrative support services, including office space, as the Council may request.

''SEC. 659. COORDINATION WITH EXECUTIVE BRANCH DEPARTMENTS AND AGENCIES.

''(a) REQUESTS FOR ASSISTANCE.—The head of each Federal department and agency with responsibilities under the Domestic Terrorism Preparedness Plan shall cooperate with the Council and, subject to laws governing disclosure of information, provide such assistance, information, and advice as the Council may request.

''(b) CERTIFICATION OF POLICY CHANGES BY COUNCIL.—

''(1) IN GENERAL.—The head of each Federal department and agency with responsibilities under the Domestic Terrorism Preparedness Plan shall, unless exigent circumstances require otherwise, notify the Council in writing regarding any proposed change in policies relating to the activities of such department or agency under the Domestic Terrorism Preparedness Plan prior to implementation of such change. The Council shall promptly review such proposed change and certify to the department or agency head in writing whether such change is consistent with the Domestic Terrorism Preparedness Plan.

''(2) NOTICE IN EXIGENT CIRCUMSTANCES.—If prior notice of a proposed change under paragraph (1) is not possible, the department or agency head shall notify the Council as soon as practicable. The Council shall review such change and certify to the department or

agency head in writing whether such change is consistent with the Domestic Terrorism Preparedness Plan.

"SEC. 660. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated to carry out this subtitle $9,000,000 for fiscal year 2001 and such sums as may be necessary for each of fiscal years 2002 through 2005. Such sums shall remain available until expended.''.

SEC. 305. DISASTER GRANT CLOSEOUT PROCEDURES.

Title VII of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5101 et seq.) is amended by adding at the end the following:

"SEC. 705. DISASTER GRANT CLOSEOUT PROCEDURES.

''(a) STATUTE OF LIMITATIONS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), no administrative action to recover any payment made to a State or local government for disaster or emergency assistance under this Act shall be initiated in any forum after the date that is 3 years after the date of transmission of the final expenditure report for the disaster or emergency.

''(2) FRAUD EXCEPTION.—The limitation under paragraph (1) shall apply unless there is evidence of civil or criminal fraud.

''(b) REBUTTAL OF PRESUMPTION OF RECORD MAINTENANCE.—

''(1) IN GENERAL.—In any dispute arising under this section after the date that is 3 years after the date of transmission of the final expenditure report for the disaster or emergency, there shall be a presumption that accounting records were maintained that adequately identify the source and application of funds provided for financially assisted activities.

''(2) AFFIRMATIVE EVIDENCE.—The presumption described in paragraph (1) may be rebutted only on production of affirmative evidence that the State or local government did not maintain documentation described in that paragraph.

''(3) INABILITY TO PRODUCE DOCUMENTATION.—The inability of the Federal, State, or local government to produce source documentation supporting expenditure reports later than 3 years after the date of transmission of the final expenditure report shall not constitute evidence to rebut the presumption described in paragraph (1).

''(4) RIGHT OF ACCESS.—The period during which the Federal, State, or local government has the right to access source documentation shall not be limited to the required 3-year retention period referred to in paragraph (3), but shall last as long as the records are maintained.

''(c) BINDING NATURE OF GRANT REQUIREMENTS.—A State or local government shall not be liable for reimbursement or any other penalty for any payment made under this Act if—

''(1) the payment was authorized by an approved agreement specifying the costs;

''(2) the costs were reasonable; and

''(3) the purpose of the grant was accomplished.''.

SEC. 306. PUBLIC SAFETY OFFICER BENEFITS FOR CERTAIN FEDERAL AND STATE EMPLOYEES.

(a) IN GENERAL.—Section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b) is amended by striking paragraph (7) and inserting the following:

''(7) 'public safety officer' means—

''(A) an individual serving a public agency in an official capacity, with or without compensation, as a law enforcement officer, as a firefighter, or as a member of a rescue squad or ambulance crew;

''(B) an employee of the Federal Emergency Management Agency who is performing official duties of the Agency in an area, if those official duties—

''(i) are related to a major disaster or emergency that has been, or is later, declared to exist with respect to the area under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); and

''(ii) are determined by the Director of the Federal Emergency Management Agency to be hazardous duties; or

''(C) an employee of a State, local, or tribal emergency management or civil defense agency who is performing official duties in cooperation with the Federal Emergency Management Agency in an area, if those official duties—

''(i) are related to a major disaster or emergency that has been, or is later, declared to exist with respect to the area under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); and

''(ii) are determined by the head of the agency to be hazardous duties.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies only to employees described in subparagraphs (B) and (C) of section 1204(7) of the Omnibus Crime Control and Safe Streets Act of 1968 (as amended by subsection (a)) who are injured or who die in the line of duty on or after the date of enactment of this Act.

SEC. 307. BUY AMERICAN.

(a) COMPLIANCE WITH BUY AMERICAN ACT.—No funds authorized to be appropriated under this Act or any amendment made by this Act may be expended by an entity unless the entity, in expending the funds, complies with the Buy American Act (41 U.S.C. 10a et seq.).

(b) DEBARMENT OF PERSONS CONVICTED OF FRAUDULENT USE OF ''MADE IN AMERICA'' LABELS.—

(1) IN GENERAL.—If the Director of the Federal Emergency Management Agency determines that a person has been convicted of intentionally affixing a label bearing a ''Made in America'' inscription to any product sold in or shipped to the United States that is not made in America, the Director shall determine, not later than 90 days after determining that the person has been so convicted, whether the person should be debarred from contracting under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(2) DEFINITION OF DEBAR.—In this subsection, the term ''debar'' has the meaning given the term in section 2393(c) of title 10, United States Code.

SEC. 308. TREATMENT OF CERTAIN REAL PROPERTY.

(a) IN GENERAL.—Notwithstanding the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Flood Disaster Protection Act of 1973 (42 U.S.C. 4002 et seq.), or any other provision of law, or any flood risk zone identified, delineated, or established under any such law (by flood insurance rate map or otherwise), the real property described in subsection (b) shall not be considered to be, or to have been, located in any area having special flood hazards (including any floodway or floodplain).

(b) REAL PROPERTY.—The real property described in this subsection is all land and improvements on the land located in the Maple Terrace Subdivisions in the city of Sycamore, DeKalb County, Illinois, including—

(1) Maple Terrace Phase I;

(2) Maple Terrace Phase II;

(3) Maple Terrace Phase III Unit 1;

(4) Maple Terrace Phase III Unit 2;

(5) Maple Terrace Phase III Unit 3;

(6) Maple Terrace Phase IV Unit 1;

(7) Maple Terrace Phase IV Unit 2; and

(8) Maple Terrace Phase IV Unit 3.

(c) REVISION OF FLOOD INSURANCE RATE LOT MAPS.—As soon as practicable after the date of enactment of this Act, the Director of the Federal Emergency Management Agency shall revise the appropriate flood insurance rate lot maps of the agency to reflect the treatment under subsection (a) of the real property described in subsection (b).

SEC. 309. STUDY OF PARTICIPATION BY INDIAN TRIBES IN EMERGENCY MANAGEMENT.

(a) DEFINITION OF INDIAN TRIBE.—In this section, the term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(b) STUDY.—

(1) IN GENERAL.—The Director of the Federal Emergency Management Agency shall conduct a study of participation by Indian tribes in emergency management.

(2) REQUIRED ELEMENTS.—The study shall—

(A) survey participation by Indian tribes in training, predisaster and postdisaster mitigation, disaster preparedness, and disaster recovery programs at the Federal and State levels; and

(B) review and assess the capacity of Indian tribes to participate in cost-shared emergency management programs and to participate in the management of the programs.

(3) CONSULTATION.—In conducting the study, the Director shall consult with Indian tribes.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Director shall submit a report on the study under subsection (b) to—

(1) the Committee on Environment and Public Works of the Senate;

(2) the Committee on Transportation and Infrastructure of the House of Representatives;

(3) the Committee on Appropriations of the Senate; and

(4) the Committee on Appropriations of the House of Representatives.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Mrs. FOWLER) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida (Mrs. FOWLER).

Mrs. FOWLER. Madam Speaker, I yield myself such time as I may consume.

In 1998, the State of Florida endured one of the most tragic natural disasters, wildfires. Over 2,000 wildfires burned Statewide and every county in Florida felt the impact. When the smoke cleared, over half a million acres had been burned, numerous businesses were wiped out and over 300 homes were significantly damaged or completely destroyed.

Three hundred homes. It is hard to imagine what that means unless one of those homes is yours. I would like to relate a story about one of my constituents who lived in one of those houses.

Greg Westin is a resident of Flagler County and a deputy sheriff. In July of 1998, Deputy Westin left his home for work at 7 a.m. to help county officials and firefighters battle the ongoing fires. Throughout the day, Deputy Westin stayed in close contact with his wife and two children to give them updates on the fires. Then eventually he

had to tell his own family to evacuate. But despite his own home being in peril, Deputy Westin did not give up. He continued to fight the fires on the opposite side of the county. In fact, he was working side by side with firefighters in the southern part of Flagler County when his own home caught fire and burned to the ground.

I applaud Deputy Westin's heroic dedication and efforts. But more than that, I want to help him and all of the other people who suffer the devastation of and who respond to these emergencies.

This resolution will send to the other body a bill that could have spared the State, my district and people like Greg Westin from some of this devastation.

The House originally passed H.R. 707 by an overwhelming vote on March 5, 1999. The other body passed an amended version this past July. This resolution reflects provisions negotiated with the other body over the last few months.

The resulting language addresses two separate needs: First, it increases spending authority for projects that help prevent damage from disasters, like elevating structures in the flood plain or conducting preventive burns in fire hazard areas so that we focus on protecting American lives and homes.

Second, it adopts measures that would modify and streamline the current postdisaster assistance program so that we will reduce Federal disaster assistance costs without adversely affecting disaster victims.

There is one section of this bill, section 304, that we did not have time to come to complete agreement on with the other body. This section establishes the President's Council on Domestic Terrorism Preparedness in the Executive Office of the President. This section is identical to section 9 of H.R. 4210 which passed the House by a unanimous vote on July 25, 2000.

This is an important provision. We now live in a world where a small group of individuals can kill or injure hundreds, even thousands of people with such weapons as anthrax, nerve gas, or a truckload of readily available explosives. This section will coordinate the hundreds of terrorism preparedness programs currently run by over 40 agencies in the Federal Government.

The council is not an operational entity. Rather, the council will set out and oversee the implementation of a coherent governmentwide policy. Last week, a congressionally commissioned bipartisan panel, the Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction, known as the Gilmore-Bremer Commission, unanimously recommended that a single White House level office be established to coordinate terrorism preparedness efforts. That is precisely what section 304 will do.

I would like to thank the ranking member of the full committee the gentleman from Minnesota (Mr. OBERSTAR) for his continued counsel and support. He has really taken the time to listen to these issues, to learn the details when it was necessary and to really work with me on this very important, crucial issue to all Americans. I would also like to thank the chairman of the committee the gentleman from Pennsylvania (Mr. SHUSTER) for his advice and support. As the record shows, in the last 6 years the gentleman from Pennsylvania has been an extraordinarily effective and successful legislator. I thank him, also, for his support regarding this bill.

This legislation will help alleviate the pain and suffering and property damage not only of Floridians but of all Americans. It also has the added benefit of reducing our Federal disaster costs. In addition, this resolution will make an important step toward organizing the Federal programs designed to prepare our emergency responders to face the consequences of terrorist attacks.

Madam Speaker, I urge support for this resolution.

Madam Speaker, I reserve the balance of my time.

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

I rise in support of H.R. 707, the Disaster Mitigation Act of 2000, the second time that we have had to take up this legislation in this body. This legislation represents tireless work on the part of the gentlewoman from Florida who has given exhausting hours of her time to fashion a bill that will be effective and that will respond to the concerns that she has already laid out so well, not only in Florida but elsewhere around this country. The cooperative work that she has undertaken with our ranking member, the gentleman from Ohio (Mr. TRAFICANT), has been exemplary; and I appreciate the many visits that we have had about this and about the terrorism commission legislation which I will address in a moment.

The benefits of the disaster mitigation bill are that first of all it establishes a predisaster mitigation program based on the very effective Project Impact initiative. This is the first time that we will be attempting at the Federal level to address problems before they occur. I think properly so, because if we address problems that we have learned cause increased losses, we can avoid those losses in future disasters that we know are likely to occur. These initiatives, rather modest in this bill, will translate into millions of dollars of savings.

There is, however, one concern I have about the legislation, and, that is, both House and Senate bills require nonprofit entities to seek loans from the Small Business Administration as a precondition, a normal requirement of disaster legislation. But these nonprofits are singled out not for what they do but for who they are. They should not be discriminated against in this fashion. We ought to treat them as we do other entities. Certain facilities such as custodial care for aged or disabled, homeless shelters, senior citizens centers, community centers, museums, and libraries are less eligible for direct Federal assistance while private utilities and irrigation districts have a different standing. It is not a fatal flaw in the bill, not one that would cause me to oppose it but one that I hope can be revisited and substantially fixed in the future.

The second portion that the gentlewoman has added to this legislation is the establishment of a President's Council on Domestic Terrorism and Preparedness within the Executive Office of the President. The gentlewoman has, as I said, again devoted tireless hours and very deep personal conviction, which I greatly respect and I want this body to understand and I want the other body to understand this as well. This is not something that she has undertaken as a gesture but as a matter of very deep conviction. I have been greatly persuaded by her activism, by her profound self-assurance based on case studies, careful analysis of the situation and the failure of the existing system to perform as we intended.

I do support the initiative of the President's council. I have worked to mediate between the subcommittee and the Office of Management and Budget and White House staff. I think under the circumstances this is a sound, reasonable, responsible initiative. As the gentlewoman has said to me in years to come after she enters retirement, she does not want to look back on a tragedy and say, ''That could have been prevented. I could have done something while I was in Congress.'' She is doing something, Madam Speaker. She is doing something of great substance and of lasting value. I hope that the other body will concur in this initiative.

Madam Speaker, I reserve the balance of my time.

Mrs. FOWLER. Madam Speaker, I yield myself such time as I may consume, and I yield to the gentleman from Minnesota (Mr. OBERSTAR) for the purpose of a colloquy.

Mr. OBERSTAR. Mr. Speaker, I thank the gentlewoman for yielding.

The amendment adopted by this resolution would change the definition of ''private nonprofit facility'' and ''critical services'' regarding irrigation facilities. I would like the gentlewoman to explain the intention of these changes.

Mrs. FOWLER. Reclaiming my time, the intention of the amendment is to eliminate confusion over the current law. Irrigation facilities should be eligible for Federal assistance to the extent that they provide water for essential services of a governmental nature to the general public. This is water for other than agriculture, such as fire suppression, generating and supplying electricity and drinking water supply.

Facilities providing essential services such as these could be fully eligible for assistance. However, since facilities exclusively providing agricultural water supply are not eligible for assistance, where facilities provide both types of service, eligibility for assistance should be determined on a prorated basis. An irrigation facility, like all private nonprofit facilities eligible for assistance, should not be considered ineligible for assistance simply because it is located on private property.

Mr. OBERSTAR. I thank the gentlewoman for her clarification and explanation.

Mrs. FOWLER. Madam Speaker, I wish to extend my thanks to all the committee and subcommittee personnel on both the majority and minority side who have spent so much time and effort in working this resolution out.

Madam Speaker, I include the following statement of Virginia Governor, James Gilmore, on behalf of the congressionally authorized bipartisan Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction for the RECORD:

NATIONAL TERRORISM PANEL CALLS FOR WHITE HOUSE TERRORISM MANAGEMENT OFFICE

GOVERNOR GILMORE PANEL, CALL FOR ''SWEEPING CHANGES'' TO ADDRESS NATIONAL TERRORISM PREPAREDNESS

RICHMOND, VA.—Governor Jim Gilmore, chairman of a national panel that is assessing U.S. preparedness for a terrorist attack inside U.S. borders, today announced the panel's consensus that a single federal entity within the White House be given overall authority for the planning and coordination of the nation's preparedness for the consequences of a domestic terrorist strike.

''The issue of who-is-in-charge at the federal level is one of the key questions that must be addressed in order to develop a sensible, comprehensive national policy on how we can best respond to, and recover from, a terrorist attack inside our borders. Today, the panel agreed that at the forefront of sweeping changes to the way America prevents as well as deals with a terrorist attack on U.S. soil is the establishment of a White House-level Office of Domestic Preparedness for Terrorism Management,'' said Governor Gilmore.

Governor Gilmore is chairman of the commission known as the Congressional Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction. The panel is in the process of recommending a federal, state and local response and recovery strategy to be submitted to the President and Congress in two final reports, the first due December 15, 2000. The panel will offer its final report in December 2001. A copy of the first report can be found at www.rand.org/organization/nard/terrpanel.

The panel began two days of meetings in Richmond today. Governor Gilmore was appointed chairman in April 1999 of the panel.

As it did in the first report, the panel's December 2000 report is expected to further reiterate its call for a clear, comprehensive national strategy, especially one that takes into account the broad range of disaster-response experience of state and local first-responders—fire, police, health and medical, emergency managers.

''Integrating the nation's ability to effectively and simultaneously conduct concurrent law enforcement and consequence management operations is a key element of national preparedness. Terrorism events require these two distinct elements be integrated with multiple disciplines, including the military, and levels of government into a single response structure.''

''It is critical that we be able to 'operate as one,' within different levels of responsibility, ranging from the emergency first-response community to elected officials, whether at the local, state or federal levels,'' governor Gilmore said, ''Currently, we do not have such a focused, coordinated mechanism. Some federal agencies have good plans and operational strategies, but there is little or no strategic guidance because there is no one agency or entity in charge. That needs to change, and quickly.''

Members of the Panel include retired Lt. Gen. James Clapper, Jr., former Director, Defense Intelligence Agency; L. Paul Bremer III, former State Department ambassador-at-large for counter-terrorism; Dr. Richard Falkenrath, Harvard University Kennedy School of Government; James Greenleaf, former Assistant Director, FBI; retired Maj. Gen. William Garrison, former commander, U.S. Army Special Operations; Dr. Ken Shine, President, National Institute of Medicine; John O. Marsh, former Secretary of the Army, and other state, local and nationally recognized experts in emergency management, law enforcement, fire and rescue operations, and public health.

Panel activities for 2000 will focus on a survey of local and state emergency management and response officials; a thorough review of federal programs; interviews with federal, state, and local officials, including elected leaders, on their concerns and recommendations; case studies, and an analysis of training standards, equipment, notification procedures, communications; and planning.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Mrs. FOWLER) that the House suspend the rules and agree to the resolution, House Resolution 607.

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

A motion to reconsider was laid on the table.

□ 1600

GENERAL LEAVE

Mrs. FOWLER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 607.

The SPEAKER pro tempore (Mrs. MORELLA). Is there objection to the request of the gentlewoman from Florida?

There was no objection.

NEEDLESTICK SAFETY AND PREVENTION ACT

Mr. BALLENGER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5178) to require changes in the bloodborne pathogens standard in effect under the Occupational Safety and Health Act of 1970, as amended.

The Clerk read as follows:

H.R. 5178

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Needlestick Safety and Prevention Act.''

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Numerous workers who are occupationally exposed to bloodborne pathogens have contracted fatal and other serious viruses and diseases, including the human immunodeficiency virus (HIV), hepatitis B, and hepatitis C from exposure to blood and other potentially infectious materials in their workplace.

(2) In 1991 the Occupational Safety and Health Administration issued a standard regulating occupational exposure to bloodborne pathogens, including the human immunodeficiency virus, (HIV), the hepatitis B virus (HBV), and the hepatitis C virus (HCV).

(3) Compliance with the bloodborne pathogens standard has significantly reduced the risk that workers will contract a bloodborne disease in the course of their work.

(4) Nevertheless, occupational exposure to bloodborne pathogens from accidental sharps injuries in health care settings continues to be a serious problem. In March 2000, the Centers for Disease Control and Prevention estimated that more than 380,000 percutaneous injuries from contaminated sharps occur annually among health care workers in United States hospital settings. Estimates for all health care settings are that 600,000 to 800,000 needlestick and other percutaneous injuries occur among health care workers annually. Such injuries can involve needles or other sharps contaminated with bloodborne pathogens, such as HIV, HBV, or HCV.

(5) Since publication of the bloodborne pathogens standard in 1991 there has been a substantial increase in the number and assortment of effective engineering controls available to employers. There is now a large body of research and data concerning the effectiveness of newer engineering controls, including safer medical devices.

(6) 396 interested parties responded to a Request for Information (in this section referred to as the ''RFI'') conducted by the Occupational Safety and Health Administration in 1998 on engineering and work practice controls used to eliminate or minimize the risk of occupational exposure to bloodborne pathogens due to percutaneous injuries from contaminated sharps. Comments were provided by health care facilities, groups representing healthcare workers, researchers, educational institutions, professional and industry associations, and manufacturers of medical devices.

(7) Numerous studies have demonstrated that the use of safer medical devices, such as needleless systems and sharps with engineered sharps injury protections, when they are part of an overall bloodborne pathogens risk-reduction program, can be extremely effective in reducing accidental sharps injuries.

(8) In March 2000, the Centers for Disease Control and Prevention estimated that, depending on the type of device used and the procedure involved, 62 to 88 percent of sharps injuries can potentially be prevented by the use of safer medical devices.

(9) The OSHA 200 Log, as it is currently maintained, does not sufficiently reflect injuries that may involve exposure to

bloodborne pathogens in healthcare facilities. More than 98 percent of healthcare facilities responding to the RFI have adopted surveillance systems in addition to the OSHA 200 Log. Information gathered through these surveillance systems is commonly used for hazard identification and evaluation of program and device effectiveness.

(10) Training and education in the use of safer medical devices and safer work practices are significant elements in the prevention of percutaneous exposure incidents. Staff involvement in the device selection and evaluation process is also an important element to achieving a reduction in sharps injuries, particularly as new safer devices are introduced into the work setting.

(11) Modification of the bloodborne pathogens standard is appropriate to set forth in greater detail its requirement that employers identify, evaluate, and make use of effective safer medical devices.

SEC. 3. BLOODBORNE PATHOGENS STANDARD.

The bloodborne pathogens standard published at 29 C.F.R. 1910.1030 shall be revised as follows:

(1) The definition of ''Engineering Controls'' (at 29 C.F.R. 1910.1030(b)) shall include as additional examples of controls the following: ''safer medical devices, such as sharps with engineered sharps injury protections and needleless systems''.

(2) The term ''Sharps with Engineered Sharps Injury Protections'' shall be added to the definitions (at 29 C.F.R. 1910.1030(b)) and defined as ''a nonneedle sharp or a needle device used for withdrawing body fluids, accessing a vein or artery, or administering medications or other fluids, with a built-in safety feature or mechanism that effectively reduces the risk of an exposure incident''.

(3) The term ''Needleless Systems'' shall be added to the definitions (at 29 C.F.R. 1910.1030(b)) and defined as ''a device that does not use needles for (A) the collection of bodily fluids or withdrawal of body fluids after initial venous or arterial access is established, (B) the administration of medication or fluids, or (C) any other procedure involving the potential for occupational exposure to bloodborne pathogens due to percutaneous injuries from contaminated sharps''.

(4) In addition to the existing requirements concerning exposure control plans (29 C.F.R. 1910.1030(c)(1)(iv)), the review and update of such plans shall be required to also—

(A) ''reflect changes in technology that eliminate or reduce exposure to bloodborne pathogens''; and

(B) ''document annually consideration and implementation of appropriate commercially available and effective safer medical devices designed to eliminate or minimize occupational exposure''.

(5) The following additional recordkeeping requirement shall be added to the bloodborne pathogens standard at 29 C.F.R. 1910.1030(h): ''The employer shall establish and maintain a sharps injury log for the recording of percutaneous injuries from contaminated sharps. The information in the sharps injury log shall be recorded and maintained in such manner as to protect the confidentiality of the injured employee. The sharps injury log shall contain, at a minimum—

''(A) the type and brand of device involved in the incident,

''(B) the department or work area where the exposure incident occurred, and

''(C) an explanation of how the incident occurred.''.

The requirement for such sharps injury log shall not apply to any employer who is not required to maintain a log of occupational injuries and illnesses under 29 C.F.R. 1904 and the sharps injury log shall be maintained for the period required by 29 C.F.R. 1904.6.

(6) The following new section shall be added to the bloodborne pathogens standard: ''An employer, who is required to establish an Exposure Control Plan shall solicit input from non-managerial employees responsible for direct patient care who are potentially exposed to injuries from contaminated sharps in the identification, evaluation, and selection of effective engineering and work practice controls and shall document the solicitation in the Exposure Control Plan.''.

SEC. 4. EFFECT OF MODIFICATIONS.

The modifications under section 3 shall be in force until superseded in whole or in part by regulations promulgated by the Secretary of Labor under section 6(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655(b)) and shall be enforced in the same manner and to the same extent as any rule or regulation promulgated under section 6(b).

SEC. 5. PROCEDURE AND EFFECTIVE DATE.

(a) PROCEDURE.—The modifications of the bloodborne pathogens standard prescribed by section 3 shall take effect without regard to the procedural requirements applicable to regulations promulgated under section 6(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655(b)) or the procedural requirements of chapter 5 of title 5, United States Code.

(b) EFFECTIVE DATE.—The modifications to the bloodborne pathogens standard required by section 3 shall—

(1) within 6 months of the date of enactment of this Act, be made and published in the Federal Register by the Secretary of Labor acting through the Occupational Safety and Health Administration; and

(2) at the end of 90 days after such publication, take effect.

The SPEAKER pro tempore (Mr. ROGAN). Pursuant to the rule, the gentleman from North Carolina (Mr. BALLENGER) and the gentleman from New York (Mr. OWENS) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. BALLENGER).

GENERAL LEAVE

Mr. BALLENGER. 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. 5178.

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

There was no objection.

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

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

Mr. Speaker, I am pleased to have the opportunity today to talk about H.R. 5178, the Needlestick Safety and Prevention Act, a bill that I introduced last week.

A tremendous amount of bipartisan discussion and effort has gone into this bill. Since its introduction last month, many Members, from both sides of the aisle, have joined as cosponsors, including many members of our full committee. I am especially pleased to have worked with my colleague from the Subcommittee on Workforce Protection, the gentleman from New York (Mr. OWENS), on this bill, and thank him for his support and sponsorship.

This bill represents the consensus agreement of many groups, from hospitals to nurses to health care workers to industry. I know there are compromises that have gone into this effort. I want to commend all those who have been involved in this work and who helped bring us here today.

I want to thank the gentleman from Pennsylvania (Chairman GOODLING) for his support of this bill, and also take another opportunity to acknowledge his distinguished service as chairman of our committee and for his leadership on so many workforce issues.

I also want to acknowledge my colleagues from the other body, Senators JEFFORDS, ENZI, KENNEDY and REID, for their work on this important workplace safety issue. On matters related to the Occupational Safety and Health Administration, it is not often that I find myself in such company. However, as we have all learned of the important basic public health issue at the heart of this bill, it was apparent the opportunity to work together and advance this legislation was at hand.

This legislation is the product of a hearing held this past June by the Subcommittee on Workforce Protection on the public health concern about accidental needlestick injuries to health care workers. Even more than that, this legislation will help to ensure that our Nation's nearly 8 million health care workers will not have to risk their own health, and perhaps their own lives, when providing care for all of us.

Our knowledge about needlestick and other ''sharps'' injuries and what can be done about them has greatly increased over the past decade. One estimate is that more than 600,000 needlestick and other sharps injuries occur in health care settings in the United States each year. The very consequences of such injuries to health care workers can mean exposure to serious viruses and diseases, including the HIV virus, hepatitis B and hepatitis C.

At the same time as our knowledge about the risks and consequences of needlestick injuries has increased, the technology of devices used in health care settings which can protect against these injuries has also advanced. Today, our knowledge about the effectiveness of such ''safer medical devices'' such as needleless systems, is also better known. H.R. 5178 will assure that safer medical devices will be used, and the lives of health care workers will be made better for it.

H.R. 5178 builds on the work of an OSHA guidance document, a compliance directive, issued last fall. Quite simply, H.R. 5178 amends the OSHA Bloodborne Pathogens Standard. It makes clear in the standard itself the direction already provided by OSHA in its compliance directive, that is, that employers who have employees with occupational exposure to bloodborne pathogens must consider, and where

appropriate, use effective engineering controls, including safer medical devices, in order to reduce the risk of injury from needlesticks and from other sharp medical instruments. This legislation requires employers to use safer medical devices only where the devices are appropriate, commercially available, and effective at reducing or eliminating sharps injuries.

Under no circumstances, either through this legislation or through the underlying Bloodborne Pathogen Standard, are employers required to use a safer medical device or engineering control where such a device jeopardizes a patient's safety and an employee's safety, or where such a device is medically contraindicated. All affirmative defenses are available to an employer and are kept intact in this legislation.

H.R. 5178 amends the OSHA standard in two additional ways. First, in considering and selecting safer medical devices, employers would be required to solicit input from the frontline health care workers who would actually use the devices. Testimony at our hearing in June indicated the importance of this requirement. Because there are so many new devices on the market and because each health care setting is different, careful evaluation of devices by the professionals who will use them is necessary to know what works and what does not in particular settings.

Second, this legislation requires employers to maintain a sharps injury log. Now, I am certainly not one to favor increased paperwork for employers. In this situation, however, I understand the importance of such a law as a tool to track high-risk areas for injury and also as a means to evaluate the effectiveness of particular devices. This legislation ensures that such a log will protect the confidentiality of the insured employee.

While it does all that, this legislation also provides employers with the needed flexibility to determine the best technology to use in particular circumstances. It is careful not to favor the use of a specific device. In fact, this legislation is crafted not to impede, but to encourage, technological development by encouraging the use of new technologies. It is left to the employer to evaluate the effectiveness of these available devices, and I would like to emphasize this to any Senator who may be listening to this: it is careful not to favor the use of a specific device. In fact, this legislation is crafted not to impede, but to encourage technological development, by encouraging the use of new technologies; and it is left to the employer to evaluate the effectiveness of the available devices.

H.R. 5178 will help resolve an important public health worker safety issue.

Mr. Speaker, this legislation has broad-based support from both employer and employee communities. The American Hospital Association; the American Nurses Association; Premier, the leading group health purchasing organization; the Service Employees International Union; AFSCME; the American Federation of Teachers; the Firefighters; and many manufacturers, are all supporters. And it certainly has the support of one nurse from Massachusetts, Karen Daley, who told us at our hearing in June of her personal experience with a needlestick injury and who so generously asked that we take this action; not to help her, for it was too late, but to make a difference in working lives of the Nation's nearly 8 million health care workers.

Mr. Speaker, at this time I am offering a substitute to the version of H.R. 5178 that passed the Subcommittee on Workforce Protection. This substitute makes a technical correction to clarify that the documentation of the consideration and implementation of safer medical devices is to be done annually.

Along with my distinguished colleague, the gentleman from New York (Mr. OWENS), I am offering a joint statement of legislative intent.

I would like to go out of my way now to thank Vickie Lipnic and Greg Maurer for the time and effort in resolving the many problems that arose in this effort. I want to thank all of my colleagues who have joined together in bringing this issue forward, and I urge its support in the full House.

Mr. Speaker, I include for the RECORD the joint statement of legislative intent on H.R. 5178.

H.R. 5178—NEEDLESTICK SAFETY AND PREVENTION ACT: JOINT STATEMENT OF LEGISLATIVE INTENT ON SUBSTITUTE BY HON. CASS BALLENGER OF NORTH CAROLINA AND HON. MAJOR OWENS OF NEW YORK IN THE HOUSE OF REPRESENTATIVES, TUESDAY, OCTOBER 3, 2000

Mr. Speaker, I am joined today by the ranking member of the Subcommittee on Workforce Protections of the Committee on Education and the Workforce, the Honorable Major Owens, in discussing the Needlestick Safety and Prevention Act. I am pleased to offer this bipartisan legislation which addresses an important public health issue confronting our nation's health care workers.

At this time, pending is a substitute to the version of H.R. 5178 which passed the Workforce Protections Subcommittee. I am pleased to be joined by Mr. Owens in offering the substitute. What follows is both the text of the substitute to H.R. 5178 and a statement of legislative intent which I offer on behalf of myself and Mr. Owens.

JOINT STATEMENT OF LEGISLATIVE INTENT ON SUBSTITUTE TO H.R. 5178

This legislation follows a hearing held by the Workforce Protections Subcommittee in late June of this year. The legislation derives from the convergence of two critical circumstances which have a profound effect on the safety of health care workers in the United States.

The first circumstance is the increased concern over accidental needlestick injuries suffered by health care workers each year in health care settings. ''Needlesticks'' is a term used broadly, as health care workers can suffer injuries from a broad array of ''sharps'' used in health care settings, from needles to IV catheters to lancets. The second circumstance is the technological advancements made over the past decade in the many types of ''safer medical devices'' that can be used in health care settings to help protect health care workers against sharps injuries. Because of the convergence of these two circumstances—and because of increasing concern over the public health issue related to the spread of hepatitis C, it is appropriate to take this action at this time.

Section 1 of the Bill provides the title the ''Needlestick Safety and Prevention Act.'' Section 2 of the bill provides the Congressional findings.

Section 3 of the bill directly modifies the Bloodborne Pathogens Standard, 29 C.F.R. 1910.1030, one of the health and safety standards promulgated by the Department of Labor's Occupational Safety and Health Administration (OSHA). The legislation builds on the most recent action taken by OSHA related to the Bloodborne Pathogens Standard—the revision in November 1999 to OSHA's Compliance Directive on Enforcement Procedures for the Occupational Exposure to Bloodborne Pathogens (''Compliance Directive'').

In modifying the Bloodborne Pathogens Standard (''BBP standard'') this bill makes narrowly-tailored changes to the BBP standard. It makes clear in the BBP standard the direction already provided by OSHA in its Compliance Directive: namely, that employers who have employees with occupational exposure to bloodborne pathogens must consider and, where appropriate, use effective engineering controls, including safer medical devices, in order to reduce the risk of injury from needlesticks and from other sharp medical instruments (''sharps'').

The bill accomplishes this in several ways. First, the BBP standard is modified so that the definition of ''engineering controls'' at 29 C.F.R. 1910.1030(b) includes as additional examples of such controls, ''safer medical devices, such as sharps with engineering sharps injury protections and needleless systems.'' Following that step, the BBP standard is amended so that both ''sharps with engineered sharps injury protections'' and ''needleless systems'' are added to the definitions of the standard.

While sharps with engineered sharps injury protections and needleless systems are examples of safer medical devices, it is not the intent of this legislation to limit engineering controls or, for that matter, safer medical devices, to the examples cited in this legislation. Nor should the citing of these examples be considered an endorsement or preference of a specific product or assurance of a specific product's effectiveness.

Rather, it is the intent of this legislation to reflect innovation and evolving technology in the marketplace. It is also the intent of this legislation that any devices that have been considered or determined to be engineering controls by OSHA shall continue to be considered as such. This legislation anticipates that hospitals and other employers, in crafting their Exposure Control Plans, will adopt procedures and use devices that have been proven to reduce the risk of needlestick injuries.

Employers use their Exposure Control Plans to evaluate appropriate practices and devices for reducing occupational exposure. To focus attention on the need for employees to look at changes in technology, this legislation further modifies the BBP standard by adding to the existing requirements concerning Exposure Control Plans at 29 C.F.R. 1910.1030(c)(1)(iv). Through these modifications, employers will be required to demonstrate in the review and update of their Exposure Control Plans that their Exposure Control Plans reflect changes in technology and also that they document annually the consideration and implementation of appropriate, commercially available and effective safer medical devices. The clarification that documentation of such devices is to be done

''annually'' is the only difference between the substitute bill described here and the bill as reported by the Subcommittee on Workforce Protections.

It is through an employers' Exposure Control Plan that engineering controls and safer devices are considered and deployed in the workplace. To the extent that specific types of devices, such as catheter securement devices or needle destruction devices can reduce the risk of needlestick injuries, such devices could be appropriate components of an employer's comprehensive exposure control plan. Nevertheless, it is impossible for this legislation to recommend any one type of engineering control. Perhaps better stated it is not the intent of this legislation to disturb the underlying flexible, performance-oriented nature of the Bloodborne Pathogens Standard, whereby the employer must evaluate the circumstances of the workplace and assess what is effective and what is not in that particular work setting.

It is important to note also that the requirement in this legislation for the consideration and implementation of safer medical devices is hinged upon the ''appropriateness'' and the ''commercial availability'' of such devices. Finally, while this may be stating the obvious, it is not the intent of this legislation, nor for that matter of the current Bloodborne Pathogens Standard, for employers to implement use of any engineering control, including a safer medical device, in any situation where it may jeopardize a patient's safety, an employee's safety or where it may be medically contraindicated. We do not expect an OSHA inspector to substitute his judgment for that of the professional clinical and medical judgment of health care professionals responsible for patient safety. Moreover, all of the affirmative defenses available to an employer under the current Bloodborne Pathogens Standard remain intact with this legislation.

Section 3 of the bill amends the BBP standard in two additional ways. First, it adds a requirement that in addition to the recordkeeping requirements already found in the BBP standard, employers must record percutaneous injuries from contaminated sharps in a sharps injury log. The legislation sets out the minimum information to be included in such a log, namely the type of device used, an explanation of the incident, and where the injury occurred. Employers are free to include other information should they find it helpful. However, this legislation does require that in recording the information and maintaining the log, the confidentiality of the injured employee is to be protected.

The requirement for a sharps injury log is consistent with current OSHA recordkeeping in two specific ways. First, the sharps injury log requirement does not apply to any employer who is not already required to maintain a log of occupational injuries and illnesses under 29 C.F.R. 1904. Second, employers are not required to maintain the logs for a period of time beyond that currently required for the OSHA 200 logs.

It is the sole intent of the sharps injury log requirement that it be used as a tool only for employers so that they may determine their high risk areas for sharps injuries and use it as a means to evaluate particular devices that may or may not be effective in reducing sharps injuries. At a Subcommittee on Workforce Protection hearings in June, representatives of the American Hospital Association testified that many health care settings, particularly hospitals, already have in place some type of ''surveillance system'' for tracking needlestick and other sharps injuries. The AHA witness noted that hospitals have found this to be an effective tool to provide necessary information to help reduce such injuries.

The second way in which Section 3 amends the BBP standard is by specifying that employers must solicit input from non-managerial employees responsible for direct patient care who are potentially exposed to injuries from contaminated sharps in the identification, evaluation and selection of effective engineering and work practice controls. Employers are also to document this in the Exposure Control Plans. The intent of this section is simple—to involve those workers who will actually be using the new devices in their selection. It is not the intent of this legislation to force a particular technology on employers or employees without some careful consideration and evaluation of the technology's effectiveness.

Section 4 of the legislation explains that the modifications as delineated by Section 3 of the bill can be changed by a future rulemaking by OSHA on the Bloodborne Pathogens Standards.

Finally, Section 5 of the bill directs that the modifications to the BBP standards are to be made without regard to the standard OSHA rulemaking requirements or the requirements of the Administrative Procedures Act. Admittedly, preemption of the OSHA rulemaking procedures is not an action to be undertaken lightly. Indeed, the requirements of this bill are driven by the unique circumstances surrounding this narrow and particular public health issue. Although there is no such thing as binding precedent for Congress, it is not the intent of this legislation, through the process used here, to diminish the carefully constructed requirements and procedures for OSHA rulemaking.

The legislation does prescribe, however, that the changes to the BBP standard are to be made by the Secretary of Labor and published in the Federal Register within six months of enactment and that the changes will take effect 90 days after such publication.

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

Mr. Speaker, it is not exaggerating to say this is legislation that will save lives. I rise in support of H.R. 5178. This legislation will significantly improve the health and safety of health care workers by reducing accidental needlesticks and other sharps injuries.

It is estimated that there are between 600,000 and 800,000 incidences of accidental needlestick injuries among health care workers every year. As a direct result, more than 1,000 of these workers will contract a serious potentially life-threatening disease such as HIV or hepatitis C. Studies have shown that as many as 80 percent of these accidental needlesticks can be avoided through the use of available safer medical devices.

The Occupational Safety and Health Administration, OSHA, has already taken action to reduce accidental needlestick injuries. In November 1999, OSHA issued a revised compliance directive on enforcement procedures for occupational exposure to bloodborne pathogens. The principal purpose of the new directive is to emphasize the requirement that health care employers identify, evaluate, and make use of effective, safer medical devices. H.R. 5178 builds upon OSHA's efforts.

Specifically, H.R. 5178 amends OSHA's 1991 Bloodborne Pathogen Standard to clarify and reiterate the requirement to use ''appropriate commercially available and effective safer medical devices designed to eliminate or minimize occupational exposure to bloodborne pathogens.'' H.R. 5178 provides definitions of ''engineering controls,'' ''sharps with engineered sharps injury protections,'' and ''needleless systems'' in order to provide greater clarity of the requirements of the standard.

The legislation ensures that employers regularly monitor and assess the development of appropriate commercially available and effective safer medical devices. It ensures that health care workers who must use the equipment will have a voice in its selection and will be properly trained in its use. Finally, the legislation promotes greater awareness and more active vigilance through the use of a sharps injury log.

The primary intent of H.R. 5178 is to protect the safety and health of health care workers. One of the principal ways the legislation accomplishes this is by encouraging the development of safer medical devices. Under the bill, it is the responsibility of health care employers, in consultation with their workers and subject to oversight by OSHA, to determine for themselves what are the safest devices on the market that meet their individual needs.

As newer safer devices come to the market, employers are required to consider and implement appropriate and effective safer medical devices. Since the bill anticipates and encourages technological development, the bill intentionally does not define any specific medical device as a safer medical device per se. To do so would be self-defeating.

While reinforcing the requirement that safer medical devices be used where they are commercially available, this legislation does not mandate the use of engineered controls where such controls are not commercially available. Neither this legislation, nor the underlying standard it amends, requires anyone to use any engineering control, including a safer medical device, where such use may jeopardize a patient's safety, an employee's safety, or where it may be medically contraindicated.

This legislation leaves intact all of the affirmative defenses available to employers related to the use of engineered controls under the Bloodborne Pathogen Standard.

Mr. Speaker, this is good legislation. This is life-saving legislation. It is supported by health care employers, including the American Hospital Association and Kaiser Permanente. It is supported by medical equipment manufacturers, including Becton-Dickinson and Retractable Technologies, Inc.; and it is supported by the unions that represent health care workers, including the American Nurses Association, the Service Employees, AFSCME, AFT, AFGE, and the Firefighters.

I commend the gentleman from North Carolina (Chairman BALLENGER)

for his leadership on this issue, and I urge my colleagues to support H.R. 5178.

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

Mr. BALLENGER. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. GOODLING).

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

Mr. GOODLING. Mr. Speaker, I want to encourage everyone to vote for that legislation, but particularly I want to thank our subcommittee Chair, the gentleman from North Carolina (Mr. BALLENGER), because if I were a betting person several months ago and they said this legislation was going to come to the floor of the House, I would have said I doubt that.

□ 1615

I did not think you could get the employees and the employers together on the issue, but the gentleman from North Carolina (Chairman BALLENGER) and his cunning ways overwhelmed them and brought that about, and what that means is an awful lot of people will not risk the danger of some horrible disease, and not only that, the expense of trying to prevent that disease from happening after the needlestick.

Again, I compliment the gentleman from North Carolina (Mr. BALLENGER), our subcommittee chair, the gentleman has done an outstanding job.

Mr. Speaker, I rise in support of H.R. 5178, the Needlestick Safety and Prevention Act. I want to congratulate Congressman BALLENGER for his leadership in forging a consensus between the employer and the employee communities on this once contentious issue. Congressman BALLENGER'S work on this issue is indicative of his excellent service as Chairman of the Subcommittee on Workforce Protections for the past six years.

More than 600,000 times a year, healthcare workers are accidentally stuck by needles and other devices in the course of their work. With every accidental needlestick, health care workers risk contracting fatal diseases such as AIDs and Hepatitis C. H.R. 5178 will help prevent many of these accidental needlesticks.

Even in the fortunate majority of these cases when no diseases are transmitted, employers incur thousands of dollars in expenses for blood tests and preventative medications.

Fortunately, rapidly improving technology offers workers and employers safer medical devices that reduce the risk of needlestick injuries. H.R. 5178 requires employers to consider using safer medical devices. When such devices are appropriate, commercially available and effective, employers must implement safer devices in the workplace.

H.R. 5178's flexible approach to safer medical devices puts the decision-making in the hands of employers rather than distant Washington bureaucrats.

Employers, with input from frontline health care employees, have the flexibility and the responsibility to choose practices and devices that will help protect their workers in their workplaces.

By embracing a flexible, decentralized solution, H.R. 5178 enables employer and employee representatives to unite behind legislation that will help make work safer for health care workers. As a result, both the American Hospital Association and the American Nurses Association have enthusiastically endorsed H.R. 5178. I encourage my colleagues to vote for H.R. 5178.

Mr. OWENS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. Mr. Speaker, before I make my remarks on this legislation, I also would like to compliment the gentleman from North Carolina (Chairman BALLENGER) for the work and how swiftly we have gotten this through the committee, and I appreciate that. I thank my colleague from New York (Mr. OWENS) again for his work to protect our health care workers, that is what it comes down to.

Mr. Speaker, I have spent over 30 years of nursing before I came here; and I certainly can tell my colleagues how many times I have gotten stuck with a needle. And I was probably very lucky, because many years ago, we did not face the diseases that we are facing today. Today, we are facing TB, Hepatitis B, Hepatitis C, HIV, AIDS, and these are the things we have to be concerned about. What people have to realize, it is not that nurses or health care workers are not being careful; but when we are dealing with life-threatening situations of taking care of a patient, we are concerned about giving the patient certainly the medications they need fast, starting IVs and everything else goes out of their minds.

This legislation is going to protect health care workers across this Nation. We heard that 600,000 to 800,000 healthcare workers are stuck every single year. We know that when a health care worker is stuck, they have to go down for a test. They have to be followed through. It can cost, for each person that is stuck, $3,000. We are not even talking about those that, unfortunately, do get fatal diseases from these injuries.

Mr. Speaker, I commend certainly the committee and the hard work that has been done on this and how fast it has gone, because now we know we have legislation that is out there that is going to protect our health care workers, and more than that, this is legislation that can save lives.

I am very proud to be here to encourage all of my colleagues, all of my colleagues to support this overwhelmingly. This is good legislation, and it should pass unanimously. I thank all my colleagues for their work.

Mr. BALLENGER. Mr. Speaker, I yield 2½ minutes to the gentlewoman from New Jersey (Mrs. ROUKEMA).

Mrs. ROUKEMA. Mr. Speaker, I certainly thank the gentleman from North Carolina (Mr. BALLENGER), our subcommittee chairman, but I think we are here today to say in a very real and definite and substantial way that Congress, when it sets public policy, it should put health and safety first. And as such, the safety of our health care workers and their patients are of paramount concern in this legislation.

I will tell my colleagues, we have safer medical devices that are being added to OSHA, as we amend OSHA in this legislation today, but in addition, employers are required to consider and implement the use of such safe medical devices in their facilities. It is certainly because of the leadership of the gentleman from North Carolina (Mr. BALLENGER), the gentleman from New York (Mr. OWENS), and the gentleman from Pennsylvania (Chairman GOODLING) on this subject. It was mentioned earlier nobody thought we could get this kind of a compromise in this kind of a leadership in such a short period of time.

Mr. Speaker, I will not go into all the statistics that have already been noted here today, but they are alarming statistics about the health and the safety, not only of the workers, but also the spread of terrible diseases, because of the breakdown of these safety devices, to the patients in our hospitals.

These numbers are alarming as they have already been stated, but especially alarming since we already know that the technology exists that could prevent these injuries and this spread of infection.

The least we can do is see that the medical professionals have the latest in safety precautions available to them. We cannot prevent all the hospitals and doctor office accidents, but certainly we can with today's safety needles provide the lifesaving support for those that need it.

I would like to point out, too, that while the statistics are alarming, I must also say that we should put health and safety first, not only health and safety first, but the bottom line, we are saving money.

Mr. Speaker, I do want to finally commend again the gentleman from North Carolina (Mr. BALLENGER) and the gentleman from New York (Mr. OWENS) for their leadership, but also we must remember the forward thinking companies like Becton-Dickinson in Bergen County, New Jersey for their contribution to the development of these safe technologies.

Mr. Speaker I rise in strong support of H.R. 5178, the Needlestick Safety and Prevention Act. When we in Congress set public policy, we must always put health and safety first. As such, the safety of health care workers and their patients are of a paramount concern.

H.R. 5178, the Needlestick Safety and Prevention Act, takes an important step in helping to reduce the risks of occupational exposure to bloodborne pathogens. The bill requires the Occupational Safety and Health Administrative (OSHA) to amend the Bloodborne Pathogens Standard to include the definition of ''safer medical devices.'' In addition, employers are required to consider and implement the use of such safer medical devices in their facilities. I would like to thank

Mr. BALLENGER and Mr. OWENS and Committee Chairman GOODLING for leading the charge to bring this bipartisan legislation to the floor.

It is currently estimated that there are between 800,000 and 1 million needlesticks and other sharps injuries to healthcare workers in the United states each year. An average hospital incurs approximately 30 worker needlestick injuries per 100 beds per year. These numbers are alarming, especially since the technology exists to prevent these injuries.

Many of these accidents are instant tragedies, infecting dedicated medical workers with blood-borne diseases, sometimes even the incurable AIDS virus. And ALL of these needlesticks leave the victim frightened of the consequences until a blood test can be done to determine whether they have been infected.

The least we can do is see that medical professionals have the latest in safety precautions available to them. We cannot prevent all hospital and doctor's office accidents, but we should prevent those we can. Today's safety needles are lifesavers for those trying to save lives. We need to encourage the use of safe needles and devices to improve healthcare worker safety in the workplace.

Numerous studies have demonstrated that the use of safe-needle devices, when they are part of an ''overall'' bloodborne pathogens risk-reduction program, are extremely effective in reducing accidental needlesticks. In fact, the Centers for Disease Control and Prevention estimates that 76 percent of needlestick injuries could be eliminated immediately if health care institutions switched to safe needles and similar devices. We should be doing everything possible to encourage the use of safe technology.

Not only does the use of safe technology save lives—it also saves money. For example, it is estimated that for a 300 bed hospital to convert to safe technology, it would cost $70,000 a year. When you compare that amount to the estimated $500,000 in testing and drug regimens for just one needlestick injury, it becomes clear—needlestick prevention makes practical and fiscal sense. And this does not begin to include the emotional toll of the injured worker or the countless lawsuits filed.

The use of safe technology should be viewed as an insurance policy: an insurance policy for workers and patients and an insurance policy for hospitals.

Mr. Speaker, I commend Mr. BALLENGER and Mr. OWENS for their leadership on this important issue. I also would like to commend forward-thinking companies like Becton-Dickinson of Bergen County, New Jersey, for their contribution to the development of this safe technology.

I strongly urge my colleagues to vote in favor of this important legislation.

Mr. OWENS. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Mr. Speaker, I thank my friend, the gentleman from New York (Mr. OWENS), for yielding me the time.

Mr. Speaker, I rise in support of this legislation. I want to congratulate the gentleman from North Carolina (Mr. BALLENGER) and the gentleman from New York (Mr. OWENS), my friend, for their intelligence in bringing this to the floor.

There are a lot of competing interests in this legislation, union and management, health care providers and product providers, and it was a substantial task to bring all of those parties together. The gentleman from North Carolina (Mr. BALLENGER) and the gentleman from New York (Mr. OWENS) took the lead in doing that, and I thank them and commend them for it.

The gentleman from New York (Mr. OWENS) said in his remarks that it is not an overstatement to say that this legislation will save peoples' lives; he is right. There are instances where people are injured and sometimes fatally injured as a result of injuries on the job that will be prevented as a result of passing this legislation.

This is what we are here to do, to bring the two parties together and both sides of the bargaining table to make this happen. I know the gentleman from New York (Mr. OWENS) in particular has been tenacious in pursuing this legislation for many numbers of years, and on behalf of my constituents, I thank him for it.

I also thank the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from Missouri (Mr. CLAY) for their leadership of the full committee in bringing us here.

I first heard about this legislation when members of the health care team, nurses, mainly, at the Camden County Health Services Center in my district visited me in my office here, they are members of the AFSCME union, and they had called it to the attention of their employer to voluntarily adopt a standard like this, which the employer, to its credit, did. That was then followed up here at the national level by any number of groups and interests to make sure that we could codify this effort by OSHA to balance the concerns of union and management, to balance all concerns and to write a good bill. I believe that we have done that.

I also appreciate the way that this bill incorporates technological changes and does not wed itself to any particular technology. I applaud that, because I believe that it will permit the development and evolution of even greater technologies as time goes by.

Mr. Speaker, I also applaud the fact that the bill reflects my own understanding that a device that does not use needles for the securement of devices for administration of medication or fluids and thereby diminishes or eliminates exposure to bloodborne pathogens clearly falls within the definition of a device that does not use needles for any other procedure involving the potential for occupational exposure to bloodborne pathogens due to the injuries from contaminated sharps.

I think I followed that, not being a medical professional. In other words, that OSHA can find the very best technology available in any given time in the future to protect workers, that is what we are here to do.

Mr. Speaker, I again thank the gentleman from North Carolina (Mr. BALLENGER) and the gentleman from New York (Mr. OWENS). I rise in enthusiastic support of the legislation and urge its unanimous approval.

Mr. BALLENGER. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. BARRETT).

Mr. BARRETT of Nebraska. Mr. Speaker, I thank the gentleman from North Carolina (Mr. BALLENGER) for yielding me this time, and I compliment him as well, the job that he did in bringing this bill to the floor.

And I certainly am pleased to join with my colleagues in total support of H.R. 5178, the Needlestick Safety and Prevention Act. I think this is one of the major public health issues facing the health care community today, and I think it certainly deserves the attention of the Congress.

According to the Department of Labor, as has already been mentioned, there are an estimated 800,000 needlestick injuries which occur in the United States each year, and this puts thousands of health care workers including nurses and doctors and CNAs and even custodians at the risk of accidental exposure to more than 20 pathogens, including HIV and Hepatitis B and C. In addition to protecting health care workers, Congress should be concerned about protecting every patient admitted to a hospital or treated at a clinic, because patients are also at risk of an accidental needlestick injury.

A very crucial component of the comprehensive prevention program is the use of the so-called safe needles. These are needles designed to retract into the body of the syringe once it is used so it can then be disposed of with a much lower chance of an accidental needlestick. A company in my district, Becton-Dickinson is a leading manufacturer of these devices, and I am pleased that a company with Nebraska ties can play a role in addressing this very important public health concern.

For the safety of health care workers and patients, this very important public health issue should not be overlooked. And I certainly extend my full support to the bill and urge its passage.

Mr. OWENS. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. THOMPSON).

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

Mr. THOMPSON of California. Mr. Speaker, I rise in strong support of this

measure. I would like to thank the gentleman from North Carolina (Mr. BALLENGER) and the gentleman from New York (Mr. OWENS) for bringing this important bill to the floor today for this vote.

H.R. 5178 is an important bill that I believe will truly make a difference in the lives of health care workers, patients and the families of both throughout this Nation. As was pointed out earlier, there is an estimated 800,000 needlesticks per year across this country. The potential for needlesticks put health care workers and patients at risk of contracting diseases, like Hepatitis C and B and HIV.

In California, the results of legislation that I authored when in the State Senate found that most needlesticks could be prevented by using better designed safer needles and following stricter disposal protocols.

This bill and these findings helped to lead to a 1998 mandate for safer needles in California. In addition to saving lives, it is estimated that in California, we will save over $100 million per year as a result of these safer needles. The savings are calculated by using the costs of disability payments, testing and treatment, lost wages, and liability costs.

H.R. 5178 will require the use of safer needles, require more consistent documentation of needlestick injuries, and it establishes the stronger Federal uniform standard for the disposal and the usage of needles. It will save lives. It will save money, and it deserves the support of every Member of Congress.

Mr. BALLENGER. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. LATOURETTE).

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

Mr. LATOURETTE. Mr. Speaker, I want to commend the gentleman from North Carolina (Mr. BALLENGER) for this bill, H.R. 5178, and commend him for his hard work in bringing it to the floor today.

I also want to thank the gentleman from New York (Mr. OWENS). I share their commitment to reducing the risk of exposure from men and women whose occupation places them in close proximity to bloodborne pathogens in the workplace.

□ 1630

H.R. 5178 amends the OSHA standards on blood-borne pathogens to include the definition of safer medical devices. I especially want to thank both gentlemen today for including that in their manager's statement of legislative intent, clarifying that it is not the intent of the legislation to limit in any way any engineering controls or safer medical devices to the few examples that are cited in the legislation.

The statement offered today clearly expresses the intent of the bill's crafters to provide for innovative and evolving technology in our efforts to minimize risk.

As the gentleman from North Carolina knows, I am particularly concerned about a device that is manufactured not surprisingly in my district by a fellow named Joe Adkins through his company, Safeguard Medical Devices. The product they have developed is roughly the size of a pocket pager, and is intended to be carried by all personnel who may encounter unsafe used syringes. It is designed to blunt and seal the end of the needle with a ''BB'' type ball that seals the syringe hub, further reducing the risk of downstream infection.

The language thankfully included in the manager's statement leaves no doubt that products that minimize the risks of exposures to blood-borne pathogens, like the one developed by Safeguard Medical Devices, are intended to be covered by the broad language of section 3 in the bill referring to safer medical devices, and that the examples cited in the bill were intended to be illustrative, rather than exhaustive.

For that, I thank the chairman and thank the gentleman from New York (Mr. OWENS).

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

Madam Speaker, I will enter into the RECORD a letter by Mr. Charles Loveless, director of legislation for the Association of Federal, State, County and Municipal Employees, the AFL–CIO.

AFSCME, AFL-CIO,
Washington, DC, October 2, 2000.

DEAR REPRESENTATIVE: On behalf of the 1.3 million members of the American Federation of State, County and Municipal Employees (AFSCME), I urge you to support the Needlestick Safety and Prevention Act (H.R. 5178), introduced by Representatives Cass Ballenger and Major Owens.

H.R. 5178 would amend the Occupational Safety and Health Administration's (OSHA) Bloodborne Pathogens Standard to require that employers use safety-designed needles and sharps in order to reduce needlestick injuries and the transmission of serious diseases from patients to nurses and other workers. This important legislation codifies and refines a compliance directive issued by OSHA late last year, after seeking public input on the use of safer devices.

Needlestick injuries are a serious, but preventable, public health problem. Despite the availability of safer devices, the vast majority of needles and sharps in use today are old-style devices that lack integrated safety features. As a consequence, 600,000 to 800,000 needlestick injuries occur each year in the health care workplace. Among those who sustain such an injury, an estimated 1,000 contract a serious disease, including Hepatitis C and HIV.

H.R. 5178 is an important measure that will save lives. We endorse this bipartisan bill and urge you to approve it.

Sincerely,

CHARLES M. LOVELESS,
Director of Legislation.

Madam Speaker, I have no additional speakers, and I yield back the balance of my time.

Mr. BALLENGER. Madam Speaker, I yield 2 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Madam Speaker, I rise in strong support of H.R. 5178, the Needle Stick Safety and Prevention Act.

I do want to thank the gentleman from North Carolina (Mr. BALLENGER) for bringing this bill to the floor. I want to thank the ranking member, the gentleman from New York (Mr. OWENS), for his role and leadership in bringing this bill before us. I am proud to be a cosponsor.

This bipartisan legislation is designed to protect health care workers from needle stick injuries by updating the Occupational, Safety, and Health Administration's standards in order to address advances in safer medical devices such as needleless systems and needles that are specifically engineered for injury protection.

Passage of H.R. 5178 would reduce the risk of HIV, hepatitis B, hepatitis C, that are caused by accidental needle sticks. This year, the Centers for Disease Control and Prevention estimated that more than 380,000 needle stick injuries from contaminated needles occur annually among health care workers in our U.S. hospitals.

The total number of needle stick and other skin-puncturing injuries in all health care settings is, as Members have heard before, 600,000 to 800,000 annually.

The CDC has also estimated that, depending on the type of device used and the procedure involved, that 62 to 82 percent of needle stick injuries can potentially be prevented by the use of safer medical devices.

One particular needleless system has been developed by Calypte Biomedical Corporation of Rockville, Maryland. Long concerned about the risk of HIV transmission through accidental needle stick injuries, Calypte Biomedical manufactures FDA-approved, urine-based HIV diagnostic tests which would dramatically reduce needle stick accidents.

This legislation is supported by the American Hospital Association, the American Nurses Association, a number of other agencies and organizations. It ensures that hospitals and other medical employers will have the flexibility to best protect their workers. I urge my colleagues to support it.

Mr. BALLENGER. Madam Speaker, I yield 2 minutes to the gentleman from Georgia, (Mr. ISAKSON).

Mr. ISAKSON. Madam Speaker, I thank the gentleman for yielding time to me, and commend him on this important issue, as well as the gentleman from New York (Mr. OWENS) and his support.

Madam Speaker, the transfer of blood-borne pathogens in this country is a problem in our hospitals and facilities, and it does threaten our health care leaders.

Our chairman and author of this bill, the gentleman from North Carolina (Mr. BALLENGER), has done a great job in holding hearings to bring about that information.

I associate myself with the remarks of the gentleman from Ohio (Mr.

LATOURETTE), the gentlewoman from Maryland (Mrs. MORELLA), and others who have understood the leadership that has been shown in this by not issuing a franchise to one single producer of a product that destroys needles, but rather, to acknowledge that every hospital and health care facility should select those products that are best for them, to have a clear and direct policy to minimize and we hope eliminate needle stick injuries and the transfer of possible dangerous germs and disease in their facility.

The leadership the gentleman from North Carolina (Mr. BALLENGER) has shown Americans and assured health care workers that the hospitals and medical workplaces of America will be safer. It has also ensured that incentive remains for the private sector to produce new and modern products that are safer and more efficient than those in the past, so hospitals can develop the very best possible policy to meet OSHA's, what I would add, very thoughtful rule in terms of developing these plans for every hospital in America.

Mr. GILMAN. Madam Speaker, I rise today in support of H.R. 5178, the Needlestick Safety and Prevention Act. I applaud my colleague from North Carolina, Mr. BALLENGER for his leadership on this issue and as a cosponsor of this legislation, I urge my colleagues to support this much needed bill.

H.R. 5178 directs employers to consider, and where appropriate, use such safer medical devices to reduce the risk of needlesticks and other injuries from sharps. Employers with employees who may be exposed to bloodborne pathogens are required to use safer medical devices only where such devices are appropriate, effective and commercially available. I have met with various nurses' groups over the years who have been pushing for the use of safer needles in hospitals and doctors' officers throughout the country. Although these safe needles tend to cost more than the average needle that is currently used, the safe needles protect health care professionals by featuring one of a number of new innovations such as a retractable needle.

Moreover, H.R. 5178 calls for employers to maintain a sharps injury log to record sharps injuries and to call upon frontline health care workers who would actually use the devices in the selection of the devices. This will ensure that the people actually using the new needles will be comfortable with all aspects of the safe device.

Accordingly, I urge my colleagues to protect our Nation's health care professionals and support this legislation.

Mr. STARK. Madam Speaker, I am pleased to speak in support of H.R. 5178, The Needlestick Safety and Prevention Act and urge all of my colleagues to join me in voting to protect nurses, doctors, and other health care workers from accidental needlestick injuries in the workplace.

This legislation is long overdue. Health care workers across our country are put in danger each and every day because safe needle technologies that exist and are proven to reduce the risk of workplace needlestick injuries are still not widely used in our nation's health facilities.

Through accidental needlesticks, health care workers are exposed to the spread of deadly bloodborne diseases such as AIDS and Hepatitis B and C. Estimates are that some 600,000 to one million needlesticks occur each year. While the vast majority of those injuries do not result in the spread of a bloodborne pathogen, those that do can prove debilitating and even fatal. Health care workers simply should not be forced to risk their lives while trying to save ours.

Enactment of H.R. 5178 will dramatically lower the occurrence of accidental needlestick injuries by requiring the use of safer needle technology in our nation's health care system. This bill, like the legislation I co-authored with Representative ROUKEMA (H.R. 1899), will dramatically improve needlestick protections for health care workers by: clarifying the bloodborne pathogens requirements regarding the use of safer needle devices, improving existing reporting requirements, and ensuring that health care workers are involved in the selection of appropriate safety devices.

I have been working on this issue for many years. My first bill to protect health care workers from preventable needlestick injuries was introduced in 1993. In the last Congress, similar legislation gained the support of more than 100 of my colleagues. H.R. 1899, which Representative ROUKEMA and I introduced together in this Congress, now has the bipartisan support of more than 185 of our colleagues.

States have also begun focussing attention on this important issue. My home state of California was the first state to pass comprehensive legislation requiring the use of safe needle devices in 1998. Since then, more than a dozen states have followed course and passed legislation protecting health care workers their own borders.

But, this is a national problem that deserves a national solution. That is why I am so pleased to join Representative BALLENGER and Representative OWENS in support of H.R. 5178 on the House floor today. I would also like to congratulate both of them for stepping into leadership roles on this vitally important safety issue for health care workers across the country.

While I fully support the bill before us today, our work to protect health care workers from these injuries will not be complete even with passage of this important legislation. We need to go further. OSHA applies mainly to the private sector and therefore H.R. 5178 leaves health care workers in public hospitals in approximately 27 states without the same protections. We need to extend equivalent protections to these workers and I pledge to work with my colleagues to achieve this goal as well.

Passage of H.R. 5178 will take us a long way toward minimizing the danger of needlestick injuries and potential infection by deadly diseases for the millions of health care workers across our country. Put simply, a yes vote for H.R. 5178 will save lives. I urge all of my colleagues to join me in voting yes.

Mr. KUCINICH. Madam Speaker, I rise in strong support for H.R. 5178, the Needlestick Safety and Prevention Act. There are an estimated 600,000 to 800,000 needlestick injuries each year. Over 80 percent of these injuries could have easily been prevented with the use of safer needle devices. Hospital nurses are the most frequently injured, followed by physicians, nursing assistants and housekeepers.

A resident of Cleveland, Ohio, Mr. Stanley McKee, testified before the Ohio Senate regarding his needlestick injury. Mr. McKee works at a hospital in the environmental services department. He was disposing of the trash from the intensive care unit when he felt an object stick him in the leg. When he checked the bag he saw the used needle protruding out. For months, Mr. McKee was forced to undergo a series of shots until it could be determined whether he had indeed contracted an illness. The costly medical care he required and the severe mental anguish he experienced while awaiting news of his test results could have easily been prevented with safety devices as required in The Health Care Worker Needlestick Prevention Act, H.R. 5178. The average cost to test and treat a worker following an accidental stick where an infection does not occur is about $500. The costs to treat an employee who is infected from an accidental stick can total up to one million dollars over a person's life. However, these injuries can be prevented with safer needles that cost less than a postage stamp.

This bill will save lives by drastically reducing the threat of contracting infectious diseases including hepatitis and the HIV virus through accidental needlesticks. Healthcare professionals dedicate their lives to caring for others. Let us show our appreciation and respect by working to pass this important legislation to ensure the safety of members of the healthcare community.

I would like to thank Chairman BALLENGER for leading the Subcommittee on Workplace Protections of the Committee on Education and the Workforce to report H.R. 5178 to the whole House of Representatives. I would also like to praise Rep. FORTNEY PETE STARK, whose many yeas of advocacy for needlestick safety laid the groundwork for today's bill. I urge a YES vote.

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

The SPEAKER pro tempore (Mrs. MORELLA). The question is on the motion offered by the gentleman from North Carolina (Mr. BALLENGER) that the House suspend the rules and pass the bill, H.R. 5178, as amended.

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

A motion to reconsider was laid on the table.

CUSTOMIZED TRAINING FLEXIBILITY ACT

Mr. MCKEON. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4216) to amend the Workforce Investment Act of 1998 to authorize reimbursement to employers for portable skills training, as amended.

The Clerk read as follows:

H.R. 4216

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Customized Training Flexibility Act''.

SEC. 2. FLEXIBILITY IN CUSTOMIZED TRAINING REQUIREMENT UNDER THE WORKFORCE INVESTMENT ACT OF 1998.

Section 101(8) of the Workforce Investment Act of 1998 (29 U.S.C. 2801(8)) is amended—

(1) in subparagraph (A), by striking ''(including a group of employers)'' and inserting ''or a group of employers within the same industry'';

(2) in subparagraph (B), by striking ''the employer'' and inserting ''any such employer''; and

(3) in subparagraph (C), by striking ''for not less than 50 percent'' and inserting ''a portion''.

SEC. 3. OTHER AMENDMENTS TO THE WORKFORCE INVESTMENT ACT OF 1998.

(a) DEFINITION OF ELIGIBLE YOUTH.—Section 101(13)(B) of the Workforce Investment Act of 1998 (29 U.S.C. 2801(13)(B)) is amended to read as follows:

''(B)(i) is a low-income individual; or

''(ii) has been determined to meet the eligibility requirements for free meals under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et. seq.) during the most recent school year; and''.

(b) USE OF FUNDS FOR ADULT AND DISLOCATED WORKER EMPLOYMENT AND TRAINING ACTIVITIES.—Section 134(d)(4) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(d)(4)) is amended by adding at the end the following:

''(H) COORDINATION WITH UNEMPLOYMENT COMPENSATION.—An eligible adult or dislocated worker participating in training (except for on-the-job training) shall be deemed to be in training with the approval of the State agency in the same manner as provided under section 314(f)(2) of the Job Training Partnership Act (29 U.S.C. 1661c(f)(2)) (as such section was in effect on the day before the date of the enactment of this Act).''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. MCKEON) and the gentleman from New Jersey (Mr. ANDREWS) each will control 20 minutes.

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

GENERAL LEAVE

Mr. MCKEON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4216.

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

There was no objection.

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

Madam Speaker, I rise in support of H.R. 4216, to increase the flexibility of customized training programs available under the Workforce Investment Act.

First, I want to commend the gentleman from California (Mr. RADANOVICH) for his leadership in pushing this important legislation forward. The economy is in good shape nationally, but that prosperity has not been felt in all of our districts.

For example, unemployment stands at 15 percent in the district of the gentleman from California (Mr. RADANOVICH), and he is doing something with this legislation to help solve that problem for his constituents.

Two years ago we were successful in enacting the law, the Workforce Investment Act. In addition to streamlining multiple Federal job training programs and empowering individuals to choose their own training, this act increased the role of employers to ensure that the training provided under these programs is relevant to job opportunities in their areas.

The ability for local programs to provide customized training is just one example of how training can be guaranteed to meet the needs of local employers. This type of training has three basic characteristics:

First, it is designed to meet the special requirements of an employer or group of employers.

Second, it is provided with a commitment by the employer to hire the participant upon successful completion of training.

Third, it provides employers with a reimbursement to offset a portion of the costs associated with the training.

Under the Workforce Investment Act, we limited this reimbursement to just 50 percent. However, we have since learned that many employers are hesitant to participate in these programs because of this cap.

This legislation before us today lifts this cap and allows local programs to negotiate a reasonable reimbursement for the training provided by employers. However, it maintains the requirement that at least a portion of the cost continue to be covered by the employer.

The benefits of these programs are numerous. Not only do they provide employers with skilled workers, they also enhance the employability of the training participants, who come into these programs because they are unemployed or on welfare or underemployed.

At a time when we are considering expanding the number of foreign workers into this Nation in order to fill high-paying high-skilled jobs, we must work to promote efforts such as customized training. By providing more local flexibility in carrying out such training, this legislation accomplishes that goal.

In addition to changes made to customized training, this legislation makes two additional technical corrections to the Workforce Investment Act.

The first allows youth seeking to participate in training programs to satisfy the low-income criteria by providing proof that they are eligible for free meals under the National School Lunch Act. This change relieves local programs of the burden of collecting additional income information from these youth.

In addition, this legislation maintains a provision from the prior Job Training Partnership Act which inadvertently dropped during the consideration of the Workforce Investment Act. This provision simply ensures the continued coordination of job training provided under the Workforce Investment Act with the unemployment compensation system.

Finally, I urge all Members to support the passage of this legislation.

Madam Speaker, I yield such time as he may consume to the gentleman from California (Mr. RADANOVICH), the author of the bill.

Mr. RADANOVICH. Madam Speaker, I want to thank the gentleman from Pennsylvania, chairman of the Committee on Education and the Workforce, and my colleague, the gentleman from California (Mr. MCKEON), for his assistance in bringing H.R. 4216 to the floor.

Madam Speaker, I represent the 19th District of California. This region has an agricultural-based economy which brings with it high unemployment rates and an unskilled labor force.

While the nationwide job market is the strongest it has been in decades, my district struggles with an unemployment rate that averages from between 12 to 17 percent. I know of small pockets in my district whose unemployment rates have recently been as high as 44 percent.

To compound this problem, labor demands are difficult to meet since potential workers in our region have few if any labor skills. With such drastic conditions, we need our local businesses to have the incentive to train and hire people.

There used to be programs in my district through which employers would train unskilled laborers and then hire them. This training comes at a cost that local work force development boards used to cover under the Job Training Partnership Act. However, the Workforce Investment Act now only allows a maximum reimbursement of 50 percent through what is known as the customized training program.

Employers in my district cannot afford to train unskilled workers if they can only recover up to 50 percent of their costs. If we do not change this law, these valuable programs will cease to exist, both in my district and in areas throughout the country.

H.R. 4216 changes the Workforce Investment Act so that it does not limit reimbursement of customized training to only 50 percent. My bill allows the local work force development board to determine the appropriate amount that an employer should contribute to customized training on a case-by-case basis.

This change will salvage a form of job training that has been highly effective in adding to the labor force, ending government dependence, and strengthening our economy.

Madam Speaker, I encourage my colleagues to support H.R. 4216. It is good for business, it is good for the noticed, and it is good for the economy.

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

Madam Speaker, first of all, I want to congratulate the gentleman from California (Mr. RADANOVICH) for his attention to this issue. Members of Congress very often self-limit themselves according to what committees they

serve on. The gentleman from California (Mr. RADANOVICH) is not a member of our committee, but he took an interest in this issue and is addressing a series of problems that I think need to be addressed, and we thank him for that.

We thank the gentleman from California (Mr. MCKEON) for his interest in bringing the legislation to this point, and we obviously thank the gentleman from Pennsylvania (Chairman GOODLING) and the ranking member, the gentleman from Missouri (Mr. CLAY) on our side.

We are concerned about dealing with the problems of a couple of people that would be relevant to this legislation. Then, frankly, we have some concerns about what is in the legislation. I want to note each of those three points for the RECORD.

First of all, we commend the fact that this legislation will help the young person who is in school, who wants to get job training while he or she is in school so they can take the first step up that career ladder.

□ 1645

Right now the process of qualifying for that job training requires that the individual prove his or her income. That can be a burdensome, time-consuming, bureaucratic process.

What this bill says is that, if the young person in question is eligible for a free school lunch, they should automatically be eligible for the job training. That makes sense, because it says that, once one filled out one set of forms with one's income tax return or one's parents' income tax return, and once one has gone through one bureaucratic thicket to qualify for a school lunch, since the criteria are substantially identical to qualify for the job training, one ought to be able to do it anyway. That makes perfect sense. The Department of Labor supports that, and so do we. We are glad that it is in the legislation.

The second issue is to understand the person who has been caught in the switches of this changing economy. It is indisputably true that, if one is a network analyst or a software engineer, these are great times to be coming out in the job market. People are getting signing bonuses and getting recruited by firms, and they are doing very, very well.

It is not such a great time if one is working at a steel mill or manufacturing plant or a coal mine or in other manufacturing segments of our economy. In many areas of the country, in many industries, those industries have been shrinking. Many people find themselves in the middle of their lives, in the middle of their careers, in the middle of their mortgages, in the middle of raising their children without a secure source of income, without a job.

These are people who most need the skills to make the jump from the old economy to the new one, who most need the skills to upgrade themselves within the old economy so they can be part of that shrunken workforce at a higher level of productivity and higher wages.

Very often that person's plan is to be on unemployment benefits for a while and then go to school at the same time, go to some kind of job training program at the same time, stretch their bills during the period of time they are on unemployment, get their training, and then get a new job that pays higher with health benefits, and get their family back on their feet. That is the way people do it.

An anomaly in the Workforce Investment Act of 1998 has made it difficult for people to do that because there is a question that gets raised as to whether or not that person can still receive his or her unemployment benefits while they are getting their job training. We think the answer ought to be yes; that if someone has a little bit of a supplemental income from their unemployment compensation and they are going to school and working very hard to upgrade their skills so they can move back into the workforce at a higher wage, that is what they are supposed to be doing. Those are the rules of the game.

It is very important that what this bill does is to clarify that that answer should, in most cases, be yes; that, in most cases, the participation of a worker in a Workforce Investment Act training program does not automatically disqualify him or her from receiving unemployment benefits from the State. There may be other factors that do, but the mere participation in this program does not disqualify someone for unemployment benefits.

What this really does is provide a lifeline of relief to someone at a very difficult time in his or her life and career. It is a very good idea. The Department of Labor supports it. We are glad it is in the bill, and we support it as well.

Let me raise one area of concern that we do carry forward as this bill is negotiated between the two Chambers and as it reaches the executive branch, and that is the question of the employer's responsibility to match or contribute to funds for job training that are provided by the Federal Government.

We certainly understand that there should be flexibility for employers, that employers that are modest in size and have very little cash in the bank ought not to be excluded from custom training because of that situation. Very often those are the employers that are producing most of the new jobs in the economy.

It is important to us, however, that we spread these job training dollars to as many people as possible. In other words, we believe that, if there is a choice between using 100 percent of the money to train three people or 100 percent of the money to train one person, we should always err on the side of training three people rather than one.

We do have some concerns about the way the bill is drafted at this point that we believe might permit an undue concentration of job training funds on one person and not require the level of employer contribution that ought to be contributed. The AFL/CIO, for example, has expressed this concern, and I would echo it, and I would urge the majority to work with us and with the Department of Labor and those in the other body who are interested to try to reconcile this difference as we go forward. But we shall, indeed, go forward.

I would commend both of my gentlemen from California, Mr. MCKEON and Mr. RADANOVICH. I guess the author of this bill is proving that we are putting new wine in new bottles, given his background as a vintner. I must say I speak as the brother-in-law of a fellow vintner, so I immediately appreciated the work of the gentleman from California (Mr. RADANOVICH). I salute the efforts of the gentleman from California (Mr. MCKEON).

So having duly noted the concerns of the overconcentration of resources on a few people, I would commend the positive aspects of this bill. I thank the Department of Labor for its input.

Madam Speaker, since I have no further speakers, I yield back the balance of my time.

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

The SPEAKER pro tempore (Mrs. MORELLA). The question is on the motion offered by the gentleman from California (Mr. MCKEON) that the House suspend the rules and pass the bill, H.R. 4216, as amended.

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

The title of the bill was amended so as to read:

"A bill to amend the Workforce Investment Act of 1998 to expand the flexibility of customized training, and for other purposes.".

A motion to reconsider was laid on the table.

INDEPENDENT TELECOMMUNICATIONS CONSUMER ENHANCEMENT ACT OF 2000

Mrs. CUBIN. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3850) to amend the Communications Act of 1934 to promote deployment of advanced services and foster the development of competition for the benefit of consumers in all regions of the Nation by relieving unnecessary burdens on the Nation's two percent local exchange telecommunications carriers, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3850

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Independent Telecommunications Consumer Enhancement Act of 2000".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) The Telecommunications Act of 1996 was enacted to foster the rapid deployment of advanced telecommunications and information technologies and services to all Americans by promoting competition and reducing regulation in telecommunications markets nationwide.

(2) The Telecommunications Act of 1996 specifically recognized the unique abilities and circumstances of local exchange carriers with fewer than two percent of the Nation's subscriber lines installed in the aggregate nationwide.

(3) Given the markets two percent carriers typically serve, such carriers are uniquely positioned to accelerate the deployment of advanced services and competitive initiatives for the benefit of consumers in less densely populated regions of the Nation.

(4) Existing regulations are typically tailored to the circumstances of larger carriers and therefore often impose disproportionate burdens on two percent carriers, impeding such carriers' deployment of advanced telecommunications services and competitive initiatives to consumers in less densely populated regions of the Nation.

(5) Reducing regulatory burdens on two percent carriers will enable such carriers to devote additional resources to the deployment of advanced services and to competitive initiatives to benefit consumers in less densely populated regions of the Nation.

(6) Reducing regulatory burdens on two percent carriers will increase such carriers' ability to respond to marketplace conditions, allowing them to accelerate deployment of advanced services and competitive initiatives to benefit consumers in less densely populated regions of the Nation.

(b) PURPOSES.—The purposes of this Act are—

(1) to accelerate the deployment of advanced services and the development of competition in the telecommunications industry for the benefit of consumers in all regions of the Nation, consistent with the Telecommunications Act of 1996, by reducing regulatory burdens on local exchange carriers with fewer than two percent of the Nation's subscriber lines installed in the aggregate nationwide;

(2) to improve such carriers' flexibility to undertake such initiatives; and

(3) to allow such carriers to redirect resources from paying the costs of such regulatory burdens to increasing investment in such initiatives.

SEC. 3. DEFINITION.

Section 3 of the Communications Act of 1934 (47 U.S.C. 153) is amended—

(1) by redesignating paragraphs (51) and (52) as paragraphs (52) and (53), respectively; and

(2) by inserting after paragraph (50) the following:

''(51) TWO PERCENT CARRIER.—The term 'two percent carrier' means an incumbent local exchange carrier within the meaning of section 251(h) that has fewer than two percent of the Nation's subscriber lines installed in the aggregate nationwide.''.

SEC. 4. REGULATORY RELIEF FOR TWO PERCENT CARRIERS.

Title II of the Communications Act of 1934 is amended by adding at the end thereof a new part IV as follows:

''PART IV—PROVISIONS CONCERNING TWO PERCENT CARRIERS

''SEC. 281. REDUCED REGULATORY REQUIREMENTS FOR TWO PERCENT CARRIERS.

''(a) COMMISSION TO TAKE INTO ACCOUNT DIFFERENCES.—In adopting rules that apply to incumbent local exchange carriers (within the meaning of section 251(h)), the Commission shall separately evaluate the burden that any proposed regulatory, compliance, or reporting requirements would have on two percent carriers.

''(b) EFFECT OF RECONSIDERATION OR WAIVER.—If the Commission adopts a rule that applies to incumbent local exchange carriers and fails to separately evaluate the burden that any proposed regulatory, compliance, or reporting requirement would have on two percent carriers, the Commission shall not enforce the rule against two percent carriers unless and until the Commission performs such separate evaluation.

''(c) ADDITIONAL REVIEW NOT REQUIRED.—Nothing in this section shall be construed to require the Commission to conduct a separate evaluation under subsection (a) if the rules adopted do not apply to two percent carriers, or such carriers are exempted from such rules.

''(d) SAVINGS CLAUSE.—Nothing in this section shall be construed to prohibit any size-based differentiation among carriers mandated by this Act, chapter 6 of title 5, United States Code, the Commission's rules, or any other provision of law.

''(e) EFFECTIVE DATE.—The provisions of this section shall apply with respect to any rule adopted on or after the date of enactment of this section.

''SEC. 282. LIMITATION OF REPORTING REQUIREMENTS.

''(a) LIMITATION.—The Commission shall not require a two percent carrier—

''(1) to file cost allocation manuals or to have such manuals audited, but a two percent carrier that qualifies as a class A carrier shall annually certify to the Commission that the two percent carrier's cost allocation complies with the rules of the Commission; or

''(2) to file Automated Reporting and Management Information Systems (ARMIS) reports.

''(b) PRESERVATION OF AUTHORITY.—Except as provided in subsection (a), nothing in this Act limits the authority of the Commission to obtain access to information under sections 211, 213, 215, 218, and 220 with respect to two percent carriers.

''SEC. 283. INTEGRATED OPERATION OF TWO PERCENT CARRIERS.

''The Commission shall not require any two percent carrier to establish or maintain a separate affiliate to provide any common carrier or noncommon carrier services, including local and interexchange services, commercial mobile radio services, advanced services (within the meaning of section 706 of the Telecommunications Act of 1996), paging, Internet, information services or other enhanced services, or other services. The Commission shall not require any two percent carrier and its affiliates to maintain separate officers, directors, or other personnel, network facilities, buildings, research and development departments, books of account, financing, marketing, provisioning, or other operations.

''SEC. 284. PARTICIPATION IN TARIFF POOLS AND PRICE CAP REGULATION.

''(a) NECA POOL.—The participation or withdrawal from participation by a two percent carrier of one or more study areas in the common line tariff administered and filed by the National Exchange Carrier Association or any successor tariff or administrator shall not obligate such carrier to participate or withdraw from participation in such tariff for any other study area.

''(b) PRICE CAP REGULATION.—A two percent carrier may elect to be regulated by the Commission under price cap rate regulation, or elect to withdraw from such regulation, for one or more of its study areas at any time. The Commission shall not require a carrier making an election under this paragraph with respect to any study area or areas to make the same election for any other study area.

''SEC. 285. DEPLOYMENT OF NEW TELECOMMUNICATIONS SERVICES BY TWO PERCENT COMPANIES.

''The Commission shall permit two percent carriers to introduce new interstate telecommunications services by filing a tariff on one day's notice showing the charges, classifications, regulations and practices therefor, without obtaining a waiver, or make any other showing before the Commission in advance of the tariff filing. The Commission shall not have authority to approve or disapprove the rate structure for such services shown in such tariff.

''SEC. 286. ENTRY OF COMPETING CARRIER.

''(a) PRICING FLEXIBILITY.—Notwithstanding any other provision of this Act, any two percent carrier shall be permitted to deaverage its interstate switched or special access rates, file tariffs on one day's notice, and file contract-based tariffs for interstate switched or special access services immediately upon certifying to the Commission that a telecommunications carrier unaffiliated with such carrier is engaged in facilities-based entry within such carrier's service area.

''(b) PRICING DEREGULATION.—Notwithstanding any other provision of this Act, upon receipt by the Commission of a certification by a two percent carrier that a local exchange carrier that is not a two percent carrier is engaged in facilities-based entry within the two percent carrier's service area, the Commission shall regulate such two percent carrier as non-dominant, and therefore shall not require the tariffing of the interstate service offerings of such two percent carrier.

''(c) PARTICIPATION IN EXCHANGE CARRIER ASSOCIATION TARIFF.—A two percent carrier that meets the requirements of subsection (a) or (b) of this section with respect to one or more study areas shall be permitted to participate in the common line tariff administered and filed by the National Exchange Carrier Association or any successor tariff or administrator, by electing to include one or more of its study areas in such tariff.

''(d) DEFINITIONS.—For purposes of this section:

''(1) FACILITIES-BASED ENTRY.—The term 'facilities-based entry' means, within the service area of a two percent carrier—

''(A) the provision or procurement of local telephone exchange switching capability; and

''(B) the provision of local exchange service to at least one unaffiliated customer.

''(2) CONTRACT-BASED TARIFF.—The term 'contract-based tariff' shall mean a tariff based on a service contract entered into between a two percent carrier and one or more customers of such carrier. Such tariff shall include—

''(A) the term of the contract, including any renewal options;

''(B) a brief description of each of the services provided under the contract;

''(C) minimum volume commitments for each service, if any;

''(D) the contract price for each service or services at the volume levels committed to by the customer or customers;

''(E) a brief description of any volume discounts built into the contract rate structure; and

''(F) a general description of any other classifications, practices, and regulations affecting the contract rate.

''(3) SERVICE AREA.—The term 'service area' has the same meaning as in section 214(e)(5).

"SEC. 287. SAVINGS PROVISIONS.

''(a) COMMISSION AUTHORITY.—Nothing in this part shall be construed to restrict the authority of the Commission under sections 201 through 205 and 208.

''(b) RURAL TELEPHONE COMPANY RIGHTS.—Nothing in this part shall be construed to diminish the rights of rural telephone companies otherwise accorded by this Act, or the rules, policies, procedures, guidelines, and standards of the Commission as of the date of enactment of this section.''.

SEC. 5. LIMITATION ON MERGER REVIEW

(a) AMENDMENT.—Section 310 of the Communications Act of 1934 (47 U.S.C. 310) is amended by adding at the end the following:

''(f) DEADLINE FOR MAKING PUBLIC INTEREST DETERMINATION.—

''(1) TIME LIMIT.—In connection with any merger between two percent carriers, or the acquisition, directly or indirectly, by a two percent carrier or its affiliate of the securities or assets of another two percent carrier or its affiliate, the Commission shall make any determination required by subsection (d) of this section or section 214 not later than 60 days after the date an application with respect to such merger is submitted to the Commission.

''(2) APPROVAL ABSENT ACTION.—If the Commission does not approve or deny an application as described in paragraph (1) by the end of the period specified, the application shall be deemed approved on the day after the end of such period. Any such application deemed approved under this subsection shall be deemed approved without conditions.''.

(b) EFFECTIVE DATE.—The provisions of this section shall apply with respect to any application that is submitted to the Commission on or after the date of enactment of this Act. Applications pending with the Commission on the date of enactment of this Act shall be subject to the requirements of this section as if they had been filed with the Commission on the date of enactment of this Act.

SEC. 6. TIME LIMITS FOR ACTION ON PETITIONS FOR RECONSIDERATION OR WAIVER.

(a) AMENDMENT.—Section 405 of the Communications Act of 1934 (47 U.S.C. 405) is amended by adding to the end the following:

''(c) EXPEDITED ACTION REQUIRED.—

''(1) TIME LIMIT.—Within 90 days after receiving from a two percent carrier a petition for reconsideration filed under this section or a petition for waiver of a rule, policy, or other Commission requirement, the Commission shall issue an order granting or denying such petition. If the Commission fails to act on a petition for waiver subject to the requirements of this section within this 90-day period, the relief sought in such petition shall be deemed granted. If the Commission fails to act on a petition for reconsideration subject to the requirements of this section within this 90 day period, the Commission's enforcement of any rule the reconsideration of which was specifically sought by the petitioning party shall be stayed with respect to that party until the Commission issues an order granting or denying such petition.

''(2) FINALITY OF ACTION.—Any order issued under paragraph (1), or any grant of a petition for waiver that is deemed to occur as a result of the Commission's failure to act under paragraph (1), shall be a final order and may be appealed.''.

(b) EFFECTIVE DATE.—The provisions of this section shall apply with respect to any petition for reconsideration or petition for waiver that is submitted to the Commission on or after the date of enactment of this Act. Pending petitions for reconsideration or petitions for waiver shall be subject to the requirements of this section as if they had been filed on the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Wyoming (Mrs. CUBIN) and the gentleman from Tennessee (Mr. GORDON) each will control 20 minutes.

The Chair recognizes the gentlewoman from Wyoming (Mrs. CUBIN).

GENERAL LEAVE

Mrs. CUBIN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 3850, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Wyoming?

There was no objection.

Mrs. CUBIN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I introduced H.R. 3850 to lessen the burdens on small and mid-size telephone companies and to allow them to shift more of their resources to deploying advanced telecommunications services to consumers in all areas of the country.

Small and mid-size companies are truly that. While the more than 1,200 small and mid-size companies serve less than 10 percent of the Nation's lines, they cover a much larger percentage of rural markets and are located in or near most major markets in the country.

Some of these telephone companies are mom and pop operations, typically serving rural areas of the country where most other carriers fear to tread, in high cost places where it is much less profitable than in more populated areas.

In 1996, Congress passed historic legislation in the form of the Telecommunications Act.

Section 706 of the act sent a clear message to the American people and to the Federal Communications Commission that the deployment of new telecommunications services in rural areas around the country must happen quickly and without delay.

Unfortunately, the FCC has not made it any easier for small telephone companies to deploy advanced services in rural areas. In some cases, they have actually made it more difficult. The reason is that the FCC, more often than not, uses a one-size-fits-all model in regulating Incumbent Local Exchange Carriers.

This type of model may be fine for the big companies that have the ability to hire legions of attorneys and staff to interpret and ensure compliance with Federal rules. However, I for one would rather see the small and mid-size companies use their resources to deploy new services and make investment in their telecommunications infrastructure.

Two examples of these burdensome FCC requirements are CAM and ARMIS reports. These reports separately cost about $500,000 to compile and would equate to a small telephone company installing a DSLAM or other facilities to provide high-speed Internet services to customers in rural areas.

Just to give my colleagues an example of how burdensome these reports are, the commission's instructions for filing the reports are over 900 pages long. More often than not, the FCC, according to their own testimony, does not refer to these reports and, in some cases, simply ignores the data filed by the mid-size companies.

Let me be very clear, because this is very important. The bill does nothing to restrict the commission's authority to request this or any other data that it sees fit.

I want to be fair. The FCC should be commended for their efforts to bring some of these reporting requirements down to a reasonable level. They have made advances in their area. In fact, during our hearing on this legislation, the FCC told the Committee on Telecommunications, Trade and Consumer Protection that it may be issuing a notice of proposed rulemaking on the reporting requirements for 2 percent companies sometime this fall.

The problem, though, is that the agency's time frame on issuing these proposed rules has changed like the Wyoming winds. It is time that those obligations are met, and this legislation would solidify what the FCC has already promised to do for a long time.

In addition, I want everyone to know that we have bent over backwards to accommodate many of the initial concerns that some Members had with this legislation and have incorporated a majority of their helpful suggestions. And for their suggestions, I am very grateful because I think that the legislation has been improved.

Some of the changes that were adopted during the Committee on Commerce's consideration of the bill took into account several technical provisions that will continue to allow the FCC to do its job but in a way that still ensures that small and mid-size companies are treated differently than the huge companies.

In closing, Madam Speaker, I want to state for the record what this legislation does and what it does not do. Number one, the bill does not re-open the 1996 act. It does not fully deregulate 2 percent carriers. It does not impact regulations dealing with large local carriers. It would, however, be the first freestanding legislation that would modernize regulations of 2 percent carriers. It would accelerate competition in many small to mid-size markets, accelerate the deployment of new advanced telecommunications services in rural areas, and benefit consumers by allowing 2 percent carriers to redirect their resources to network investment and to new services.

Madam Speaker, this legislation is critical for rural areas across the country where these small telephone companies operate. Without this bill, these 2 percent companies will continue to be burdened with this one-size-fits-all regulatory approach that has kept them from providing rural areas with what they need most, and that is a piece of

the new economy based on telecommunications.

Madam Speaker, I want to thank very sincerely the members of the Committee on Commerce, the staff, and my own staff for their help in moving this bill. I ask my colleagues to support this important piece of legislation.

Madam Speaker, I reserve the balance of my time.

□ 1700

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

I rise today in support of legislation of which I am an original cosponsor, H.R. 3850, the Independent Telecommunications Consumer Enhancement Act. It is this type of legislation that represents what can be accomplished by working with Members on both sides of the aisle to find consensus. Working together with my colleague, the gentlewoman from Wyoming (Mrs. CUBIN), we were able to craft this bipartisan bill which I believe is a practical step that we can take this year to address the growing digital divide in our Nation's rural areas.

H.R. 3850 provides targeted regulatory relief to small and midsized independent telephone companies that serve fewer than 2 percent of the Nation's phone lines. Allowing such companies to devote more resources to deploying high speed data services to their customers, these carriers are uniquely positioned to play a large role in the development of advanced services to consumers in rural and small communities. Unfortunately, they are wasting resources complying with one-size-fits-all regulations originally intended for the larger carriers.

H.R. 3850 would eliminate unnecessary reporting requirements, make it easier for small and midsized companies to introduce new advanced services and give them the flexibility to lower prices in response to competition from larger companies. Finally, it would ensure that FCC take into account the burden on smaller businesses when it implements Federal Rules in the future.

Instead of spending money on complying with useless regulations, this bill will allow companies to devote more of their resources to rolling out new advanced services to rural communities.

H.R. 3850 is a common sense step we can take to close the digital divide in rural areas, and I urge my colleagues to support it.

Madam Speaker, I reserve the balance of my time.

Mrs. CUBIN. Madam Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. DEAL).

Mr. DEAL of Georgia. Madam Speaker, I thank the gentlewoman for yielding me this time.

In the 1996 Telecommunications Act, one of the purposes, and the primary purpose, was to deregulate the issue of telecommunications in this country, but we have not deregulated the regulators. I commend the gentlewoman for bringing this bill because it attempts to take one further step in the direction of dealing with the monopolistic system that we have now said the barriers must be removed from.

As long as regulations are in place with a one-size-fits-all approach, these smaller providers, in this case those with 2 percent or less of the providing capacity in this country, are faced with regulations that really make their operations sometimes prohibitive. I commend the gentlewoman for offering this bill to remove these regulatory restraints because many of these small 2 percent or less of the carrier providers are located in States like hers and in rural areas of a State like mine. They are the ones who need to devote their funding and their resources to an infrastructure development, because without that they cannot be competitive with the bigger competitors in the marketplace.

So I support this legislation, and I again thank the gentlewoman for yielding me this time.

Mr. GORDON. Madam Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. BARRETT), a cosponsor of this legislation.

Mr. BARRETT of Wisconsin. Madam Speaker, I am pleased to join my colleagues from the Committee on Commerce in support of the Independent Telecommunications Consumer Enhancement Act.

Along with the gentleman from Tennessee (Mr. GORDON) and the gentleman from Mississippi (Mr. PICKERING), I am an original cosponsor of the bill that was introduced by the gentlewoman from Wyoming (Mrs. CUBIN) last year. This bipartisan bill, which was approved in committee on a voice vote, would relax some of the FCC's one-size-fits-all regulations for our Nation's small and midsized local telephone companies; those with less than 2 percent of the Nation's phone lines.

These companies serve communities across the country and are poised to offer broadband and other advanced services to customers who are often outside the scope of the larger companies. This bill will reduce paperwork for the smaller companies, increase their pricing flexibility, and allow them to bundle services on one bill all without reopening the 1996 Telecommunications Act.

In my State of Wisconsin, 81 of 83 companies providing local phone service are classified as 2 percent companies. By freeing these companies from portions of a regulatory system designed with much larger companies in mind, we will be taking an important first step toward bridging the digital divide by allowing for increasing investment in Internet facilities in rural and suburban areas. I urge all Members to support this common sense legislation.

Mrs. CUBIN. Madam Speaker, I yield myself such time as I may consume and just close by saying that I sincerely appreciate the efforts of the Committee on Commerce staff, both the majority and the minority, and the original cosponsors, the gentleman from Tennessee (Mr. GORDON), the gentleman from Wisconsin (Mr. BARRETT), and the gentleman from Mississippi (Mr. PICKERING) for their work on this bill.

Also, I wish to extend my thanks to the gentleman from Massachusetts (Mr. MARKEY) and his staff, who have been very cooperative and have helped us make changes to the legislation that make it better legislation.

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

Mr. GORDON. Madam Speaker, I yield myself such time as I may consume and will just quickly conclude by saying that I concur with the accolades of the gentlewoman from Wyoming (Mrs. CUBIN), and would also again thank her for her initiative in this area.

Mr. MARKEY. Madam Speaker, I want to start off by thanking Mrs. CUBIN, Mr. GORDON, Chairman TAUZIN, Mr. DINGELL, and Chairman BLILEY for being responsive to many of the concerns that have been raised about the underlying bill.

The bill being offered today contains many helpful clarifications and changes embodied in it that were in response to concerns I have raised about the measure. I believe that in its current form it will clarify the ability of the Commission to protect consumers and safeguard competitive gains in many of its provisions.

I would like to focus my remarks on a couple of areas that I suggest need additional refinement and that I hope can be dealt with prior to sending this bill to the President.

The first has to do with the pricing flexibility and pricing deregulation provision of the bill. The substitute will continue to allow pricing deregulation upon the advent of facilities-based competition in a given service area. The facilities-based competitor however is only required to have at least one—I repeat, one sole customer. Hopefully they will have more but the point is that competition may arrive, but may not be robust or effective in constraining prices.

This concern, I suggest, is heightened in those areas where a company may still be subject to rate-of-return regulation rather than price cap regulation. Regardless of what level of competition triggers pricing flexibility we must be cognizant of the serious repercussions that may result in situations where a carrier remains rate of return regulated.

In other words, consumers in those areas that are not subject to effective competition and receive service from a rate-of-return company run the risk of price increases. There's no guarantee that prices may go up but there is certainly a risk.

The FCC testimony with respect to this legislation highlighted this risk. The FCC testimony the Telecommunications Subcommittee was given is as follows:

[A] grant of pricing flexibility to rate-of-return carriers without the implementation

of protections comparable to those adopted by the FCC with regard to price cap carriers could be particularly problematic. Rate-of-return regulation would allow such carriers to raise rates on other customers sufficiently to maintain the authorized level of return while they lower prices for contract customers.

This pricing deregulation is not going to affect directly any consumer in my congressional district, but I would suggest to the rural members of the House that they may want to take another look at this pricing deregulation and refine it further because I believe—and the FCC clearly believes—that it runs the risk of allowing unnecessary and unjustified price hikes.

The second issue I want to highlight is the merger review section. This section states that any review involving a so-called 2 percent carrier must be approved or denied by the condition within 60 days. I understand that the companies do not want merger reviews to drag on for years, but I would suggest that 60 days is too short and unrealistic.

While I believe the Commission is itself streamlining its process, if the majority is insistent on having a merger review ''shot clock'' I would suggest giving the Commission a greater period of time. In addition, at our merger review hearing Commissioner Powell made what I thought was a reasonable suggestion. He noted that often companies will amend their initial applications, often late in a review and after public comment. He suggested some flexibility for the FCC to extend the review.

I would suggest, therefore, something that would allow a one-time extension if a majority of the Commission voted to extend the review—of if the filing company itself requested an extension. I think this is a more reasonable way to proceed because in my view 60 days is frankly too short a time and does not sufficiently protect the public interest.

I hope we can continue our dialogue about these issues and others and make additional changes as we proceed on this bill in the future. Thank you.

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

The SPEAKER pro tempore (Mrs. MORELLA). The question is on the motion offered by the gentlewoman from Wyoming (Mrs. CUBIN) that the House suspend the rules and pass the bill, H.R. 3850, as amended.

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

A motion to reconsider was laid on the table.

RECOGNIZING SEVERITY OF DISEASE OF COLON CANCER

Mrs. CUBIN. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 133) recognizing the severity of the disease of colon cancer, the preventable nature of the disease, and the need for education in the areas of prevention and early detection, and for other purposes.

The Clerk read as follows:

H. CON. RES. 133

Whereas colorectal cancer is the second leading cause of cancer deaths in the United States for men and women combined;

Whereas it is estimated that in 1999, 129,400 new cases of colorectal cancer will be diagnosed in men and women in the United States;

Whereas the disease is expected to kill 56,600 individuals in this country in 1999;

Whereas adopting a healthy diet at a young age can significantly reduce the risk of developing colorectal cancer;

Whereas research has shown that a high fiber, low fat diet, with minimal amounts of red meat and maximum amounts of fruits and vegetables, can significantly reduce the risk of developing colorectal cancer;

Whereas colorectal cancer is increasingly diagnosed in individuals below age 50;

Whereas regular screenings can save large numbers of lives;

Whereas the Centers for Disease Control and Prevention, the Health Care Financing Administration, and the National Cancer Institute have initiated the Screen for Life Campaign, targeted at individuals age 50 and older, to spread the message of the importance of colorectal cancer screening tests; and

Whereas education can help inform the public of methods of prevention and symptoms of early detection: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) recognizes—

(A) the severity of the issue of colorectal cancer;

(B) the preventable nature of the disease;

(C) the importance of the Screen for Life Campaign; and

(2) calls on health educators, elected officials, and the people of the United States—

(A) to broaden the message of the Screen for Life Campaign to reach all individuals; and

(B) to learn about colorectal cancer and its preventive nature, and learn to recognize the risk factors and symptoms which enable early detection and treatment.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Wyoming (Mrs. CUBIN) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Wyoming (Mrs. CUBIN).

GENERAL LEAVE

Mrs. CUBIN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on House Concurrent Resolution 133, now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Wyoming?

There was no objection.

Mrs. CUBIN. Madam Speaker, I yield myself such times as I may consume.

Madam Speaker, I rise in support of House Concurrent Resolution 133, which recognizes the importance of preventing deaths from colorectal cancer. Colorectal cancer is the second most common cause of cancer deaths in the United States. About 56,500 people die from colorectal cancer each year in the United States. The chance of cure is clearly related to the stage of the disease. Early cancers have an excellent prognosis, while advanced cancers have a poor prognosis.

Often, colorectal cancer does not give any symptoms until rather late in the disease. I have been touched personally by this disease, having lost a dear friend to the disease, when had it been diagnosed earlier, surely it would have been curable. By screening for colorectal cancer, cancers can be detected at a very early stage, when they are clearly curable.

Several studies have shown that screening for colorectal cancer by checking for blood in the stools reduces death in these cancer patients by 15 to 30 percent. Screening for colorectal cancer is now recommended in the United States for all people over 50 years or older without any symptoms of colorectal disease and no other risk factors.

Colorectal cancer screening is an area in which the House Committee on Commerce has been very active. Under changes made in 1997, the Medicare program authorized coverage of and established frequency limits for colorectal cancer screening tests. As a part of our work with the House leadership in coming up with a Medicare package we can all be proud of, the Committee on Commerce reported out provisions in H.R. 5291, the Beneficiary Improvement and Protection Act, that would give consumers more choices and control in the kind of colorectal cancer screening services they can choose. The provision would permit an individual to elect to receive a screening colonoscopy, which is more expensive but more thorough, instead of a screening sigmoidoscopy.

There are many other fine provisions in H.R. 5291 that would go a long way to improving the life for those Americans on Medicare facing an uncertain future of colorectal cancer.

Madam Speaker, I thank the cosponsors of House Concurrent Resolution 133 for their leadership on this issue and in cancer awareness in general, and I urge my colleagues to pass this resolution on the floor today.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, colon and rectal cancers are the second leading cause of cancer-related deaths in the United States. This year alone, more than 130,000 Americans will be diagnosed with colon cancer and colorectal cancer. Ninety percent of these cancers occur in people over the age of 50. Six percent of people age 75 to 80 have had colorectal cancer at some point in their life; one out of 16.

The good news is that the odds of beating colorectal cancer go up significantly with early detection. With that in mind, the American Cancer Society recently updated its screening guidelines to increase early detection. In addition, Medicare has expanded coverage of screening tests.

It is hoped these changes, along with new screening methods being tested,

will prompt more people to talk with their doctor about screening. These are positive steps, but we clearly have more to do. In many ways we are just starting to spread the word about colon cancer.

Madam Speaker, I fully support passage of this resolution. I thank the gentleman from Virginia (Mr. MORAN) for his good work on this resolution, and this resolution affirms our commitment to fight this disease until we eliminate it.

At the same time, while this Congress again today passes a resolution exhorting people to get tested, exhorting early detection and education and all the things that we need to do, this Congress has again failed to pass prescription drug legislation; it has again failed to pass Ryan White; it has again failed to pass a Patient's Bill of Rights, and failed to provide funding for breast and cervical treatment, precancer treatment, which is a cruel hoax on those without insurance who have been tested and screened for breast and cervical cancer and, where it has been detected that they actually have cancer, there is no money for the actual treatment.

Madam Speaker, I support H. Con. Res. 133; and I urge its adoption.

Madam Speaker, I reserve the balance of my time.

Mrs. CUBIN. Madam Speaker, I yield such time as he may consume to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Madam Speaker, we use a lot of figures; we talk about millions of people, we talk about a half million people dying. I want to talk about a city of 100,000 people. In a city of 100,000 people, 50 people this year will develop colorectal cancer. Now, of those people, most all of them, if not all of them, have precancerous growths or polyps, and those polyps are in their rectum or colon, what we used to call the large bowel, for some time. Many years. In fact, I was examined and they found a polyp and they removed the polyp.

Now, there are screening tests available today where these precancerous growths can be found. They are very simple tests. One is an occult blood test, which finds microscopic blood, and they can easily be found. And if an individual is screened, and if these polyps are found, they can easily be removed and it reduces the chances of getting colorectal cancer by 90 percent. The national polyp study showed that.

So our first defense against this disease that costs so many lives is simply that people over the age of 50, all our citizens, should go in and discuss with their doctors screening.

□ 1715

Their chances will be reduced immediately by 90 percent of even developing a small tumor. But let us just suppose that these 50 out of 100,000 people that would have developed cancer do not go in. If they do not go in and they do develop a small tumor, still when they begin having symptoms, and let me stress that in the early stages, there are no symptoms that are detectable. So you cannot rely on waiting around for symptoms to develop. That is why we need screening, and that is why everyone over the age of 50 ought to have screening.

But suppose that they are not screened. Suppose they develop a small tumor. Then there are two things that happen. They have a discharge of blood, and it can be something that can be seen but oftentimes it is microscopic. They also have a change in their bowel movements or their bowel habits, diarrhea, constipation, change in frequency, change in size. These are early warning signs. Unfortunately in this country even when people detect blood in their stool, even when they have a change of bowel habits, they often do not do anything. They are not screened.

Now, let us suppose that they immediately respond; they go to their doctor, and there is a small growth there. They quickly go in. If they are fortunate to have caught it in that stage and responded immediately and it is still a small growth, their chances of surviving are still above 90 percent. But, sadly, all too often even when there are all sorts of signs, people do not do that. And in the second stage, their chances of survival are only 75 percent. And in the later stages only 5 percent. It is so important that we receive screening to prevent even the development of cancer as in my case, or the early treatment. Unfortunately, people that wait too long, even those that survive, often have a change in their bowel or their bladder functions or in their sexual functions by simply waiting too long, or by failing to have these simple tests that cost very little and can be performed in a doctor's office.

I commend those who brought this resolution. I am glad to join as a cosponsor. I simply say to Americans out there over the age of 50, you are at risk for developing colorectal cancer; but it can be prevented, and it can be treated. It just depends on every person and every family's commitment to responding, to taking these tests which are available. And it was so important that this Congress made available to our citizens the right to protect their health and to protect their bodies and to preserve their health by providing this service.

Mr. BROWN of Ohio. Madam Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Madam Speaker, I want to thank my colleague and friend, the gentleman from Ohio (Mr. BROWN), and the gentlewoman from Wyoming (Mrs. CUBIN) and my cosponsor of the resolution, the gentleman from Alabama (Mr. BACHUS), and the other cosponsors as well. I also want to thank the gentleman from Virginia (Mr. BLILEY) for letting this come up on the floor today.

H. Con. Res. 133 recognizes the severity of the disease of colon cancer, the preventable nature of the disease and the need for education in the areas of prevention and early detection. The consideration of this resolution comes in time for a very special event which will occur this Sunday, October 8, on the mall in Washington. I am speaking of the first-ever 5K WebMD Rock 'n Race to Fight Colon Cancer. Katie Couric, who suffered the loss of her husband to this disease, is the founder of this event. This walk will bring together people from across the country who want to show their support for victims, survivors, family members, and friends who have been touched by colon cancer.

Colon cancer is the number two cause of cancer death for both men and women combined. However, it is also one of the most preventable of cancers. In fact, when detected early, colon cancer is 90 percent curable. In the United States, as the gentleman from Alabama (Mr. BACHUS) said, more than 130,000 new cases of colorectal cancer are expected to be diagnosed and about 56,300 people will die from the disease this year. I guess that was the gentleman from Ohio (Mr. BROWN) that shared those statistics with us and those are absolutely accurate.

Many people are not aware of the prevalence and seriousness of colorectal cancer in men and women because the issue has not been freely discussed. Colorectal cancer is highly preventable through primary prevention strategies, such as diet, nutrition and exercise. In fact, adopting a healthy diet at a young age can significantly reduce the risk of even developing colorectal cancer at any point in your life. Research has shown that a high-fiber, low-fat diet with minimal amounts of red meat and maximum amounts of fruits and vegetables can significantly reduce the risk of developing colorectal cancer.

In addition to a healthy diet, regular screenings can save many of these lives. The Centers for Disease Control and Prevention, the Health Care Financing Administration, the National Cancer Institute, have initiated a Screen for Life campaign targeted at individuals age 50 and older to spread the message of the importance of colorectal cancer screening tests. We need to broaden the message of this Screen for Life campaign to reach all individuals and to save many of their lives.

As of today, 41 bipartisan Members have cosponsored this resolution which seeks to raise awareness of colorectal cancer. Colon cancer is a preventable disease. Colon cancer is a treatable disease. We need to at least do our part in spreading this message by passing this resolution.

I thank my colleagues for the opportunity to consider H. Con. Res. 133. I urge my colleagues to support this bipartisan resolution and to join their constituents who will be coming to

Washington this weekend for the WebMD Rock 'n Race.

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

Mrs. CUBIN. Madam Speaker, I yield myself such time as I may consume.

The subject that H. Con. Res. 133 addresses is not a pleasant issue to discuss, but something that is much, much, much less pleasant, which is horrible, in fact, is to be notified that someone you love has colorectal cancer and had they been diagnosed earlier, had they gone in earlier, it would have been curable but now it is not.

I think generally men have a harder time dealing with issues like this, and so I would like to really express my thanks to the gentlemen here today who have brought this issue up and have spoken on behalf of it, because it is a disease that is curable in most cases. I truly thank the gentleman from Ohio (Mr. BROWN), the gentleman from Virginia (Mr. MORAN), and the gentleman from Alabama (Mr. BACHUS) for their leadership on behalf of men and women as well.

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

The SPEAKER pro tempore (Mrs. MORELLA). The question is on the motion offered by the gentlewoman from Wyoming (Mrs. CUBIN) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 133.

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

A motion to reconsider was laid on the table.

MOTOR VEHICLE FRANCHISE CONTRACT ARBITRATION FAIRNESS ACT OF 2000

Mrs. BONO. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 534) to amend chapter 1 of title 9 of the United States Code to permit each party to certain contracts to accept or reject arbitration as a means of settling disputes under the contracts, as amended.

The Clerk read as follows:

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Motor Vehicle Franchise Contract Arbitration Fairness Act of 2000''.

SEC. 2. ELECTION OF ARBITRATION.

(a) MOTOR VEHICLE FRANCHISE CONTRACTS.—Chapter 1 of title 9, United States Code, is amended by adding at the end the following:

''§ 17. Motor vehicle franchise contracts

''(a) For purposes of this section, the term—

''(1) 'motor vehicle' has the meaning given such term under section 30102(6) of title 49; and

''(2) 'motor vehicle franchise contract' means a contract under which a motor vehicle manufacturer, importer, or distributor sells motor vehicles to any other person for resale to an ultimate purchaser and authorizes such other person to repair and service the manufacturer's motor vehicles.

''(b) Whenever a motor vehicle franchise contract provides for the use of arbitration to resolve a controversy arising out of or relating to the contract, arbitration may be used to settle such controversy only if after such controversy arises both parties consent in writing to use arbitration to settle such controversy.

''(c) Whenever arbitration is elected to settle a dispute under a motor vehicle franchise contract, the arbitrator shall provide the parties to the contract with a written explanation of the factual and legal basis for the award.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 1 of title 9, United States Code, is amended by adding at the end the following:

''17. Motor vehicle franchise contracts.''.

SEC. 3. EFFECTIVE DATE.

The amendments made by section 2 shall apply to contracts entered into, amended, altered, modified, renewed, or extended after the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. BONO) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentlewoman from California (Mrs. BONO).

GENERAL LEAVE

Mrs. BONO. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mrs. BONO. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of my legislation that will correct unfair auto dealer franchise agreements that are purposefully written in favor of the manufacturer. With over 250 cosponsors, this Congress has realized that America's community auto dealers are in a unique position in franchise law and that relief is needed.

In 1925, Secretary of Commerce Herbert Hoover said of the Federal Arbitration Act that was recently passed by Congress, ''If the bill proves to have some defects, and we know most legislative measures do, it might well, by reason of the emergency, be passed and amended later in the light of further experience.'' It is the result of ''further experience'' that brings us to amend the Federal Arbitration Act today.

Current business practice is that both the auto dealer and the manufacturer go through a process of mandatory binding arbitration in the case of a legal dispute. Unlike other forms of legal resolution, the auto dealer arbitration process has no jury, no rules of evidence or appeals process. H.R. 534, however, would simply make this mandatory binding arbitration in motor vehicle franchise contracts voluntary.

It is our turn to amend the Federal Arbitration Act and return some of the power back to the States. In my home State of California, there are numerous State laws that cover motor vehicle franchise contracts and sufficient State forums to hear the legal disputes that may arise from these agreements.

However, California's efforts to preserve the right of its auto franchisees to obtain a fair hearing for claims brought under the California franchise investment law have been preempted by Federal law. Because State laws to provide auto dealer protections are currently prohibited, it is now appropriate to revisit this issue.

Madam Speaker, many vehicle manufacturers already have inserted mandatory binding arbitration clauses in their standard dealer agreements. With broad power to unilaterally amend their dealer agreements without dealer input at any point, every manufacturer could force mandatory binding arbitration on its dealers tomorrow.

Madam Speaker, I would like to thank the gentleman from Illinois (Mr. HYDE) for his leadership and the gentleman from Massachusetts (Mr. DELAHUNT) for his dedication to see this legislation passed into law. It has been with his hard work and bipartisan spirit that this bill has made it to the floor of the House today. I would also like to take this opportunity to thank the gentleman from Pennsylvania (Mr. GEKAS), the subcommittee chairman, for his effort and leadership on this issue. The gentleman from Pennsylvania has been a true leader in the Subcommittee on Commercial and Administrative Law since I have been a Member, and I have appreciated his counsel and friendship in my 2 years on this committee.

I would like to thank Jim Hall on my staff and Chris Katopis and Ray Smietanka on the Judiciary staff as well.

Madam Speaker, I reserve the balance of my time.

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

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

Mr. CONYERS. Madam Speaker, I rise in strong support of this very important measure which would amend the Federal Arbitration Act to permit parties to automobile manufacturers and automobile dealer agreements to accept or reject arbitration of disputes. Essentially, H.R. 534 prohibits binding arbitration in contracts between automobile manufacturers and automobile dealers.

This legislation deals with an increasing problem of motor vehicle manufacturers forcing small business automobile and truck dealers into non-negotiated agreements containing mandatory binding arbitration clauses. As a result of these clauses, binding arbitration becomes the sole remedy for resolving disputes between the manufacturer and the dealer. Although arbitration is a valuable form of alternative dispute resolution, when its use is

forced upon automobile dealers, they are denied use of courts and other state forums otherwise available to resolve such disputes. Such restrictive contractual terms are frequently proffered to the dealer on a ''take it or leave it'' basis with the threat of loss of manufacturer support for the dealer.

H.R. 534 responds to this problem by allowing the use of arbitration as a method to settle contract controversies if both parties consent in writing. This would ensure that dealers are not forced to give up their legal rights to obtain or maintain their business. In addition, this legislation will send a strong message regarding the inequitableness of mandatory binding arbitration and will act as an incentive for broader legislation that prohibits mandatory arbitration contract clauses for consumers as well.

Requiring dealers to agree to mandatory binding arbitration as a condition of obtaining, renewing, or maintaining their dealership is contrary to fundamental fairness. The intent of this proposed legislation is to make arbitration of disputes between dealers and manufacturers absolutely voluntary and I support it wholeheartedly.

Madam Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. DELAHUNT).

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

Madam Speaker, I rise in support of H.R. 534. I particularly want to commend my friend and colleague, the gentlewoman from California, for her authorship and her fine work on this very significant bill before us. This bill is about fairness, the most American of virtues, if you will. It is really, truly about preserving local businesses that are a cornerstone in our communities.

□ 1730

For small business, arbitration is often an effective alternative to going to court to settle disputes, and where arbitration is in their interests, sensible business people will generally agree to do that. But they do not need to be coerced. Chances are that when coercion is involved, it is because the party with greater leverage stands to gain from a procedure that deprives the other party of its rights and remedies under State law, laws that were enacted to protect the less powerful from predatory practices.

By passing H.R. 534, we can level the playing field, so that both the manufacturer and the dealer are free to negotiate dispute resolution procedures that are truly voluntary and truly in their mutual interest. Some have charged that this interferes with freedom of contract. Nothing could be further from the truth, unless you define ''freedom of contract'' as the freedom of giant multinational auto makers to impose one-sided, take-it-or-leave-it contracts on small, locally owned dealerships.

Let us pause and remember who these local dealers are. They are the people who sustain our local economies, who offer valuable goods and services to consumers and provide jobs, and they pay taxes. They are the people who contribute to their communities in ways that cannot be measured in terms of dollars and cents.

It is the local dealer who sponsors the little league team; it is the local auto dealer who funds the after-school programs, and church picnics, and food banks, and domestic violence shelters. It is the local auto dealer who is often the president of the local chamber of commerce and also the chairman of the United Way.

The people we are talking about are an integral part of the fabric of our communities. They are truly a mainstay of the American way of life, and they are slowly, inexorably being squeezed out by economic forces that they cannot control, but by forces we can control.

We have heard a lot about globalization lately, and many of us are frustrated by our inability to temper its negative effects on the health of our communities. The use by large corporations of unfair, unbalanced franchise agreements is only one of those effects; but it is one that we can address, and we do it with this bill.

Some have complained that the bill does not go far enough, that consumers and other segments of the small business community deserve comparable attention. Well, they are right, but that is not an argument against this bill. It is an argument, in fact, in favor of it. But by passing H.R. 534 we will be raising the bar for what constitutes fair dealing in all commercial relationships and setting a precedent that will ultimately lead to greater fairness and greater freedom for all.

Again, I conclude by thanking the sponsor of this bill for her outstanding work, and urge its enactment.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. BARRETT).

Mr. BARRETT of Wisconsin. Mr. Speaker, I rise today in strong support of H.R. 534, the Fairness and Voluntary Arbitration Act. I am proud to be one of the 252 cosponsors this bill introduced by the gentlewoman from California (Mrs. BONO), and I congratulate her for taking the leadership on this issue.

H.R. 534 would correct what many of us see as a serious problem. When disputes arise between automobile manufacturers and dealers, the manufacturers are able to enforce mandatory arbitration provisions in their contracts. Quite simply, this bill would specify that binding arbitration is an option only if both sides agree to go in that direction.

The relationship between automobile manufacturers and dealers has often been one-sided over the years, with manufacturers enjoying substantial bargaining advantages over dealers, many of whom are small businesses. Dealers often have no choice but to sign a contract that includes mandatory binding arbitration, further eroding their rights.

This is an issue of fairness for small businesses, who should not be forced into binding arbitration against their will. I urge my colleagues to pass this bill.

Mr. GEKAS. Mr. Speaker, the Judiciary Committee has reported H.R. 534, a bill that allows parties who have signed motor vehicle franchise contracts containing arbitration clauses to accept or reject arbitration as a means of settling their contractual disputes.

Arbitration is an increasingly common form of dispute settlement where parties submit their contractual claims for resolution by a neutral arbitrator. Arbitration and other forms of alternative dispute resolution have greatly reduced formal litigation costs while providing parties with a fair, efficient, and timely venue to resolve their disputes.

Some parties, however, claim that arbitration may be burdensome and unfair. Motor vehicle dealers in particular have complained that manufacturers use superior bargaining power to require that they accept nonnegotiable franchise contracts containing binding arbitration clauses. These mandatory arbitration clauses place dealers in the position of having to forego state legal protections designed to remedy the bargaining imbalance between dealers and manufacturers. H.R. 534 addresses this concern by allowing dealers or manufacturers to reject arbitration and seek legal relief for breach of contract.

Since passage of the Federal Arbitration Act in 1925, the Congress has unequivocally encouraged alternative dispute resolution. We will continue to do so. However, we must also periodically examine the efficacy of binding arbitration clauses in exceptional circumstances to ensure that arbitration continues to serve as a fair and efficient alternative to formal litigation. H.R. 534 addresses one such exceptional circumstance, and I urge your support of the bill.

Mr. PASCRELL. Mr. Speaker, I am pleased to rise today in support of H.R. 534.

This legislation is designed to specifically help automobile dealers, but it is also legislation that will help consumers and our communities at large.

There are 700 new automobile retail businesses throughout New Jersey. Dealerships are located on every highway, and in almost every downtown area throughout the state. I know driving down Route 46, and Route 23, and on other roads, I see dozens of these businesses that are contributing to the betterment of Northern New Jersey.

These small businesses serve as important parts of the community. You can see their names on the backs of youth sports league jerseys and they always provide funds to civic events and fundraising drives.

It is time we in Congress give back on behalf of our communities, and do something to resolve an inequity and promote fairness in the automobile industry.

H.R. 534 merely makes binding arbitration in dealer/manufacturer disputes a voluntary option. This is needed legislation to help a segment of the small business community that needs our help.

We must pass this legislation for not only business owners, but for their employees as well.

Automotive retailing in New Jersey accounts for the direct employment of almost 45 thousand workers. There are also 24 thousand workers who indirectly owe their jobs to these businesses in the Garden State. That is 67

thousand workers who will see the benefits this legislation provides.

This legislation is also of great benefit to the consumer, who as we all know, is always looking to get the best possible deal on a car. H.R. 534 promotes competition in an already very competitive industry, yielding the best prices for dealers, and these deals can be passed onto the consumer.

As a member of the House Small Business Committee, I am always looking to help small businesses succeed and grow. Small business is the engine that has brought our economy to where it is today.

This legislation will help one group of small businesses in their pursuit of economic success. I am pleased to be a cosponsor of this bill and support it on the floor.

Mr. NADLER. Mr. Speaker, today we consider legislation intended to protect automobile dealers against binding arbitration clauses in contracts with manufacturers and franchisers. Although it was narrowed in Subcommittee to cover only one industry, it is an important and necessary step, one for which the testimony we received in the Judiciary Committee certainly makes the case.

Too often, these businesses are presented with contracts on a take-it-or-leave-it basis. If they do not accept the contract, with the binding arbitration clause, they risk losing their franchise and with it years of investment, both financial and the hard work they and their families have put into the business. That is a pretty coercive situation and one which most members of this House rightly view as contracts of adhesion.

Moreoever, binding arbitration often deprives these businesses of their rights under State law, and their due process rights in court. Under certain circumstances, binding arbitration even threatens some contractual protections.

Prohibiting this kind of unconscionable coercion is appropriate and I plan to support it.

In addition to leaving other businesses exposed, this bill fails to protect individual consumers who also suffer violations of their rights under binding arbitration clauses in service agreements with sellers, and in credit agreements. During our hearing one witness for the auto dealers did admit that some dealers use these clauses in their contracts with their customers.

Clearly this is a situation which also needs to be remedied. Now that the House has endorsed this fundamental protection for automobile dealers, I hope that the same concern which animates the bipartisan support for this legislation will help bring that bill into law as well.

So while I do not believe this legislation goes far enough, it is an important step to protect small businesses and I urge its passage.

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

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

The SPEAKER pro tempore (Mr. OSE). The question is on the motion offered by the gentlewoman from California (Mrs. BONO) that the House suspend the rules and pass the bill, H.R. 534, as amended.

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

The title of the bill was amended so as to read: ''A bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.''.

A motion to reconsider was laid on the table.

STRENGTHENING ABUSE AND NEGLECT COURTS ACT OF 2000

Mr. HYDE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2272) to improve the administrative efficiency and effectiveness of the Nation's abuse and neglect courts and for other purposes consistent with the Adoption and Safe Families Act of 1997.

The Clerk read as follows:

S. 2272

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Strengthening Abuse and Neglect Courts Act of 2000''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Under both Federal and State law, the courts play a crucial and essential role in the Nation's child welfare system and in ensuring safety, stability, and permanence for abused and neglected children under the supervision of that system.

(2) The Adoption and Safe Families Act of 1997 (Public Law 105–89; 111 Stat. 2115) establishes explicitly for the first time in Federal law that a child's health and safety must be the paramount consideration when any decision is made regarding a child in the Nation's child welfare system.

(3) The Adoption and Safe Families Act of 1997 promotes stability and permanence for abused and neglected children by requiring timely decision-making in proceedings to determine whether children can safely return to their families or whether they should be moved into safe and stable adoptive homes or other permanent family arrangements outside the foster care system.

(4) To avoid unnecessary and lengthy stays in the foster care system, the Adoption and Safe Families Act of 1997 specifically requires, among other things, that States move to terminate the parental rights of the parents of those children who have been in foster care for 15 of the last 22 months.

(5) While essential to protect children and to carry out the general purposes of the Adoption and Safe Families Act of 1997, the accelerated timelines for the termination of parental rights and the other requirements imposed under that Act increase the pressure on the Nation's already overburdened abuse and neglect courts.

(6) The administrative efficiency and effectiveness of the Nation's abuse and neglect courts would be substantially improved by the acquisition and implementation of computerized case-tracking systems to identify and eliminate existing backlogs, to move abuse and neglect caseloads forward in a timely manner, and to move children into safe and stable families. Such systems could also be used to evaluate the effectiveness of such courts in meeting the purposes of the amendments made by, and provisions of, the Adoption and Safe Families Act of 1997.

(7) The administrative efficiency and effectiveness of the Nation's abuse and neglect courts would also be improved by the identification and implementation of projects designed to eliminate the backlog of abuse and neglect cases, including the temporary hiring of additional judges, extension of court hours, and other projects designed to reduce existing caseloads.

(8) The administrative efficiency and effectiveness of the Nation's abuse and neglect courts would be further strengthened by improving the quality and availability of training for judges, court personnel, agency attorneys, guardians ad litem, volunteers who participate in court-appointed special advocate (CASA) programs, and attorneys who represent the children and the parents of children in abuse and neglect proceedings.

(9) While recognizing that abuse and neglect courts in this country are already committed to the quality administration of justice, the performance of such courts would be even further enhanced by the development of models and educational opportunities that reinforce court projects that have already been developed, including models for caseflow procedures, case management, representation of children, automated interagency interfaces, and ''best practices'' standards.

(10) Judges, magistrates, commissioners, and other judicial officers play a central and vital role in ensuring that proceedings in our Nation's abuse and neglect courts are run efficiently and effectively. The performance of those individuals in such courts can only be further enhanced by training, seminars, and an ongoing opportunity to exchange ideas with their peers.

(11) Volunteers who participate in court-appointed special advocate (CASA) programs play a vital role as the eyes and ears of abuse and neglect courts in proceedings conducted by, or under the supervision of, such courts and also bring increased public scrutiny of the abuse and neglect court system. The Nation's abuse and neglect courts would benefit from an expansion of this program to currently underserved communities.

(12) Improved computerized case-tracking systems, comprehensive training, and development of, and education on, model abuse and neglect court systems, particularly with respect to underserved areas, would significantly further the purposes of the Adoption and Safe Families Act of 1997 by reducing the average length of an abused and neglected child's stay in foster care, improving the quality of decision-making and court services provided to children and families, and increasing the number of adoptions.

SEC. 3. DEFINITIONS.

In this Act:

(a) ABUSE AND NEGLECT COURTS.—The term ''abuse and neglect courts'' means the State and local courts that carry out State or local laws requiring proceedings (conducted by or under the supervision of the courts)—

(1) that implement part B and part E of title IV of the Social Security Act (42 U.S.C. 620 et seq.; 670 et seq.) (including preliminary disposition of such proceedings);

(2) that determine whether a child was abused or neglected;

(3) that determine the advisability or appropriateness of placement in a family foster home, group home, or a special residential care facility; or

(4) that determine any other legal disposition of a child in the abuse and neglect court system.

(b) AGENCY ATTORNEY.—The term ''agency attorney'' means an attorney or other individual, including any government attorney, district attorney, attorney general, State attorney, county attorney, city solicitor or attorney, corporation counsel, or privately retained special prosecutor, who represents the State or local agency administrating the

programs under parts B and E of title IV of the Social Security Act (42 U.S.C. 620 et seq.; 670 et seq.) in a proceeding conducted by, or under the supervision of, an abuse and neglect court, including a proceeding for termination of parental rights.

SEC. 4. GRANTS TO STATE COURTS AND LOCAL COURTS TO AUTOMATE THE DATA COLLECTION AND TRACKING OF PROCEEDINGS IN ABUSE AND NEGLECT COURTS.

(a) AUTHORITY TO AWARD GRANTS.—

(1) IN GENERAL.—Subject to paragraph (2), the Attorney General, acting through the Office of Juvenile Justice and Delinquency Prevention of the Office of Justice Programs, shall award grants in accordance with this section to State courts and local courts for the purposes of—

(A) enabling such courts to develop and implement automated data collection and case-tracking systems for proceedings conducted by, or under the supervision of, an abuse and neglect court;

(B) encouraging the replication of such systems in abuse and neglect courts in other jurisdictions; and

(C) requiring the use of such systems to evaluate a court's performance in implementing the requirements of parts B and E of title IV of the Social Security Act (42 U.S.C. 620 et seq.; 670 et seq.).

(2) LIMITATIONS.—

(A) NUMBER OF GRANTS.—Not less than 20 nor more than 50 grants may be awarded under this section.

(B) PER STATE LIMITATION.—Not more than 2 grants authorized under this section may be awarded per State.

(C) USE OF GRANTS.—Funds provided under a grant made under this section may only be used for the purpose of developing, implementing, or enhancing automated data collection and case-tracking systems for proceedings conducted by, or under the supervision of, an abuse and neglect court.

(b) APPLICATION.—

(1) IN GENERAL.—A State court or local court may submit an application for a grant authorized under this section at such time and in such manner as the Attorney General may determine.

(2) INFORMATION REQUIRED.—An application for a grant authorized under this section shall contain the following:

(A) A description of a proposed plan for the development, implementation, and maintenance of an automated data collection and case-tracking system for proceedings conducted by, or under the supervision of, an abuse and neglect court, including a proposed budget for the plan and a request for a specific funding amount.

(B) A description of the extent to which such plan and system are able to be replicated in abuse and neglect courts of other jurisdictions that specifies the common case-tracking data elements of the proposed system, including, at a minimum—

(i) identification of relevant judges, court, and agency personnel;

(ii) records of all court proceedings with regard to the abuse and neglect case, including all court findings and orders (oral and written); and

(iii) relevant information about the subject child, including family information and the reason for court supervision.

(C) In the case of an application submitted by a local court, a description of how the plan to implement the proposed system was developed in consultation with related State courts, particularly with regard to a State court improvement plan funded under section 13712 of the Omnibus Budget Reconciliation Act of 1993 (42 U.S.C. 670 note) if there is such a plan in the State.

(D) In the case of an application that is submitted by a State court, a description of how the proposed system will integrate with a State court improvement plan funded under section 13712 of such Act if there is such a plan in the State.

(E) After consultation with the State agency responsible for the administration of parts B and E of title IV of the Social Security Act (42 U.S.C. 620 et seq.; 670 et seq.)—

(i) a description of the coordination of the proposed system with other child welfare data collection systems, including the Statewide automated child welfare information system (SACWIS) and the adoption and foster care analysis and reporting system (AFCARS) established pursuant to section 479 of the Social Security Act (42 U.S.C. 679); and

(ii) an assurance that such coordination will be implemented and maintained.

(F) Identification of an independent third party that will conduct ongoing evaluations of the feasibility and implementation of the plan and system and a description of the plan for conducting such evaluations.

(G) A description or identification of a proposed funding source for completion of the plan (if applicable) and maintenance of the system after the conclusion of the period for which the grant is to be awarded.

(H) An assurance that any contract entered into between the State court or local court and any other entity that is to provide services for the development, implementation, or maintenance of the system under the proposed plan will require the entity to agree to allow for replication of the services provided, the plan, and the system, and to refrain from asserting any proprietary interest in such services for purposes of allowing the plan and system to be replicated in another jurisdiction.

(I) An assurance that the system established under the plan will provide data that allows for evaluation (at least on an annual basis) of the following information:

(i) The total number of cases that are filed in the abuse and neglect court.

(ii) The number of cases assigned to each judge who presides over the abuse and neglect court.

(iii) The average length of stay of children in foster care.

(iv) With respect to each child under the jurisdiction of the court—

(I) the number of episodes of placement in foster care;

(II) the number of days placed in foster care and the type of placement (foster family home, group home, or special residential care facility);

(III) the number of days of in-home supervision; and

(IV) the number of separate foster care placements.

(v) The number of adoptions, guardianships, or other permanent dispositions finalized.

(vi) The number of terminations of parental rights.

(vii) The number of child abuse and neglect proceedings closed that had been pending for 2 or more years.

(viii) With respect to each proceeding conducted by, or under the supervision of, an abuse and neglect court—

(I) the timeliness of each stage of the proceeding from initial filing through legal finalization of a permanency plan (for both contested and uncontested hearings);

(II) the number of adjournments, delays, and continuances occurring during the proceeding, including identification of the party requesting each adjournment, delay, or continuance and the reasons given for the request;

(III) the number of courts that conduct or supervise the proceeding for the duration of the abuse and neglect case;

(IV) the number of judges assigned to the proceeding for the duration of the abuse and neglect case; and

(V) the number of agency attorneys, children's attorneys, parent's attorneys, guardians ad litem, and volunteers participating in a court-appointed special advocate (CASA) program assigned to the proceeding during the duration of the abuse and neglect case.

(J) A description of how the proposed system will reduce the need for paper files and ensure prompt action so that cases are appropriately listed with national and regional adoption exchanges, and public and private adoption services.

(K) An assurance that the data collected in accordance with subparagraph (I) will be made available to relevant Federal, State, and local government agencies and to the public.

(L) An assurance that the proposed system is consistent with other civil and criminal information requirements of the Federal government.

(M) An assurance that the proposed system will provide notice of timeframes required under the Adoption and Safe Families Act of 1997 (Public Law 105–89; 111 Stat. 2115) for individual cases to ensure prompt attention and compliance with such requirements.

(c) CONDITIONS FOR APPROVAL OF APPLICATIONS.—

(1) MATCHING REQUIREMENT.—

(A) IN GENERAL.—A State court or local court awarded a grant under this section shall expend $1 for every $3 awarded under the grant to carry out the development, implementation, and maintenance of the automated data collection and case-tracking system under the proposed plan.

(B) WAIVER FOR HARDSHIP.—The Attorney General may waive or modify the matching requirement described in subparagraph (A) in the case of any State court or local court that the Attorney General determines would suffer undue hardship as a result of being subject to the requirement.

(C) NON-FEDERAL EXPENDITURES.—

(i) CASH OR IN KIND.—State court or local court expenditures required under subparagraph (A) may be in cash or in kind, fairly evaluated, including plant, equipment, or services.

(ii) NO CREDIT FOR PRE-AWARD EXPENDITURES.—Only State court or local court expenditures made after a grant has been awarded under this section may be counted for purposes of determining whether the State court or local court has satisfied the matching expenditure requirement under subparagraph (A).

(2) NOTIFICATION TO STATE OR APPROPRIATE CHILD WELFARE AGENCY.—No application for a grant authorized under this section may be approved unless the State court or local court submitting the application demonstrates to the satisfaction of the Attorney General that the court has provided the State, in the case of a State court, or the appropriate child welfare agency, in the case of a local court, with notice of the contents and submission of the application.

(3) CONSIDERATIONS.—In evaluating an application for a grant under this section the Attorney General shall consider the following:

(A) The extent to which the system proposed in the application may be replicated in other jurisdictions.

(B) The extent to which the proposed system is consistent with the provisions of, and amendments made by, the Adoption and Safe Families Act of 1997 (Public Law 105–89; 111 Stat. 2115), and parts B and E of title IV of

the Social Security Act (42 U.S.C. 620 et seq.; 670 et seq.).

(C) The extent to which the proposed system is feasible and likely to achieve the purposes described in subsection (a)(1).

(4) DIVERSITY OF AWARDS.—The Attorney General shall award grants under this section in a manner that results in a reasonable balance among grants awarded to State courts and grants awarded to local courts, grants awarded to courts located in urban areas and courts located in rural areas, and grants awarded in diverse geographical locations.

(d) LENGTH OF AWARDS.—No grant may be awarded under this section for a period of more than 5 years.

(e) AVAILABILITY OF FUNDS.—Funds provided to a State court or local court under a grant awarded under this section shall remain available until expended without fiscal year limitation.

(f) REPORTS.—

(1) ANNUAL REPORT FROM GRANTEES.—Each State court or local court that is awarded a grant under this section shall submit an annual report to the Attorney General that contains—

(A) a description of the ongoing results of the independent evaluation of the plan for, and implementation of, the automated data collection and case-tracking system funded under the grant; and

(B) the information described in subsection (b)(2)(I).

(2) INTERIM AND FINAL REPORTS FROM ATTORNEY GENERAL.—

(A) INTERIM REPORTS.—Beginning 2 years after the date of enactment of this Act, and biannually thereafter until a final report is submitted in accordance with subparagraph (B), the Attorney General shall submit to Congress interim reports on the grants made under this section.

(B) FINAL REPORT.—Not later than 90 days after the termination of all grants awarded under this section, the Attorney General shall submit to Congress a final report evaluating the automated data collection and case-tracking systems funded under such grants and identifying successful models of such systems that are suitable for replication in other jurisdictions. The Attorney General shall ensure that a copy of such final report is transmitted to the highest State court in each State.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $10,000,000 for the period of fiscal years 2001 through 2005.

SEC. 5. GRANTS TO REDUCE PENDING BACKLOGS OF ABUSE AND NEGLECT CASES TO PROMOTE PERMANENCY FOR ABUSED AND NEGLECTED CHILDREN.

(a) AUTHORITY TO AWARD GRANTS.—The Attorney General, acting through the Office of Juvenile Justice and Delinquency Prevention of the Office of Justice Programs and in collaboration with the Secretary of Health and Human Services, shall award grants in accordance with this section to State courts and local courts for the purposes of—

(1) promoting the permanency goals established in the Adoption and Safe Families Act of 1997 (Public Law 105–89; 111 Stat. 2115); and

(2) enabling such courts to reduce existing backlogs of cases pending in abuse and neglect courts, especially with respect to cases to terminate parental rights and cases in which parental rights to a child have been terminated but an adoption of the child has not yet been finalized.

(b) APPLICATION.—A State court or local court shall submit an application for a grant under this section, in such form and manner as the Attorney General shall require, that contains a description of the following:

(1) The barriers to achieving the permanency goals established in the Adoption and Safe Families Act of 1997 that have been identified.

(2) The size and nature of the backlogs of children awaiting termination of parental rights or finalization of adoption.

(3) The strategies the State court or local court proposes to use to reduce such backlogs and the plan and timetable for doing so.

(4) How the grant funds requested will be used to assist the implementation of the strategies described in paragraph (3).

(c) USE OF FUNDS.—Funds provided under a grant awarded under this section may be used for any purpose that the Attorney General determines is likely to successfully achieve the purposes described in subsection (a), including temporarily—

(1) establishing night court sessions for abuse and neglect courts;

(2) hiring additional judges, magistrates, commissioners, hearing officers, referees, special masters, and other judicial personnel for such courts;

(3) hiring personnel such as clerks, administrative support staff, case managers, mediators, and attorneys for such courts; or

(4) extending the operating hours of such courts.

(d) NUMBER OF GRANTS.—Not less than 15 nor more than 20 grants shall be awarded under this section.

(e) AVAILABILITY OF FUNDS.—Funds awarded under a grant made under this section shall remain available for expenditure by a grantee for a period not to exceed 3 years from the date of the grant award.

(f) REPORT ON USE OF FUNDS.—Not later than the date that is halfway through the period for which a grant is awarded under this section, and 90 days after the end of such period, a State court or local court awarded a grant under this section shall submit a report to the Attorney General that includes the following:

(1) The barriers to the permanency goals established in the Adoption and Safe Families Act of 1997 that are or have been addressed with grant funds.

(2) The nature of the backlogs of children that were pursued with grant funds.

(3) The specific strategies used to reduce such backlogs.

(4) The progress that has been made in reducing such backlogs, including the number of children in such backlogs—

(A) whose parental rights have been terminated; and

(B) whose adoptions have been finalized.

(5) Any additional information that the Attorney General determines would assist jurisdictions in achieving the permanency goals established in the Adoption and Safe Families Act of 1997.

(g) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated for the period of fiscal years 2001 and 2002 $10,000,000 for the purpose of making grants under this section.

SEC. 6. GRANTS TO EXPAND THE COURT-APPOINTED SPECIAL ADVOCATE PROGRAM IN UNDERSERVED AREAS.

(a) GRANTS TO EXPAND CASA PROGRAMS IN UNDERSERVED AREAS.—The Administrator of the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice shall make a grant to the National Court-Appointed Special Advocate Association for the purposes of—

(1) expanding the recruitment of, and building the capacity of, court-appointed special advocate programs located in the 15 largest urban areas;

(2) developing regional, multijurisdictional court-appointed special advocate programs serving rural areas; and

(3) providing training and supervision of volunteers in court-appointed special advocate programs.

(b) LIMITATION ON ADMINISTRATIVE EXPENDITURES.—Not more than 5 percent of the grant made under this subsection may be used for administrative expenditures.

(c) DETERMINATION OF URBAN AND RURAL AREAS.—For purposes of administering the grant authorized under this subsection, the Administrator of the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice shall determine whether an area is one of the 15 largest urban areas or a rural area in accordance with the practices of, and statistical information compiled by, the Bureau of the Census.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to make the grant authorized under this section, $5,000,000 for the period of fiscal years 2001 and 2002.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. HYDE) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

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

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 2272.

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

There was no objection.

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

Mr. Speaker, S. 2272, the Strengthening Abuse and Neglect Courts Act of 2000, provides grants to allow States to improve the administrative efficiency and effectiveness of child abuse and neglect courts throughout the Nation. The bill gives the Attorney General the authority to award grants to State and local courts; to provide computerized case tracking and technical assistance; promote innovative strategies to reduce case loads; and provide additional court-appointed special advocates to assist in supporting children and courts.

Every child should have the opportunity to be whatever it is they want to be, and it is our responsibility as a community and as parents to provide them a nurturing environment so that every child can fulfill their great promise.

The act of child abuse is incomprehensible to all of us. Child abuse steals the innocence from our coming generation. The victims of child abuse are not allowed to be children; they become adults all too soon. We must give the States the tools to assist them in protecting our children.

Child welfare is an example where State law is generally paramount. The Federal Government supports State action by providing funds to States for child welfare activities. Grants to States have been used to expand and strengthen child welfare services. This bill is finely tuned to assist States in this regard.

We must come together as a Nation to restore what has been stolen from this generation. We must come together as a Nation to prevent and stop the cycle of this terrible abuse.

I want to thank Senator DEWINE of Ohio for bringing this important bill forward, and I hope everyone will support this bill.

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

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

Mr. Speaker, I rise in support of this legislation.

Mr. Speaker, while we seem to be making some progress reducing the overall crime rate in this country, crimes against children, particularly reports of child abuse and neglect, have grown by 41 percent over the last 10 years. In 1997, Congress passed the Adoption and Safe Families Act to begin the process for accelerating time lines and making other improvements designed to speed up the process of securing safe, permanent, caring families for abused and neglected children.

Unfortunately, in passing the law, Congress failed to recognize the additional burdens of these time lines and other improvements would exact on the already overburdened family and domestic relations courts. Courts nationwide are struggling to meet the accelerated time lines and other requirements of that legislation and, as a result, there are substantial backlogs in processing of these cases.

This bill, which is supported by the Conference of Chief Justices and the Conference of State Court Administrators, will help to further the goals of the Adoption and Safe Families Act by authorizing $10 million over 5 years to assist State and local courts in developing and implementing automated case tracking systems for abused and neglect proceedings. It also authorizes an additional $10 million to reduce existing backlogs of abuse and neglect cases and $5 million to expand the Court-Appointed Special Advocate, CASA, program into underserved areas.

Mr. Speaker, I am familiar with this program. They have several programs in Virginia. CASA volunteers do an excellent job in assisting children in the court system, and I am delighted we are expanding this system in the legislation.

In sum, this bill authorizes a total of $25 million to address this pressing problem. I acknowledge that this is just a drop in the bucket of what is necessary. However, it will help to alleviate an overburdened family court system. And I encourage my colleagues not to stop here.

The research tells us that children who experience abuse are four times more likely to be involved in delinquent and criminal activity than a child who has not been abused. Furthermore, those children are more likely to be arrested 1 year earlier, commit twice as many offenses and be arrested more frequently than youths who are not abused or neglected.

But the statistic that should most concern us is that nearly 70 percent of youths arrested have a prior history of abuse and neglect, which means that we already have the ability to identify those children at risk of delinquency through child protection and child welfare systems. By identifying those children and providing them with appropriate intervention programs and services, we can drastically decrease juvenile delinquency.

As the ranking member on the Subcommittee on Crime, I must express my regret that this Congress has not made these improvements in proven crime prevention initiatives a priority. H.R. 1501, the Consequences for Juvenile Offenders Act, and H.R. 1150, which reauthorizes the Juvenile Justice and Delinquency Prevention Act as originally introduced in the House, would have provided increased funding for juvenile crime prevention programs and services for at-risk youth.

These bills were loaded down in the House with slogans and sound bites posing as amendments and then buried in a conference committee that has not met for a year. It is unfortunate that this Congress chose to play politics instead of choosing to address the problem of at-risk youth in this country and to reduce juvenile crime.

In the end, Mr. Speaker, I urge my colleagues to support the passage of the measure before us today. It is a good start and will provide family courts with resources they need to enhance their tracking systems and to begin reducing backlogs.

I look forward to working with my friends across the aisle next year on juvenile justice legislation that builds upon the foundation started today.

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

Mr. HYDE. Mr. Speaker, I am very pleased to yield such time as she may consume to the distinguished gentlewoman from Ohio (Ms. PRYCE).

Ms. PRYCE of Ohio. Mr. Speaker, I thank the honorable and distinguished chairman for yielding me time and for his assistance in this measure.

Mr. Speaker, I rise in strong support of this measure, the Strengthening Abuse and Neglect Courts Act, or SANCA. There is nothing more tragic than the thought of a child who has been abused or neglected, and nothing happier than a child finding the warmth and love of a permanent adoptive family. Unfortunately, the period of time between these two points during which a child's case is pending before the courts can be a period of interminable delays, bureaucratic snags, and a less-than-thorough accurate review of the child's case, all of which can have a lasting negative effect on the child.

□ 1745

Mr. Speaker, for those children who reach adulthood without permanent placement and transition out of the foster care system, they begin their adult lives with no sense of family, low self-esteem and little direction for the future. Children are being removed from abusive homes only to be abused once again by the system.

Healing can only begin for these children when they are in a safe and permanent environment. But all too often these children languish in the foster care system in a state of emotional limbo.

According to the National Center for Juvenile Justice, between 1991 and 1997, in my own home district of Franklin County, Ohio, 38 percent of the children who are waiting permanent adoption because parental rights have been severed have been in the system over 4 years. And nationally, according to the Department of Health and Human Services, children who are adopted from foster care leave the system between 3.5 and 5.5 years later.

This is simply too long for these children to wait for the love and warmth of a permanent family. This is a good part of a childhood.

Congress began to address this situation in 1997 with the Adoption and Safe Families Act. Without a doubt this is one of our crowning achievements of the last session. But while ASFA's accelerated timelines are essential to promoting stability and permanence for abused and neglected children, these timelines, along with grossly insufficient funding, have resulted in continued prolonged stays for abused and neglected children in the foster care system and increased pressure on our Nation's already overburdened abuse and neglect courts.

SANCA addresses the shortfalls of the Adoption and Safe Families Act by making Federal funding available to State and local courts to reduce case backlogs and to develop and implement automated case tracking systems for abuse and neglect proceedings.

SANCA also provides funding for start-up grants to appoint the Court Appointed Special Advocate for CASA, programs in underserved areas.

The foster care system cannot help abused and neglected children without properly functioning State and local courts. The relatively small amount of funding provided by SANCA will have a dramatic impact on the lives of abused and neglected children.

SANCA is backed by the American Bar Association, the Conference of Chief Justices, the National Council of Juvenile and Family Court Judges, among others. Clearly, this legislation is of vital importance to abused and neglected children who need nothing more than the stability and love that comes with the safe and permanent home. Mr. Speaker, I urge my colleagues' support.

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

Mr. Speaker, this bill will have the short-term effect of reducing backlogs but will have the long-term effect of improving the lives of many children. I want to thank the gentleman from Illinois (Mr. HYDE), the distinguished

chairman of the Committee on the Judiciary for bringing the bill to the floor and thank the gentlewoman from Ohio (Ms. PRYCE) for her advocacy in this issue. She is a former judge and is very knowledgeable on this issue. I thank her for her advocacy on behalf of children.

Mrs. JOHNSON of Connecticut. Mr. Speaker, the strengthening Abuse and neglect Courts Act of 2000 will build on the success of the Adoption and Safe Families Act of 1997 (ASFA) which required states to shorten the length of time that children remain in foster care by filing termination of parental rights petitions at 15 months.

Implementation of ASFA has resulted in an unprecedented 64 percent increase in adoptions out of foster care since 1996.

As a direct result of ASFA, developed by the Committee on Ways and means, new pressures have been put on state courts to hold permanency hearings, implement permanency plans, make judicial findings and finalize adoptions cases involving abused and neglected children in a timely fashion.

The Strengthening Abuse and Neglect Courts Act of 2000 will increase the efficiency and capacity of the nation's abuse and neglect courts by providing funds to state courts to computerize a data collection and case tracking system. This system will allow judges to track the number of children under judicial care to monitor how these children are faring. A case tracking system will allow judges to keep a running account of the number and type of services offered to the family and the results of these interventions. This information is critical to keeping children safe and promoting permanency.

This Act will enable state and local courts to reduce existing backlogs of children awaiting termination of parental rights or finalization of adoption. According to the Department of Health and Human Services there were over 103,000 children awaiting adoption in 1998. Grants provided to state courts under this Act will allow courts to hire additional judges to hear these cases and to establish night court sessions for hearing these cases.

The Strengthening Abuse and Neglect Courts Act of 2000 is a logical next step to the Adoption and Safe Families Act of 1997. We need courts that work to reduce delays and keep children safe and in loving families. This legislation does that and I wholeheartedly support it.

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

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

The SPEAKER pro tempore (Mr. OSE). The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and pass the Senate bill, S. 2272.

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

A motion to reconsider was laid on the table.

AMENDING IMMIGRATION AND NATIONALITY ACT WITH REGARD TO BRINGING IN AND HARBORING CERTAIN ALIENS

Mr. ROGAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 238) to amend section 274 of the Immigration and Nationality Act to impose mandatory minimum sentences, and increase certain sentences, for bringing in and harboring certain aliens, and to amend title 18, United States Code, to provide enhanced penalties for persons committing such offenses while armed, as amended.

The Clerk read as follows:

H.R. 238

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

SECTION 1. INCREASED PERSONNEL FOR INVESTIGATING AND COMBATING ALIEN SMUGGLING.

The Attorney General in each of the fiscal years 2001, 2002, 2003, 2004, and 2005 shall increase the number of positions for full-time, active duty investigators or other enforcement personnel within the Immigration and Naturalization Service who are assigned to combating alien smuggling by not less than 50 positions above the number of such positions for which funds were allotted for the preceding fiscal year.

SEC. 2. INCREASING CRIMINAL SENTENCES AND FINES FOR ALIEN SMUGGLING.

(a) IN GENERAL.—Subject to subsection (b), pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall promulgate sentencing guidelines or amend existing sentencing guidelines for smuggling, transporting, harboring, or inducing aliens under sections 274(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1324(a)(1)(A)) so as to—

(1) double the minimum term of imprisonment under that section for offenses involving the smuggling, transporting, harboring, or inducing of—

(A) 1 to 5 aliens from 10 months to 20 months;

(B) 6 to 24 aliens from 18 months to 36 months;

(C) 25 to 100 aliens from 27 months to 54 months; and

(D) 101 aliens or more from 37 months to 74 months;

(2) increase the minimum level of fines for each of the offenses described in subparagraphs (A) through (D) of paragraph (1) to the greater of the current minimum level or twice the amount the defendant received or expected to receive as compensation for the illegal activity; and

(3) increase by at least 2 offense levels above the applicable enhancement in effect on the date of enactment of this Act the sentencing enhancements for intentionally or recklessly creating a substantial risk of serious bodily injury or causing bodily injury, serious injury, permanent or life threatening injury, or death.

(b) EXCEPTIONS.—Subsection (a) shall not apply to an offense that—

(1) was committed other than for profit; or

(2) involved the smuggling, transporting, or harboring only of the defendant's spouse or child (or both the defendant's spouse and child).

SEC. 3. ELIMINATION OF PENALTY ON PERSONS RENDERING EMERGENCY ASSISTANCE.

(a) IN GENERAL.—Section 274(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1324(a)(1)) is amended by adding at the end the following:

''(C) In no case may any penalty for a violation of subparagraph (A) be imposed on any person based on actions taken by the person to render emergency assistance to an alien found physically present in the United States in life threatening circumstances.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 90 days after the date of the enactment of this Act, and shall apply to offenses committed after the termination of such 90-day period.

SEC. 4. AMENDMENTS TO SENTENCING GUIDELINES REGARDING THE EFFECT OF PROSECUTORIAL POLICIES.

In the exercise of its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines to include the following:

''§ 5H1.14. Plea bargaining and other prosecutorial policies.

''Plea bargaining and other prosecutorial policies, and differences in those policies among different districts, are not a ground for imposing a sentence outside the applicable guidelines range.''.

SEC. 5. ENHANCED PENALTIES FOR PERSONS COMMITTING OFFENSES WHILE ARMED.

(a) IN GENERAL.—Section 924(c)(1) of title 18, United States Code, is amended—

(1) in subparagraph (A)—

(A) by inserting after ''device)'' the following: ''or any violation of section 274(a)(1)(A) of the Immigration and Nationality Act''; and

(B) by striking ''or drug trafficking crime—'' and inserting '', drug trafficking crime, or violation of section 274(a)(1)(A) of the Immigration and Nationality Act—''; and

(2) in subparagraph (D)(ii), by striking ''or drug trafficking crime'' and inserting '', drug trafficking crime, or violation of section 274(a)(1)(A) of the Immigration and Nationality Act''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect 90 days after the date of the enactment of this Act, and shall apply to offenses committed after the termination of such 90-day period.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—In addition to funds otherwise available for such purpose, there are authorized to be appropriated to the Immigration and Naturalization Service of the Department of Justice such sums as may be necessary to carry out section 1 and to cover the operating expenses of the Service and the Department in conducting undercover investigations of alien smuggling activities and in prosecuting violations of section 274(a)(1)(A) of the Immigration and Nationality Act (relating to alien smuggling), resulting from the increase in personnel under section 1.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subsection (a) are authorized to remain available until expended.

SEC. 7. ALIEN SMUGGLING DEFINED.

In sections 1 and 6, the term ''alien smuggling'' means any act prohibited by paragraph (1) or (2) of section 274(a) of the Immigration and Nationality Act (8 U.S.C. 1324(a)).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ROGAN) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

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

GENERAL LEAVE

Mr. ROGAN. Mr. Speaker, I ask unanimous consent that all Members

may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 238, as amended.

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

There was no objection.

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

Mr. Speaker, I rise today to offer legislation that will curb the inhuman trafficking in human lives known as alien smuggling. In areas like my home State of California, the impact of alien smuggling is felt at all levels. With the passage of this bill we can take a major step toward eliminating this despicable trade.

The problem of alien smuggling is widespread. From each of our southern border States to the northern border States and along the ports of the East and West Coast, aliens are traded like commodities often with deadly consequences. Stories of aliens packed like produce into shipping containers and moving vans abound, as do reports of corpses found throughout the desert as aliens are abandoned by their smugglers.

What was once a trickle of aliens transported by smugglers has today grown into an international trade ring, comparable in size and scope to the drug trade, generating vast revenue and crowning new kings of crime. Making the trade more deadly is the toll in human lives. Media reports describe in gruesome detail how aliens paid the large sums to be transported across our southern border, only to be abandoned in the desert, where many are robbed, raped, and sometimes murdered.

Sadly, current law permits minimal penalties for convicted smugglers. To criminals who generate millions of dollars in revenue each year from this trade, a small fine is the equivalent of paying for a parking ticket. This is wrong.

Mr. Speaker, this bill, H.R. 238, will strengthen the punishment for smugglers convicted in our courts. As amended, it will double the minimum sentence recommended by the sentencing commission for alien smuggling crimes and increase sentences for those who cause serious bodily injury or threaten a life. Specifically, the Alien Smuggler Enforcement Act, as amended, puts in place five key changes to current law.

First, the bill will add an additional 50 officers per year for 5 years to enforce our antismuggling laws.

Second, the legislation will double criminal sentences for alien smugglers through direction to the Federal sentencing commission. An increase in sentences will act as an additional deterrent. It also will guarantee that those who traffic in human lives are severely punished for this unjust crime.

Third, the bill will increase fines for those convicted of smuggling aliens to twice the amount the smuggler received for the original crime. The current minimum fine of $3,000 is deceptively small, considering the frequency of the crime and the amount of money generated in smuggling fees.

Fourth, the legislation will authorize additional funds to expand undercover investigation and enforcement programs through the Immigration and Naturalization Service.

Finally, H.R. 238 will add alien smuggling to the list of Federal crimes that receive an increased sentence if a firearm is involved, putting this crime on par with drug smuggling and other violent crimes. Our bill would add 5 additional years to a sentence and will keep smugglers off the streets.

Mr. Speaker, the focus of this legislation is professional alien smugglers and those who knowingly aid and abet professional alien smuggling for commercial or financial gain. The legislation is not designed against the unwitting employers of illegal aliens.

Mr. Speaker, our country is strengthened by the diversity of its people; our heritage of immigration is what makes us whole. However, alien smuggling chips away at both the rule of law and at human dignity. We owe it to the families of the countless victims of smugglers to enact serious penalties for this serious offense. We also owe it to the legal residents of this country to enforce strict laws against illegal immigration.

We can meet both needs by passing this bill.

Finally, Mr. Speaker, I want to thank Jim Willen, our very distinguished attorney on the House Committee on the Judiciary for his work on this. And I also especially want to thank Grayson Wolfe, an attorney on my staff, who has done just a yeoman's job in working on this bill over the many months that it has been proceeding.

I want to thank the gentleman from Michigan (Mr. CONYERS), the ranking member of the committee, and the minority members of the committee for their valuable input which has helped to shape this bill. I thank my colleagues for their consideration on this.

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

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

Mr. Speaker, this is a mandatory minimum sentences bill for bringing in and harboring certain aliens, and the bill to me does not pass muster because experience and numerous studies have shown that mandatory minimum sentences which are spread throughout our Federal statutes or blindly increasing sentences, as the managers amendment does, creates an unfairness and requires judicial and correctional expenditures that are disproportionate to any deterrent or rehabilitative effect that they might have.

Studies have also highlighted the very high costs of the unnecessary incarceration resulting from mandatory minimums and increased sentences. In fact, scientific study has found that no empirical evidence linking increased sentences to reductions in crime. No empirical evidence linking increased sentences to reductions in crime have been found by scientific studies. Instead, we know that they distort the sentencing process, discriminate against minorities in their application and waste money.

A Rand commission study has concluded that mandatory minimum sentences were less effective than either discretionary sentencing or drug treatment in reducing drug-related crime and far more costly than either.

Mr. Speaker, and for the twelfth time, the Judicial Conference of the United States has once again reiterated its opposition to mandatory minimum sentencing. Many conservatives have joined us in recognizing the policy problems caused by mandatory minimums and increased sentences. Thus, for example, after realizing the damage and ineffectiveness of mandatory minimums at reducing crime, Democrats and Republicans, in a bipartisan effort repealed Federal mandatory minimum sentencing in 1970.

Similarly, Chief Justice Rehnquist, who is not known to be lenient on criminals, has observed that mandatory minimums are frequently the result of floor amendments to demonstrate emphatically that legislators want to get tough on crime. Just as frequently, they do not involve any careful consideration of the effect that they might have on sentencing guidelines as a whole.

Proliferation of harsh sentencing policies has inhibited the ability of the courts to sentence offenders in a way that permits a more problem-solving approach to crime.

By limiting consideration of factors contributing to crime or to a range of responses, as the measure H.R. 238 does, such sentencing policies fail to provide justice for either victims or offenders. In light of these concerns, a less Draconian approach than H.R. 238 would be to enact a legislative directive to the United States Sentencing Commission to revise their existing sentencing guidelines to increase sentences for alien smuggling offenses. This would at least permit more informed consideration of aggravating and mitigating circumstances.

□ 1800

Whatever the political benefits of increased sentences, they simply do not do what they purport to do. They do not deter criminal behavior by guaranteeing that a particular penalty will be imposed for a particular crime. Instead, they impose unfair and harsh results and unnecessarily increase the prison costs to all of us.

Mr. Speaker, I am happy to yield such time as she may consume to the distinguished gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, I thank the gentleman from Michigan for yielding time to me.

Mr. Speaker, I support the bill before us. While I certainly respect our ranking member, the gentleman from Michigan (Mr. CONYERS), and the ranking member on the Subcommittee on Crime, the gentleman from Virginia (Mr. SCOTT), I do not always share their viewpoint on mandatory minimums, but I do respect their thinking.

I do believe that even if one concurs in their overall approach on the issue of mandatory minimums, this is an exception to that general rule.

Smuggling of aliens is a very serious and I would add very dangerous thing to do. It is something that criminals are making vast fortunes doing, and we know that the body count in the desert between the United States and Mexico is rising as the coyotes are taking more money but also abandoning people in the desert.

A fine for a coyote is just part of the cost of doing business. It is like a license. I think the only way to add to the cost of doing business in a way that will be meaningful to people who would abuse helpless people in this way is to have an actual strong sentence that puts that abusive person out of business and behind bars for a deterrent period of time.

I would also like to note that the gentleman from California (Mr. ROGAN) in committee did agree to several amendments that make this bill targeted towards what it is aimed at. For example, family members were excluded from the bill. Good samaritans who might become involved in saving people who were abandoned were excluded.

Finally, we excluded people who were not involved in anything such as this, for example, people in the sanctuary movement who were not profiting or in the business of being a coyote, because the idea is to make a real constraint on those who are smuggling in aliens and who are endangering so many men, women, and even small children as they do it.

So I respect very much my colleague, the gentleman from Michigan, and his comments, but I do think this bill is worth voting for. I enthusiastically support it and plan to vote for it.

I thank the gentleman for his great courtesy in recognizing me.

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

First, I want to thank my friend and colleague, the gentlewoman from California, for her statement, and also for her valuable input, both in committee and as this bill has been progressing, as we have amended it.

Once again, I want to publicly thank her for her support of the measure.

Mr. Speaker, I am pleased to yield such time as he may consume to our good friend, the gentleman from Utah (Mr. CANNON).

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

Mr. Speaker, I rise today in support of H.R. 238, sponsored by my good friend, the distinguished gentleman from California.

The Alien Smuggling Prevention and Enforcement Act addresses the serious and growing problem of professional smugglers who violate our Nation's borders carrying not illegal drugs or bootleg alcohol, but human cargo. These alien smugglers are active throughout our country, not just in the border States, but in my home State of Utah and many others.

We have tightened our Nation's borders in recent years, making it more difficult for people to enter the United States illegally. The demand for entry, however, has not decreased because of tighter border controls, but the desperation of those seeking to get in has increased. Worldwide, people yearning to be free are willing to pay a tremendous price to gain entry to this great country by whatever means necessary.

The situation has produced a new, contemptible breed of predatory smuggler who specializes in taking advantage of people in exchange for the promise to get to America. Those people who put their hopes for new life in America into the hands of an alien smuggler often find their fondest dreams have turned to their worst nightmare.

Inhumane conditions are the norm as aliens find themselves packed into cargo containers for days or weeks, abandoned in the desert without basic supplies, or dumped in the sea miles from shore. Some media reports have produced a portrait of conditions which sometimes rival those imposed by slave traders during the ''middle passage'' two centuries ago.

For this misery, aliens pay smugglers exorbitant fees, whether they are successful or not. Some of those who are successful in entering America must pay off their admission through years of indentured servitude in sweatshops, or are forced to live lives of crimes or prostitution.

Many find themselves robbed, raped, brutalized, or even murdered by the smugglers to whom they have entrusted their lives without ever reaching our shores. This legislation today is not aimed at the poor, tired huddled masses of aliens seeking freedom, but at those who take advantage of those same aliens by preying upon their misery. The bill increases enforcement efforts against alien smugglers, and increases penalties for those who are caught.

Today's vote can help bring some truly despicable criminals to justice. I thank my friend, again, the gentleman from California (Mr. ROGAN), for taking the lead on yet another important issue and working hard to move it to completion. He is truly a tremendous asset to this body.

I urge my colleagues to support this fine effort to address a serious problem and vote for this bill.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Virginia (Mr. Scott), a member of the Committee on the Judiciary.

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

Mr. Speaker, I recognize the seriousness of this offense, but I must oppose the bill because Congress should not be dictating and mandating sentences to the Sentencing Commission.

As we know, the Sentencing Commission was established to determine the appropriate sentencing guidelines based on the severity of the offense and after giving consideration to all other relevant factors, including the proportionality of the sentence to other offenses.

The review needs to be thorough and thoughtful. But this review, however, has not been thorough and thoughtful, because without the Sentencing Commission, crimes are considered out of context, and as a result, we have sentencing disparities.

For example, this bill provides for a sentence of 1½ to 3 years for getting caught smuggling 24 aliens, while Congress has required a 5-year mandatory minimum sentence for possession of a weekend's worth of crack cocaine.

It seems to me that an enterprise involved in smuggling 24 aliens is far more serious than an offense of smoking crack at home, but we would be better served with the Sentencing Commission considering all of those offenses in context and avoid such disparities.

The bill before us takes that responsibility from the Sentencing Commission and simply mandates that the sentences be doubled, a process which was neither thoughtful nor thorough. If Congress must dictate to the Sentencing Commission, we must at least assess the full effect of the sentencing changes Congress has already directed the Sentencing Commission to implement.

In the 1996 Illegal Immigration Reform and Immigration Responsibility Act, Congress required the United States Sentencing Commission to substantially increase the sentences for alien smuggling. The revised sentencing guidelines have resulted in a 300 percent increase in the median sentence for immigrant smuggling from 1997 to 1998.

Without taking the time to evaluate the impact of such an increase in sentencing for immigrant smuggling, Congress cannot know whether doubling the sentence is appropriate.

In addition to doubling the base offense level for alien smuggling, the bill includes mandatory minimums if the defendant used a firearm. Unfortunately, here we are again with Congress' favorite solution to crime: the mandatory minimum sentence. This is despite the fact that research has shown that mandatory minimum sentences are both ineffective and unduly harsh.

A 1997 study by the Rand Corporation on drug sentencing found that in all cases, conventional enforcement is more cost-effective than mandatory minimums, and treatment is more than

twice as cost-effective as mandatory minimums.

Furthermore, in March of this year in a letter to the gentleman from Illinois (Chairman HYDE), the Judicial Conference of the United States set forth the problems with mandatory minimums as follows:

''The reason for our opposition is manifest: Mandatory minimums severely distort and damage the Federal sentencing system. . .. Far from fostering certainty in punishment, mandatory minimums result in unwarranted sentencing disparity. Mandatories also treat dissimilar offenders in a similar manner, offenders who can be quite different with respect to the seriousness of their conduct or their danger to society. Mandatories require the sentencing court to impose the same sentence on offenders when sound policy and common sense call for reasonable differences in punishment.''

Based on these facts, it is clear that we should not be expanding mandatory minimums. The better approach would be directing the Sentencing Commission to review and to rationally consider increasing the offense level for alien smuggling to reflect the seriousness of the offense.

To this end, I offered an amendment to H.R. 238 which would have referred the issue to the Sentencing Commission for further consideration in light of the seriousness of the offense. Unfortunately, the amendment was not adopted. As a result, we are here today preventing the Sentencing Commission from doing its job.

I therefore must oppose this legislation, because we are dictating new sentences out of context of other crimes 6 weeks before an election.

I urge my colleagues to vote no on H.R. 238.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ROGAN) that the House suspend the rules and pass the bill, H.R. 238, as amended.

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

The title was amended so as to read:

''A bill to improve the prevention and punishment of criminal smuggling, transporting, and harboring of aliens, and for other purposes.''.

A motion to reconsider was laid on the table.

CHILD SEX CRIMES WIRETAPPING ACT OF 2000

Mr. HUTCHINSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3484) to amend title 18, United States Code, to provide that certain sexual crimes against children are predicate crimes for the interception of communications, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3484

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Child Sex Crimes Wiretapping Act of 2000''.

SEC. 2. AUTHORIZATION OF INTERCEPTION OF COMMUNICATIONS IN THE INVESTIGATION OF SEXUAL CRIMES AGAINST CHILDREN.

(a) CHILD PORNOGRAPHY.—Section 2516(1)(c) of title 18, United States Code, is amended by inserting ''section 2252A (relating to material constituting or containing child pornography),'' after ''2252 (sexual exploitation of children),''.

(b) TRANSPORTATION FOR ILLEGAL SEXUAL ACTIVITY.—Section 2516(1) of title 18, United States Code, as amended by section 3 of this Act, is amended—

(1) by striking ''or'' at the end of paragraph (o);

(2) by inserting after paragraph (o) the following:

''(p) a violation of section 2422 (relating to coercion and enticement) or section 2423 (relating to transportation of minors) of this title, if, in connection with that violation, the sexual activity for which a person may be charged with a criminal offense would constitute a felony offense under chapter 109A or 110, if that activity took place within the special maritime and territorial jurisdiction of the United States; or''; and

(3) by redesignating paragraph (p) as paragraph (q).

SEC. 3. TECHNICAL AMENDMENT ELIMINATING DUPLICATIVE PROVISION.

Section 2516(1) of title 18, United States Code, is amended—

(1) by striking the first paragraph (p); and

(2) by inserting ''or'' at the end of paragraph (o).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arkansas (Mr. HUTCHINSON) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Arkansas (Mr. HUTCHINSON).

GENERAL LEAVE

Mr. HUTCHINSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in support of H.R. 3484, which was introduced by the gentleman from Florida (Mr. MCCOLLUM), the chairman of the Subcommittee on Crime, together with the gentlewoman from Connecticut (Mrs. JOHNSON).

This bill is intended to assist Federal law enforcement agencies to better investigate crimes against children. The Committee on the Judiciary reported the bill favorably by voice vote.

Under current law, law enforcement agencies may only seek court authority to use a wiretap to investigate a limited number of crimes commonly called ''wiretap predicates.'' While many crimes involving the sexual exploitation of children are already wiretap predicates, a few are not. With the rise of the Internet, sexual predators often attempt to lure their child victims by engaging in conversations with them in a chat room, then traveling to meet the child or asking the child to travel to them.

Oftentimes, the predators will send child pornography to the child in order to lower the child's natural defense to the sexual advances of adults. Fortunately, all of these acts are crimes under Federal law, and law enforcement agencies have been using these statutes with increasing frequency in order to catch and punish these predators before they inflict physical harm on a child.

But even when law enforcement agencies obtain a court order to monitor the predator's Internet conversation with the child, they do not have the authority under current law to monitor the predator's telephone conversations with the child or with potential co-conspirators. Of course, many times some part of the predator's attempt at seduction of the child will occur over the telephone. If law enforcement officials cannot monitor the calls, they may be unable to act to stop him before he physically harms the child. For that reason, this legislation is necessary.

This bill would address this shortcoming in the law by adding three title 18 crimes as new wiretap predicates. I point out to my colleagues that nothing in the bill would change the requirement in current law that a judge must approve each wiretap request before the wiretap is activated.

Mr. Speaker, there is nothing more precious and worthy of protection than a child. I believe we should do everything in our power to catch sexual predators before they harm our children. This bill, H.R. 3484, will ensure that our law enforcement agencies have the tools to do that.

The Department of Justice and the Department of the Treasury both support this bill.

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Mr. Speaker, I urge all of my colleagues to support it as well.

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

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, I rise in opposition to H.R. 3484, which would add to the already lengthy list of predicate offenses for which wiretap may be issued. While I am prepared to support some extension of Federal wiretap authority in these kinds of cases, I believe the present bill goes too far in extending law enforcement's authority to use a tool recognized to be so invasive of the rights of citizens in a free society that it can only be made available

for use under circumstances specifically approved by Congress.

Currently, congressionally approved wiretap authority dates back to the 1968 crime bill. The primary intent of the provision was to permit a limited use of electronic surveillance of organized crime and gambling groups, and it was envisioned as a tool of last resort even under those circumstances.

The limited approach to authorizing wiretap authority was appropriate because what we are talking about is permitting law enforcement officials to engage in the unseemly acts of secretly eavesdropping on our phone conversations, conversations which include primarily private content, most of which will have nothing to do with criminal activity. Unfortunately, since 1968, the act has been amended over a dozen times and now includes over 50 predicate crimes for which wiretap may be obtained.

Regrettably, a number of those predicates involve rather minor offenses such as false statements on a passport application. In justifying further expansion of wiretap authority, the argument now goes, if we amended the wiretap authority to add ''X,'' we should certainly amend it to add ''Y,'' which is a much more serious offense. As a result, wiretaps are becoming routine, rather than an extraordinary procedure to be used only as a last resort. Given the level of effectiveness of today's technology, wiretaps have the potential of being even more invasive.

At issue today is whether we should add three new crimes to the wiretap predicate offensive list: Criminal Code Section 2252A, relating to material constituting or containing child pornography; section 2422, relating to coercion and enticement; and section 2423, relating to transportation of minors.

Now, while I certainly support enforcement of these provisions, I do not believe that they should all be predicate offenses for wiretaps. The way the bill is presented to us, it is all or nothing.

First, it is clear from the list of already existing sex crime offenses that much of the more serious activity for which proponents of the legislation are seeking to justify wiretap extension are already covered by wiretap authority or other confiscation authority and investigatory techniques. For example, sexual exploitation of children is already a crime that is a wiretap predicate.

While I appreciate the majority's willingness to limit sections 2422 and 2423 to sexual activity which would constitute a Federal felony, the bill still includes the overly broad provisions contained in sections 2252A and 2423(b) as predicate offenses.

Section 2252A includes, among other things, computer-generated depictions of child pornography. Now, the suspicion that someone may be generating filthy depictions on a home computer should not justify listening in to their private phone conversations. Now section 2423(b) makes it an offense to travel with the intent or thought of committing any sex crime.

Thus pursuant to H.R. 3484, the bill before us, law enforcement would be able to get a wiretap where it learns that an 18-year-old is traveling from Washington, D.C. to Northern Virginia to have sex with his 17-year-old girlfriend. Now, I do not think that we have a compelling need to authorize government officials to listen into personal phone conversations when they suspect that such activity may be planned.

Mr. Speaker, as I have indicated earlier, wiretap authority is so invasive of the rights of citizens in a free society that it must be made available only as a last resort. The more serious criminal activity for which proponents of the legislation are seeking to justify wiretap extension are mostly covered by wiretap authority or other confiscation authority and investigatory techniques already.

Further, certain provisions of the bill are overly broad or simply involve conduct not serious enough to warrant the extraordinary invasion of privacy involved in wiretap authority.

As a result, I must oppose this legislation and urge my colleagues to vote no on H.R. 3484.

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

Mr. Speaker, I want to thank the gentleman from Virginia (Mr. SCOTT) for his work on this. It has been a pleasure in the Subcommittee on Crime to serve with him. I did want to respond, simply as a Federal prosecutor, I have had experience in requests for wiretap authority. All I can say is that the Department of Justice, from my experience, uses it very, very rarely.

One of the reasons is that, in order to have wiretap permission, one has to get authorization at a very, very high level in the Department of Justice. So there are a number of tools to screen the overuse of wiretap authority. Then, secondly, there are numerous protections in it, such as one has to go to a Federal judge. For those reasons, it is not something that is a routine law enforcement tool, as it should not be.

I think that the gentleman from Virginia is absolutely correct. This should be a tool that should be reserved for the very difficult cases and not just used in a routine fashion. That is something that we certainly share, and I hope that the Department of Justice will always maintain that view of wiretap authority.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON), who has really been the pusher behind this legislation, an extraordinary advocate for children.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the gentleman from Arkansas (Mr. HUTCHINSON) and also the gentleman from Florida (Mr. MCCOLLUM) for their leadership and help in bringing this issue and this bill to the floor.

As I learned from meetings with Customs Service agents, students, parents and teachers, predators lurk no longer just around the playground. They lurk in every computer. I was born and raised in Chicago, not in the suburbs, but in Chicago. I played in the streets and in the alleys of my neighborhood. Yet, I felt safe. I felt safe because I was taught that, if I did not go certain places, I would be safe. We were taught by our parents, do not go here. Do not go there. Stay within these parameters. Because we were taught about the dangers around us, we were safe.

Now we have to teach our kids about the dangers that lurk on the Internet so they too can enjoy the wonderful resources the Internet can make available to them but enjoy those resources in safety.

Twenty-five million kids ages 10 to 17 use the Internet. The risks are very high, and protections for our children need to be even higher.

During one visit to Connecticut, a Customs agent entered a chat room camouflaged as a teenage girl and within minutes was solicited by no less than five individuals seeking information about what she looked like, where she lived, what she liked to do, all under the guise of being her friend.

Such contacts have led to agreements between children and adults to meet, to meet the new friend. They have led to sexual abuse. But, fortunately, in Connecticut so far, none of these encounters have led to abduction and murder.

The National Center for Missing and Exploited Children estimates that there are over 10,000 Web sites maintained by pedophiles. There are even more child pornography sites with as much as 80 percent of it coming from other countries.

One of the chat rooms I was shown was named, this was just on the list, named ''infant rape and torture.'' Times have changed. The dangers are all around us. We must change our laws to arm our investigators with the power they need to protect our children.

This legislation would create several new predicate offenses for which a Federal agent can seek permission to wiretap a suspect. While I respect the concerns that have been raised on the floor here, our bill is essential if these kids are to be protected from those in the Internet who would seek them out, befriend them, and arrange to meet them in places through which they can sexually assault them or, as has happened, and will happen more and more often, lead to their harm and sometimes to their murder.

Our bill simply modernizes the statute. The officers would still have to present their case to a judge. So I urge support of this important legislation.

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

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

The SPEAKER pro tempore (Mr. OSE). The question is on the motion offered by the gentleman from Arkansas (Mr. HUTCHINSON) that the House suspend the rules and pass the bill, H.R. 3484, as amended.

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

A motion to reconsider was laid on the table.

AMERICAN COMPETITIVENESS IN THE TWENTY-FIRST CENTURY ACT OF 2000

Mr. CANNON. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2045) to amend the Immigration and Nationality Act with respect to H–1B nonimmigrant aliens, as amended.

The Clerk read as follows:

S. 2045

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''American Competitiveness in the Twenty-first Century Act of 2000''.

SEC. 2. TEMPORARY INCREASE IN VISA ALLOTMENTS.

In addition to the number of aliens who may be issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act (8 U.S.C. 1101 (a)(15)(H)(i)(b)), the following number of aliens may be issued such visas or otherwise provided such status for each of the following fiscal years:

(1) 80,000 for fiscal year 2000;

(2) 87,500 for fiscal year 2001; and

(3) 130,000 for fiscal year 2002.

SEC. 3. SPECIAL RULE FOR UNIVERSITIES, RESEARCH FACILITIES, AND GRADUATE DEGREE RECIPIENTS.

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended by adding at the end the following new paragraphs:

''(5) The numerical limitations contained in paragraph (1)(A) shall not apply to any nonimmigrant alien issued a visa or otherwise provided status under section 101(a)(15)(H)(i)(b)—

''(A) who is employed (or has received an offer of employment) at—

''(i) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), or a related or affiliated nonprofit entity; or

''(ii) a nonprofit research organization or a governmental research organization; or

''(B) for whom a petition is filed not more than 90 days before or not more than 180 days after the nonimmigrant has attained a master's degree or higher degree from an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))).

''(6) Any alien who ceases to be employed by an employer described in paragraph (5)(A) shall, if employed as a nonimmigrant alien described in section 101(a)(15)(H)(i)(b), be counted toward the numerical limitations contained in paragraph (1)(A) the first time the alien is employed by an employer other than one described in paragraph (5)(A).''.

SEC. 4. LIMITATION ON PER COUNTRY CEILING WITH RESPECT TO EMPLOYMENT-BASED IMMIGRANTS.

(a) SPECIAL RULES.—Section 202(a) of the Immigration and Nationality Act (8 U.S.C. 1152(a)) is amended by adding at the end the following new paragraph:

''(5) RULES FOR EMPLOYMENT-BASED IMMIGRANTS.—

''(A) EMPLOYMENT-BASED IMMIGRANTS NOT SUBJECT TO PER COUNTRY LIMITATION IF ADDITIONAL VISAS AVAILABLE.—If the total number of visas available under paragraph (1), (2), (3), (4), or (5) of section 203(b) for a calendar quarter exceeds the number of qualified immigrants who may otherwise be issued such visas, the visas made available under that paragraph shall be issued without regard to the numerical limitation under paragraph (2) of this subsection during the remainder of the calendar quarter.

''(B) LIMITING FALL ACROSS FOR CERTAIN COUNTRIES SUBJECT TO SUBSECTION (e).—In the case of a foreign state or dependent area to which subsection (e) applies, if the total number of visas issued under section 203(b) exceeds the maximum number of visas that may be made available to immigrants of the state or area under section 203(b) consistent with subsection (e) (determined without regard to this paragraph), in applying subsection (e) all visas shall be deemed to have been required for the classes of aliens specified in section 203(b).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)) is amended by striking ''paragraphs (3) and (4)'' and inserting ''paragraphs (3), (4), and (5)''.

(2) Section 202(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1152(e)(3)) is amended by striking ''the proportion of the visa numbers'' and inserting ''except as provided in subsection (a)(5), the proportion of the visa numbers''.

(c) ONE-TIME PROTECTION UNDER PER COUNTRY CEILING.—Notwithstanding section 214(g)(4) of the Immigration and Nationality Act, any alien who—

(1) is the beneficiary of a petition filed under section 204(a) for a preference status under paragraph (1), (2), or (3) of section 203(b); and

(2) would be subject to the per country limitations applicable to immigrants under those paragraphs but for this subsection,

may apply for, and the Attorney General may grant, an extension of such nonimmigrant status until the alien's application for adjustment of status has been processed and a decision made thereon.

SEC. 5. INCREASED PORTABILITY OF H–1B STATUS.

(a) IN GENERAL.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

''(m)(1) A nonimmigrant alien described in paragraph (2) who was previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) is authorized to accept new employment upon the filing by the prospective employer of a new petition on behalf of such nonimmigrant as provided under subsection (a). Employment authorization shall continue for such alien until the new petition is adjudicated. If the new petition is denied, employment authorization shall cease.

''(2) A nonimmigrant alien described in this paragraph is a nonimmigrant alien—

''(A) who has been lawfully admitted into the United States;

''(B) on whose behalf an employer has filed a nonfrivolous application for new employment or extension of status before the date of expiration of the period of stay authorized by the Attorney General; and

''(C) who has not been employed without authorization in the United States before or during the pendency of such petition for new employment.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to petitions filed before, on, or after the date of enactment of this Act.

SEC. 6. EXTENSION OF AUTHORIZED STAY IN CASES OF LENGTHY ADJUDICATIONS.

(a) EXEMPTION FROM LIMITATION.—The limitation contained in section 214(g)(4) of the Immigration and Nationality Act with respect to the duration of authorized stay shall not apply to any nonimmigrant alien previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act on whose behalf a petition under section 204(b) to accord the alien immigrant status under section 203(b), or an application for adjustment of status under section 245 to accord the alien status under section 203(b), has been filed, if 365 days or more have elapsed since the filing of a labor certification application on the alien's behalf, if such certification is required for the alien to obtain status under section 203(b), or if 365 days or more have elapsed since the filing of the petition under section 204(b).

(b) EXTENSION OF H1–B WORKER STATUS.—The Attorney General shall extend the stay of an alien who qualifies for an exemption under subsection (a) in one-year increments until such time as a final decision is made on the alien's lawful permanent residence.

SEC. 7. EXTENSION OF CERTAIN REQUIREMENTS AND AUTHORITIES THROUGH FISCAL YEAR 2002.

(a) ATTESTATION REQUIREMENTS.—Section 212(n)(1)(E)(ii)) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)(E)(ii)) is amended by striking ''October 1, 2001'' and inserting ''October 1, 2002''.

(b) FEE REQUIREMENTS.—Section 214(c)(9)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(9)(A)) is amended in the text above clause (i) by striking ''October 1, 2001'' and inserting ''October 1, 2002''.

(c) DEPARTMENT OF LABOR INVESTIGATIVE AUTHORITIES.—Section 413(e)(2) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking ''September 30, 2001'' and inserting ''September 30, 2002''.

SEC. 8. RECOVERY OF VISAS USED FRAUDULENTLY.

Section 214(g)(3) of the Immigration and Nationality Act (8 U.S.C. 1184 (g)(3)) is amended to read as follows:

''(3) Aliens who are subject to the numerical limitations of paragraph (1) shall be issued visas (or otherwise provided nonimmigrant status) in the order in which petitions are filed for such visas or status. If an alien who was issued a visa or otherwise provided nonimmigrant status and counted against the numerical limitations of paragraph (1) is found to have been issued such visa or otherwise provided such status by fraud or willfully misrepresenting a material fact and such visa or nonimmigrant status is revoked, then one number shall be restored to the total number of aliens who may be issued visas or otherwise provided such status under the numerical limitations of paragraph (1) in the fiscal year in which the petition is revoked, regardless of the fiscal year in which the petition was approved.''.

SEC. 9. NSF STUDY AND REPORT ON THE ''DIGITAL DIVIDE''.

(a) STUDY.—The National Science Foundation shall conduct a study of the divergence in access to high technology (commonly referred to as the ''digital divide'') in the United States.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Director of the National Science Foundation shall submit a report to Congress setting forth the findings of the study conducted under subsection (a).

SEC. 10. MODIFICATION OF NONIMMIGRANT PETITIONER ACCOUNT PROVISIONS.

(a) ALLOCATION OF FUNDS.—Section 286(s) of the Immigration and Nationality Act (8 U.S.C. 1356(s)) is amended—

(1) in paragraph (2), by striking ''56.3 percent'' and inserting ''36.2 percent'';

(2) in paragraph (3), by striking ''28.2 percent'' and inserting ''30.7 percent''; and

(3) in paragraph (4)(A), by striking ''4 percent'' and inserting ''2.5 percent''.

(b) LOW-INCOME SCHOLARSHIP PROGRAM.—Section 414(d)(3) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking ''2,500 per year.'' and inserting ''3,125 per year. The Director may renew scholarships for up to 4 years.''.

(c) NATIONAL SCIENCE FOUNDATION GRANT PROGRAM.—Section 286(s)(4)(B) of the Immigration and Nationality Act (8 U.S.C. 1356(s)) is amended to read as follows:

''(B) NATIONAL SCIENCE FOUNDATION COMPETITIVE GRANT PROGRAM FOR K–12 MATH, SCIENCE AND TECHNOLOGY EDUCATION.—(i) 25.8 percent of the amounts deposited into the H–1B Nonimmigrant Petitioner Account shall remain available to the Director of the National Science Foundation until expended to carry out a direct and/or matching grant program to support private-public partnerships in K–12 education.

''(ii) TYPES OF PROGRAMS COVERED.—The Director shall award grants to such programs, including, those which support the development and implementation of standards-based instructional materials models and related student assessments that enable K–12 students to acquire an understanding of science, mathematics, and technology, as well as to develop critical thinking skills; provide systemic improvement in training K–12 teachers and education for students in science, mathematics, and technology; stimulate system-wide K–12 reform of science, mathematics, and technology in rural, economically disadvantaged regions of the United States; provide externships and other opportunities for students to increase their appreciation and understanding of science, mathematics, engineering, and technology; involve partnerships of industry, educational institutions, and community organizations to address the educational needs of disadvantaged communities; and college preparatory support to expose and prepare students for careers in science, mathematics, engineering, and technology.''.

(d) REPORTING REQUIREMENTS.—Section 414 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by adding at the end the following new subsection:

''(e) The Secretary of the Department of Labor and the Director of the National Science Foundation shall—

''(1) track and monitor the performance of programs receiving H–1B Nonimmigrant Fee grant money; and

''(2) not later than one year after the date of enactment of this subsection, submit a report to the Committees on the Judiciary of the House of Representatives and the Senate—

''(A) the tracking system to monitor the performance of programs receiving H–1B grant funding; and

''(B) the number of individuals who have completed training and have entered the high-skill workforce through these programs.''.

SEC. 11. KIDS 2000 CRIME PREVENTION AND COMPUTER EDUCATION INITIATIVE.

(a) SHORT TITLE.—This section may be cited as the ''Kids 2000 Act''.

(b) FINDINGS.—Congress makes the following findings:

(1) There is an increasing epidemic of juvenile crime throughout the United States.

(2) It is well documented that the majority of juvenile crimes take place during after-school hours.

(3) Knowledge of technology is becoming increasingly necessary for children in school and out of school.

(4) The Boys and Girls Clubs of America have 2,700 clubs throughout all 50 States, serving over 3,000,000 boys and girls primarily from at-risk communities.

(5) The Boys and Girls Clubs of America have the physical structures in place for immediate implementation of an after-school technology program.

(6) Building technology centers and providing integrated content and full-time staffing at those centers in the Boys and Girls Clubs of America nationwide will help foster education, job training, and an alternative to crime for at-risk youth.

(7) Partnerships between the public sector and the private sector are an effective way of providing after-school technology programs in the Boys and Girls Clubs of America.

(8) PowerUp: Bridging the Digital Divide is an entity comprised of more than a dozen nonprofit organizations, major corporations, and Federal agencies that have joined together to launch a major new initiative to help ensure that America's underserved young people acquire the skills, experiences, and resources they need to succeed in the digital age.

(9) Bringing PowerUp into the Boys and Girls Clubs of America will be an effective way to ensure that our youth have a safe, crime-free environment in which to learn the technological skills they need to close the divide between young people who have access to computer-based information and technology-related skills and those who do not.

(c) AFTER-SCHOOL TECHNOLOGY GRANTS TO THE BOYS AND GIRLS CLUBS OF AMERICA.—

(1) PURPOSES.—The Attorney General shall make grants to the Boys and Girls Clubs of America for the purpose of funding effective after-school technology programs, such as PowerUp, in order to provide—

(A) constructive technology-focused activities that are part of a comprehensive program to provide access to technology and technology training to youth during after-school hours, weekends, and school vacations;

(B) supervised activities in safe environments for youth; and

(C) full-time staffing with teachers, tutors, and other qualified personnel.

(2) SUBAWARDS.—The Boys and Girls Clubs of America shall make subawards to local boys and girls clubs authorizing expenditures associated with providing technology programs such as PowerUp, including the hiring of teachers and other personnel, procurement of goods and services, including computer equipment, or such other purposes as are approved by the Attorney General.

(d) APPLICATIONS.—

(1) ELIGIBILITY.—In order to be eligible to receive a grant under this section, an applicant for a subaward (specified in subsection (c)(2)) shall submit an application to the Boys and Girls Clubs of America, in such form and containing such information as the Attorney General may reasonably require.

(2) APPLICATION REQUIREMENTS.—Each application submitted in accordance with paragraph (1) shall include—

(A) a request for a subgrant to be used for the purposes of this section;

(B) a description of the communities to be served by the grant, including the nature of juvenile crime, violence, and drug use in the communities;

(C) written assurances that Federal funds received under this section will be used to supplement and not supplant, non-Federal funds that would otherwise be available for activities funded under this section;

(D) written assurances that all activities funded under this section will be supervised by qualified adults;

(E) a plan for assuring that program activities will take place in a secure environment that is free of crime and drugs;

(F) a plan outlining the utilization of content-based programs such as PowerUp, and the provision of trained adult personnel to supervise the after-school technology training; and

(G) any additional statistical or financial information that the Boys and Girls Clubs of America may reasonably require.

(e) GRANT AWARDS.—In awarding subgrants under this section, the Boys and Girls Clubs of America shall consider—

(1) the ability of the applicant to provide the intended services;

(2) the history and establishment of the applicant in providing youth activities; and

(3) the extent to which services will be provided in crime-prone areas and technologically underserved populations, and efforts to achieve an equitable geographic distribution of the grant awards.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $20,000,000 for each of the fiscal years 2001 through 2006 to carry out this section.

(2) SOURCE OF FUNDS.—Funds to carry out this section may be derived from the Violent Crime Reduction Trust Fund.

(3) CONTINUED AVAILABILITY.—Amounts made available under this subsection shall remain available until expended.

Amend the title to read as follows: ''A bill to amend the Immigration and Nationality Act with respect to H–1B nonimmigrant aliens, and to establish a crime prevention and computer education initiative.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. CANNON) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

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

GENERAL LEAVE

Mr. CANNON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 2045, as amended.

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

There was no objection.

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

Mr. Speaker, I am pleased today to rise in support of this legislation. I am pleased that we are moving forward on this vital issue for our economy.

America is ascendant. We have a strong, consumer-driven, innovative economy that is continuing to grow. We have more high-tech products available to our citizens than any other country in the world. Low-cost, high-speed access to the Internet is becoming a reality for every person in America. The latest employment numbers show that this high technology-driven economy has created 340,000 new jobs and the unemployment rate is at 3.9 percent, a 30-year low.

The legislation before us today will help this economic prosperity continue by meeting the critical need for skilled workers, workers we cannot get enough of. A key but little known fact about this booming high-tech economy is that it is dependent upon skilled workers. We need those. That is like lifeblood for us.

We cannot produce enough of these highly skilled workers quickly enough from our own education system to keep pace with the demand. For years we have had a special immigration program, the H–1B visa, which allows highly skilled workers to come to this

country temporarily to work for American companies in order to meet critical shortages of skilled personnel.

Unfortunately, the current program still does not provide enough visas to meet the growing demands and the growing shortfall of domestically educated high-tech workers. The current ceiling of 115,000 visas per year was reached in March, less than halfway through the current fiscal year.

All the world wants to come to this land of opportunity to develop and market their ideas. We want them to come. We want everyone to be able to follow his or her dreams and enrich themselves and enrich this country. The fact that the best and the brightest from the rest of the world want to come here and work and learn, to invent and build businesses is the ultimate compliment to our system. We should welcome them with open arms. This is how America spreads democracy and the rule of law. The people will make our country and our economy better while they are here and will take our concept of freedom back to their homes and initiate change there.

We have worked hard on this H–1B legislation to open the doors wide to educated people, so that they can come to the United States and give us the benefits as they develop their ideas. This is the American dream. It should be available to everyone everywhere.

The American Competitiveness in the 21st Century Act of 2000 will feed the high-tech economy with these vital workers by providing 195,000 H–1B visas in fiscal 2000, and that is 80,000 in addition to the 115,000 we currently have; 195,000 for the fiscal year 2001, and 195,000 for fiscal 2002.

Our opponents complain that a greater focus on education of American workers is the answer. But this long-term solution cannot meet today's critical need.

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American companies will always want to recruit the top professionals they can find, but there is no reason why they should have to choose between hiring the most qualified employees now to meet their immediate needs and support long-term excellence in our schools in the high-tech workforce. They can do both. We can do both.

The supporters of this legislation read like a who's who of the most innovative, fastest-growing companies in America, the companies who drive this economy forward: Microsoft, Intel, Sysco Systems, Sun Microsystems, Hewlett Packard, and Texas Instruments. Their demands are infinitely reasonable. The only shame in all this is that we have to spend a year working with Congress to allow them to hire people and create more jobs.

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

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

Mr. Speaker, I plan to support this bill before us, even though it got out of the Senate only hours ago; yesterday sometime.

The legislation before us today would adjust the H–1B visa cap to meet the immediate and critical needs of our high-technology economy. To tell the truth, the bill is a significant improvement to the committee-passed bill in the Judiciary, which would have imposed significant new restrictions that would have made it far more difficult for American employers to utilize the H–1B program.

This enormous success of our American economy has, in large part, been driven by our information technology industry. As a matter of fact, the Department of Commerce estimates that more than 1.3 million technology workers will be needed over the next decade. Where are we going to get them? Ensuring that the United States has sufficient, qualified, high-technology personnel will be a critical determinant of the success of our national economy over the years to come. So I believe it is imperative that we add some temporary visas, that we provide for greater permanent visas, and that we attempt to educate our own citizens so that we can meet these needs.

But I must point out that there are some concerns that I have with the manner that this legislation came to the floor. First off, we are taking up the Senate-passed bill under suspension of the rules; there is only one copy in this room, and it is at the Speaker's desk. There is no opportunity for amendment by anyone in the Congress. In this respect, I would note that the bill before us does not contain the increase in visa fees provided under the Lofgren-Dreier bill. This is not a good occasion. By contrast, that bill would have increased fees by $500 and then allocated 90 percent of the additional revenue to the existing math, computer science, engineering and science related enrichment and regional skills alliances designed to train current workers.

In other words, our measure would have allowed us to begin to prepare qualified high-tech workers inside the United States. The Clinton administration likewise has some excellent proposals in the fee area, and I hope that this language will be added to some other piece of legislation before we adjourn.

Number two, the bill fails to contain any of the Latino Fairness provisions that those of us in the House, particularly the Congressional Hispanic Caucus, led by the gentlewoman from California (Ms. ROYBAL-ALLARD), and specifically worked on by our distinguished colleague, the gentleman from Illinois (Mr. GUTIERREZ) and other Members in the House and Senate who have been pushing these provisions urged by the Congressional Hispanic Caucus and by the Congressional Black Caucus. These provisions would provide immigration parity for Central Americans and Haitians, would grant late amnesty to individuals unfairly denied relief under the 1986 law, and restore section 245(i) relief to persons seeking to adjust their immigration status in the United States.

In my view, if we are going to open our borders to hundreds of thousands of foreign nationals who do not live here to fill employment needs under the H–1B program, the very least we can do is address the existing inequities faced by persons who already live and work here and have family ties in this country.

Yet the majority continues to ignore these very reasonable proposals. They have refused to give us a hearing in the Committee on the Judiciary; and, thus, we have not had a markup. Today we do not even have the opportunity of offering an amendment so that we can vote our conscience on the House floor.

In terms of the immigration parity provisions, relief is needed to correct unfair and discriminatory provisions enacted by the majority in the last two Congresses. In 1996, this Congress made it almost impossible for deserving immigrants to obtain suspension or deportation relief. In 1997, they compounded the problem by offering relief from the 1996 law to Cubans and Nicaraguans but not other Central Americans or Haitians.

I want to quickly add that our Cuban American Members of Congress joined us in supporting a modification that would include Central Americans and Haitians, and I compliment them for that.

The individuals we want to protect came to our shores fleeing persecution at home. They have jobs and families and roots in this country. They deserve the same consideration we have given other groups of immigrants.

As for the late amnesty provisions, there is a need to restore fairness to those immigrants who were eligible to apply for legalization in the mid-1980s but were not able to do so because the Immigration and Naturalization Service misinterpreted the law that the Congress passed. Had their application been timely processed, most of these immigrants would already be citizens.

In 1996, the majority compounded the problem once again by stripping the courts of their authority to grant relief for the wronged legalization applicants. Updating the registry date to 1986 will avoid all of these problems.

So I support the bill with these reservations. It is a marked improvement over our committee product, but I pledge today that our work should not be considered yet done on immigration in this Congress. We must increase the fees, otherwise we will be giving our children and workers the short shrift in terms of education funding. We have people here that can and deserve to be high-tech workers in the computer industry, and we must provide some equity to Latino and Haitian immigrants who are already here.

Please, members of this committee, as a nation of immigrants, we cannot shut our doors and hearts to these individuals.

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

Mr. CANNON. Mr. Speaker, I yield myself such time as I may consume to thank the gentleman from Michigan (Mr. CONYERS) for his limited support of this bill. It is an important bill.

I would just point out that the Senate version has been around for a very long time. There are at least two copies; the Speaker has a copy and my staff has a copy here. So the issue has been around for a while and it is a very important issue that we need to move forward with under the current circumstances.

Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. SMITH), the chairman of the Subcommittee on Immigration and Claims.

Mr. SMITH of Texas. Mr. Speaker, I want to recognize two Members on the House floor tonight. The gentleman from California (Mr. DREIER), who is chairman of the House Committee on Rules, has been a tireless advocate on behalf of the high-tech industry. I do not know of anyone who has worked harder, invested more time and energy, or is more responsible for the bill that we are considering tonight being on the House floor, and I would like to congratulate him in advance on the expected passage of this bill.

Second of all, the gentleman from Utah (Mr. CANNON), who just yielded me the time, is an active member of the Subcommittee on Immigration and Claims, and he too has been a steadfast advocate of the high-tech industry. The gentleman from Utah himself is an entrepreneur and he understands firsthand the needs of the high-tech industry.

Mr. Speaker, although there is still no objective credible study that documents the shortage of American high-tech workers, the INS said recently that the demand for highly skilled foreign workers is running at least 50,000 ahead of last year. Such a demand can indicate an actual shortage of American workers, a spot shortage, a preference for cheap labor or replacement workers, or something else. But because of the importance of the high-tech industry to our economy, I think we should give the industry the benefit of the doubt.

But giving high-tech companies the benefit of the doubt is not without risk, unless we safeguard American workers. We need to recognize the opposition of the American people to an H–1B visa increase, Mr. Speaker. Two major polls demonstrate that the vast majority of Americans do not want to see the number of high-tech visas increased so much and worry that it will hurt American workers.

A Peter Hart poll conducted in March found that 73 percent of Americans do not want to see immigration law changed to allow the entry of more foreign high-tech workers. Only 20 percent wanted more foreign workers.

A Harris poll, released in September 1998, found that 82 percent of Americans do not want to see the H–1B quota increased. The poll found that 77 percent of Americans believe that an increase in H–1B visas reduces employment opportunities for American workers. And 86 percent of Americans believe that U.S. companies should train U.S. workers to perform jobs in technical fields, even if it is faster and less expensive to fill the jobs with foreign workers.

To satisfy the concerns of the American people, we need to protect American workers from being undercut by foreign workers in the H–1B program. S.2045 contains no significant provisions to protect these American workers. It does not require most companies to make a good-faith effort to recruit U.S. workers before hiring foreign workers. It allows all but a small handful of firms to lay off American workers and replace the American workers with foreign workers.

Why would anyone oppose these common sense safeguards? What amazes me is that in all the discussions I have had with representatives of high-tech companies, not a single one has expressed any concern about the impact of this legislation on American workers. How could anyone oppose a safeguard that says American workers could not be fired and replaced by a foreign worker? How could anyone not agree to advertise for American workers before hiring from abroad? How could anyone oppose paying foreign workers what the average beginning salary is for American college graduates, unless they want to undercut American wages?

The Committee on the Judiciary passed a bill, H.R. 4227, that contains an additional crucial safeguard for American workers. The Committee on the Judiciary passed a bill that set a floor on wages for these workers; $40,000 per year. This wage is a good starting point for any high-tech professional. It is a salary that American students fresh out of college are making. This crucial safeguard would prevent U.S. companies from hiring foreign workers to undercut the wages of American workers.

Strong anti-fraud measures are also necessary to address known abuses. An article in last Thursday's ''San Francisco Chronicle'' says it all: ''Federal authorities have started nationwide investigations into the hiring of foreign high-tech workers, including charges of visa fraud and allegations that the practice is riddled with abuse.'' The Chronicle quotes Bill Yates of the INS as stating, ''But are we catching most of the fraud? The truthful answer is that we are not. If it is the intention of the employee or the employer to defraud the government, you may not be able to ferret it out.''

A just-released Government Accounting Office report states, ''There is not sufficient assurance that INS reviews are adequate for detecting program noncompliance or abuse. The program is vulnerable to abuse, both by employers who do not have bona fide jobs to fill or do not meet required labor conditions, and by potential workers who present false credentials.

□ 1845

''The goals of preventing abuse of the program and providing efficient services to employers and workers are not being achieved. Evidence suggests that program noncompliance or abuse by employers may be more prevalent than under other laws.''

Mr. Speaker, any H–1B bill should contain effective antifraud measures as are contained in the Committee on the Judiciary-passed H.R. 4227. S. 2045 contains no such antifraud measures.

Mr. Speaker, in return for giving high-tech companies hundreds of thousands of more foreign workers, all we ask on behalf of American workers is some minimal, basic, common sense safeguards to ensure that businesses do not want to hire cheap foreign workers at the expense of American workers. While this bill has taken significant steps to alleviate the presumed shortage with more training for American workers, such provisions will not yield benefits for many years.

Supplying future workers is a different issue altogether from shielding today's American workers from the consequences of admitting so many workers from other countries.

Mr. Speaker, Congress should not turn its back on American workers.

Again I appreciate and recognize the work done by the gentleman from California (Mr. DREIER) and by the gentleman from Utah (Mr. CANNON) and congratulate them.

Mr. CONYERS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. LOFGREN), who worked harder on this measure than any other member of the Committee on the Judiciary.

Ms. LOFGREN. Mr. Speaker, this is a very good bill that should become law. I am a little bit surprised that we are standing here tonight. We did not realize that the bill would be brought up this evening and actually when I learned that it would be, I was standing in line buying a new computer to replace my computer which had its memory burned out in a power surge recently. I was glad I was able to get into the car pool lanes and get here in time to talk about why this bill deserves our support.

It was about a year ago that I began drafting some of the measures that ultimately found their way into the bill passed by the Senate last night. But I was not the only one on our side of the aisle who worked on this bill. A core group, including the gentleman from California (Mr. DOOLEY), the gentleman from Virginia (Mr. MORAN), the gentlewoman from California (Ms. ESHOO), and the gentleman from Washington (Mr. SMITH) really put in the extra effort as a drafting committee and certainly the gentleman from Michigan (Mr. CONYERS), the ranking member, has been a leader in moving this forward along with the gentleman from

California (Mr. MATSUI), and finally our hero in this on our side of the aisle, the gentleman from Missouri (Mr. GEPHARDT), the minority leader, who has been stalwart in his efforts to make sure that we would get a bill such as this passed.

Mr. Speaker, I have to give the Senate credit. This bill is better than any of the other bills that have been put together, including the one we drafted, because it takes the best of so many measures and includes them all. It does things that are important in reforming the permanent side of the immigration system which is almost broken because of bureaucratic delay. It allows for portability of H–1B status as well as portability of I–140s and labor certifications. It does something about the per-country limits that would, absent a remedy, mean that scientists from certain Asian countries would be disadvantaged versus scientists from European countries. This fixes that problem. There is lots of good news in this bill, and we should all support it.

There are, however, two things that are not in the bill that I think we need to fix. The first has been mentioned by the gentleman from Michigan (Mr. CONYERS) and that has to do with the Central American refugee issue as well as the legalization era from the Reagan administration. We hoped that those two measures would become law this year as part of the Commerce-State-Justice bill. The President has threatened to veto the bill if these Latino fairness issues are not included, and 152 Democrats last week wrote a letter to the President saying he would sustain his veto if Latino fairness issues are not included in the Commerce-State-Justice bill. So we are sure that that is going to happen.

The second issue is the fee issue that has already been mentioned. The Senate parliamentarian correctly ruled that the fee in the Senate bill was a revenue increase and therefore could not be initiated on the Senate side. I do not believe we should stop this process of moving the bill forward. We should pass this bill just as it is so we do not have to conference it. But that means we are going to have to include a fee in another measure, probably an appropriations bill that is moving forward. I am sure that we will get the support of our colleagues across the aisle to make sure that happens because there was broad bipartisan support for a fee that would fund education and training programs.

I think that we have cleared the deck for approval of this bill. It is the best bill that has been considered yet. I would urge all of us to vote for it and to vote for it with some great degree of enthusiasm. As Alan Greenspan has pointed out, much of our economic prosperity is very much related to the Ph.D's who have come in from all around the world to come and be Americans with us. We are the better for that.

Mr. CANNON. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I rise in strong opposition to this legislation. This legislation is nothing more than a betrayal of American working people. Why should we bring in 240,000 foreigners in order to depress the wages in the United States of America? That is exactly what we are talking about here.

There are enough Americans to do these jobs. The only thing that is lacking is the pay levels and the training. So instead of requiring our companies to train people to do these high-tech jobs who are unemployed now, like laid-off aerospace industries, or to pay a little bit more money to attract our kids coming out of school, no, instead we are going to bring in 240,000 foreigners to keep wages low. In times of prosperity if you believe in free enterprise, that is when wages are supposed to go up. But if we bring in 240,000 foreigners to take these good, high-paying tech jobs, those high-paying jobs which are now $60,000 that should go to 70 or $80,000 will stay at that level.

What this bill does is, number one, betray our own people who are out of work who need that training, need those jobs, that are 50 years old; but the Bill Gates billionaires of the world would rather bring in foreigners and not have to pay for the training and not have to pay perhaps for the health benefits of someone who is a lot younger. We should not be subsidizing these billionaire high-tech companies and these billionaires who have made money up in the Silicon Valley. They should pay their workers more money, they should train them and, yes, let us have an incentive for more of our young people to go into these high-tech companies and high-tech skill areas. If we keep wages low, our students are not going to be attracted to these high-tech areas. But if we let wages increase as the market would suggest, we will have our students go in that direction to try to get those jobs.

For someone who believes in the market and supposedly the Republicans believe in the market, this bill is a betrayal of our principles but a betrayal of America's working people. Let us not bring in 240,000 foreigners to take jobs that could be done by Americans if they had the training and the pay levels to get those jobs.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I want to thank the distinguished ranking member from Michigan, the gentleman from California (Mr. DREIER), the gentlewoman from California (Ms. LOFGREN). A number of other of our colleagues have worked very hard on this legislation. It is good legislation. It is essential legislation. It benefits a great many industries critical to the health of our economy.

But foremost among those sectors benefited is the high technology industry. The reason for that is that in the next few years the demand for skilled technology workers will mushroom worldwide. In the United States alone we will need 1.4 million more computer programmers, computer scientists and engineers by the year 2003. Today, 2.5 million workers work directly in the high technology industry; and while American firms dominate information technology markets worldwide, there are some 350,000 unfilled high technology jobs in the United States alone. To keep pace with demand each year for the next 10 years, the United States will have to train and hire an additional 130,000 computer scientists, engineers, and systems analysts.

And unlike many of those countries that are falling behind us, our strength is in our openness, openness to the flow of goods and services and capital and people. The warnings from the left and particularly from the right that more trade and immigration would throw native-born Americans out of work, destroy jobs and drive down wages have proven to be spectacularly wrong. I am looking for my friend from California, because our economic expansion has continued at the highest pace ever. That was the gentleman from California (Mr. ROHRABACHER), certainly not the gentlewoman from California (Ms. LOFGREN), who obviously understands the need.

In the last decade trade and investment with and in the United States economy has reached record levels while the influx of legal immigrants has averaged close to a million per year. And yet contrary to all the isolationists' dire predictions, unemployment has fallen to a 30-year low, 22 million new jobs have been created, real wages have been rising all across the income scale, and the current economic expansion has just set a record as the longest in United States history.

Until workforce training catches up to workforce demand, it is incumbent upon us to ensure that our employers have the ability to fill gaps in their workforce with qualified foreign national professionals. By allowing and encouraging the best and the brightest from around the globe to bring their knowledge and skills to the United States, and we are a Nation of immigrants, that is one of the reasons it is working so well, we can preserve our high-tech advantage over other countries while at the same time making sure that those same jobs do not move overseas. This is preventing those jobs from moving overseas.

As we have heard, this legislation if enacted will ensure that Americans have the education skills and training to take these jobs if they choose to pursue the training opportunities that this bill will provide. The dedicated fees generated by this bill will ensure that current American workers can be retrained for high-tech, new economy jobs. That is why we need to support it.

I thank the White House and the Democratic and Republican leadership.

It is a fair and productive matter. Let us vote for it.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. OWENS).

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

Mr. OWENS. Mr. Speaker, the process is a betrayal. The process by which this important legislation has been brought to the floor is a betrayal of all of the reasonable Members of this House who are ready to move to meet an emergency. We understand that there is a great need for more workers to be brought in. We understand that there is a shortage, those figures are not rigged, that there is a shortage and it is mushrooming. We understand that we are going into a cyber-civilization and brain power is very important and we cannot hesitate and slow down the process. We understand the need to do something.

But why have it brought to the floor in the form of a suspension bill and not have it debated on the floor of the House fully and not allow amendments to be introduced which would be very useful for this process? What we are doing here is steamrolling through a cap. We will have a cap which amounts to almost 600,000 people over a 3-year period. 600,000 people are going to be brought in without any further discussion of the process of creating brain power. We are going to let nations like India and China, et cetera, create or let their school systems fill this need for us because we are not willing to debate and really come to grips with the process that is needed to generate and develop this kind of brain power in our own country.

We have a $230 billion surplus this year and all of the proposals for education have been milquetoast proposals. We are not coming to grips with the fact that we need to invest very heavily in infrastructure, very heavily in computers and equipment. In the area of immigration alone, we are overlooking a supply of manpower that is already here. There are large numbers of young people who come out of our high schools, they are undocumented, they come out of the high schools because they are allowed to go to public schools, but they cannot go to college and receive scholarships because they are undocumented. They have the brain power. I wanted to offer an amendment where they would be allowed special status, also. There are numerous amendments that were waiting to be attached to this bill to make it better, and we have violated the trust of the people who wanted to make this happen.

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

Mr. Speaker, I just had a phone call from the president and CEO of Intel, Mr. Craig Barrett, whose view of this is that we can either import workers, or export jobs. I think that is really what this comes down to.

Part of the criticism of this bill has come from people who believe that bringing in new workers would keep wages low. As a practical matter, these people that are coming in with high skills and high education are making the pie bigger. They are making us all wealthier. That is just the fundamental distinction between the sides here.

I would like to speak for a moment about this new economy and what is going on here. We talk about the new economy, the Internet economy, the e-economy, and yet is there any part of our economy that is not affected by this?

Consider, for instance, trucking. The first company in the country that adopted global satellite positioning for its trucks was from my district in Utah, England Trucking. Their profitability skyrocketed initially when they did that, but now every other trucking company in the country is using that technology. And what has happened? The cost of trucking has plummeted because of that technology. Their greatest problem is getting enough drivers these days.

If you look at every other element of our economy, take farming, for instance. The price of a bushel of corn today is the same as it was essentially in 1950, unadjusted for inflation. That is because our farmers have been at the very cutting edge of technology.

What we are doing with this bill is bringing in the people that will actually accelerate the rate at which we grow our economy and which we develop new technologies. The amazing thing is that the rate at which we are absorbing new technology is accelerating, and the rate at which we have opportunities to expand technology are accelerating.

For instance, the Proteon project now, which is the application of the knowledge we have developed through the human genome project, is mammoth; and the opportunities for human health and other development from just that one issue alone are tremendous.

So we do not have a dearth of jobs; we have a dearth of people to carry these great opportunities forward.

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

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

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

Mr. Speaker, in central Texas, workforce development is the number one, overriding high-tech issue. From the work that my office does with one technology company after another in helping get H–1B visas processed, I know that such visas represent one short-term answer to our needs.

One reason that Austin, Texas prospers is by living the lyrics of that great Texan Lyle Lovett, who sings, ''Oh no, you're not from Texas, but Texas wants you anyway.'' We have attracted the best and brightest people from all over the world in part, through this H–1B program, to sustain our high-tech industries.

A high-tech leader in Austin, only a couple of months ago, was telling me that his situation in not being able to get qualified people to do the jobs that needed to be filled yesterday is not unlike a steel mill that cannot get an adequate supply of iron ore.

Because we have such a serious problem, with unemployment at an all-time low, in being able to get needed workers, I joined with a bipartisan coalition back in March to increase the supply of visas and to reform the process by which they are provided. The gentlewoman from California (Ms. LOFGREN) has been entirely too modest tonight. Without her determined leadership in forging a bipartisan coalition, we would not have secured H–1B legislation this year. My regret is that it is here in this fashion, and that so little has been done to address the other critical needs such as for modernizing immigration services with on-line filing and monitoring.

I am here not because I think this is a good bill, but because it is the only bill that the House leadership will permit us to consider on this issue. To schedule this debate 3 hours after Members were told they could leave the Capitol because there would be no further votes, to schedule it in a way that limits the debate time to a few minutes, to deny all perfecting amendments, is all too typical of the way this House has operated this year under the Republican leadership. But after months of inaction on much a critical high tech issue, this unfortunate approach shortchanges both this House and our high-tech industry.

In what will hopefully be a much better Congress next year, I will continue seeking more comprehensive legislation to reform the visa process and to create a separate ''tech visa.'' At the same time we must also make much more effective use of visa fee revenue to develop the skills of young Americans to fill future tech job openings so that even more of our neighbors can share our economic success.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. SMITH).

Mr. SMITH of Washington. Mr. Speaker, I rise in support of this bill. I particularly want to thank the gentlewoman from California (Ms. LOFGREN) for her outstanding leadership on this issue. She has been working a long time at it and has done a tremendous job, and this is very important to the future of our economy.

I too regret a little bit the way this bill has come to the floor, but it is still a critical issue if we are going to move forward with the high-tech economy and keep our economy moving.

We all know that the long-term solution to the skills gap we have in this country is not going to be immigrants from other countries. The long-term

solution definitely involves improving our education system, and we are working to do that and we must work to do that. But in the short-term it is to our country's advantage to go out and take the best and brightest from the rest of the world and bring them to the U.S. to help grow our economy.

I guess the strongest disagreement I have with the opponents of this legislation is their claim that it is going to cost us jobs. It is going to create jobs. In the Seattle-Puget Sound corridor, every high-tech job has an incredible multiplier effect. It creates jobs. Bringing in people who can fill these jobs is going to allow not just the Microsofts and the Boeings, but hundreds, if not thousands, of small companies in my district and my region to grow, by getting the skilled workers they need to enable them to continue to compete in our global economy and grow and actually create jobs.

It is in our best interest to bring the best and the brightest from the rest of the world here to help our economy. That is the competitive and wise thing to do.

This bill moves us in the right direction. There are many other immigration issues that need to be addressed. The gentlewoman from California (Ms. LOFGREN) once again has been an outstanding leader on all of those issues. We should address them, and we will work on them. But expanding the number of skilled workers that our businesses in this country have access to is the most critical issue facing business.

Every business I go to, when I ask them what issues are most important to them, they always tell me the same thing: workforce. ''We can't get the people we need to grow to the level that we could be growing if we had those employees.''

This is a critical issue. I urge this House to pass this. It is not a perfect process. Nobody ever said Congress was a perfect process. But it is a good bill that we should support.

Mr. CANNON. Mr. Speaker, I yield the balance of my time to the gentleman from California (Mr. DREIER) to close. Let me point out that the gentleman from California (Mr. DREIER) has been the fire and the work behind the bill in getting it to this point.

The SPEAKER pro tempore (Mr. OSE). The gentleman from California is recognized for 5 minutes.

Mr. DREIER. Mr. Speaker, in less than 2 hours millions of Americans are going to be watching what will certainly be a very exciting and stimulating debate that will take place between Governor Bush and Vice President Gore. It is going to be a very partisan debate, and that is why I am happy that we in the House of Representatives just 2 hours before that debate are able to participate in a very important bipartisan effort here. It is one, as my friend, the gentlewoman from California (Ms. LOFGREN), said, that began over a year ago. And, yes, it was about a year ago that we began working together on this issue.

I want to say, first of all, that the chairman of the Subcommittee on Immigration and Claims (Mr. SMITH), has been extremely helpful in moving this process ahead, and there are a litany of people on our side who have always worked very hard on this: the gentleman from Utah (Mr. CANNON), who is managing this bill now; the gentleman from California (Mr. COX); the gentleman from Virginia (Mr. DAVIS); the gentleman from Virginia (Mr. GOODLATTE); and the gentleman from Michigan (Mr. EHLERS), who has the very important component which really has not been mentioned a lot, and that is the issue of education, his focus on math and science education, which will create a scenario where we do not have to rely on H–1B visas for these jobs to be filled in the United States.

That is the long-term solution. I should say that is why my colleague, the gentleman from Massachusetts (Mr. MOAKLEY), the ranking minority member of the Committee on Rules, and I have joined just a little while ago in introducing H.R. 5362, which takes the very important component in our legislation which is designed to increase the fee from $500 to $1,000. Why? So that we can have the resources necessary to address these very important issues which the gentleman from Michigan (Mr. EHLERS) has focused on.

Now, let me say that, again, this has been a bipartisan effort, and I want to express my appreciation to the gentlewoman from California (Ms. LOFGREN). We have gone through some bumpy times on this issue; but we have come, again, to accept this very, very great piece of legislation that our colleagues in the Senate by a vote of 96 to 1 have passed.

Also there are other people on the other side of the aisle who have worked hard on this, including the gentleman from Virginia (Mr. MORAN); my colleague, the gentleman from California (Mr. DOOLEY); and the gentleman from Washington (Mr. SMITH), who just spoke very eloquently about the fact that we will be creating jobs right here in the United States by increasing the number of H–1B visas.

Today there are about 300,000 jobs that need to be filled, and those jobs have not been filled. Why? Because we do not have the expertise here in the United States to do that. Now, what is it that can allow us to fill them? To make sure that we break down barriers and allow that expertise, regardless of where it is in the world, to be right here in the United States.

The gentleman from Utah (Mr. CANNON) just quoted the chairman of Intel, Craig Barrett, who said very appropriately that we can either choose to import workers, or export jobs. The fact is there are countries in the world today that would very much like us to see not only the jobs, but actually the bases for these operations, the headquarters, to move to Singapore, Ireland or other spots in the world. We need to do everything we can to break down government barriers, so that we can make sure that that expertise is here.

Now, a number of people have mentioned the fact that we have seen tremendous strides in the area of biotechnology. The gentleman from Utah (Mr. CANNON) just spoke eloquently about the genome project. When you look at the fact that we want to cure a wide range of diseases that are out there, Alzheimer's, Parkinson's, cancer, heart disease, we need to make sure that we continue with innovation. That is why the pharmaceutical industry, which I know has been criticized in this presidential debate, is very key. They have to have the expertise available to do this. Also in the technology sector, again, that ripple effect which the gentleman from Washington (Mr. SMITH) mentioned is so key, because jobs will be created right here.

What we have is a situation where we are relying on people and brain power, not steel and machines. That is the wave of the future. So for us to break down a governmental barrier is the best thing for us. That is why, Mr. Speaker, I am very proud that we are going to move forward in doing the right thing.

The gentleman from Illinois (Speaker HASTERT) and the gentleman from Texas (Mr. ARMEY), our majority leader, have worked long and hard and have been very supportive of this. I am pleased that having gone through this challenging time, that we have come together in a bipartisan way.

I hope that we can overwhelmingly pass this, take this language, send it down to the President for his signature, and improve the quality of life for the people in the United States and around the world, and increase the number of American jobs right here for Americans.

Mr. DAVIS of Virginia. Mr. Speaker, I rise to support S. 2045, the American Competitiveness in the Twenty-First Century Act of 2000.

In the summer of 1999, the House Judiciary Subcommittee on Immigration and Claims held hearings to investigate the workforce shortage affecting America's high-tech industry. The high-tech industry's explosion in the U.S. has created over 1 million jobs since 1993 and has produced an industry unemployment rate of 1.4 percent. As a result, our nation's economy has soared and the American people are enjoying the highest standard of living in history.

However, the United States' computer and information technology industry does not have access to growing numbers of highly skilled personnel. Lack of skilled workers threatens our nation's ability to maintain robust economic growth and expanding opportunities. The H–1B visa program allows foreign professionals to enter and work ''temporarily'' in the U.S. There are currently over 364,000 unfilled positions in the high-tech industry. In Northern Virginia alone, there are 28,000 openings. The Department of Labor projects that this deficit will increase by 1 million workers in the next decade. At the present time, the annual limit for granting H–1B visas is 115,000, which was reached in March, 2000.

America needs to sustain its position as the world leader in the information technology industry. The critical need for highly-skilled information technology workers demands that we take action now to ensure our continued strength in light of today's global economy. There is no question that we need to educate our children and retrain our current workers to fulfill the demands of an IT workplace. But these are long-term challenges that we are attempting to address in this legislation and through education programs and IT training tax incentives, among others.

We must ease the short-term skilled worker shortage that is a function of a booming industry that has increased employment and contributed to a growing budget surplus. And we need to do so by increasing American companies' access to the best-educated and best-trained minds if we are to maintain our position as the leader of the Information Age. Indeed, many of these workers are trained in American universities. Yet we send them back home to use those skills on behalf of our competitors. Let us keep these minds within America's borders for the benefit of American citizens.

There have been concerns expressed that companies want foreign skilled workers in order to avoid paying American citizens' higher wages to do the same job. However, temporary employees are not paid any less than their counterparts. In fact, I find it difficult to believe that a company would endure the time-consuming process and cost of attracting a foreign worker instead of hiring home-grown talent.

As an original sponsor of the Dreier-Lofgren HI–TECH Act, I am very pleased that we are moving quickly to pass the H–1B legislation approved by the other body. I am a firm believer in the market system. Here, the information technology industry is experiencing a shortage of highly-trained and skilled workers, forcing them to look abroad for such trained professionals. With this legislation, we can be certain that as we shift the focus of our early educational efforts to fulfilling the demands of an Information Economy, that in the meantime, the best and brightest minds will guide America into the new millennium. For these reasons, I urge all of my colleagues to vote in favor of S. 2045.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CANNON) that the House suspend the rules and pass the Senate bill, S. 2045, as amended.

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

A motion to reconsider was laid on the table.

TRUTH IN REGULATING ACT OF 2000

Mr. RYAN of Wisconsin. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1198) to establish a 3-year pilot project for the General Accounting Office to report to Congress on economically significant rules of Federal agencies, and for other purposes.

The Clerk read as follows:

S. 1198

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Truth in Regulating Act of 2000''.

SEC. 2. PURPOSES.

The purposes of this Act are to—

(1) increase the transparency of important regulatory decisions;

(2) promote effective congressional oversight to ensure that agency rules fulfill statutory requirements in an efficient, effective, and fair manner; and

(3) increase the accountability of Congress and the agencies to the people they serve.

SEC. 3. DEFINITIONS.

In this Act, the term—

(1) ''agency'' has the meaning given such term under section 551(1) of title 5, United States Code;

(2) ''economically significant rule'' means any proposed or final rule, including an interim or direct final rule, that may have an annual effect on the economy of $100,000,000 or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; and

(3) ''independent evaluation'' means a substantive evaluation of the agency's data, methodology, and assumptions used in developing the economically significant rule, including—

(A) an explanation of how any strengths or weaknesses in those data, methodology, and assumptions support or detract from conclusions reached by the agency; and

(B) the implications, if any, of those strengths or weaknesses for the rulemaking.

SEC. 4. PILOT PROJECT FOR REPORT ON RULES.

(a) IN GENERAL.—

(1) REQUEST FOR REVIEW.—When an agency publishes an economically significant rule, a chairman or ranking member of a committee of jurisdiction of either House of Congress may request the Comptroller General of the United States to review the rule.

(2) REPORT.—The Comptroller General shall submit a report on each economically significant rule selected under paragraph (4) to the committees of jurisdiction in each House of Congress not later than 180 calendar days after a committee request is received. The report shall include an independent evaluation of the economically significant rule by the Comptroller General.

(3) INDEPENDENT EVALUATION.—The independent evaluation of the economically significant rule by the Comptroller General under paragraph (2) shall include—

(A) an evaluation of the agency's analysis of the potential benefits of the rule, including any beneficial effects that cannot be quantified in monetary terms and the identification of the persons or entities likely to receive the benefits;

(B) an evaluation of the agency's analysis of the potential costs of the rule, including any adverse effects that cannot be quantified in monetary terms and the identification of the persons or entities likely to bear the costs;

(C) an evaluation of the agency's analysis of alternative approaches set forth in the notice of proposed rulemaking and in the rulemaking record, as well as of any regulatory impact analysis, federalism assessment, or other analysis or assessment prepared by the agency or required for the economically significant rule; and

(D) a summary of the results of the evaluation of the Comptroller General and the implications of those results.

(4) PROCEDURES FOR PRIORITIES OF REQUESTS.—The Comptroller General shall have discretion to develop procedures for determining the priority and number of requests for review under paragraph (1) for which a report will be submitted under paragraph (2).

(b) AUTHORITY OF COMPTROLLER GENERAL.—Each agency shall promptly cooperate with the Comptroller General in carrying out this Act. Nothing in this Act is intended to expand or limit the authority of the General Accounting Office.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the General Accounting Office to carry out this Act $5,200,000 for each of fiscal years 2000 through 2002.

SEC. 6. EFFECTIVE DATE AND DURATION OF PILOT PROJECT.

(a) EFFECTIVE DATE.—This Act and the amendments made by this Act shall take effect 90 days after the date of enactment of this Act.

(b) DURATION OF PILOT PROJECT.—The pilot project under this Act shall continue for a period of 3 years, if in each fiscal year, or portion thereof included in that period, a specific annual appropriation not less than $5,200,000 or the pro-rated equivalent thereof shall have been made for the pilot project.

(c) REPORT.—Before the conclusion of the 3-year period, the Comptroller General shall submit to Congress a report reviewing the effectiveness of the pilot project and recommending whether or not Congress should permanently authorize the pilot project.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. RYAN) and the gentleman from Ohio (Mr. KUCINICH) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. RYAN).

GENERAL LEAVE

Mr. RYAN of Wisconsin. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 1198.

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

There was no objection.

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Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1198 is Truth in Regulating Act of 2000. It is a bipartisan good government bill. It establishes a regulatory analysis function with the General Accounting Office. This function is intended to enhance congressional responsibility for regulatory decisions developed under the laws Congress enacts. It is the product of the leadership over the past few years of the gentlewoman from New York (Mrs. KELLY), the chairwoman of the Subcommittee on Regulatory Reform and Paperwork Reduction, who will be joining us here in a few minutes.

The most basic reason for supporting this bill is constitutional, as Congress needs a Congressional Budget Office to check and balance the executive branch in the budget office, so too does it need an analytic capability to check and balance the executive branch in the regulatory process. GAO is a logical location since it already has some

regulatory review responsibilities under the Congressional Review Act.

Mr. Speaker, article 1, section 1 of the U.S. Constitution vests all legislative powers in the U.S. Congress. While Congress may not delegate its legislative functions, it routinely authorizes executive branch agencies to issue rules that implement laws passed by Congress. Congress has become increasingly concerned about its responsibility to oversee agency rulemaking, especially due to the extensive costs and impacts of Federal Rules.

During the 105th Congress, the House Government Reform Subcommittee on National Economic Growth, Natural Resources and Regulatory Affairs chaired by the gentleman from Indiana (Mr. MCINTOSH) held a hearing on the earlier Kelly regulatory analysis bill, H.R. 1704. This bill sought to establish a new, freestanding congressional agency. The subcommittee then marked up and reported her bill, H.R. 1704, and called for the establishment of a new legislative branch, Congressional Office of Regulatory Analysis commonly referred to as CORA, to analyze all major rules and report to Congress on potential costs, benefits, and alternative approaches that could achieve the same regulatory goals at lower costs.

This agency was intended to aid Congress in analyzing Federal regulations. The committee report stated Congress needs the expertise that CORA would provide to carry out its duty under the CRA. Currently Congress does not have the information it needs to carefully evaluate regulations. The only analyses it has to rely on are those provided by the agencies which promulgate the rules.

There is no official, third-party analysis of new regulations. Unfortunately, CORA supporters in the 105th Congress could not overcome the resistance of the defenders of the regulatory status quo. Opponents argued that creating a new congressional agency would be fiscally irresponsible. But by this logic, Congress ought to abolish CBO, as an even more heroic demonstration of fiscal conservatism in action. Of course, most of us recognize that disbanding the CBO, however, penny-wise would be pound foolish.

In this Congress, 106th Congress, the chairman of the Subcommittee on National Economic Growth, Natural Resources and Regulatory Affairs, the gentleman from Indiana (Chairman MCINTOSH), and myself, as vice chairman, and the gentlewoman from New York (Mrs. KELLY), chairwoman of Subcommittee on Regulatory Reform and Paperwork Reduction, seeking to accommodate the prejudice against a freestanding agency, introduced separate bills, H.R. 3021 and H.R. 3669 respectively, to establish a CORA function within the GAO, which is an existing legislative branch agency capable of performing such functions.

The MacIntosh and Kelly bills were introduced in January and February. On May 9, the Senate passed its own regulatory analysis legislation, S. 1198, which we are now considering by unanimous consent, I might add.

Like the McIntosh and Kelly bills, the Senate legislation would also establish a regulatory analysis function within the GAO.

During the 106th Congress, the Committee on Government Reform did not hold a hearing specifically on one of the CORA bills. However, the subcommittee did hold a June 14 hearing entitled, does Congress delegate too much power to agencies and what should be done about it?

Witnesses testified that Congress needs its own, in-house, regulatory analysis capability so that Members could especially provide timely comment on proposed rules, while there is still an opportunity to influence the costs, the scope, and the content of final agency action.

On June 26, the gentlewoman from New York (Mrs. KELLY) and the gentleman from Indiana (Mr. MCINTOSH) introduced H.R. 4744, which included several needed improvements to S. 1198, along the lines suggested by the witnesses at this June 14th hearing. For example, whereas S. 1198 merely permits GAO to assist Congress in submitting timely comments on proposed regulations during the public comment period. H.R. 4744 would require GAO to provide such assistance. This is a critical improvement, because it is only by commenting on proposed rules during the public comment period that Congress has any real opportunity to influence the costs, the scope and the content of regulation.

In addition, unlike S. 1198, H.R. 4744 would require GAO to review not only the agency's data but also the public's data to assure a more balanced evaluation, analyze not only rules costing $100 million or more, but also rules with a significant impact on small businesses, and examine whether alternatives not considered by the agencies might achieve the same goal in a more cost-effective manner or with greater net benefits.

On June 29, the Committee on Government Reform favorably reported H.R. 4744 with a very thorough discussion of issues in its accompanying report, but on June 24, the gentlewoman from New York (Mrs. KELLY) and the gentleman from Indiana (Chairman MCINTOSH), along with the gentleman from California (Mr. CONDIT) and the gentleman from Texas (Mr. TURNER) introduced H.R. 4924.

This bill included only a few of H.R. 4744's improvements to S. 1198, the inclusion within the scope of GAO's purview of agency rules with a significant impact on small businesses, a directive to GAO to submit its independent evaluation of proposed rules within the public comment period, albeit only when doing so is practicable. House Report 106–772 explains the basis for these improvements.

Mr. Speaker, H.R. 4924 was, in my judgment, inferior to H.R. 4744, which in itself is a watered-down version of the complete reform that is needed to implement Congress' Constitutional responsibility for regulatory oversight, but it was a step in the right direction.

On June 29, the House passed H.R. 4924. Unfortunately, the Senate has not yet considered H.R. 4924. Since we are at the close of the 106th Congress, we now, however, urge the House's favorable consideration of S. 1198.

Mr. Speaker, S. 1198 does not require or expect GAO to conduct any new regulatory impact analyses or cost benefit analyses, or other impact analyses. However, GAO's independent evaluation should lead the agencies to prepare any missing cost/benefit analysis, small business impact, federalism impact, or any other missing analysis. For example, after the MacIntosh subcommittee insisted that the Department of Labor prepare a missing RIA for its ''Baby UI'' rule, Labor finally prepared one.

Here is basically in a nutshell, Mr. Speaker, how S. 1198 works. A chairman or a ranking member of a committee of jurisdiction may request that GAO submit an independent evaluation to the committee of a major proposed or final rule within 180 days. GAO's analysis shall include an evaluation of the potential benefits of the rule, potential costs of the rule, alternative approaches in the rulemaking record, and various impact analyses.

Congress currently has two opportunities to review agency regulatory actions. Under the Administrative Procedures Act, Congress can comment on an agency proposed and interim rules during the public comment period. The APA's fairness provisions require that all members of the public, including Congress, be given an equal opportunity to comment. Late congressional comments cannot be considered by an agency unless all other late comments are equally considered. Agencies can ignore comments filed by Congress after the end of the public comment period, as the Department of Labor did during its Baby UI period in its rule. Therefore, since GAO cannot be given more time than other members of the public to comment, GAO should complete its review of agency regulatory proposals during the public comment period.

Under the CRA, Congress can disapprove an agency final rule after it is promulgated but before it is effective. Unfortunately, Congress has been unable to carry out its responsibility under the CRA because it neither has had all of the information it needs to carefully evaluate agency regulatory proposals nor sufficient staff for this function.

In fact, since the March 1996 enactment of the CRA, there has been no completed congressional resolutions of disapproval. To assume oversight responsibility for Federal regulations, Congress needs to be armed with an independent evaluation, that is why we are doing this.

What is needed is an analysis of legislative history to see if there is a nondelegation problem, such as in the Food and Drug Administration's proposed rule to regulate tobacco products, which was struck by the Supreme Court in FDA v. Brown & Williamson, or backdoor legislating, such as in the Department of Labor's Baby UI rule, which provides paid family leave to small business employees, even though Congress in the Family and Medical Leave Act said no to paid family leave and any coverage of small businesses.

Sometimes the quickest or the only way to find that an agency has ignored a congressional intent or failed to consider less costly or nonregulatory alternatives, is to examine nonagency or public data and analysis. It is for that reason that, under H.R. 4744, GAO would be required to consult the public's data in the course of evaluating agency's rules. Although S.1198 does not require GAO to review public data, it does not forbid it. And I bring this up, because some hope that S.1198 implicitly contains a gag order, forbidding GAO to consult any analyses of data except those supplied by the agency. That is an incorrect reading, however, and the purpose and hope of this bill is to enable Congress to comment knowledgeably about agency rules from the standpoint of a truly independent evaluation of those rules, including the consumption and evaluation of public outside data.

Instructed by GAO's independent evaluations, Congress then will be better equipped to review final agency rules under the CRA. More importantly, Congress will be better equipped to submit timely and knowledgeable comments on proposed rules during the public period. Some CORA foes hope that all GAO analyses of proposed rules will be untimely and, therefore, have no effect on the substance of rules, which I am confident that GAO will want to please, rather than annoy its customers, those of us serving in Congress and will help submit timely regulatory analysis.

Thus, even though this bill is a far cry from the original Kelly idea of a CORA legislation, this legislation, S.1198, will increase the transparency of important regulatory decisions. It will promote effective congressional oversight, and it will increase the accountability of Congress.

The best government is a government that is accountable to the people. For America to have an accountable regulatory system, the peoples elected representatives must participate in and take responsibility for the rules promulgated under the laws Congress passes and by the executive branch agencies, that is why I urge my colleagues to support this meaningful step.

Mr. Speaker, I went through this exhaustive legislative history on this bill because I think it is important that those who are researching and realizing the debate here in Congress know the intent as we pass this bill.

S. 1198, the ''Truth in Regulating Act of 2000,'' is a bi-partisan, good government bill. It establishes a regulatory analysis function within the General Accounting Office (GAO). This function is intended to enhance Congressional responsibility for regulatory decisions developed under the laws Congress enacts. It is the product of the leadership over the last few years of Small Business Subcommittee Chairwoman on Regulatory Reform and Paperwork Reduction, SUE KELLY.

The most basic reason for supporting this bill is Constitutional: Just as Congress needs a Congressional Budget Office (CBO) to check and balance the Executive Branch in the budget process, so it needs an analytic capability to check and balance the Executive Branch in the regulatory process. GAO is a logical location since it already has some regulatory review responsibilities under the Congressional Review Act (CRA).

Article I, Section 1 of the U.S. Constitution vests all legislative powers in the U.S. Congress. While Congress may not delegate its legislative functions, it routinely authorizes Executive Branch agencies to issue rules that implement laws pass by Congress. Congress has become increasingly concerned about its responsibility to oversee agency rulemaking, especially due to the extensive costs and impacts of Federal rules.

During the 105th Congress, the House Government Reform Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs, chaired by DAVID MCINTOSH, held a hearing on Mrs. KELLY'S earlier regulatory analysis bill (H.R. 1704), which would sought to establish a new, freestanding Congressional agency. The Subcommittee then marked up and reported her bill (H. Rept. 105–441, Part 2). H.R. 1704 called for the establishment of a new Legislative Branch Congressional Office of Regulatory Analysis (CORA) to analyze all major rules and report to Congress on potential costs, benefits, and alternative approaches that could achieve the same regulatory goals at lower costs. This agency was intended to aid Congress in analyzing Federal regulations. The Committee Report stated, ''Congress needs the expertise that CORA would provide to carry out its duty under the CRA. Currently, Congress does not have the information it needs to carefully evaluate regulations. The only analyses it has to rely on are those provided by the agencies which promulgate the rules. There is no official, third-party analysis of new regulations'' (p. 5).

Unfortunately, CORA supporters in the 105th Congress could not overcome the resistance of the defenders of the regulatory status quo. Opponents argued that creating a new Congressional agency would be fiscally irresponsible. By this logic, Congress ought to abolish CBO, as an even more heroic demonstration of fiscal conservatism in action. Of course, most of us recognize that dismantling CBO, however penny wise, would be pound foolish.

In the 106th Congress, Government Reform Subcommittee Chairman DAVID MCINTOSH and Small Business Subcommittee Chairwoman SUE KELLY, seeking to accommodate the prejudice against a freestanding agency, introduced bills (H.R. 3521 and H.R. 3669, respectively) to establish a CORA function within GAO, which is an existing Legislative Branch agency. McIntosh and Kelly introduced their bills in January and February 2000. On May 9th, the Senate passed its own regulatory analysis legislation, S. 1198, by unanimous consent. Like the McIntosh and Kelly bills, the Senate legislation would also establish a regulatory analysis function within GAO.

During the 106th Congress, the Government Reform Committee did not hold a hearing specifically on one of the CORA bills. However, the Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs did hold a June 14th hearing, entitled ''Does Congress Delegate Too Much Power to Agencies and What Should be Done About It?'' Witnesses at the hearing included Senator SAM BROWNBACK, Representative J.D. HAYWORTH, former Administrator of the Office of Management and Budget's (OMB's) Office of Information and Regulatory Affairs Dr. Wendy Lee Gramm, former OMB General Counsel Alan Raul, and New York Law School Professor David Schoenbrod.

Witnesses stressed that Congress needs its own, in-house, regulatory analysis capability so that Members could especially provide timely comment on proposed rules, while there is still an opportunity to influence the cost, scope and content of the final agency action. Witnesses stated that a regulatory analysis function should: (a) take into account Congressional legislative intent; (b) examine other, less costly regulatory and nonregulatory alternative approaches besides those in an agency proposal; and (c) identify additional, non-agency sources of data on benefits, costs, and impacts of an agency's proposal.

Dr. Gramm testified that, ''there's clearly a need for more and better analysis that is independent of the agency writing the regulation . . . In my view, Congress cannot carry out its responsibilities effectively without such analysis.'' She continued by recommending, ''a shadow OIRA . . . to perform independent, high-quality analysis of agency regulations at the proposal stage . . . whether or not the agency has considered the different alternatives, what might be other alternatives . . . I would suggest that all this analysis be done at the proposal stage so that this information can be put into the rulemaking record.''

On June 26th, Chairwoman KELLY and Chairman MCINTOSH introduced H.R. 4744, which included several needed improvements to S. 1198, along the lines suggested by the witnesses at the June 14th hearing. For example, whereas S. 1198 merely permits GAO to assist Congress in submitting timely comments on proposed regulations during the public comment period, H.R. 4744 would require GAO to provide such assistance. This was a critical improvement, because it is only by commenting on proposed rules during the public comment period that Congress has any real opportunity to influence the cost, scope, and content of regulation. In addition, unlike S. 1198, H.R. 4744 would require GAO to review not only the agency's data but also the public's data to assure a more balanced evaluation, analyze not only rules costing $100 million or more but also rules with a significant impact on small businesses, and examine whether alternatives not considered by the agencies might achieve the same goal in a more cost-effective manner or with greater net benefits.

On June 29th, the Government Reform Committee favorably reported H.R. 4744, with a thorough discussion of issues in its accompanying report (H. Rept. 106–772).

On July 24th, Chairmen KELLY and MCINTOSH with Messrs. CONDIT and TURNER introduced H.R. 4924. This bill included only a few of H.R. 4744's improvements to S. 1198: (a) inclusion, within the scope of GAO's purview, of agency rules with a significant impact on small businesses; and (b) a directive to GAO to submit its independent evaluation of proposed rules within the public comment period, albeit only when doing so is ''practicable.'' House Report 106–772 explains the basis for these improvements. H.R. 4924 was, in my judgment, inferior to H.R. 4744, which was itself a watered down version of the complete reform needed to implement Congress' Constitutional responsibility for regulatory oversight. But, it was a step in the right direction.

On July 29th, the House passed H.R. 4924. Unfortunately, the Senate has not yet considered H.R. 4924. Since we are at the close of the 106th Congress, we now urge the House's favorable consideration of S. 1198.

S. 1198 does not require or expect GAO to conduct any new Regulatory Impact Analyses (RIAs), cost-benefit analyses, or other impact analyses. However, GAO's independent evaluation should lead the agencies to prepare any missing cost/benefit, small business impact, federalism impact, or any other missing analysis. For example, after the McIntosh Subcommittee insisted that the Department of Labor prepare a missing RIA for its Birth and Adoption Unemployment Compensation (''Baby UI'') proposed rule, Labor finally prepared one.

Here's how S. 1198 works. The Chairman or Ranking Member of a Committee of jurisdiction may request that GAO submit an independent evaluation to the Committee of a major proposed or final rule within 180 days. GAO's analysis shall include an evaluation of the potential benefits of the rule, the potential costs of the rule, alternative approaches in the rulemaking record, and the various impact analyses.

Congress currently has two opportunities to review agency regulatory actions. Under the Administrative Procedure Act (APA), Congress can comment on agency proposed and interim rules during the public comment period. The APA's fairness provisions require that all members of the public, including Congress, be given an equal opportunity to comment. Late Congressional comments cannot be considered by the agency unless all other late public comments are equally considered. Agencies can ignore comments filed by Congress after the end of the public comment period, as the Department of Labor did after its proposed ''Baby UI'' rule. Therefore, since GAO cannot be given more time than other members of the public to comment, GAO should complete its review of agency regulatory proposals during the public comment period.

Under the CRA, Congress can disapprove an agency final rule after it is promulgated but before it is effective. Unfortunately, Congress has been unable to fully carry out its responsibility under the CRA because it has neither all of the information it needs to carefully evaluate agency regulatory proposals nor sufficient staff for this function. In fact, since the March 1996 enactment of the CRA, there has been no completed Congressional resolutions of disapproval.

In recent years, various statutes (such as the Unfunded Mandates Reform Act of 1995 and the Small Business Regulatory Enforcement Fairness Act of 1996) and executive orders (such as President Reagan's 1981 Executive Order 12291, ''Federal Regulation,'' and President Clinton's 1993 Executive Order 12866, ''Regulatory Planning and Review'') have mandated that Executive Branch agencies conduct extensive regulatory analyses, especially for economically significant rules having a $100 million-or-more effect on the economy or a significant impact on small businesses. Congress, however, does not have the analytical capability to independently and fairly evaluate these analyses.

To assume oversight responsibility for Federal regulations, Congress needs to be armed with an independent evaluation. What is needed is an analysis of legislative history to see if there is a non-delegation problem, such as in Food and Drug Administration's proposed rule to regulate tobacco products, which was struck down by the Supreme Court in *FDA* v. *Brown & Williamson*, or backdoor legislating, such as in the Department of Labor's ''Baby UI'' rule, which provides paid family leave to small business employees, even though Congress in the Family and Medical Leave Act said no to paid family leave and any coverage of small businesses.

Sometimes the quickest (or only) way to find out that an agency has ignored Congressional intent or failed to consider less costly or nonregularly alternatives, is to examine non-agency (i.e., ''public'') data and analyses. It is for that reason that, under H.R. 4744, GAO would be required to consult the public's data in the course of evaluating agency rules. Although S. 1198 does not require GAO to review public data, neither does it forbid or preclude GAO from doing so. I bring this up, because some hope that S. 1198 implicitly contains a gag order, forbidding GAO to consult any analyses or data except those supplied by the agency to be reviewed. This reading of S. 1198 would defeat a key purpose of the bill, which is to enable Congress to comment knowledgeably about agency rules from the standpoint of a truly independent evaluation of those rules.

Instructed by GAO's independent evaluations, Congress will be better equipped to review final agency rules under the CRA. More importantly, Congress will be better equipped to submit timely and knowledgeable comments on proposed rules during the public comment period. Some CORA foes hope that all GAO analyses of proposed rules will be untimely and, therefore, have no effect on the substance of rules. I am confident that GAO will want to please rather than annoy its customers, and will not fail to help Members of Congress submit timely comments on regulatory proposals.

Thus, even though a far cry from the original idea of an independent CORA agency, and although inferior to the Kelly-McIntosh bill reported by the Government Reform Committee, S. 1198 will increase the transparency of important regulatory decision, promote effective Congressional oversight, and increase the accountability of Congress. The best government is a government accountable to the people. For America to have an accountable regulatory system, the people's elected representatives must participate in, and take responsibility for, the rules promulgated under the laws Congress passes. S. 1198 is a meaningful step towards Congress' meeting its regulatory oversight responsibility.

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

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

Mr. Speaker, I want to thank the gentleman from Wisconsin (Mr. RYAN) for taking the time to review the legislative history and also thank the gentlewoman from New York (Mrs. KELLY) for the work that she has done on this issue over the years, and to thank the gentleman from Indiana (Mr. MCINTOSH) for his efforts.

Mr. Speaker, I am pleased to speak in support of S.1198. S.1198 was passed by unanimous consent in the Senate on May 9, 2000 without opposition from the Government Accounting Office, public interest groups or industry representatives. The gentleman from California (Mr. CONDIT) introduced the text of S.1198 in the House as H.R. 4763.

However, the House Committee on Government Reform did not consider H.R. 4763. Instead, it considered its own version of the bill, H.R. 4744. Unfortunately, H.R. 4744 did not enjoy the same support that S.1198 did.

The GAO expressed serious concerns about the scope of the analyses, the timing provided for conducting the reviews and the certainty of funding; also public interest groups expressed concerns and opposed passage. Therefore, the gentleman from California (Mr. WAXMAN) and I offered the text of the Senate bill, S. 1198, which addressed these concerns, as an amendment to H.R. 4744.

Our amendment, unfortunately, was rejected by the committee on a party-line vote. I am pleased to see that we worked all of these things out, and the House now has the opportunity to vote on this proposal. It is nice to be able to come here before the Congress and show how at long last we have an opportunity to work together on something.

Furthermore, on July 25, 2000, the House passed H.R. 4924 under suspension of the rules, that bill was substantially similar to S.1198. Now, S.1198 creates a 3-year pilot project in which, at the request of a committee of jurisdiction, GAO, the General Accounting Office, would analyze economically significant proposed and final rules.

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GAO would evaluate the agency's analyses of costs, benefits, alternatives, regulatory impact, federalism impact, and any other analysis prepared by the agency or required to be prepared by the agency. All of this analysis would be completed within 180 days of the committee's request.

Under this bill, GAO would retain its traditional role as auditor and evaluate only the agencies' work. It would not be required to conduct its own independent analyses. Furthermore, it would not require the agency to conduct any new analysis. It only requires GAO review of agency analyses that are required by separate statute or executive order.

In conclusion, Mr. Speaker, I support S. 1198 because it sheds light on the adequacy and usefulness of the agencies' analyses. Yet, it ensures that the GAO has adequate time and resources to fulfill its new responsibilities, and it preserves GAO's traditional role as auditor.

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

Mr. RYAN of Wisconsin. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New York (Mrs. KELLY), the champion of small business, the chairman of the Subcommittee on Regulatory Reform and Paperwork Reduction, and the champion of CORA.

Mrs. KELLY. Mr. Speaker, the Truth in Regulating Act represents the culmination of nearly 4 years of hard work and an effort that will provide Congress with a new resource for reviewing new government regulations before they take effect.

I first introduced this legislation during the 105th Congress, Mr. Speaker, with the goal of giving Congress the tools it needs to oversee the steady stream of new and often costly regulations coming from the Federal government.

Government regulations have an impact on every American. We see an average of close to 4,000 new regulations promulgated every year.

In most cases, regulations speak to a noble purpose, and can often be viewed as a measure of the value that we place in protecting such things as human health, workplace safety, or the environment. Yet, too often the government oversteps its bounds in its attempt to achieve these goals, and we all pay the price as a consequence.

The price of regulations poses a particularly heavy burden on small businesses and manufacturers. They drive our economy forward. They need our help.

Estimates vary on the annual cost of government regulations from a range of $300 billion a year to $700 billion every year. Congress has a special entity, the Congressional Budget Office, or CBO, to help it grapple with our enormous Federal budget. There is growing sentiment that a similar office is needed within the legislative branch to review and analyze the numerous government regulations that are developed and issued every year.

To address this need, in 1997 I first introduced legislation to create the Congressional Office of Regulatory Analysis, or CORA. Today's legislation is the culmination of that effort.

As the vice chairman of the Committee on Small Business and the Chairwoman of the Subcommittee on Regulatory Reform and Paperwork Reduction, and as a small businesswoman myself, I know that small business owners are very familiar with the burdens that Federal regulations place on them.

Some studies have shown that for small employers, the cost of complying with Federal regulations is more than double what it cost their larger counterparts. Mr. Speaker, we do not need any study to reach that conclusion. Common sense says that if a regulation costs a company with a $5 billion revenue stream the same as it does a company with a $5 million revenue stream, the overall impact on the smaller company will be significantly more on a per unit basis.

S. 1198 creates an office within GAO that would focus solely on conducting independent regulatory evaluations of regulations to help determine whether the agencies have complied with the law and executive orders. The fact is, Congress cannot obtain unbiased information from the participants in the rulemaking because each participant, including the Federal agency, has a particular viewpoint and bias.

This legislation will fill the information gap and assist Members in Congress in determining whether action is warranted. The purpose of the bill is to ensure Congress exercises its legislative powers in the most informed manner possible. Ultimately, this will lead to better and more finely tuned legislation, as well as more effective agency regulations.

The office will provide Congress with reliable, non-partisan information, levelling the playing field with the executive branch and improving Congress' ability to understand the burdens that are placed on small businesses and the economy by excessive regulation.

Mr. Speaker, I would like to thank the gentleman from Wisconsin (Mr. RYAN) for his work on this issue, the gentleman from Indiana (Mr. MCINTOSH) for his strong support, as well as the gentleman from Michigan (Mr. BARCIA) and the gentleman from California (Mr. CONDIT) for their longstanding support for this legislation.

I would also like to thank the ranking member of the Committee on Government Reform, the gentleman from California (Mr. WAXMAN), as well as the gentleman from Ohio (Mr. KUCINICH), for their support in moving this legislation forward.

Finally, I would like to thank especially the gentleman from Indiana (Mr. BURTON) for moving this legislation quickly to the floor today, and for his leadership on this issue. I strongly urge my colleagues to join me in supporting this effort.

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

Mr. Speaker, I want to echo the gentlewoman's remarks with respect to the gentleman from Indiana (Mr. BURTON) and the gentleman from California (Mr. WAXMAN).

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

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I also just want to thank everybody who put a lot of hard work into this bill. I think we have a good bipartisan compromise.

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

The SPEAKER pro tempore (Mr. OSE). The question is on the motion offered by the gentleman from Wisconsin (Mr. RYAN) that the House suspend the rules and pass the Senate bill, S. 1198.

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

A motion to reconsider was laid on the table.

TRANSFERRING CERTAIN LANDS IN UTAH TO THE UNITED STATES

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4721) to provide for all right, title, and interest in and to certain property in Washington County, Utah, to be vested in the United States, as amended.

The Clerk read as follows:

H.R. 4721

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

SECTION 1. ACQUISITION OF CERTAIN PROPERTY IN WASHINGTON COUNTY, UTAH.

(a) IN GENERAL.—Notwithstanding any other provision of law, effective 30 days after the date of the enactment of this Act, all right, title, and interest in and to, and the right to immediate possession of, the 1,516 acres of real property owned by the Environmental Land Technology, Ltd. (ELT) within the Red Cliffs Reserve in Washington County, Utah, and the 34 acres of real property owned by ELT which is adjacent to the land within the Reserve but is landlocked as a result of the creation of the Reserve, is hereby vested in the United States.

(b) COMPENSATION FOR PROPERTY.—Subject to section 309(f) of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), the United States shall pay just compensation to the owner of any real property taken pursuant to this section, determined as of the date of the enactment of this Act. An initial payment of $15,000,000 shall be made to the owner of such real property not later than 30 days after the date of taking. The full faith and credit of the United States is hereby pledged to the payment of any judgment entered against the United States with respect to the taking of such property. Payment shall be in the amount of—

(1) the appraised value of such real property as agreed to by the land owner and the United States, plus interest from the date of the enactment of this Act; or

(2) the valuation of such real property awarded by judgment, plus interest from the date of the enactment of this Act, reasonable costs and expenses of holding such property from February 1990 to the date of final payment, including damages, if any, and reasonable costs and attorneys fees, as determined by the court. Payment shall be made from the permanent judgment appropriation established pursuant to section 1304 of title 31, United States Code, or from another appropriate Federal Government fund.

Interest under this subsection shall be compounded in the same manner as provided for in section 1(b)(2)(B) of the Act of April 17, 1954, (Chapter 153; 16 U.S.C. 429b(b)(2)(B)) except that the reference in that provision to ''the date of the enactment of the Manassas National Battlefield Park Amendments of 1988'' shall be deemed to be a reference to the date of the enactment of this Act.

(c) DETERMINATION BY COURT IN LIEU OF NEGOTIATED SETTLEMENT.—In the absence of a negotiated settlement, or an action by the owner,

the Secretary of the Interior shall initiate within 90 days after the date of the enactment of this section a proceeding in the United States Federal District Court for the District of Utah, seeking a determination, subject to section 309(f) of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), of the value of the real property, reasonable costs and expenses of holding such property from February 1990 to the date of final payment, including damages, if any, and reasonable costs and attorneys fees.

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

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

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

Mr. Speaker, this bill was brought about by the 1973 Endangered Species Act. When that was passed, they found in southern Utah the desert tortoise. Out of finding the desert tortoise, we then had to find a place for the habitat for the desert tortoise, which basically really is not endangered, but I will not get into that.

Finding it there, they found a situation where 33 different people had to give up ground to get it. We have taken care of all of those people for a critical habitat because they had that ground and they could not put their foot on it, all they could do was pay taxes.

We have one person left, the biggest one. We are trying to get it resolved in this particular bill.

During the hearing on this bill, several concerns were raised by the administration and the minority. At committee, my amendment in the nature of a substitute was adopted which addressed those concerns.

This amendment accomplishes the following four things:

First, the acreage will be vested in the United States 30 days after enactment.

Second, just compensation shall be paid, with an initial payment of $15 million, which will prevent the property from reverting to creditors during litigation. According to the BLM's lowest estimate, the property is worth at least $35 million.

Third, the court may consider the damages, costs, and attorneys' fees, as the court determines appropriate.

Lastly, the values as determined by the court, not Congress or the BLM, will be paid out of the permanent judgment fund.

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

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

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

Mr. FALEOMAVAEGA. Mr. Speaker, I want to commend the gentleman from Utah (Mr. HANSEN), the chief sponsor of this legislation.

We have no opposition to this legislation, Mr. Speaker, but there are some concerns on this side of the aisle concerning the provisions of the bill.

Mr. Speaker, this is an extraordinary procedure taken on this bill. It is an authorization, it is an appropriation, and also an implementation of condemnation of land rolled into one. Only a few times in the past quarter century has a legislative taking been used by the Congress. Furthermore, the language of this legislation is substantially different from that used in other cases.

There is also considerable controversy associated with the land identified by this legislation. Several news articles from the State of Utah have called into question actions by the landowner with regard to this property. Title has been clouded to this land, and it is unclear what interests the landowner has and what interests other parties have to the property in question.

Mr. Speaker, the BLM has attempted to negotiate with the landowner. These negotiations have been hampered by the landowner's insistence on using appraisal assumptions that are not consistent with Federal standards and that were not used in other transactions, including those done previously with the landowner.

The bill also seeks to open the door to payments to the landowner dating back to February, 1990. This raises several issues. First, the Desert Tortoise Reserve was not even established until 1996. It was only after this that attempts were made to acquire the property. Even until 1996, the landowner was involved in litigation on the property and could not present clear title. Settlement of the litigation and other subsequent actions have made other unnamed parties a beneficiary of this legislation.

Like I said, Mr. Speaker, I do not oppose this legislation.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 4721, as amended.

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

A motion to reconsider was laid on the table.

HISTORICALLY WOMEN'S PUBLIC COLLEGES OR UNIVERSITIES HISTORIC BUILDING RESTORATION AND PRESERVATION ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4503) to provide for the preservation and restoration of historic buildings at historically women's public colleges or universities, as amended.

The Clerk read as follows:

H.R. 4503

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Historically Women's Public Colleges or Universities Historic Building Restoration and Preservation Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) HISTORICALLY WOMEN'S PUBLIC COLLEGE OR UNIVERSITY.—The term ''historically women's public college or university'' means a public institution of higher education created in the United States between 1836 and 1908 to provide industrial education for women, including the institutions listed in clauses (i) though (viii) of section 3(d)(2)(A).

(2) HISTORIC BUILDING OR STRUCTURE.—The term ''historic building or structure'' means a building or structure listed (or eligible to be listed) on the National Register of Historic Places, designated as a National Historic Landmark, or located within a designated historic district.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 3. PRESERVATION AND RESTORATION GRANTS FOR HISTORIC BUILDINGS AND STRUCTURES AT HISTORICALLY WOMEN'S PUBLIC COLLEGES OR UNIVERSITIES.

(a) AUTHORITY TO MAKE GRANTS.—

(1) IN GENERAL.—From amounts made available under paragraph (2), the Secretary shall award grants in accordance with this section to historically women's public colleges or universities for the preservation and restoration of historic buildings and structures on their campuses.

(2) SOURCE OF FUNDING.—Grants under paragraph (1) shall be awarded from amounts appropriated to carry out the National Historic Preservation Act (16 U.S.C. 470 et seq.) for fiscal years 2001 through 2005.

(b) GRANT CONDITIONS.—Grants made under subsection (a) shall be subject to the condition that the grantee agree, for the period of time specified by the Secretary, that—

(1) no alteration will be made in the property with respect to which the grant is made without the concurrence of the Secretary; and

(2) reasonable public access to the property for which the grant is made will be permitted by the grantee for interpretive and educational purposes.

(c) MATCHING REQUIREMENT FOR BUILDINGS AND STRUCTURES LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES.—

(1) IN GENERAL.—Except as provided by paragraph (2), the Secretary may obligate funds made available under this section for a grant with respect to a building or structure listed on the National Register of Historic Places, designated as a National Historic Landmark, or located within a designated historic district, only if the grantee agrees to provide for activities under the grant, from funds derived from non-Federal sources, an amount equal to 50 percent of the costs of the program to be funded under the grant with the Secretary providing 50 percent of such costs under the grant.

(2) IN-KIND CONTRIBUTIONS.—In addition to cash outlays and payments, in-kind contributions of property or personnel services by non-Federal interests may be used for the non-Federal share of costs required by paragraph (1).

(d) FUNDING PROVISIONS.—

(1) AMOUNTS TO BE MADE AVAILABLE.—Not more than $16,000,000 for each of the fiscal years 2001 through 2005 may be made available under this section.

(2) ALLOCATIONS FOR FISCAL YEAR 2001.—

(A) IN GENERAL.—Of the amounts made available under this section for fiscal year 2001, there shall be available only for grants under subsection (a) $2,000,000 for each of the following:

(i) Mississippi University for Women in Colombus, Mississippi.

(ii) Georgia College and State University in Milledgeville, Georgia.

(iii) University of North Carolina in Greensboro, North Carolina.

(iv) Winthrop University in Rock Hill, South Carolina.

(v) University of Montevallo in Montevallo, Alabama.

(vi) Texas Woman's University in Denton, Texas.

(vii) University of Science and Arts of Oklahoma in Chickasha, Oklahoma.

(viii) Wesleyan College in Macon, Georgia.

(B) LESS THAN $16,000,000 AVAILABLE.—If less than $16,000,000 is made available under this section for fiscal year 2001, then the amount made available to each of the institutions listed in subparagraph (A) shall be reduced by the same amount.

(3) ALLOCATIONS FOR FISCAL YEARS 2002–2005.—Any funds which are made available during fiscal years 2002 through 2005 under subsection (a)(2) shall be distributed by the Secretary in accordance with the provisions of subparagraphs (A) and (B) of paragraph (2) to those grantees named in paragraph (2)(A) which remain eligible and desire to participate, on a uniform basis, in such fiscal years.

(e) REGULATIONS.—The Secretary shall promulgate such regulations as are necessary to carry out this Act.

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

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

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

Mr. Speaker, H.R. 4503, introduced by the gentleman from Mississippi (Mr. PICKERING), authorizes the Secretary of the Interior to provide restoration and preservation grants for historic buildings and structures at seven historically women's public colleges or universities.

The gentleman from Mississippi (Mr. PICKERING) is to be commended for his hard work on this bill, which serves an important part of preserving our cultural history.

H.R. 4503 directs the Secretary to award $14 million annually from fiscal year 2001 to 2005 to the seven academic institutions. These institutions are located in seven separate States, mainly in the Southeastern United States.

Despite their continued use, many of the structures located on these campuses are facing destruction or closure because preservation funds are not available. H.R. 4503 would enable these buildings to be preserved and maintained. Funds would be awarded from the National Historic Preservation Fund, subject to a 50 percent matching requirement from non-Federal sources. The bill also assures that the in-kind contributions will count toward the non-Federal share of the match.

Mr. Speaker, I have an additional amendment I would like to add. It has come to my attention that there is an older women's academic institution in Georgia than the ones identified in this bill.

In this light, the amendment adds Wesleyan College in Macon, Georgia, to the schools eligible for the grants, and adds $2 million to the authorized grant accounts.

Mr. Speaker, I urge my colleagues to support H.R. 4503, as amended.

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

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

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

Mr. FALEOMAVAEGA. Mr. Speaker, I want to again commend the gentleman from Mississippi (Mr. PICKERING) for introducing this legislation.

Mr. Speaker, I will not oppose this piece of legislation. I too, however, would like to share with my colleagues some observations and concerns concerning the provisions of this bill.

As introduced, H.R. 4503 earmarks up to $70 million over 5 years from the Historic Preservation Fund for grants to seven public colleges and universities, most located in the Southeastern region, and that were originally founded to serve women.

The grantees will be required to provide a 50 percent match, and the funds could be used to restore historic buildings and structures. The schools would divide the money equally.

Apparently we are actually amending the bill before us today to add another school, this one located in the State of Georgia. This raises the small number of schools which would benefit from this legislation to eight schools, and raises the cost of the bill to $80 million over 5 years.

Mr. Speaker, we fully support historic preservation in general, and could even agree with the specific goal of this legislation to aid historically women's colleges, universities, in preserving historic structures on their campuses.

However, we have serious concerns regarding the approach taken on this bill. Under current law, the Secretary of the Interior is authorized to make grants from the Historic Preservation Fund based on statutory criteria to States or local governments to preserve the precise sites or buildings that would receive funding under this legislation.

Since these sites are eligible under current law, the effect of this bill is to single out eight of these specific schools, all located in a particular part of our Nation, and move them up to the front of the line by fencing off $16 million a year that must bypass the Secretary of the Interior and go directly to these schools.

The bill sets out no criteria for why these schools needed these funds, and makes no distinction between the schools themselves.

Furthermore, Mr. Speaker, while we are considering legislation to earmark $16 million for these schools from the Historic Preservation Fund, the conference report in the FY 2001 Interior appropriations bill just adopted on this floor contained just $79 million total for historic preservation.

□ 1945

If this funding level were to become law, these eight schools would receive more than 20 percent of all historic preservation funds nationwide.

Mr. Speaker, this legislation includes no standards, which explains how these eight schools were selected. There are currently 78 women's colleges and universities in the United States today. Why are these eight deserving of this funding and the other 70 are not? We are told that these schools are selected because they represent a unique subset of women's colleges and universities in America. However, the last minute addition of yet another school to the bill raises serious questions about the selection process included in the provisions of this bill.

If historic sites on these campuses are deserving of historic preservation funding, the relevant State or locality should apply for such funding under the current system. The kind of earmarks contained in this legislation, Mr. Speaker, I honestly believe undermines our historic preservation efforts and work to benefit a small group of schools unfairly.

Again, Mr. Speaker, I remind my colleagues there are currently 78 women's colleges and universities in our Nation today. Yet we are providing special funding for only eight of these colleges and universities.

So, Mr. Speaker, let us proceed to pass the bill. But let us hope that, in the future, this legislation or this kind of proposed program will not come back to haunt us.

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

Mr. HANSEN. Mr. Speaker, I am happy to yield such time as he may consume to the gentleman from Mississippi (Mr. PICKERING), the author of this legislation.

Mr. PICKERING. Mr. Speaker, I am very pleased to be on the floor this evening in support of my bill, H.R. 4503, the Historically Women's Public Colleges or Universities Historic Building Restoration and Preservation Act.

I want to commend the gentleman from Utah (Chairman HANSEN) for his commitment to women and minorities education and thank him for his work to see that this important authorization reaches the floor. I also thank the gentleman from Alaska (Chairman YOUNG) for his similar commitment and work.

I would also like to address some of the concerns raised by the gentleman from American Samoa (Mr. FALEOMAVAEGA), our friend on the other side, and talk about why this is so important as we go into the 21st century that we look to the institutions who educated and trained the

women, beginning in my home State of Mississippi in 1884.

If we look at the subset of the universities that we picked out, why should they receive priority? They are the oldest public women's colleges in the country. We may talk about the 78 other women's colleges, but these are the oldest of the women's colleges in the country. They happen to reside in my region. But if we are looking at historic preservation, it seems to me that we look at the oldest first, and that should receive the priority.

If we are looking at continuing their mission into the 21st century, Mississippi University for Women has a great legacy, not only going back into the late 1800s, the 1900s; but today, in 2000, they received U.S. News and World Report's ranking of the best in the South as a liberal arts college. They are educating, not only women today and minorities, but also male students.

If we are to continue the rich history and the legacy of what they have done over their history over their time and to continue the mission into the 21st century, then the buildings that house their students where the teachers train the students of tomorrow, we must preserve those buildings that house the places where we are now providing the education for women and minorities across the South.

I introduced H.R. 4503 to advance what I think is the most important priority for funding in this Congress, and that is education. The bipartisan cosponsorship and support for this effort affirms the principle that if we are to continue to progress as a society, if we are to continue to lead the world in science, medicine, law and many other fields, we must educate all Americans.

The historically women's public institutions, which are the subject of this bill, were founded in the United States between 1836 and 1908. This was a time when women, particularly poor women, were unable to attain a higher education in public schools; the opportunity simply did not exist.

In recognition of this injustice and unfair circumstance for women, there was introduced into the United States Senate a resolution in the late 1800s which sought the establishment and endowment of schools of science and technics for the education of females in appropriate branches of science and the useful arts, upon a plan similar in its principles to that upon which agricultural and mechanical colleges have been aided by the United States. This need expressed in this resolution, introduced over 100 years ago, continues today.

As I mentioned earlier, in my home State of Mississippi the State legislature worked and established the Mississippi Industrial Institute and College of Girls to provide for women, particularly those without the means, a public education which would empower them to lift themselves out of their circumstance. Over 100 years later, I know that the W, and the other colleges prioritized in this bill, continue to be crucial educational institutions for women, minorities, and all students.

With buildings in some of these colleges and universities well over 150 years old still in use, their disrepair now endangers their ability to continue their critical role in educating women and minorities. Due to advanced age of these buildings, the upkeep costs are more than most budgets can allow. Since most of these universities were built in the early 1900s, most of today's basic needs are not provided for in their facilities.

This Congress can and should reaffirm its commitment to the education of women, the underprivileged, and minorities. Education cannot take place without adequate facilities. We must, therefore, contribute to the rehabilitation of these facilities. Funding for restoration of these historic buildings, much as we did for the historically black colleges across our region, is and should be a sound investment.

I want to thank again the gentleman from Utah (Mr. HANSEN), the subcommittee chairman, and all those who have cosponsored this legislation. It is the place where my mother received her education and where many of the women who were trained and educated in my home State who then became leaders and teachers and those who have raised the next generations of leaders have received their education. It is a special place for my family and for me, and I want to thank all those who have made this authorization possible.

Mr. FALEOMAVAEGA. Mr. Speaker, I want to thank the gentleman from Mississippi (Mr. PICKERING) for his excellent presentation in defense of the provisions of the bill that he has introduced.

Mr. MASCARA. Mr. Speaker, I rise to support the bill and to show appreciation for the contributions of these seven institutions. I would also like to mention the educational contributions of a coed liberal arts institution in my district, Washington and Jefferson College, which was founded in 1781 and has the historical McIlvaine building which was the site of the Washington Women's Seminary from 1897 to 1939. This fine building is currently under renovation and is recognized in Western Pennsylvania for its gracious federal architecture designed by three women and eventually absorbed on to the Washington and Jefferson campus which became coeducational in 1970.

Mr. FALEOMAVAEGA. Mr. Speaker, I do not have any further speakers, so I yield back the balance of my time.

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

The SPEAKER pro tempore (Mr. OSE). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 4503, as amended.

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

A motion to reconsider was laid on the table.

SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY IRRIGATION WORKS OWNERSHIP

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2820) to provide for the ownership and operation of the irrigation works on the Salt River Pima-Maricopa Indian Community's reservation in Maricopa County, Arizona, by the Salt River Pima-Maricopa Indian Community, as amended.

The Clerk read as follows:

H.R. 2820

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

SECTION 1. FINDINGS.

The Congress finds and declares that—

(1) it is the policy of the United States, in fulfillment of its trust responsibility to Indian tribes, to promote Indian self-determination and economic self-sufficiency;

(2) the Salt River Pima-Maricopa Indian Community (hereinafter referred to as the ''Community'') has operated the irrigation works within the Community's reservation since November 1997 and is capable of fully managing the operation of these irrigation works;

(3) considering that the irrigation works, which are comprised primarily of canals, ditches, irrigation wells, storage reservoirs, and sump ponds located exclusively on lands held in trust for the Community and allottees, have been operated generally the same for over 100 years, the irrigation works will continue to be used for the distribution and delivery of water;

(4) considering that the operational management of the irrigation works has been carried out by the Community as indicated in paragraph (2), the conveyance of ownership of such works to the Community is viewed as an administrative action;

(5) the Community's laws and regulations are in compliance with section 2(b); and

(6) in light of the foregoing and in order to—

(A) promote Indian self-determination, economic self-sufficiency, and self-governance;

(B) enable the Community in its development of a diverse, efficient reservation economy; and

(C) enable the Community to better serve the water needs of the water users within the Community,

it is appropriate in this instance that the United States convey to the Community the ownership of the irrigation works.

SEC. 2. CONVEYANCE AND OPERATION OF IRRIGATION WORKS

(a) CONVEYANCE.—The Secretary of the Interior, as soon as is practicable after the date of enactment of this Act, and in accordance with the provisions of this Act and all other applicable law, shall convey to the Community any or all rights and interests of the United States in and to the irrigation works on the Community's reservation which were formerly operated by the Bureau of Indian Affairs. Notwithstanding the provisions of sections 1 and 3 of the Act of April 4, 1910 (25 U.S.C. 385) and sections 1, 2, and 3 of the Act of August 7, 1946 (25 U.S.C. 385a, 385b, and 385c) and any implementing regulations, during the period between the date of the enactment of this Act and the conveyance of the irrigation works by the United

States to the Community, the Community shall operate the irrigation works under the provisions set forth in this Act and in accordance with the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), including retaining and expending operations and maintenance collections for irrigation works purposes. Effective upon the date of conveyance of the irrigation works, the Community shall have the full ownership of and operating authority over the irrigation works in accordance with the provisions of this Act.

(b) FULFILLMENT OF FEDERAL TRUST RESPONSIBILITIES.—To assure compliance with the Federal trust responsibilities of the United States to Indian tribes, individual Indians and Indians with trust allotments, including such trust responsibilities contained in Salt River Pima-Maricopa Indian Community Water Rights Settlement Act of 1988 (Public Law 100–512), the Community shall operate the irrigation works consistent with this Act and under uniform laws and regulations adopted by the Community for the management, regulation, and control of water resources on the reservation so as to assure fairness in the delivery of water to water users. Such Community laws and regulations include currently and shall continue to include provisions to maintain the following requirements and standards which shall be published and made available to the Secretary and the Community at large:

(1) PROCESS.—A process by which members of the Community, including Indian allottees, shall be provided a system of distribution, allocation, control, pricing and regulation of water that will provide a just and equitable distribution of water so as to achieve the maximum beneficial use and conservation of water in recognition of the demand on the water resource, the changing uses of land and water and the varying annual quantity of available Community water.

(2) DUE PROCESS.—A due process system for the consideration and determination of any request by an Indian or Indian allottee for distribution of water for use on his or her land, including a process for appeal and adjudication of denied or disputed distributions and for resolution of contested administrative decisions.

(c) SUBSEQUENT MODIFICATION OF LAWS AND REGULATIONS.—If the provisions of the Community's laws and regulations implementing subsection (b) only are to be modified subsequent to the date of enactment of this Act by the Community, such proposed modifications shall be published and made available to the Secretary at least 120 days prior to their effective date and any modification that could significantly adversely affect the rights of allottees shall only become effective upon the concurrence of both the Community and the Secretary.

(d) LIMITATIONS OF LIABILITY.—Effective upon the date of enactment of this Act, the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence based on the Community's ownership or operation of the irrigation works, except for damages caused by acts of negligence committed by the United States prior to the date of enactment of this Act. Nothing in this section shall be deemed to increase the liability of the United States beyond that currently provided in the Federal Tort Claims Act (28 U.S.C. 2671 et seq.).

(e) CANCELLATION OF CHARGES.—Effective upon the date of conveyance of the irrigation works under this section, any charges for construction of the irrigation works on the reservation of the Community that have been deferred pursuant to the Act of July 1, 1932 (25 U.S.C. 386a) are hereby canceled.

(f) PROJECT NO LONGER A BIA PROJECT.—Effective upon the date of conveyance of the irrigation works under this section, the irrigation works shall no longer be considered a Bureau of Indian Affairs irrigation project and the facilities will not be eligible for Federal benefits based solely on the fact that the irrigation works were formerly a Bureau of Indian Affairs irrigation project. Nothing in this Act shall be construed to limit or reduce in any way the service, contracts, or funds the Community may be eligible to receive under other applicable Federal law.

SEC. 3. RELATIONSHIP TO OTHER LAWS.

Nothing in this Act shall be construed to diminish the trust responsibility of the United States under applicable law to the Salt River Pima-Maricopa Indian Community, to individual Indians, or to Indians with trust allotments within the Community's reservation.

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

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

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

Mr. Speaker, H.R. 2820 transfers the ownership of the irrigation works currently operated by the Salt River Pima-Maricopa Indian Community.

Over the last several years, the subcommittee has moved legislation that has defederalized several Bureau of Reclamation facilities in the western United States. This bill proposes to transfer all rights and interest to the irrigation works from the Bureau of Indian Affairs to the Pima-Maricopa Indian Community. Management of the facilities has been under the jurisdiction of the tribe for several years.

Mr. Speaker, I urge an ''aye'' vote on this legislation.

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

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

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

Mr. FALEOMAVAEGA. Mr. Speaker, I certainly would like to commend and compliment the gentleman from Arizona (Mr. HAYWORTH) for his sponsorship of this legislation. This legislation has bipartisan support. The gentleman from Arizona (Mr. PASTOR) is also a very strong supporter of this legislation.

Mr. Speaker, H.R. 2820 would direct the Secretary of Interior to transfer to the Salt River Pima-Maricopa Indian Community any remaining authority and responsibility held by the Secretary for the irrigation works on their reservation. I congratulate the gentleman from Arizona (Mr. PASTOR) and also the gentleman from Arizona (Mr. HAYWORTH) for their contributions to this bill.

Under the bill, the Pima-Maricopa Indian Community would have full operating authority over the irrigation works within the community to deliver their water to their lands. I believe it is appropriate that the project facilities be transferred to the community, and I urge my colleagues to support this legislation.

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

Mr. HANSEN. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Arizona (Mr. HAYWORTH), the author of this legislation.

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Utah (Mr. HANSEN) and the gentleman from American Samoa (Mr. FALEOMAVAEGA), and I echo and reinforce their comments.

Mr. Speaker, I would also like to take time to thank the gentleman from Arizona (Mr. PASTOR), who worked with me to draft this bipartisan, common sense piece of legislation.

The gentleman from American Samoa just a few years ago had a chance to join me on the Salt River Pima-Maricopa Indian Community for a good visit about housing. So he has had a chance firsthand to see the area we are talking about.

Again, to echo the previous comments, this legislation would transfer ownership and operation of the irrigation works there from the Bureau of Indian Affairs to the tribe.

H.R. 2820 was intended as a way to jump-start talks between the tribe and the Bureau of Indian Affairs to transfer ownership of the irrigation canals to the tribe. This final legislative product is the culmination of intense negotiations and is agreeable to the tribe, the Bureau of Indian Affairs, the Interior Department, and, as has been mentioned on the floor tonight, both Republicans and Democratic Members of the Committee on Resources. In fact, Mr. Speaker, I do not know of anyone who stands in opposition to this legislation.

Mr. Speaker, H.R. 2820 is a win-win for the tribe, the BIA, the government-to-government relationship between the Federal Government and the tribes, and obviously it is also a win for the taxpayers. As the BIA has allowed the tribe to operate the irrigation works since November of 1997, it is important to note there would be no disruption in service.

It is important to note also something interesting and perhaps unique to Arizona and certainly the portion of Arizona that is part of the Sonoran Desert environment. Water is so critically important there. We have a variation of the saying in the Old West: ''Whiskey's for drinking, water's for fighting.'' I am glad we are not going to be fighting about this when we see the common sense of transferring ownership of these canals to the tribe. It would allow the tribe to make desperately needed improvements to the canals.

Mr. Speaker, some of these canals are nearly a century old; and by offering these improvements, we can save precious water supplies. Sadly, though it is unintended, under the current situation, improvements to the canals were

impeded and complicated by the Bureau of Indian Affairs' control of those canals.

With ownership transferred to the tribe, the tribe would be able to line the canals with concrete and make substantial improvements to save water and enhance agricultural opportunities for the tribe and its members.

Now, as the gentleman from American Samoa (Mr. FALEOMAVAEGA) will attest based on his personal visit, the community is located in the shadow of suburban Scottsdale, but it is worth noting that this Native American community is largely an agricultural community dependent on cotton and other crops to generate revenue for the tribe and its members. Improved canals would bring more surface water to use for crops and eventually increase revenue because of the additional water that will not be lost to the aforementioned poorly maintained canals.

Transferring the control of the irrigation canals from the BIA to the tribe would also give local BIA employees the freedom and flexibility to work on other worthwhile projects. In addition, it would strengthen the unique government-to-government relationship between the tribe and the Federal Government by allowing the community to move a step closer to self-sufficiency and independence from the Federal Government.

Again, to restate the win for American taxpayers, the victory for all Americans comes with enactment of this legislation because the costs allocated for maintenance and operation of the irrigation canals to the BIA will no longer be necessary.

Mr. Speaker, while we look at the calendar and note that this is, indeed, the political season, and while we rejoice at the fact that we can have deeply held philosophical differences, this is one occasion far from the interest of the Fourth Estate and many around the country where we are able to enact a common sense policy, not because it is the trademark of either major party, not because it is the intellectual creation of one particular Member of Congress. No, Mr. Speaker, this stands as a classic common sense, good government piece of legislation. In that spirit of consensus and bipartisanship, even as we note this particular date on the political calendar, I am pleased to join with my friends, Republicans and Democrats alike, in urging the House to pass this legislation.

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

Mr. Speaker, in that spirit also, I would be remiss if I do not express my sense of appreciation to the gentleman from Arizona (Mr. HAYWORTH). Yes, I have visited the State of Arizona, and I would gladly give him some of the 200 inches of rain that my district of American Samoa could give to the State Arizona if it were possible.

But I do want to also compliment the gentleman for his leadership, outstanding leadership role that he has played as a cochairman of our National Native American Congressional Caucus. He has played a very effective role in helping our American community. I thank the gentleman for that.

BACKGROUND

Mr. YOUNG of Alaska. Mr. Speaker, the purpose of this legislation is to convey to the Salt River Pima Maricopa Indian Community (SRPMIC) the ownership of the irrigation works composed primarily of ditches, laterals, sump ponds and several wells on Reservation lands formerly operated by the Bureau of Indiana Affairs. Because the irrigation works is entirely on Reservation land and because the operational control of the irrigation works was transferred to the SRPMIC in 1997, this proposed legislative conveyance is anticipated to be a relatively straight-forward administrative transfer that should be carried out in keeping with the underlying goals of Indian self-determination, self-governance and economic self-sufficiency.

As early as August 1993, the SRPMIC held discussions in the Community concerning the potential transfer of the irrigation works. The Bureau of Indian Affairs (BIA), the Salt River Agency (the local BIA office), and the Branch of Land Operations and P.L. 93–638 Contract administration met at that time to explore this conveyance.

According to the Community, these consultations resulted in efforts by the SRPMIC toward assuming management and operation of the irrigation delivery system by: (1) its approval of SRPMIC Ordinance No. 199–95 Surface Water management (Ordinance) approved on May 3, 1995; (2) the partial completion of P.L. 93–368 Contract No. CTH55T61517—Water Resources Program (Contract) awarded on August 10, 1993 through the final submission in August 1995 by SFC Engineering Co. report titled ''Irrigation System Evaluation and Rehabilitation Study for Lands South of the Arizona Canal,'' (3) the request by the SRPMIC for financial records of the project; (4) the establishment of monthly meetings between the SRPMIC and the Salt River Agency and its Branch of Land Operations to review the status, coordinate activities and share information; (5) the origination by SRPMIC of a report entitled ''SRPMIC Irrigation Project—Transfer of Operation and Maintenance from the BIA to the SRPMIC Community'' dated January 10, 1996.

The irrigation works over the past 20 years or so unfortunately did not receive sufficient funding. As a result, the project facilities deteriorated, and if this deterioration were allowed to continue, the allotted landowners would receive less rent for a less efficient system. Even while the BIA operated the project, it was the Community which obtained non-BIA funds to line the main Evergreen Canal and some lateral mileage. Also, the Community is in the midst of a refurbishment program at a cost up to approximately $1.25 million over five years from the USDA/EQIP program. The cost to the Community above and beyond the amount collected currently from water users is approximately $200,000 per year. The original construction costs carried by the BIA are $3,313,192, which have long since been amortized to zero since the project dates back 84 years to 1916. It is important to note that the Pima people and their ancestors used gravity-fed irrigation for hundreds of years prior to federal involvement.

Today, the Irrigation Works employees are no longer BIA employees as they were prior to 1997. They are employees of the Community. The equipment and buildings that were used in BIA's operation were transferred from the BIA to SRPMIC which now provides irrigation services for landowners and water users.

The SRPMIC Water Resources Division manages this Irrigation Works Project. Based upon testimony from the Community, the irrigation system is managed with a staff of 12 full time employees including a division manager, an engineer, an agricultural engineer and other irrigation staff. It operates under a budget based on incoming water sales. About 8,000 acres of farmland are irrigated with the following system: (1) Evergreen Canal (main canal) 4.5 miles with 6 main check structures and 16 primary headgates; (2) 23.5 miles of lateral pipelines with 15 miles of lateral canals and 25 canal turnout structures; (3) 44 miles of drainage channels with service roads; (4) 12 irrigation wells (only 4 are useable); (5) 2 storage reservoirs and 2 sump ponds with 3 capable of pumping.

Since June 1999, the SRPMIC and its representatives have had numerous discussions, consultations and negotiations with the Department of the Interior to reach a common understanding and agreement on legislative language to transfer the ownership of the irrigation works to the SRPMIC, as well as any remaining authority and responsibility that the Secretary has regarding the administration of such works, except for the Secretary's trust responsibilities.

H.R. 2820 with the proposed amended text changes to be considered by the House fairly balances the interests of the Department of the Interior and the Salt River Pima-Maricopa Indian Community.

The SRPMIC Water Code provides a detailed method of distributing and using this limited and sometimes scarce resource. Combined with the irrigation regulations and assessment schedule adopted by the SRPMIC tribal council, they appear to provide for fair treatment, equitable allocation and sensitive use of this important resource.

The Community contends that the rights of allotted landowners will be enhanced by the operation of the system by the SRPMIC. And, while it appears that is the case, the legislation includes ample safeguards to help insure that allottee rights are protected.

The SRPMIC has been operating the irrigation works project for nearly three years. By doing so, as well as by its operating other businesses, it has demonstrated its ability to manage and operate the system. Its reputation is one that instills confidence that the Community is clearly capable of operating, and is expected to operate, the irrigation works efficiently, effectively, and equitably.

For the Community to operate this former BIA project and make it relevant in this millennium, the SRPMIC should have full

responsibility and ownership of the irrigation works. The United States trust responsibility will continue unimpaired to the SRPMIC, to individual Indians, and to Indian allottees, as provided for in the legislation even as the Community assumes full ownership of and operations for the irrigation works.

In furtherance of the United States policies of self-governance, self-determination and economic self-sufficiency with respect to American Indians, H.R. 2820, as amended, should be passed by the Congress of the United States and sent to the President, who is expected to sign the bill into law based upon the attached Departmental letter report supporting the bill.

BILL SUMMARY

Section 1. Findings. The findings section sets forth the underlying considerations that are the backdrop for the enactment of this legislation. At its core, the bill recognizes the federal policies of Indian self-determination, economic self-sufficiency and self-governance and that the conveyance of the irrigation works is in furtherance of those policies. The findings also recognize and adhere to the trust responsibilities of the United States to Indian tribes. They recognize that the irrigation works are primarily a system of canals, ditches, wells, storage reservoirs and sump ponds on Reservation land. They convey too that, considering the community has been operating the works since 1997, the conveyance is viewed by Congress as an administrative action. The findings take cognizance of the fact that the Community's amended Water Code is currently in compliance with Section 2b. of the legislation.

Section 2. Conveyance and Operation of Irrigation Works. (a) Conveyance: The Secretary is directed to convey the irrigation works to the Community in accordance with the legislation and other applicable law. The intent of this provision is to ensure that, while applicable law is to be fully adhered to, it is contemplated that the process involved should be a straightforward, relatively uncomplicated, and inexpensive administrative procedure. This is especially so given the nature of the facilities being conveyed and that the Community has been operating the irrigation works for the past three years.

The bill language provides for the Community to continue as it is doing currently and retaining and expending operations and maintenance collections to be used for irrigation works purposes. Once the conveyance takes place, the bill language recognizes that the Community will then have full ownership of and operating authority over the irrigation works as provided in the bill.

(b) Fulfillment of Federal Trust Responsibilities: A key provision of this legislation provides a balance between the need of the Community to be able to operate the irrigation works during the year 2000 and beyond and the need of the United States to be able to fulfill its trust responsibilities to Indian tribes, individual Indians and Indians with trust allotments. The language seeks to accomplish this by requiring that the Community's laws and regulations regarding management, regulation and control of water resources on the Reservation contain certain basic requirements and standards. The Community has currently brought its Water Code into compliance with the requirements and standards contained in the legislation (that amended Water Code is, and will be, on file with the Committee on Resources and the U.S. Department of the Interior). The two key requirements and standards are as follows:

(1) This paragraph requires that a process continue to be included in the Community's laws and regulations to provide members of the Community, including allottees, a water system that, in turn, will provide a just and equitable distribution of water to achieve the goals of maximum beneficial use and conservation of water, while factoring in such considerations as the demand on the water resource, land use changes, and the varying quantity of water available to the Community.

(2) This paragraph requires that a due process system continue to be included in the Community's laws and regulations to ensure the consideration and determination of a request from an Indian or Indian allottee for distribution of water for use on his or her land. It also requires that such laws and regulations continue to be provided through an appellate process, including a means for adjudicating denied or disputed distributions of water and resolution of contested administrative decisions.

(c) Subsequent Modification of Laws and Regulations: The bill seeks to ensure that if the Community needs to or seeks to amend its laws and regulations after the legislation is enacted, there be a process by which that should be carried out. That process would involve generally a notice and wait procedure. The community would publish the proposed changes, and make them available to the Secretary at least 120 days before the effective date of the changes. The process also requires that, if a proposed change could ''significantly adversely affect'' the rights of allottees, then it would take the concurrence of both the Community and the Secretary in order for such changes to become effective. Although it is not expected that the community will need to amend its Code as it pertains to this subsection, it may. It is expected, however, that the Secretary will not seek to utilize this provision unless there were to be, indeed, a proposed change to the Community's Water Code that could significantly adversely affect allottee rights.

(d) Limitations on Liability: This subsection provides that the united States is not liable for damages based on the Community's ownership and operation of the irrigation works except for those damages caused by acts of negligence by the United States before the date of enactment. Also, the subsection makes clear that nothing in the subsection should be construed to increase the liability of the United States beyond what is provided in the Federal Tort Claims Act.

(e) Cancellation of charges: As has been the case in similar, although not identical, legislation in the past, as of the conveyance date, the charges for construction for the irrigation works deferred under 25 USC 386 are canceled. This is also, in part, in recognition that this project is comprised of deteriorating laterals, ditches, sump ponds, reservoirs and a few wells, some of which do not work currently, and some of the ditches are not even lined. The irrigation works is an aging gravity-fed system. It dates back to the early 1900s. In recent years the Community has contributed funds (as opposed to appropriated funds), that have been devoted to the refurbishment of the works. The construction funds committed to the project by the United States have long ago been more than amortized. By the Community assuming full responsibilities for the works, it is recognized that the United States is taking the next logical step to complete the process begun several years ago which resulted in 1997 with the transfer of operational management to the Community. If the United States were not to take this next step, the Community has indicated that it would be compelled to seek retroceding the irrigation works to the United States at significant costs to the United States. In such an eventuality, the U.S. would need to assign Bureau of Indian Affair employees to operate the works and commit federal funds to the works' refurbishment.

(f) Project No Longer a BIA Project: The legislation provides that, once the conveyance has occurred, the irrigation works will not be eligible for federal benefits ''based solely on the fact that the irrigation works were formerly'' a BIA irrigation project. It also recognizes though that the legislation is not to be interpreted to limit or reduce in any way funds the Community may be eligible to receive under other federal law.

Section 3. Relationship to Other Laws: This section makes clear that the provisions of this legislation are not to be construed to ''diminish the trust responsibility of the United States'' to the Community, to individual Indians or to Indian allottees within the Reservation.

Enclosures: (1) Section-by-Section analysis; (2) Departmental Report on H.R. 2820: Letter from Hon. David J. Hayes, Deputy Secretary, U.S. Department of the Interior to Chairman Don Young, Committee on Resources; (3) Resolution of Salt River Pima-Maricopa Indian Community Tribal Council.

SECTION-BY-SECTION ANALYSIS

Section 1. Findings. This section expresses the findings of the Congress that—in light of a number of considerations, including that, in fulfillment of federal trust responsibility to Indian tribes, it is the policy of the United States to promote Indian self-determination and economic self-sufficiency—it is appropriate that the U.S. convey to the Community the irrigation works.

Section 2. Conveyance and Operation of Irrigation Works.

(a) Conveyance. This subsection authorizes and directs the Secretary to convey to the Community all rights and interests of the U.S. to the irrigation works. It further provides the authority for the Community to continue operating the irrigation works during the period from the date of enactment until the conveyance in accordance with this Act and 25 USC §450, including retaining and expending operations and maintenance collections for irrigation works purposes.

(b) Fulfillment of Federal Indian Trust Responsibilities. This subsection provides that to assure compliance with federal trust responsibilities, the Community will operate the irrigation works under this Act and the Community's laws and regulations to assure fairness in the delivery of water to water users. It provides that the Community laws and regulations must continue to include—

(1) A process in which all members of the Community are provided a system of distribution, allocation, control, pricing and regulation of water that will in turn, provide a just and equitable distribution of water to attain the maximum use and conservation of water; and

(2) A due process system to deal with requests by Indians and Indian allottees for distribution of water.

(c) Subsequent Modification of Laws and Regulations. This subsection provides that, if the Community's laws and regulations are modified after the date of enactment of this Act, the proposed modifications will be published and made available to the Secretary before the effective date of those laws and regulations. Additionally, the subsection requires that the Community and the Secretary concur in any proposed changes that could significantly adversely affect the rights of allottees.

(d) Limitations of Liability. This subsection sets forth the limits on the liability of the United States for damages from the Community's ownership and operation of the irrigation works.

(e) Cancellation of Charges. This subsection provides for the cancellation of certain charges deferred under 25 USC §386(a) for construction of the irrigation works.

(f) Project No Longer BIA Project. This subsection provides that, after conveyance, the irrigation works will no longer be a Bureau of Indian Affairs project and therefore not eligible for federal benefits based only on its status as a former BIA project.

Section 3. Relationship to Other Laws. This section ensures that nothing in this Act diminishes the federal Indian Trust Responsibility on the Community's Reservation.

THE DEPUTY SECRETARY
OF THE INTERIOR,
Washington, DC, September 20, 2000.

Hon. DON YOUNG,
Chairman, Resources Committee,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This letter sets forth the views of the Department of the Interior on H.R. 2820, to provide for the ownership and operation of the irrigation works on the Salt River Pima-Maricopa Indian Community's reservation in Maricopa County, Arizona, by the Salt River Pima-Maricopa Indian Community. We understand that the Salt River Pima Maricopa Indian Community (Community) will request that the attached bill be introduced as a substitute for H.R. 2820.

The Department intends to support the attached substitute bill which represents a compromise reached between the Department and the Community with respect to original provisions of H.R. 2820 that were objectionable to the Department. Our support is contingent on the enactment by the Community of the attached amendments to its water code that will bring the code into compliance with the provisions of the substitute bill. We understand that the Community intends to enact these amendments to its water code before or shortly after the substitute bill is introduced. We recommend that action on the bill await assurances that the necessary changes to the Community water code have been made.

Finally, the Department suggests Section 2(d) of the substitute bill be amended by removing ''employees, agents, or contractors'' from the clause.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

DAVID J. HAYES.

Enclosures.

RESOLUTION

Whereas, the Congress of the United States has under consideration the passage of H.R. 2820 to convey to the Salt River Pima Maricopa Indian Community (''Community'') the irrigation works formerly owned and operated by the Bureau of Indian Affairs and located on Community tribal and allottee land; and

Whereas, as a result of negotiations that led to the development of H.R. 2820, and amendments thereto, the legislation's language contemplates that the Community will adopt certain amendments to its Surface Water Management Code prior to enactment of the legislation: Now, Therefore be it

Resolved, That the Community hereby adopts the attached amendments to this Surface Water Management Code; and be it

Resolved further, That such amendments are to become effective immediately;

Resolved further, That, if substitute legislation for H.R. 2820 (1) is not passed by the Congress prior to the adjournment *sine die* of the 106th Congress, or (2) if so passed by Congress, but is not signed into law during the 106th Congress, the approval by the Community of these amendments shall become null and void.

(i) in light of the foregoing and in order to—

(1) promote Indian self-determination, economic self-sufficiency, and self-governance;

(2) enable the Community in its development of a diverse, efficient reservation economy; and

(3) enable the Community to better serve the water needs of the water users within the Community,

it is appropriate in this instance that the United States convey to the Community the ownership of the irrigation works.

SEC 2. CONVEYANCE AND OPERATION OF IRRIGATION WORKS

(a) CONVEYANCE.—The Secretary, as soon as is practicable after the date of enactment of this Act, and in accordance with the provisions of this Act and all other applicable law, shall convey to the Community any or all rights and interests of the United States in and to the irrigation works on the Community's Reservation which were formerly operated by the Bureau of Indian Affairs. Notwithstanding the provisions of 25 U.S.C. §385, 385a., 385b., and 385c, and any implementing regulations, during the period between the date of the enactment of this Act and the conveyance of the irrigation works by the United States to the Community, the Community shall operate the irrigation works under the provisions set forth in this Act and in accordance with the Indian Self Determination and Education Assistance Act (25 U.S.C. §450 et seq.), including retaining and expending operations and maintenance collections for irrigation works purposes. Effective upon the date of conveyance of the irrigation works, the Community shall have the full ownership of and operating authority over the irrigation works in accordance with the provisions of this Act.

(b) FULLFILLMENT OF FEDERAL TRUST RESPONSIBILITIES.—To assure compliance with the federal upon the concurrence of both the Community and the Secretary.

(d) LIMITATIONS OF LIABILITY.—Effective upon the date of enactment of this Act, the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence based on the Community's ownership or operation of the irrigation works, except for damages caused by acts of negligence committed by the United States prior to the date of enactment of this Act. Nothing in this section shall be deemed to increase the liability of the United States beyond that currently provided in the Federal Tort Claims Act, 28 U.S.C. §2671 et seq.

(e) CANCELLATION OF CHARGES.—Effective upon the date of conveyance of the irrigation works on the Reservation of the Community that have been deferred pursuant to 25 U.S.C. §386a are hereby canceled.

(f) PROJECT NO LONGER A BIA PROJECT.—Effective upon the date of conveyance of the irrigation works under this section, the irrigation works shall no longer be considered a Bureau of Indian Affairs irrigation project and the facilities will not be eligible for federal benefits based solely on the fact that the irrigation works were formerly a Bureau of Indian Affairs irrigation project. Nothing in this Act shall be construed to limit or reduce in any way the service, contracts, or funds the Community may be eligible to receive under other applicable federal law.

SEC 3. RELATIONSHIP TO OTHER LAWS

Nothing in this Act shall be construed to diminish the trust responsibility of the United States under applicable law to the Salt River Pima-Maricopa Indian Community, to individual Indians, or to Indians with trust allotments within the Community's Reservation.

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

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

The SPEAKER pro tempore (Mr. OSE). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 2820, as amended.

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

A motion to reconsider was laid on the table.

AUTHORIZING MEMORIAL AND GARDENS IN HONOR AND COMMEMORATION OF FREDERICK DOUGLASS

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5331) to authorize the Frederick Douglass Gardens, Inc., to establish a memorial and gardens on Department of the Interior lands in the District of Columbia or its environs in honor and commemoration of Frederick Douglass.

The Clerk read as follows:

H.R. 5331

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

SECTION 1. MEMORIAL AND GARDENS TO HONOR AND COMMEMORATE FREDERICK DOUGLASS.

(a) MEMORIAL AND GARDENS AUTHORIZED.—The Frederick Douglass Gardens, Inc., is authorized to establish a memorial and gardens on lands under the administrative jurisdiction of the Secretary of the Interior in the District of Columbia or its environs in honor and commemoration of Frederick Douglass.

(b) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—The establishment of the Frederick Douglass memorial and gardens shall be in accordance with the Commemorative Works Act (40 U.S.C. 1001 et seq.).

(c) PAYMENT OF EXPENSES.—The Frederick Douglass Gardens, Inc., shall be solely responsible for acceptance of contributions for, and payment of the expenses of, the establishment of the memorial and gardens. No Federal funds may be used to pay any expense of the establishment of the memorial and gardens.

(d) DEPOSIT OF EXCESS FUNDS.—If, upon payment of all expenses of the establishment of the memorial and gardens (including the maintenance and preservation amount required under section 8(b) of the Commemorative Works Act (40 U.S.C. 1008(b)), or upon expiration of the authority for the memorial and gardens under section 10(b) of such Act (40 U.S.C. 1010(b)), there remains a balance of funds received for the establishment of the memorial and gardens, Frederick Douglass Gardens, Inc., shall transmit the amount of the balance to the Secretary of the Treasury for deposit in the account provided for in section 8(b)(1) of such Act (40 U.S.C. 1008(b)(1)).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from American Samoa (Mr.

FALEOMAVAEGA) each will control 20 minutes.

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

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

Mr. Speaker, H.R. 5331 is a bipartisan bill that was introduced by the gentleman from Illinois (Mr. DAVIS).

Mr. Speaker, Frederick Douglass was one of the most prominent leaders of the 19th century abolitionist movement. Born into slavery in eastern Maryland in 1818, Douglass escaped to the North as a young man where he became a world-renowned defender of human rights and eloquent orator, and later a Federal ambassador and advisor to several Presidents. Frederick Douglass was a powerful voice for human rights during the important period of American history, and is still revered today for his contributions against racial injustice.

H.R. 5331 authorizes the Frederick Douglass Gardens, Inc., a nonprofit organization, in partnership with the National Park Service, to establish a memorial and gardens in the District of Columbia or its environs in honor and commemoration of Frederick Douglass. Although not certain, the preferred site would be in the D.C. area, east of the Anacostia River, where Douglass spent the last 20 years of his life.

The Douglass memorial will comply with the Commemorative Works Act, and no Federal funds may be spent for any expense of the establishment of the memorial and gardens. Mr. Speaker, I urge my colleagues to support H.R. 5331.

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

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

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

Mr. FALEOMAVAEGA. Mr. Speaker, I want to commend the gentleman from Illinois (Mr. DAVIS), who is the chief sponsor of this legislation. I am also listed as an original cosponsor of this bill.

Mr. Speaker, H.R. 5331 authorizes the establishment of a memorial and gardens in the District of Columbia or its environs to honor and commemorate the life and achievements of Frederick Douglass. Frederick Douglass was the Nation's leading 19th century African American spokesman. A gifted writer and speaker, he was a key figure in the abolitionist movement. Because of this historic significance, the National Park Service administers the Frederick Douglass national historic site currently now in Washington, D.C.

Mr. Speaker, we are supportive of this measure, and I want to commend again my good friend, the gentleman from Illinois, for his leadership in sponsoring this legislation.

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

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

Mr. SHIMKUS. Mr. Speaker, I want to personally thank the gentleman from Utah (Mr. HANSEN) and the ranking member for moving this expeditiously, and I want to join my colleagues in urging the passage of H.R. 5331, which establishes the Frederick Douglass National Memorial Gardens within the District of Columbia.

For years now, many people have asked about the legacy of Frederick Douglass. Certainly it lives on through his family, especially his great great grandson, Frederick Douglass, IV, who I had the pleasure of meeting last week, and it also lives on within each of us because Frederick Douglass bestowed upon us an awesome responsibility to choose the harder right over the easier wrong. He freed himself from slavery and went on to advise President Lincoln, and served as an inspiration to those who yearned to breathe free.

Earlier today, the House passed legislation to appropriate funds for the Abraham Lincoln Presidential Library to be built in Springfield, Illinois. I think that President Lincoln would be pleased that we would honor another hero of the common man by passing this bill to establish the Frederick Douglass National Memorial and Gardens.

Like President Lincoln, Frederick Douglass stands as a reminder of a time when our Nation faced its greatest peril. Through the strength of their resolve and the millions of others who had tasted freedom, our Nation survived and flourished. There are still many issues and problems facing us today, but the foundation they built for us stands strong and allows us the opportunity to meet our challenges together.

Frederick Douglass paved the way for us to better understand the true meaning of the statement that all men are created equal. His legacy lives in each of us, and with the memorial gardens we will ensure that his legacy lives among us as well.

Mr. Speaker, I applaud my colleague, the gentleman from Illinois (Mr. DAVIS), for his forethought in bringing this legislation to the floor, and I want to thank him for bringing me into the fold and allowing me to help him cosponsor this legislation. I also want to thank him for his leadership.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, first of all, let me thank the gentleman from American Samoa for yielding me this time. I also want to thank the ranking member of the subcommittee not only for his diligence but also for his sensitivity in helping to move this legislation forward.

Mr. Speaker, I am pleased to be a principal sponsor of this legislation to honor the renowned 19th century abolitionist leader Frederick Douglass with the National Memorial and Gardens in the Nation's capitol. Without question, Frederick Douglass is an American hero deserving of such honor.

During the course of his remarkable life, Frederick Douglass freed himself from slavery and became internationally renowned for his eloquence in the cause of individual liberty and human rights. Douglass is rightfully regarded as the true father of the civil rights in America and one of profound intellectual thought.

Frederick Douglass published the North Star and Frederick Douglass' Paper, which spread news of the abolitionist movement. His piercing commentary earned him a role as a trusted advisor to President Abraham Lincoln and other American Presidents as the Nation struggled to make good on the promise of emancipation.

Breaking yet another racial barrier, in 1877, Frederick Douglass moved to a house on a hill, Cedar Hill, he called it, in the Anacostia neighborhood of Washington, D.C., where he could look down on the Nation's most historic monuments from the sanctity of his garden.

From his offices in Anacostia in the late 19th century, he published the New National Era, a beacon for a reformed, racially integrated Nation which was to be published, in his words, ''in the interest of the colored people of America; not as a separate class, but as a part of the whole people,'' the American people.

He represented the United States as a foreign diplomat in both Haiti and the Dominican Republic and also served as a member of the Howard University Board of Directors. He resided in Anacostia until his death in 1895, and is remembered by local schoolchildren to this date as the ''Sage of Anacostia.''

In a speech for which he is perhaps most well-known, Frederick Douglass deplored how little democratic ideals had yet extended to his people. By building a national memorial and gardens to Douglass in the Nation's capitol, in the sight line of the U.S. Capitol, we demonstrate that his voice was heard.

America is not finished fighting for a 4th of July that includes all people. By surrounding the memorial with a beautiful garden, we pay tribute to the contemplative side of the man that fed his public passion. We remember a man who understood rightly the nature of true power. He knew the value of power vested in a ''moral majority of one.'' To quote his contemporary, Thoreau, ''And he wielded the power of personal example as his weapon of choice in the greatest moral struggle of modern times.''

The outcome of that struggle could be different if not for the looming presence of Douglass, a man who Langston Hughes said quite simply, ''is not dead,'' and we know what he meant. It would be inappropriate to build a passive memorial of silent, motionless stone. Our most fitting tribute to Douglass is a memorial that will include in its presentation the living,

breathing lives grown out of his life, lives fleshing Douglass' dreams of liberty and inspiring others to manifest the personal qualities of Douglass the man: Integrity, courage, passion, a love for liberty and justice, and a commitment to intellectual excellence.

As a passionate defender of the best of American ideals, Frederick Douglass remains a powerful symbol for our times and a goad to constant vigilance. Freedom is not free, and we would do well to provide a reminder to our children that, as Douglass would say, struggle, struggle, strife and pain are the prerequisites for change. And if there is no struggle, there can be no progress.

Mr. Speaker, this moment would not be possible if it were not for people like those in the Anacostia Garden Club; my colleagues, the gentleman from Illinois (Mr. SHIMKUS), the gentleman from Missouri (Mr. TALENT), and the gentlewoman from the District of Columbia (Ms. NORTON); who all were very instrumental in helping to shape this legislation and bring it to the floor. I thank them for joining as original cosponsors.

Also I thank the Speaker, the gentleman from Illinois (Mr. HASTERT); the gentleman from Alaska (Mr. YOUNG), the ranking member; the gentleman from California (Mr. MILLER), the subcommittee chairman; the gentleman from Utah (Mr. HANSEN); and the ranking member, the gentleman from Puerto Rico (Mr. ROMERO-BARCELO) for their help in getting this matter to the floor.

Finally, I urge all my colleagues to join with us in passing this legislation, not just for Anacostia or Frederick Douglass, IV, but for the entire Nation and for the entire world to see.

Mr. HANSEN. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I rise in support of this effort to pay tribute to a truly, truly great American, Frederick Douglass.

Frederick Douglass has been an inspiration to me throughout my adult life. Let me say that Frederick Douglass was one of the truly great orators in American history, and I have read so much about him in the past. I, of course, was a speech writer for President Reagan, and when I read about Frederick Douglass and how he moved people and changed history with his passion, with his moral passion, I just could not help but admire him so.

And, of course, he was also a gifted writer, and I am a former journalist, and I certainly admire the fact that we have a great orator and a gifted writer who did what? He helped save America from a moral sin. He helped cleanse America. He was a freedom fighter. He was a human rights advocate when the freedom fighters and the human rights advocates needed to work on the United States of America because we needed cleansing from our horrible institution of slavery.

So I am happy to join in this tribute to Frederick Douglass.

Mr. FALEOMAVAEGA. Mr. Speaker, how much time do we have remaining on this side of the aisle?

The SPEAKER pro tempore (Mr. PEASE). The gentleman from American Samoa (Mr. FALEOMAVAEGA) has 13 minutes remaining.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield 8 minutes to the gentlewoman from the District of Columbia (Ms. NORTON), and I also do want to thank the gentleman from Illinois for his most eloquent statement about this great American leader.

Ms. NORTON. Mr. Speaker, I thank the gentleman from American Samoa for yielding me this time and for his work in facilitating this bill to the floor so soon after it was introduced. I also thank the gentleman from Utah (Mr. HANSEN), who has worked with me on similar bills and without whom this bill would certainly not be here so promptly.

I am particularly indebted to my good friends, the gentleman from Illinois (Mr. SHIMKUS) and the gentleman from Illinois (Mr. DAVIS), whose leadership has been central to this bill.

Mr. Speaker, on any list of the 10 greatest Americans of all time Frederick Douglass' name would probably appear. A man of multiple talents and great principle.

Of course, he is known for many on the one hand as the great abolitionist. That is his national-international reputation. Those of us in the District of Columbia call him the Sage of Anacostia, Anacostia and southeast Washington. This much seems clear: Frederick Douglass was the most important black man of the 19th century, just as Martin Luther King is surely the most important black man of the 20th Century.

There are two important differences, though. First, a memorial for Martin Luther King, Jr. is about to come forward on the mall. We are very close to that now. A mall site has been approved, the memorial itself has been approved, yet there is none for Douglass anywhere in the Nation's capitol.

And, secondly, we do not seek a place for Douglass on the mall. To be sure, Douglass deserves a national memorial wherever the greats are sited, but there has been great sensitivity in thinking through where this memorial should sit.

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I thank the original cosponsors with whom I have cosponsored this bill, because, in a very real sense, Douglass belongs with us in the District of Columbia.

Now, the National Park Service maintains a very interesting, wonderfully educational home, the home he called Cedar Hill in Southeast, in Anacostia. If Members have not been there, it is a place you must not avoid. They have set that home up exactly as Douglass left it. It is a great and wonderful mansion that he purchased in historic Anacostia.

It is also in historic Anacostia where the memorial itself belongs, not on the overcrowded mall where with all our hubris we all seek to crowd but in Anacostia, in Southeast, where Douglass lived, where he wrote, and from where he often rode on horseback and even walked to Capitol Hill. He held every conceivable position in the District, U.S. marshal, board of Howard University, recorder of deeds for the District of Columbia. He was a man for all seasons and all nations and he was a man of the District of Columbia. To be sure, a national and international hero and diplomat, but above all, a man of this town.

So it stands to reason that it would be a local group in Anacostia who wishes to raise the funds, working with the National Park Service, for this memorial, of course, with no funds to come from the United States Government.

One of the most appealing aspects of the notion of this memorial is that it is a memorial and gardens, and the sponsor is the Frederick Douglass Gardens. What a wonderful idea, an idea that did not come from us but from the community which has thought about Douglass and his life, how he lived that life, close to the city, close to nature. Supporters, of course, include not only the Frederick Douglass Institute, Frederick Douglass, IV himself, a man who looks strikingly like his great great grandfather, I might add, but also the Anacostia Historical Society and the Anacostia Garden Club; residents of the District of Columbia who studied his life and try to live by his principles.

The preferred site is even more wonderful. Again, it is not some grand site in the middle of the most important part of the memorial, though heaven knows Douglass would deserve such a site were it appropriate in our sight, but it would be, we hope, on Poplar Point.

Where is Poplar Point? Poplar Point is a discarded site where the Architect of the Capitol maintained his greenhouse. There is nothing there now. We have moved the greenhouse. We would like to reclaim it and integrate it as a memorial grove to be kept by the Park Service with some appropriate memorial to the great Frederick Douglass in the gardens, gardens so that people can come not just to watch whatever we put there but to think about his life, to think about where he lived, to think about what Douglass stood for.

I do believe this is the way to do a memorial, Mr. Speaker, at least for this man. It is, as well, a way to spread out the memorials to other historic parts of the District. We all somehow see ourselves close to the Capitol, waving to history. You cannot do it. You cannot fill it up with ourselves. You cannot fill it up with our favorite heroes. Yet much of the District is historic. Not far from the Capitol is where the great historic figures like George Washington and Abraham Lincoln

spent their time, not in this plot of land but in the wonderful plots surrounding the District. That is where Douglass belongs. That is where we want a memorial to him, in another historic part of the District, historic old Anacostia.

We hope it will prove a perfect precedent for memorials for other great men and women. This was a perfect idea. I thank the original cosponsors, and I thank my own constituents here in Washington for giving us an idea that I hope will be repeated to honor great men and women like Frederick Douglass.

Mr. FALEOMAVAEGA. Mr. Speaker, I want to thank the gentlewoman from the District of Columbia for an excellent presentation concerning her support of this legislation. Again I urge my colleagues to support this bill.

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

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

I am also honored to be a part of honoring this great American. If I may be a wee bit political, the gentleman from California tells me he was one of the founders of the Republican Party.

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

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 5331.

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

A motion to reconsider was laid on the table.

EL CAMINO REAL DE TIERRA ADENTRO NATIONAL HISTORIC TRAIL ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 366) to amend the National Trails System Act to designate El Camino Real de Tierra Adentro as a National Historic Trail.

The Clerk read as follows:

S. 366

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''El Camino Real de Tierra Adentro National Historic Trail Act.''

SEC. 2. FINDINGS.

The Congress finds the following:

(1) El Camino Real de Tierra Adentro (the Royal Road of the Interior), served as the primary route between the colonial Spanish capital of Mexico City and the Spanish provincial capitals at San Juan de Los Caballeros (1598–1600), San Gabriel (1600–1609) and then Santa Fe (1610–1821).

(2) The portion of El Camino Real de Tierra Adentro that resided in what is now the United States extended between El Paso, Texas and present San Juan Pueblo, New Mexico, a distance of 404 miles;

(3) El Camino Real is a symbol of the cultural interaction between nations and ethnic groups and of the commercial exchange that made possible the development and growth of the borderland;

(4) American Indian groups, especially the Pueblo Indians of the Rio Grande, developed trails for trade long before Europeans arrived;

(5) In 1598, Juan de Onate led a Spanish military expedition along those trails to establish the northern portion of El Camino Real;

(6) During the Mexican National Period and part of the U.S. Territorial Period, El Camino Real de Tierra Adentro facilitated the emigration of people to New Mexico and other areas that would become the United States;

(7) The exploration, conquest, colonization, settlement, religious conversion, and military occupation of a large area of the borderlands was made possible by this route, whose historical period extended from 1598 to 1882;

(8) American Indians, European emigrants, miners, ranchers, soldiers, and missionaries used El Camino Real during the historic development of the borderlands. These travelers promoted cultural interaction among Spaniards, other Europeans, American Indians, Mexicans, and Americans;

(9) El Camino Real fostered the spread of Catholicism, mining, an extensive network of commerce, and ethnic and cultural traditions including music, folklore, medicine, foods, architecture, language, place names, irrigation systems, and Spanish law.

SEC. 3. AUTHORIZATION AND ADMINISTRATION.

Section 5 (a) of the National Trails System Act (16 U.S.C. 1244 (a)) is amended—

(1) by designating the paragraphs relating to the California National Historic Trail, the Pony Express National Historic Trail, and the Selma to Montgomery National Historic Trail as paragraphs (18), (19), and (20), respectively; and

(2) by adding at the end the following:

''(21) EL CAMINO REAL DE TIERRA ADENTRO.—

''(A) El Camino Real de Tierra Adentro (the Royal Road of the Interior) National Historic Trail, a 404 mile long trail from the Rio Grande near El Paso, Texas to San Juan Pueblo, New Mexico, as generally depicted on the maps entitled 'United States Route: El Camino Real de Tierra Adentro', contained in the report prepared pursuant to subsection (b) entitled 'National Historic Trail Feasibility Study and Environmental Assessment: El Camino Real de Tierra Adentro, Texas-New Mexico', dated March 1997.

''(B) MAP.—A map generally depicting the trail shall be on file and available for public inspection in the Office of the National Park Service, Department of Interior.

''(C) ADMINISTRATION.—The Trail shall be administered by the Secretary of the Interior.

''(D) LAND ACQUISITION.—No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for El Camino Real de Tierra Adentro except with the consent of the owner thereof.

''(E) VOLUNTEER GROUPS; CONSULTATION.—The Secretary of the Interior shall—

''(i) encourage volunteer trail groups to participate in the development and maintenance of the trail; and

''(ii) consult with other affected Federal, State, local governmental, and tribal agencies in the administration of the trail.

''(F) COORDINATION OF ACTIVITIES.—The Secretary of the Interior may coordinate with United States and Mexican public and non-governmental organizations, academic institutions, and, in consultation with the Secretary of State, the government of Mexico and its political subdivisions, for the purpose of exchanging trail information and research, fostering trail preservation and educational programs, providing technical assistance, and working to establish an international historic trail with complementary preservation and education programs in each nation.''.

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

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

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

Mr. Speaker, S. 366 amends the National Trails System Act to designate El Camino Real de Tierra Adentro as a component of the National Trails System. The bill directs the Secretary of the Interior to administer the trail, to encourage volunteer groups to develop and maintain the trail, and also to consult with affected Federal, State, local governmental and tribal agencies in its administration. The bill requires owner consent for any Federal land acquisition along the trail. Additionally, S. 366 authorizes the Secretary to coordinate trail activities and programs with the Government of Mexico as well as Mexican nongovernmental organizations and academic institutions.

I urge my colleagues to support this legislation.

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

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

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

Mr. FALEOMAVAEGA. Mr. Speaker, El Camino Real de Tierra Adentro, or the Royal Road of the Interior, covers more than 400 miles from El Paso, Texas to San Juan Pueblo, New Mexico. The trail was established as a trade route by Native Americans more than 300 years ago and played an important role in the exploration, settlement and economic development of a large section of the American Southwest.

The 103rd Congress commissioned a study of the trail to determine whether or not it met the criteria to be included as part of the National Historic Trails System. The study was completed in 1997 and concluded that such a designation would be appropriate. The final step in this process is the adoption of this legislation now before us today.

The discussion of this trail may seem familiar to some Members. That is because the House has already passed H.R. 2271, sponsored by the gentleman from Texas (Mr. REYES), legislation to complete the designation of this historic trail. However, at the last minute an amendment to the gentleman from Texas' bill was forced through that significantly weakened the bill and created controversy over what had been a noncontroversial piece of legislation to begin with.

Now that cooler heads have prevailed, Mr. Speaker, we are forced to consider the Senate-passed companion version of this legislation as a means of undoing the damage that was done to the gentleman from Texas' bill. This is good legislation, Mr. Speaker. It is unfortunate that my friends in the majority's insistence on a pointless amendment to the House bill has resulted in delaying its enactment.

I urge my colleagues to support the bill. I want to thank my good friend from Utah, the chairman of the Subcommittee on National Parks and Public Lands, for pushing for this legislation to be brought to the floor.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. Hansen) that the House suspend the rules and pass the Senate bill, S. 366.

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

A motion to reconsider was laid on the table.

NORTHERN COLORADO WATER CONSERVANCY DISTRICT LAND CONVEYANCE

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4389) to direct the Secretary of the Interior to convey certain water distribution facilities to the Northern Colorado Water Conservancy District, as amended.

The Clerk read as follows:

H.R. 4389

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

SECTION 1. DEFINITIONS.

In this Act:

(1) CONTRACT.—The term ''contract'' means the contract between the United States and the Northern Colorado Water Conservancy District providing for the construction of the Colorado-Big Thompson Project, dated July 5, 1938 (including any amendments and supplements).

(2) DISTRICT.—The term ''District'' means the Northern Colorado Water Conservancy District.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(4) TRANSFERRED WATER DISTRIBUTION FACILITIES.—The term ''transferred water distribution facilities'' means the North Poudre Supply Canal and Diversion Works, also known as the Munroe Gravity Canal, the Charles Hansen (Supply) Canal and Windsor Extension, and the Dixon Feeder Canal, all of which are facilities of the Colorado-Big Thompson Project located in Larimer County, Colorado.

SEC. 2. CONVEYANCE OF TRANSFERRED WATER DISTRIBUTION FACILITIES.

(a) IN GENERAL.—The Secretary shall, as soon as practicable after the date of enactment of this Act and in accordance with all applicable law, convey to the District all right, title, and interest in and to the transferred water distribution facilities.

(b) SALE PRICE.—

(1) IN GENERAL.—The Secretary shall accept $150,315 as payment from the District and $1,798,200 as payment from the power customers under the terms specified in this section, as consideration for the conveyance under subsection (a). Out of the receipts from the sale of power from the Loveland Area Projects collected by the Western Area Power Administration and deposited into the Reclamation fund of the Treasury in fiscal year 2001, $1,798,200 shall be treated as full and complete payment by the power customers of such consideration and repayment by the power customers of all aid to irrigation associated with the facilities conveyed under subsection (a).

(2) NO EFFECT ON OBLIGATIONS AND RIGHTS.—Except as expressly provided in this Act, nothing in this Act affects or modifies the obligations and rights of the District under the contract.

(3) PAYMENTS.—Except as provided in subsection (c), the District shall continue to make such payments as are required under the contract.

(c) CREDIT TOWARD PROJECT REPAYMENT.—Upon payment by the District of the amount authorized to be accepted from the District under subsection (b)(1), the amount paid shall be credited toward repayment of capital costs of the Colorado-Big Thompson Project in an amount equal to the associated undiscounted obligation for repayment of the capital costs.

SEC. 3. LIABILITY.

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

The SPEAKER pro tempore. Pursuant to the rule the gentleman from Utah (Mr. HANSEN) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

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

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

Mr. Speaker, H.R. 4389 transfers a small component of a much larger project. The larger overall project was built from 1938 to 1957 and called the Colorado-Big Thompson project. The water is used primarily to help irrigate 615,000 acres of northeastern Colorado farmland.

The proposed legislation will divest the Bureau of Reclamation of responsibility for future management, liability and replacement of the North Poudre Supply Canal and Diversion Works, the Charles Hansen Supply Canal and Windsor Extension, and the Dixon Feeder Canal.

An agreement on the sale price has been worked out between the District, the Bureau of Reclamation and Western Area Power Administration for the facilities to be conveyed under this act.

I urge an aye vote on this legislation.

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

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

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

Mr. FALEOMAVAEGA. Mr. Speaker, I will not oppose the provisions of this bill. I ask that my colleagues support this legislation.

Mr. GEORGE MILLER of California. Mr. Speaker, while I will not oppose H.R. 4389, I will note that this project transfer bill does not in my view represent good stewardship of a valuable Federal asset. The bill is full of generalities, and the United States and taxpayer-owners get practically nothing out of this deal. No environmental benefits will result from this transfer, and public involvement opportunities are minimal. My formal views on H.R. 4389 are set forth in the Committee Report accompanying the bill.

The bill mandates conveyance without first allowing the Secretary to determine whether such a conveyance is in the public interest. The bill should, instead simply authorize the conveyance so the Secretary can make such a determination.

The bill does not provide for local public involvement prior to final action on the transfer.

The bill fails to provide for environmental protection and enhancement. Environmental protection and enhancement are the appropriate quid pro quo to mitigate for post-transfer loss of federal control and applicability of most federal laws.

Finally, H.R. 4389 creates a fixed ''sale price'' prior to knowing the details of the transfer. The United States should negotiate a fair price for the conveyance only after the terms and conditions of transfer are established through negotiations with local stakeholders.

Transfers of Western water projects to local beneficiaries are not inherently bad, but H.R. 4389 should not be used as a template for future transfers. These projects are publicly-owned, and taxpayer interests should be recognized and protected.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 4389, as amended.

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

A motion to reconsider was laid on the table.

VETERANS' ORAL HISTORY PROJECT ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5212) to direct the American Folklife Center at the Library of Congress to establish a program to collect video and audio recordings of personal histories and testimonials of American war veterans, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5212

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Veterans' Oral History Project Act''.

SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds as follows:

(1) Military service during a time of war is the highest sacrifice a citizen may make for his or her country.

(2) 4,700,000 Americans served in World War I, 16,500,000 Americans served in World War II, 6,800,000 Americans served in the Korean Conflict, 9,200,000 Americans served in the Vietnam Conflict, 3,800,000 Americans served in the Persian Gulf War, and countless other Americans served in military engagements overseas throughout the 20th century.

(3) The Department of Veterans Affairs reports that there are almost 19,000,000 war veterans living in this Nation today.

(4) Today there are only approximately 3,400 living veterans of World War I, and of the some 6,000,000 veterans of World War II alive today, almost 1,500 die each day.

(5) Oral histories are of immeasurable value to historians, researchers, authors, journalists, film makers, scholars, students, and citizens of all walks of life.

(6) War veterans possess an invaluable resource in their memories of the conflicts in which they served, and can provide a rich history of our Nation and its people through the retelling of those memories, yet frequently those who served during times of conflict are reticent to family and friends about their experiences.

(7) It is in the Nation's best interest to collect and catalog oral histories of American war veterans so that future generations will have original sources of information regarding the lives and times of those who served in war and the conditions under which they endured, so that Americans will always remember those who served in war and may learn first-hand of the heroics, tediousness, horrors, and triumphs of war.

(8) The Library of Congress, as the Nation's oldest Federal cultural institution and largest and most inclusive library in human history (with nearly 119,000,000 items in its multimedia collection) is an appropriate repository to collect, preserve, and make available to the public an archive of these oral histories. The Library's American Folklife Center has expertise in the management of documentation projects and experience in the development of cultural and educational programs for the public.

(b) PURPOSE.—It is the purpose of this Act to create a new federally sponsored, authorized, and funded program that will coordinate at a national level the collection of video and audio recordings of personal histories and testimonials of American war veterans, and to assist and encourage local efforts to preserve the memories of this Nation's war veterans so that Americans of all current and future generations may hear directly from veterans and better appreciate the realities of war and the sacrifices made by those who served in uniform during wartime.

SEC. 3. ESTABLISHMENT OF PROGRAM AT AMERICAN FOLKLIFE CENTER TO COLLECT VIDEO AND AUDIO RECORDINGS OF HISTORIES OF VETERANS.

(a) IN GENERAL.—The Director of the American Folklife Center at the Library of Congress shall establish an oral history program—

(1) to collect video and audio recordings of personal histories and testimonials of veterans of the armed forces who served during a period of war;

(2) to create a collection of the recordings obtained (including a catalog and index) which will be available for public use through the National Digital Library of the Library of Congress and such other methods as the Director considers appropriate to the extent feasible subject to available resources; and

(3) to solicit, reproduce, and collect written materials (such as letters and diaries) relevant to the personal histories of veterans of the armed forces who served during a period of war and to catalog such materials in a manner the Director considers appropriate, consistent with and complimentary to the efforts described in paragraphs (1) and (2).

(b) USE OF AND CONSULTATION WITH OTHER ENTITIES.—The Director may carry out the activities described in paragraphs (1) and (3) of subsection (a) through agreements and partnerships entered into with other government and private entities, and may otherwise consult with interested persons (within the limits of available resources) and develop appropriate guidelines and arrangements for soliciting, acquiring, and making available recordings under the program under this Act.

(c) TIMING.—As soon as practicable after the enactment of this Act, the Director shall begin collecting video and audio recordings under subsection (a)(1), and shall attempt to collect the first such recordings from the oldest veterans.

SEC. 4. PRIVATE SUPPORT.

(a) ACCEPTANCE OF DONATIONS.—The Librarian of Congress may solicit and accept donations of funds and in-kind contributions to carry out the oral history program under section 3.

(b) ESTABLISHMENT OF SEPARATE GIFT ACCOUNT.—There is established in the Treasury (among the accounts of the Library of Congress) a gift account for the oral history program under section 3.

(c) DEDICATION OF FUNDS.—Notwithstanding any other provision of law—

(1) any funds donated to the Librarian of Congress to carry out the oral history program under section 3 shall be deposited entirely into the gift account established under subsection (b);

(2) the funds contained in such account shall be used solely to carry out the oral history program under section 3; and

(3) the Librarian of Congress may not deposit into such account any funds donated to the Librarian which are not donated for the exclusive purpose of carrying out the oral history program under section 3.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act—

(1) $250,000 for fiscal year 2001; and

(2) such sums as may be necessary for each succeeding fiscal year.

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

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

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

Mr. Speaker, H.R. 5212 was introduced by the gentleman from Wisconsin (Mr. KIND) and the gentleman from New York (Mr. HOUGHTON) and has 230 cosponsors. The bill creates a recording program within the American Folklife Center at the Library of Congress to collect videotaped histories of American war veterans.

There are 19 million veterans in the United States, but only about 3,400 remaining who served in World War I. As the bill points out, of the 6 million World War II vets alive today, almost 1,500 die each day. We are currently observing the 50th anniversary of the Korean conflict.

This program will ensure that future generations have access to the memories and experiences of veterans acquired during their service to the Nation. These individual stories will provide historians with invaluable information to give context to some of the greatest moments in our history and some of the most tragic. It will also provide the public with a way to remember and celebrate the sacrifices made by the men and women who have fought to protect our freedom.

The Library of Congress, through the National Digital Library, Local Legacies program and other activities has developed the capability to digitize materials collected and to make them available to all Americans through the Library's Web pages so that the greatest number of Americans can benefit from the memories of our veterans.

Mr. Speaker, unfortunately the lead cosponsor of this legislation the gentleman from New York (Mr. HOUGHTON) could not be here for floor debate at this time. I will ask as part of general leave that his written statement on this bill be made part of the RECORD.

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

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume. I thank the distinguished gentleman from Utah for his comments and his undertaking the responsibility to make sure this bill passes in a timely fashion. He is one of the good Members of this body and is always there when you need him.

Mr. Speaker, it is an honor to speak in support of H.R. 5212, as amended, the Veterans' Oral History Project Act. The manager's amendment in my opinion has strengthened an already good bill and I want to thank the gentleman from California (Mr. THOMAS), certainly the gentleman from Wisconsin (Mr. KIND), and the gentleman from New York (Mr. HOUGHTON) for all their work in getting this legislation to the floor.

This bill directs the American Folklife Center, as the gentleman from Utah said, at the Library of Congress to establish a program to collect video and audio of personal histories and testimonials of America's war veterans.

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Our war veterans include 19 million men and women who risked their lives so that this bold experiment in democracy could flourish. Their record of valor, courage, and bravery is unmatched in world history.

The numbers of men and women, Mr. Speaker, who have served our Nation is staggering: 4.7 million in World War I; 16.5 million in World War II; 6.8 million in the Korean War; 9.2 million in the Vietnam War; and 3.8 million in the Persian Gulf War. Of these veterans, almost 19 million are still with us today. In my district, there are more than 11,000 military retirees.

Though these numbers are astounding, the veterans' stories and achievements are even more remarkable.

Among these 19 million nationwide and 11,000 in Maryland's fifth district are the Doughboys, who broke the German resistance at Meuse-Argonne and forged victory in World War I; the brave paratroopers who jumped behind enemy lines and the courageous soldiers who charged the beaches of Normandy; the men who endured the vicious fighting in the Pacific theater, including five brutal months at Guadalcanal.

These veterans climbed Pork Chop Hill and endured the losses at Heartbreak Ridge in the Korean War, a war, Mr. Speaker, whose 50th anniversary we are honoring this year.

They quietly patrolled the rivers in search for a hidden enemy in the jungles of Vietnam.

These 19 million veterans saw their countrymen fall around them; yet they continued to march forward. They continued to fight, not for their personal glory, but for our freedom. By passing this bill, Mr. Speaker, we allow their firsthand accounts to become part of our Nation's history.

It is imperative that we act soon, tonight. The Department of Veterans Affairs estimates that 572,000 veterans will die this year, including an estimated 1,500 World War II veterans each day, as the gentleman from Utah (Mr. HANSEN) pointed out. As we lose these men and women of courage, we also lose their stories of valor and honor. We must make every effort to learn their stories. These remembrances will help not only those interested in America's past; they will guide those who will lead America's future.

Mr. Speaker, I would like to congratulate two of our body, the gentleman from Wisconsin (Mr. KIND), a Democrat, and the gentleman from New York (Mr. HOUGHTON), a Republican, two distinguished Representatives in this body, who have joined together to make sure that we remember and that generations yet to come will remember.

Mr. Speaker, I am pleased to ask unanimous consent to yield the balance of my time to the gentleman from Wisconsin (Mr. KIND), a distinguished leader on this legislation, whose efforts, along with those of the gentleman from New York (Mr. HOUGHTON), have resulted in this being on the floor and on the front lobes of our brains tonight, and ask that he be allowed to control this time.

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

There was no objection.

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

Mr. Speaker, first of all I want to thank my friend and colleague from Utah for agreeing to call up this legislation tonight and sticking around, even though we are approaching the debate hour in this town. But I also want to thank the gentleman from California (Chairman THOMAS) and his majority staff of the Committee on House Administration, and the ranking member, the gentleman from Maryland (Mr. HOYER) and his staff, for all the help and cooperation and support they have shown in regards to this legislation that my friend and colleague, the gentleman from New York (Mr. HOUGHTON), and I introduced just a couple of weeks ago.

Mr. Speaker, this legislation is very simple, but I believe it is very important; important if this country has an interest in preserving our history. What this legislation basically does is directs the Library of Congress to establish a national archives for the collection and preservation of the oral history through videotape testimony of our veterans who are still with us today.

Now that we have the technology to do it, I believe this Nation should make every conceivable effort to try to preserve this very important piece of American oral history before it is too late, as the gentleman from Maryland (Mr. HOYER) already indicated.

Time is of the essence. We have roughly 19 million veterans who are still with us today. Of that number, slightly more than 6 million are from the Second World War generation. They are passing away at roughly 1,500 a day, and with them go their memories.

Recently, I have encountered a lot of veterans of the Second World War and the Korean generation who have been more willing to speak about their experiences in the twilight of their years. I have also encountered many family members who regret today the fact that they did not take time to videotape their loved ones, their father or mother or grandparents, in regards to their experience during these great conflicts that shaped the 20th century.

Earlier this year, in April, this Congress declared the American GI as the Person of the Century because of the profound influence and impact they had on the course of human events in the 20th century. I do not think we can honor them any better than by trying to preserve their memories.

What I envision ultimately once this project gets established and implemented is that children in the 22nd, 23rd, or even the 24th century, will be able to access through the Internet the videotaped statements of their great-great-great-grandfather or grandmother who served during the Second World War or Korean War or the Viet Nam War or the Gulf War. What an incredibly powerful history lesson that would be, and for future historians being able to research this part of history by using firsthand accounts from the videotape testimony we are going to be able to collect and preserve for future generations.

The Library of Congress is uniquely situated to handle this project. They have an American Folk Life Center which is already taking videotape testimony of community leaders across the country asking them how they would like their communities to be remembered 100 or 200 years from now. So they have the expertise, and they have the technology. They are moving to digitize virtually everything contained at the Library of Congress now, and once we are able to start collecting these videotapes, they are going to be able to index it, digitize it, and make it available over the Internet for anyone interested in learning this part of our Nation's history.

I also envision the help of a lot of family members and encourage their support in videotaping their loved ones, veterans who served in foreign conflicts, members of the VFW, American Legion Halls, who can set up videotaping places within their halls, encouraging veterans to come in and share their story. Class projects, students going out and actually videotaping and interviewing these veterans on tape for educational benefit, and these videotape collections being saved for the family archives purposes for community libraries, or historical societies, but ultimately a copy being sent out to the Library of Congress so we can index it, digitize it and make it available for future generations.

I think this is a worthwhile project, one that will require the cooperation of countless people across the country, but especially from our veterans, who can leave an incredible gift, a gift that will keep on giving to generation after generation, by stepping forward and talking about their experiences in these conflicts that made this Nation the great Nation that it is today.

So I want to again thank the gentleman from New York (Mr. HOUGHTON) for all of his work and efforts put into this project. Unfortunately, he had a death in the family tonight, so he is not here to speak in person in favor of the bill. But I want to thank him for being the lead cosponsor on the Veterans Oral History Project. We have worked together on several pieces of good bipartisan legislation, and I am pleased to have joined forces with him yet again today. The gentleman from New York (Mr. HOUGHTON) himself is a veteran of the Second World War. He served as a private first class in the United States Marine Corps; and, with any luck, we are going to be able to encourage him and the other veterans in this place to also participate in this important project. But it is going to require a collective effort to do so, and to do it well.

Mr. Speaker, I also want to thank the author Stephen Ambrose for the support he has shown on the recommendations that he has made in support of the veterans oral history project.

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

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

Mr. Speaker, I appreciate the remarks of the gentleman from Maryland (Mr. HOYER) and the gentleman from Wisconsin (Mr. KIND) on this very worthy piece of legislation.

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

Mr. KIND. Mr. Speaker, I yield myself such time as I may.

Mr. Speaker, I also want to thank a few other people who have been instrumental in the creation of this legislation. Senators MAX CLELAND and CHUCK HAGEL have introduced this bill on the Senate side, and we are hoping towards the tail-end of their session we will be able to bring this up under unanimous consent and see it moved through the United States Senate. They have been instrumental in being able to move this on the Senate side.

I also want to thank, in particular, Steve Kelly and Winston Tabb at the Library of Congress for providing invaluable assistance in the development of the project and for their enthusiasm they have shown for this project.

I want to thank the Veterans of Foreign Wars and the American Legion for their support so far in what we anticipate to be a great partnership with those key and important organizations.

I also want to thank Jeff Mazur on my staff, who has sat through countless numbers of meetings and countless number of drafts of this legislation in order to shape it and get it to a point where we were successful in speaking to our colleagues and obtaining close to 250 original cosponsors for this legislation.

But, most of all, I want to thank the veterans of this Nation, those who I personally spoke to and who inspired me and those who I am sure the rest of my colleagues have had an opportunity to meet with and talk to and listen to them tell their stories. Without them, obviously, we would not be enjoying the freedoms and the liberties that we enjoy today. Again, with their support we can make this project what it was intended to be, a living legacy of their service to our country and a gift to future generations.

Mr. HOUGHTON. Mr. Speaker, this is a solid, basic bill—with a great purpose.

It is to help honor and remember those Americans who used solid, basic values to perform exceptionally and serve great purposes on behalf of our nation.

Now veterans are modest people. They don't boast. They are matter-of-fact. They feel they ''did their job''. But the fact is that they did remarkable things—things that we must always remember.

This project will see to that. How?

Simply put, history often records the momentous events. But those momentous events are made up of countless individual storylines. Individual storylines that couldn't all fit into current history books or TV documentaries—stories that need their own archive. This bill will allow the Library of Congress to create such an archive—an archive of videotaped testimonials of the veterans themselves, telling their own stories.

If those stories are not told, recorded, studied, preserved—we risk losing them, and all that they teach us.

This project will seize the moment before us—before too much time has gone by—to go to our veterans and learn of duty, heroism, sacrifice, fear, humor, patriotism, comradeship, compassion . . . and of darker things and times, almost unspeakable things—and how ordinary Americans stood up to resist them.

Those are lessons we must impart to the next generation. Today, we are helping to see that great purpose is served.

Mrs. MCCARTHY of New York. Mr. Speaker, I rise in support of Congressman KIND and Congressman HOUGHTON's bill that allows the public to hear our history directly from the men and women who fought to preserve it.

America's war veterans will be offered the opportunity to share their experiences first-hand by providing an oral history to the Library of Congress.

Most of our history is found in books usually written by those who witnessed or played an active role in the events that made this country what it is today.

Well, this legislation goes a step further and puts a face to the name by video-taping the recollections of our veterans' time in service.

But this bill actually does much more. It allows students, as well as the community, to get involved and learn more about their local veterans.

To actually speak to a veteran who fought for this country, and hear about the events first-hand is the best history lesson anyone can receive.

On Long Island, we have thousands of veterans who answered their country's call to duty and are proud to share their experiences with today's youth.

As someone who lived through the Vietnam era, I remember what a difficult time it was for our country.

I remember watching many of our soldiers leaving to fight with the chance of not returning. Unfortunately, many did not.

For those that made it home, this is an opportunity to talk about the experiences and the sacrifices they endured during this time and share them with the country.

I'd like to commend Representative KIND and Representative HOUGHTON for taking the initiative in drafting this legislation and urge my colleagues to support the measure.

Mr. GILMAN. Mr. Speaker, I rise today in strong support of H.R. 5212 the Veterans Oral History Project Act of 2000. I urge my colleagues to lend this timely and important legislation their support.

This bill would authorize a program within the Library of Congress to supervise and facilitate the collecting of personal histories and recollections of American combat veterans.

These personal histories will include both oral testimony recorded on video-tape, as well as written letters and testimonials from veterans.

As a World War II veteran, I am deeply aware of the importance of my generation recording its stories for those future generations yet unborn.

American veterans played a unique and defining role in shaping the events of the 20th century. The American citizen soldier was responsible for defending the cause of freedom from German aggression in 1917, Nazi tyranny and Japanese imperialism in 1942, and Communist invasion in 1950.

Today, many of these veterans are passing on. There are less than 3,500 World War I veterans alive today, out of a fighting force of over 4.5 million. Moreover, almost 1,500 World War II veterans die each day.

It is vitally important that we gather as many of their personal stories before they are lost to us forever.

This legislation is a good first step toward meeting that goal. It will both help ensure that future generations remember the contributions of those who served in combat, as well as to preserve the triumphs of the citizen soldier over evil in America's 20th century conflicts.

I urge my colleagues to join in supporting this bill.

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

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

The question was taken.

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

The yeas and nays were ordered.

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

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and add extraneous material on H.R. 5212, as amended.

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

There was no objection.

RUSSIAN ANTI-SHIP MISSILE NONPROLIFERATION ACT OF 2000

Mr. ROHRABACHER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4022) regarding the sale and transfer of Moskit anti-ship missiles by the Russian Federation.

The Clerk read as follows:

H.R. 4022

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Russian Anti-Ship Missile Nonproliferation Act of 2000''.

SEC. 2. PURPOSE.

The purpose of this Act is to prohibit the forgiveness or rescheduling of any bilateral debt owed by the Russian Federation to the United States until the Russian Federation has terminated all sales and transfers of Moskit anti-ship missiles that endanger United States national security.

SEC. 3. FINDINGS.

The Congress makes the following findings:

(1) In February 2000, the first of two Russian-built Sovremenny-class destroyers sold to the People's Republic of China arrived in the Taiwan Strait, manned by a mixed Russian and Chinese naval crew. Currently, the Russian and Chinese Governments are discussing the sale of 2 additional Sovremenny destroyers.

(2) Within weeks after the arrival of the destroyers, the Russians are scheduled to transfer the first of several of the ship's most lethal weapon, the radar-guided Moskit (also known as Sunburn) anti-ship missile, which can carry either conventional or nuclear warheads.

(3) The supersonic Moskit missile, which can be mounted on a naval or mobile land platform, was designed specifically to destroy American aircraft carriers and other warships equipped with advanced Aegis radar and battle management systems. The United States Navy considers the missile to be extremely difficult to defend against.

(4) The Moskit missile has an over-the-horizon range of 65 miles and can deliver a 200-kiloton warhead in under 2 minutes. One conventional Moskit missile can sink a warship or disable an aircraft carrier, causing the deaths of hundreds of American military personnel.

(5) The Russian Federation is helping the air force of the People's Liberation Army to assemble Sukhoi Su–27 fighter aircraft, which are capable of carrying an air-launched version of the Moskit missile, which has a longer range than the sea-launched version. The Russian Federation is reportedly discussing the sale of air-launched Moskit missiles to the People's Republic of China.

(6) Land-, sea-, or air-launched Moskit missiles raise the potential for American casualties and could affect the outcome in any future conflict in the Taiwan Strait or South China Sea. The transfer of the missile by China to Iran or other belligerent nations in the Persian Gulf region would increase the potential for conflict and for American casualties. A Moskit missile mounted on a mobile land platform would be difficult to locate and could wreak havoc on the coastline of the Straits of Hormuz.

SEC. 4. PROHIBITION OF DEBT FORGIVENESS.

(a) PROHIBITION.—Notwithstanding any other provision of law, the President shall not reschedule or forgive any outstanding bilateral debt owed to the United States by the Russian Federation, until the President certifies to the Congress that the Russian Federation has terminated all transfers of Moskit anti-ship missiles that endanger United States national security, particularly transfers to the People's Republic of China.

(b) WAIVER.—The President may waive the application of subsection (a) if the President determines and certifies to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate that such waiver is vital to the national security interest of the United States.

SEC. 5. REPORTS ON THE TRANSFER BY RUSSIA OF MOSKIT MISSILES.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act and every 6 months thereafter, until the certification under section 4, the President shall submit to the Committee on International relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report identifying the status of any contract and the date of the transfer of any version of the Moskit missile, particularly transfers to the People's Republic of China, occurring on or after February 1, 2000.

(b) SUBMISSION IN CLASSIFIED FORM.—Reports submitted under subsection (a), or appropriate parts thereof, may be submitted in classified form.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ROHRABACHER) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

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

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

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

Mr. Speaker, in February 2000, just the beginning of this year, a Russian-built Sovremenny class destroyer sailed through the Taiwan Strait with a mixed Russian and Communist Chinese crew, and the ship sailed to its new home in southeast China.

The ship's most lethal weapon was the supersonic SSN–22 Moskit missile, also known as the Sunburn missile, which was developed by Russia during the Cold War to destroy U.S. aircraft carriers and Aegis class warships.

On his recent visit to Beijing, leaders of the Chinese People's Liberation Armed Forces told Admiral Dennis Blair, Chief of U.S. Pacific Command, that if U.S. aircraft carriers once again sailed close to the Taiwan Strait, just as they did during the cross-Strait tensions of 1996, that the People's Liberation Army would fight a battle ''at any cost.''

□ 2045

The Moskit missiles now allow the Communist Chinese Navy to make such threats against the U.S. Navy's most powerful platforms, and they allow the Communist Chinese to endanger the lives of thousands of American service personnel. The Moskit missiles, which can be mounted on ships or on land-based mobile platforms, can carry either conventional or nuclear warheads. A new version is being developed to be fired from jet fighters. It is the most dangerous antiship missile, the Russians and now the Communist Chinese have in their fleet.

Our Navy admittedly has limited ability to defend itself against this 20 kilo-ton nuclear-capable weapon, a payload, I might add, that surpasses the bomb that was dropped on Hiroshima during World War II, and they can hit an American target at a range of up to 65 nautical miles.

Each destroyer that the Russians are transferring to the Communist Chinese carries 8 Moskit missiles. This arsenal could destroy an entire U.S. aircraft carrier battle group, killing thousands of American service personnel.

China is scheduled to receive at least three more of these Sovremenny destroyers at the end of 2001. The next delivery is scheduled during the end of this year. Each ship will have a component of at least 18 of these deadly missiles.

H.R. 4022 seeks to deter the Russians from transferring these missiles to the Communist Chinese or any other nation or organization that would endanger U.S. naval vessels. The resolution prohibits the rescheduling of any outstanding bilateral debt owed to the United States by Russia, until the President of the United States certifies that the Russian Federation has terminated all transfers of these deadly antiship missiles that would endanger not only U.S. national security but the lives of thousands upon thousands of our naval personnel.

Mr. Speaker, the resolution does not affect U.S. support for reform and humanitarian aid to Russia. It does not affect U.S. assistance to the Nunn-Lugar program. In fact, it gives Russian leaders the choice of whether they prefer selling these deadly weapon systems to the potential enemies of the United States, or whether they instead would prefer us to have bilateral debt restructuring and forgiveness, something that would help them out.

This choice makes sense, and it makes sense for us to offer the Russian leadership this choice. Thousands of lives of our brave men and women in uniform who are serving in the Asia-Pacific Theater depend on our vote. And why should we be restructuring Russia's debt, giving them the benefit of not having to pay the money that they owe, if they are going to use that economic largesse on our part to provide deadly weapons that are aimed at one purpose, and one purpose only, the destruction of U.S. naval vessels and the killing of naval personnel, of U.S. naval personnel. I urge my colleagues to support this resolution.

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

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

Mr. Speaker, I rise in support of this legislation. Russian sales of Moskit antiship missiles to the PRC pose a great threat to the security of Taiwan and to our country. These missiles arrived in China at a time when the mainland has enormously increased the number of other types of missiles on China's coast facing Taiwan.

Taiwan is a vibrant democracy and a key economic player in the Asia-Pacific region, and it is unacceptable that the PRC continues to boast to the world about its missile threat to Taiwan and, by extension, of the United States.

When this legislation was first marked up in our committee, we expressed concerns that the bill did not give the President sufficient flexibility to balance the national security implications of this complicated situation.

On one hand, China's possession of these missiles poses a danger to our Navy and the Taiwan Straits. On the other hand, Russia may need to seek a comprehensive multilateral agreement to deal with its debt burden in the future, without which it may face the prospect of default to key western governments. A Russian default could even force the Russians to sell more missiles to China and to other countries which obviously are of a concern to the United States.

We must balance, Mr. Speaker, the national security implications posed by Russia's missile sales to China with those posed by a further destabilized economic situation in Russia.

For this reason, the committee agreed to an amendment giving the President the national security interest waiver. This waiver allows the President the flexibility to protect adequately U.S. national security interests in this situation.

Mr. Speaker, it is hoped that the President will not need to use this

waiver. Russia should take a careful look at the strong support for this legislation in this House and decide the continued sales of Moskit missiles to China are not in Russia's interests.

Mr. Speaker, I urge my colleagues to support the bill.

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

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

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from California (Mr. ROHRABACHER) that the House suspend the rules and pass the bill, H.R. 4022, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROHRABACHER. 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. 4022, as amended.

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

There was no objection.

EXPRESSING SENSE OF CONGRESS REGARDING TAIWAN'S PARTICIPATION IN THE UNITED NATIONS

Mr. ROHRABACHER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H.Con.Res. 390) expressing the sense of the Congress regarding Taiwan's participation in the United Nations, as amended.

The Clerk read as follows:

H. CON. RES. 390

Whereas Taiwan has dramatically improved its record on human rights and routinely holds free and fair elections in a multiparty system, as evidenced most recently by Taiwan's second democratic presidential election of March 18, 2000, in which Mr. Chen Shui-bian was elected as president;

Whereas the 23,000,000 people on Taiwan are not represented in the United Nations and many other international organizations, and their human rights as citizens of the world are therefore severely abridged;

Whereas Taiwan has in recent years repeatedly expressed its strong desire to participate in the United Nations and other international organizations;

Whereas Taiwan has much to contribute to the work and funding of the United Nations and other international organizations;

Whereas the world community has reacted positively to Taiwan's desire for international participation, as shown by Taiwan's membership in the Asian Development Bank and Taiwan's admission to the Asia-Pacific Economic Cooperation group as a full member and to the World Trade Organization as an observer;

Whereas the United States has supported Taiwan's participation in these bodies and, in the Taiwan Policy Review of September 1994, declared an intention of a stronger and more active policy of support for Taiwan's participation in appropriate international organizations;

Whereas Public Law 106–137 required the Secretary of State to submit a report to the Congress on administration efforts to support Taiwan's participation in international organizations, in particular the World Health Organization; and

Whereas in such report the Secretary of State failed to endorse Taiwan's participation in international organizations and thereby did not follow the spirit of the 1994 Taiwan Policy Review: Now, therefore, be it

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

(1) Taiwan and its 23,000,000 people deserve appropriate meaningful participation in the United Nations and other international organizations such as the World Health Organization; and

(2) the United States should fulfill the commitment it made in the 1994 Taiwan Policy Review to more actively support Taiwan's participation in appropriate international organizations.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ROHRABACHER) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

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

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

Mr. Speaker, the people of Taiwan have proved that freedom and democracy are not just American ideals, not just European ideals, they are the universal principles that apply to every individual, to every community and every nation as our Founding Fathers stated, that we look at the rights as being God given to all people on this planet.

The United States State Department's report on the Taiwan Policy Review 1994 clearly stated that the U.S. should more actively support Taiwan's membership in international organizations, because Taiwan has lived up to the ideals that we expect of democracies. And President Clinton, however, has not used our influence in international bodies to try to insist that Taiwan be able to participate in these organizations. Congressional support for Taiwan is solid.

Taiwan has made enormous strides towards becoming a full democracy, as I stated, and it is unreasonable for the people of Taiwan to be excluded from the full participation in international organizations due to threats from mainland China. Unfortunately, what we have today is a Communist dictatorship headed by gangsters who have never been elected to anything, who are making demands upon us to mistreat a democratically elected government in Taiwan.

It is embarrassing that our administration seems to be kowtowing to that type of pressure. The United States has supported Taiwan's membership in the Asian Development Bank and its admission to the Asian-Pacific Economic Cooperation group. Extending United Nations and World Health Organization membership is the next step in demonstrating U.S. support for Taiwan and a United States commitment to those people around the world who believe in democracy and freedom and liberty and justice and have actually moved to make sure their country, as Taiwan has done, enshrines those ideals.

China's continued harassment and intimidation of Taiwan also underlines the urgency and necessity of Taiwan's participation in the United Nations. Taiwan currently does not have access to the United Nations Security Council, and the forum countries whose safety is in jeopardy and they must turn to. Not only that, but after Taiwan has joined the United Nations' responsibility for Taiwan safety and security, it will be shifted solely to the United States as laid down in the 1979 Taiwan's Relations Act to the international community.

Mr. Speaker, I would ask my colleagues to support this legislation, and in doing so, strike a very solid note that can be heard around the world in the halls of the dictatorships in Beijing but also in the halls of democracy in Taiwan and in those countries that are struggling to be free that shows the United States is on the side of democracy and democratic people.

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

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

Mr. Speaker, I rise in support of the resolution. Taiwan's 40-year journey toward democracy is one of the 20th century's great success stories. The people of Taiwan have proved to the whole world that freedom and democracy are not just American ideals; they are universal principles that apply to every individual, to every community and to every Nation.

We must take steps to reward nations like Taiwan that are making such great progress towards democracy.

Mr. Speaker, I dream of a day when Taiwan is a contributing member of the World Trade Organization, the World Health Organization and the United Nations. I dream of a day when the U.S. will replace its one China policy with a policy of one China, one Taiwan, one Tibet.

H.Con.Res. 390 recognizes that Taiwan and its 23 million people deserve to participate in the UN and other international organizations, such as the World Health Organization.

The U.S. should fulfill its commitment made in the 1994 Taiwan Policy Review to more actively support Taiwan's membership in organizations such as the UN and the WHO. This legislation has received broad bipartisan support, 86 colleagues from both sides of the aisle have cosponsored this bill.

Taiwan's growing regional and global significance demands a more active and thoughtful U.S. policy. Our ties with Taiwan must encompass all aspects of Taiwan's security, trade relations and support for the right of self-

determination for the people of Taiwan.

Mr. Speaker, I look forward to the day when the people of Taiwan replace their observance of 10–10 with President Lee's July 9 call for state-to-state relations with the People's Republic of China. One day I hope July 9th will be as important to the Taiwanese people as July 4th is to us.

Mr. Speaker, so much still remains to be done. If the U.S. believes so strongly in self determination and the freedom for all people, we must support Taiwan in its struggle to become an independent democracy. The U.S. must immediately abandon its misguided one China policy. Mr. Speaker, I ask support for the resolution.

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

Mr. ROHRABACHER. Mr. Speaker, I ask unanimous consent to yield the balance of my time to the gentleman from Colorado (Mr. SCHAFFER) to control the time.

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

There was no objection.

Mr. SCHAFFER. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Speaker, it is an honor to be here tonight to support my friend, the gentleman from Colorado (Mr. SCHAFFER), who has introduced this important resolution and to the gentleman from California (Mr. ROHRABACHER), the gentleman from Ohio (Mr. BROWN), champions of human rights around the world.

It is frustrating that we even have to debate a resolution like this, as to whether a free country, where they have just proven the ultimate test to democracy, and that is can a long-time power like in Taiwan and like in Mexico, where parties were in power for so many years we wondered whether it was a real democracy. But in fact, they made it a peaceful transition. The economy has not really changed.

The basic institutions in the society are sound like they are in America. And Taiwan is a model of what we should be looking at. If we look at them, they have been successful in high tech. They are one of our major trading partners, important in Indiana, and important in the Midwest and important to all the United States of America. The second largest trading partner with Japan, in fact, a major investor in trade with mainland China.

When we look at it, economically they are what we wanted. Politically they have undergone a transformation of power successfully without violence; that is what we ask of the world. They have religious freedom in their country with diverse religions, without warring, much of what we do not see from other member states of the United Nations.

They supported financially different foreign aid projects such as in Kosovo, even though they are not allowed to be in the United Nations, and we look at it and say what exactly do we want out of a country, what can we demand of these people that they are not delivering? Why in the world would an organization like the United Nations often full of states that are actually controlled by another state, states that are in constant disarray, where democracy is not practiced, where human rights are not practiced, and yet we let them in the United Nations and we will not let Taiwan. What is it that is so intimidating us and other nations of the world.

□ 2100

What is it that is so intimidating us and other nations of the world?

Well, we have undergone a transformation in our relationships with the People's Republic of China. It is clear, as the world's largest nation, that we are going to continue to have some sort of a relationship that we need to work through with this giant nation. But that does not give them the right to push around and deny the rights to others such as Taiwan.

I stand here tonight in strong support of this resolution.

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

Mr. Speaker, Taiwan has played a positive role in promoting world trade and eradicating poverty and in advancing human rights, a fact that merits recognition by members of the United Nations.

Taiwan has a population of 23 million and has a democratic system of government, but above all, it is a peace-loving nation which is able and willing to carry out the obligations contained in the charter of the United Nations.

Today the people of Taiwan enjoy a high degree of freedom and democracy. Taiwan held its first presidential election in March of 1996, the first time in history that Taiwan elected its highest leader by a popular vote.

In March of 2000, Mr. Chen Shui-bian of the Democrat Progressive Party was elected in the second direct presidential election, marking the first ever change of political parties for the Taiwan presidency.

Since Mr. Chen's inauguration on May 20 of this year, the people of Taiwan have witnessed a peaceful transition of power as a result of a democratic election.

Taiwan is one of the most successful examples of economic development in the 21st century, and is now the world's 19th largest economy in terms of gross national product, and the 14th most important trading country where the United States is concerned. It is also a major investor in East Asia, and possesses the third largest amount of foreign reserves in the world.

Taiwan is also a humanitarian-minded country. Over the years, it has sent over 10,000 experts to train technicians all over the world, especially in countries of Asia, the South Pacific, Latin America, and Africa to help develop agriculture, fisheries, livestock industries, and so on.

It also has provided billions of U.S. dollars in disaster relief throughout the world, including in China over the past several years, and has responded to the United Nations appeals for emergency relief and rehabilitation assistance to countries suffering from natural disasters and wars.

Currently, Taiwan contributes capital to regional development programs throughout international financial institutions, such as the Asian Development Bank, the Central American Bank for Economic Integration, the InterAmerican Development Bank, and the European Bank for Reconstruction and Development.

Taiwan is fully committed to observing the premise of the Universal Declaration of Human Rights and to its integration into international human rights systems, spearheaded by the United Nations.

It is for that reason, Mr. Speaker, that this resolution is here before us. Taiwan's quest for self-determination is something that the United States of America has traditionally and consistently supported. That support and that goal of self-determination is critical as the world watches a truly democratic and economic success story unfolding before our very eyes in Taiwan.

It is at this point in time that I urge my colleagues to adopt this resolution which I have introduced to once again restate our support and our commitment to the progress of democracy, the progress of free markets, the progress of a pro-American attitude and sentiment that we see in Taiwan today that is important not only for freedom-loving people in Taiwan, but also important for America's' national and strategic interests, as well.

I might also add, Mr. Speaker, there are millions and millions of Taiwan immigrants here in the United States whose dream for their homeland is the kind of democracy and liberty which they sought in coming to the United States. It is a dream that is born by the greatness of the United States, and in this way, I think this Congress can play a tremendous role in helping not only Taiwanese Americans but also certainly those who are fighting for freedom and liberty and democracy in Taiwan today have the greatest opportunity to secure their hopes and dreams for themselves and for the world.

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

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

GENERAL LEAVE

Mr. SCHAFFER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 390.

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

There was no objection.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ROHRABACHER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 390, as amended.

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

The title was amended so as to read:

Concurrent resolution expressing the sense of the Congress regarding Taiwan's participation in the United Nations and other international organizations.

A motion to reconsider was laid on the table.

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. GUTKNECHT. Mr. Speaker, I offer a resolution (H. Res. 608) and ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 608

Resolved, That the following named Members be, and are hereby, elected to the following standing committees of the House of Representatives:

Committee on Transportation and Infrastructure: Mr. Martinez of California;

Committee on Armed Services: Mrs. Wilson of New Mexico.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. PEASE). 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 Ohio (Mr. BROWN) is recognized for 5 minutes.

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

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

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

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

(Mr. CARDIN 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 California (Mr. CAMPBELL) is recognized for 5 minutes.

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

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

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

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

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

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

(Mr. PETERSON of Pennsylvania 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 California (Mr. FILNER) is recognized for 5 minutes.

(Mr. FILNER 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 West Virginia (Mr. WISE) is recognized for 5 minutes.

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

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

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

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. MILLENDER-MCDONALD) is recognized for 5 minutes.

(Ms. MILLENDER-MCDONALD addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

THE STATE OF AMERICA'S AGRICULTURAL ECONOMY

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

Mr. GANSKE. Mr. Speaker, I first want to thank the Speaker for the hours that he has spent in the chair for these special orders. The gentleman has gone above and beyond the call of duty to be present to enable Members to address the House for these special orders, and I want to personally thank the Chair.

Mr. Speaker, my colleague, the gentleman from Minnesota (Mr. GUTKNECHT), and I will be talking about an important issue for the agricultural community. I rise today to address an issue that should concern all Americans, the state of our agricultural economy.

Our farmers and livestock producers are faced with another year of daunting economic prospects. Just yesterday, Mr. Speaker, Agriculture Secretary Glickman reported the U.S. had distributed a record $28 billion in direct financial assistance to American farmers and ranchers during fiscal year 2000, $28 billion. This represents up to 50 percent of on-farm cash income. This is significant and should open our eyes to what is happening to American agriculture.

When I listen to farmers in my district, I hear several messages as they try to explain the causes of the economic situation. Many say that we need to address the issue of additional export markets, and I fully agree, and I applaud this Congress for passing monumental trade legislation and opening the door to the potential represented by over 1 billion China citizens when we passed in this Congress permanent normal trade relations with China.

But I also hear from my farmers fears that they are being squeezed out of business by large agricultural corporations. Over the past several years, we have watched as agribusiness after agribusiness has consolidated its operations, merged with its competitors, and created yet an even larger company, dramatically tilting the playing field to the potential disadvantage of the family farmer.

The meat industry may be the best example of concentration run rampant, with concentration and vertical integration in the packing industry making it difficult for small producers to get a fair shake.

In today's livestock markets, four companies, four companies, slaughter

80 percent of the Nation's steers and heifers. In 1998, four companies slaughtered 56 percent of the Nation's hogs, up from 32 percent in 1985.

Complicating matters further is the increased vertical integration of the industry. The most visible was the recent merger of Smithfield Foods, one of the largest packers and owners of hogs, with Murphy Farms, perhaps its greatest competitor in live hog production.

So what has this done to the markets? Well, maybe it has negatively affected competition. Maybe the increased concentration has reduced the marketability of hogs and cattle raised by independent producers in Iowa and other States, like Minnesota. Maybe it has given these large agribusinesses an unfair competitive advantage and allowed them to manipulate prices, and forced smaller companies out of business. We just do not know.

Who will provide answers to these questions? The farmers and livestock producers in my district are looking for help from their government, their only available ally. Some advocate new laws to protect their interests, claiming the existing ones are not doing the job.

But I am not sure that new laws are necessary. We already have some pretty strong laws on the books. The problem is, this administration has not enforced the laws that are already on the books.

I think that increased concentration in the agricultural markets has negatively affected competition and put farmers and producers in Iowa and elsewhere at a disadvantage. But in recent years, the USDA's Grain Inspection and Packers and Stockyard Administration, known as GIPSA, has found relatively few incidents of illegal business practices in livestock markets.

This should provide some reassurance, should it not? Unfortunately, it does not, because last month the General Accounting Office released this report, ''Packers and Stockyards Programs, Actions Needed to Improve Investigations of Competitive Practices.''

In this report, the GAO says, ''USDA has authority under the Packers and Stockyards Act which has been delegated to the Grain Inspection and Packers and Stockyards Administration to initiate administrative actions to halt unfair and anticompetitive practices by packers and livestock marketing and meatpacking.''

The authority is already there, but USDA, under this administration, has not done its job. It is not that GIPSA does not investigate alleged anticompetitive behavior. It does. In fact, between October, 1997, and December, 1999, it conducted 74 investigations. The problem is, GIPSA's investigative procedures are inadequate for determining anti-competition investigations.

□ 2115

Despite repeated recommendations to improve its practices, GIPSA continues in its failed attempt to protect the interest of small producers. The GAO found that GIPSA's ability to investigate and enforce allegations of unfair and anti-competitive practices was insufficient because its investigations are lead by economists without the formal involvement of the USDA's Office of General Counsel.

The GAO wrote, ''As a result, a legal perspective that focuses on assessing potential violations is generally absent.'' The GAO recommended that investigation should be based upon the model followed by the Department of Justice and the Federal Trade Commission. These agencies ''emphasize establishing the theory of each case and the elements that will prove a case. At each stage of the investigation, there are reviews by senior officials who are attorneys and economists which focus on developing sound cases.''

Under these procedures, violations of the Packers and Stockyards Act would be much easier to identify. However, at GIPSA, legal reviews are generally not performed until an investigation is completed. In fact, between 1994 and 1996, only 4 of 84 investigations had been submitted to the general counsel for review because investigations were conducted by staff with inappropriate qualifications, inadequate input from attorneys, and apparent lack of cooperation among GIPSA branches. That, in my mind, is unacceptable.

In addition to developing investigative procedures based on Department of Justice and FTC models, the GAO recommends that the USDA, A, develop a teamwork approach for investigations with GIPSA's economists and USDA's attorneys working together to identify violations of the law; B, determine the number of attorneys that are needed for USDA's general counsel to participate in and, where appropriate, lead GIPSA's investigations; C, provide senior GIPSA and general counsel officials to review the progress of investigations at main decision points; and, D, ensure that legal specialists are used effectively by providing them with leadership and supervision by USDA's attorneys and ensure that GIPSA has the economic talents that it needs.

Mr. Speaker, the Department of Agriculture accepts and agrees with the GAO recommendations. In their official letter of comment, Undersecretary of Marketing and Regulatory Affairs, Michael Dunn, said, ''Overall, GIPSA and the OGC concur with the recommendations provided in this report. The Department finds that GAO's recommendations are within GIPSA's existing reorganization, reengineering, training, and long-term planning and implementation strategies.''

But reform has not been coming from the agency. In 1997, GIPSA's own Inspector General recommended similar changes. That report highlighted the importance of having attorneys participate in GIPSA's investigations. The office of Inspector General recommended then that GIPSA should follow the FTC and Department of Justice models and recommended several reforms that would greatly improve GIPSA's ability to enforce the Packers and Stockyards Act. At that time, like now, GIPSA agreed; but this new GAO report shows that the reforms taken by GIPSA in response to its office of Inspector General's recommendations are insufficient to properly enforce the law.

In addition, in 1991, the GAO recommended USDA implement a more feasible approach for monitoring activity in livestock markets. So we are looking at an agency which was told 9 years ago it needed to improve its performance with respect to anticompetitive activity in the livestock markets. The agency was again told by its Inspector General 3 years ago what specifically needed to be done to improve its investigative procedures, and they have not done so.

Obviously, USDA needs some Congressional pressure to implement the necessary reforms. That is why today I joined the gentleman from Minnesota (Mr. Gutknecht), who is with me here tonight, and our colleagues in the Senate, Senator GRASSLEY from Iowa and Senator GRAMS from Minnesota, in introducing the Packers and Stockyards Enforcement Improvement Act of 2000.

This bill requires USDA to implement within 1 year the recommendations of the GAO to improve its investigations into alleged anti-competitive activity. In addition, the bill requires USDA to develop and implement a training program for competition, investigations, and to provide an annual report to Congress on the State of the cattle and hog industries, identifying business activities that represent possible violations of the Packers and Stockyards Act.

Mr. Speaker, this is an important issue. Farmers and producers rely on the USDA to protect them from anticompetitive practices. If GIPSA cannot do this, who can they turn to? We should implement this bill this year. Our farmers deserve a department and an agency which are properly prepared to address their concerns.

Mr. Speaker, I yield to the gentleman from Minnesota (Mr. GUTKNECHT), a cosponsor of this bill, and I want to express my appreciation to him.

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman from Iowa for yielding to me. I thank him for this special order, and I thank him for this bill.

I want to say a special thank you to our colleagues in the Senate, particularly Senator GRASSLEY for his hearing in September, on September 25, where he highlighted this report.

I want to point out to people who may be watching who the General Accounting Office is. The General Accounting Office is basically our auditors; and many times, they file reports. We send them out to investigate different agencies to find out if they are really doing their jobs. Altogether too

often they do a beautiful job of coming back with a report and recommendations, and the reports wind up sitting on some desk somewhere and gathering dust.

So I want to say a special thank you to our colleagues over on the other body for at least saying this time we are going to do something about it, this time we really mean it.

I want to talk a little bit about the Packers and Stockyards Act. It goes back about 70 years, and it was designed to protect individual producers. It was not designed to protect the packers and the stockyards. As the gentleman from Iowa (Mr. GANSKE) mentioned, and I do not want to become repetitive, but what we have seen in the last 10 years especially is a tremendous change in what has happened in the livestock industry.

Frankly, from my perspective, and listening to the gentleman from Iowa speak earlier, we came here together in 1994, and I have always thought in many respects we both come from what I thought was the Teddy Roosevelt wing of the Republican parties, whether it is fighting for open markets and more competition for prescription drugs, which I think we are winning, and I am not so certain. We seem to be waging a war, not only against the pharmaceutical industry, but the FDA itself, and sometimes our own leadership makes our job even more difficult. But the important point is we understand that markets are more powerful than armies and that competition is good.

I was reading about Teddy Roosevelt this weekend; and the more one reads about him, the more interesting he is. But he really and deeply and fiercely believed that competition was a good thing, that it brought out the best, whether it was on the sporting fields or whether it was in business. He fought literally all of his life to make certain that there was adequate competition in every field.

What we have seen in the last several years are really disturbing trends. Let me just share with the people who may be watching this what has happened relative to some of the large mergers. We have talked about this relative to pharmaceutical industry. It was not that long ago we had, well, let us see, there was Glaxo and there was Wellcome and Bristol-Myers. There was Squibb. There were four separate companies. If they have their way, by the end of this year, there will be one company. Now, all of those companies were big companies, and they had tremendous market power, but imagine what it is like now that there is one.

We have talked about the oil industry, the same thing. People sometimes scratch their heads, and they wonder why is it we seem to be at the mercy of the large oil companies. Well, at one time we had Exxon and Mobile, and one was a $55 billion company, and the other was a $43 billion company, and now they are one company.

It was Teddy Roosevelt who was behind breaking up Standard Oil. Now we see all those big oil companies coming back together.

Let us talk about concentration.

Mr. GANSKE. Mr. Speaker, reclaiming my time for a moment, at the moment that we are speaking here on the floor, there is a Presidential debate going on. I hope that one of the questions that is asked Vice President GORE and Governor Bush is what would be their position on antitrust.

I, too, feel like I am a member of the Teddy Roosevelt wing of the Republican Party, a progressive wing that felt that it was important for the little guy to have a chance to compete.

To bring us back to this issue of meat packing, correct me if I am wrong, but I believe the gentleman from Minnesota (Mr. GUTKNECHT) has some personal experience in the business, does he not?

Mr. GUTKNECHT. Mr. Speaker, my experience, I think the gentleman from Iowa is referring to, is that I am a licensed and bonded auctioneer. Yes, I can spit it out pretty fast.

I would like to illustrate, 10 years ago, about 80 percent of the livestock in the United States was sold either in what we call a spot market or in some kind of an auction format. That has now changed that 80 percent of livestock today is sold under some kind of a contract.

Now, I am not totally opposed to contracts, but we have a number of problems with contracts. One is transparency. Many times one producer, independent producers living right across the road from each other, both could have contracts with the same packer, and neither may know what the other's contract really is.

Mr. GANSKE. Mr. Speaker, reclaiming my time, many times, I think they may have clauses in those contracts that say they are not supposed to divulge the contents of that contract; is that not right?

Mr. Speaker, I yield to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Speaker, that is correct. But the interesting thing is, under the Packers and Stockyards Act, as I understand it, actually the USDA has access to that information. Now, I am not saying they ought to share the information from one neighbor to the other, but there ought to be a way that they can share more information about what actually is going on in the marketplace. Because as I have said, many times our independent producers, our farmers, it is like they go into the casino every day, and they make bets. They are betting against the big grain companies, they are betting with the big fertilizer companies, they are betting with the packers and the people who buy their products.

The problem is the people that they are dealing with have enormous amounts of information. They know what is going on in China. They know what deals they may have going on in other parts of the world. They have much better information. So, in effect, they are going in and they are betting against the house, and the house always wins.

We are not saying that the packers or the stockyards are necessarily evil. But there is something wrong with the system where they have a lot more information, they know what the prices are actually being paid, and the producers do not.

What we are saying is it is time for the USDA to, at least, do what the General Accounting Office is telling us and what they have told us in the past needs to be done to more aggressively enforce the act.

Let me go back to this issue of concentration, because I want to share these numbers with the gentleman from Iowa and some of the people who may be watching.

Since 1993, which coincidentally was when Mr. GORE and Mr. Clinton came into office, since 1993, there have been in the United States 46,571 mergers in the United States that were approved by the Department of Justice. Those deals totaled more than $5 trillion. Now, that is just a big number to most of us, but let us compare that to the previous 8 years. During the previous 8 years, there were only 19,518 mergers, and they totaled a little more than $1 trillion in value.

What we have seen in the last several years is just an enormous amount of concentration, and we are seeing it particularly in agriculture, whether it is on the seed and fertilizer side of the farmer's ledger or whether it is on the side of the ledger where he is selling what he is producing, whether it is grain, or whether it is livestock.

As an auctioneer, I know this. If you have an auction and you only have two bidders, you are not going to get as good a price as if you have five or six bidders.

Now, we cannot always force the situation relative to how many people are going to be in the meat packing business. Again, I am not saying they are particularly evil, but I think there is a system beginning to develop that looks incredibly sinister to those independent producers, and it looks an awful lot like that there is potential for manipulation of some of these prices.

So all we are really saying is we do not need to rewrite the Packers and Stockyards Act. That is what this report says. What we have to do is a better job of enforcing those laws. This is true throughout so much of what we do.

A lot of our more liberal friends says we need more laws, whether it is campaign finance laws or other laws. Some of us say, yes, maybe we do need some changes in the law, but first and foremost, let us enforce the laws that are on the books today. That is what this audit says. That is what this bill says. In effect, this says to the USDA, this time we really mean it.

□ 2130

Mr. GANSKE. Mr. Speaker, I appreciate the gentleman's comments on the meat packing situation. In talking to farmers across the Fourth Congressional District in Iowa, they are very frustrated. We in the State of Iowa have been trying to put together a deal which would create a new beef packing plant in the State of Iowa. I do not know that there has been a modern beef packing plant done in the United States in the last 15 to 20 years.

It is clear that there are a number of reasons why there needs to be more modern packing plants in terms of, I think, the water quality issues and things like that, but also packing facilities that are at a reasonable distance from the producer and an option for them to use. There would be farmers that would have cattle, producers that would have an option then of going to one of the established packers or coming, for instance, to central Iowa. They would then be able to make that judgment based on some competition for the price between those two cattle packers. That does not exist right now.

As the gentleman has pointed out, the number of mergers not just in this industry but in the entire economy is just accelerating beyond belief. And I am glad that the gentleman mentioned the instance of the pharmaceuticals, because we can talk about prescription drugs in a few minutes, but before we leave this issue of enforcement, I think it is important to go over again what we are talking about, and that is that there already is what is called the Grain Inspection and Packers and Stockyards Administration. This administration is charged with finding out whether or not there are anti-competitive practices. Unfortunately, as this GAO report has shown, and others in the past have shown, because of the way the investigations are done by GIPSA, they are not taking advantage of counsel along the way that will help their inspectors determine whether in fact anti-competitive behavior has occurred.

There needs to be counsel giving advice on that. That is one of the recommendations in this report. And it is unfortunate that the USDA and GIPSA has not followed the recommendations of the report in the past. Nine years ago a similar report was made to this, and still nothing has happened. So that is the reason why the gentleman and I have introduced our bill, and Senator GRASSLEY and Senator GRAMS in the Senate have introduced our bill, The Packer and Stockyards Enforcement Improvement Act of 2000.

We are calling on our colleagues, both Republicans and Democrats, particularly in areas that are rural and where they have constituents who are meat producers, to sign on to our bill. As my colleague from Minnesota said, this bill does not write new language in terms of the law, it seeks to affect a more efficient and effective implementation of the prior law.

Mr. GUTKNECHT. And I just want to point out that one of the things that many times people inside the bureaucracy will say is, well, we do not have enough staff or we do not have enough money. But the General Accounting Office does not say that in their report. We currently allocate 153 people and about $16 million, and over the last 2 years they have conducted a grand total of 74 investigations.

Now, I do not know how many is the right number, whether it is staff or whether it is the appropriation or how many investigations that they should conduct, but I do know this; that there is enormous distrust out in farm country among our independent producers out there of the way this law is being enforced. There is a lot of concern. And I think the way to allay that concern is to make certain that at least the recommendations of our own General Accounting Office, as it relates to the investigative methodology that is used, is implemented, to make certain we get to the bottom of this.

We cannot completely solve this problem of concentration. I think that is sort of a function of the way the economy seems to be moving today. On the other hand, I think we can do all within this law that is possible to make certain that if there is only going to be four major packers that are involved in beef packing, that at least there is adequate competition.

Personally, I would love to see moving back to more of an auction format. Frankly, I think that is the fairest way to sell almost anything. And I say that as a licensed and bonded auctioneer. But the real key about the auction was that a person could go to the auction ring and sit there and see what cattle or hogs were actually selling for. If they paid close enough attention, they could tell who was buying them; whether they were going to Armour or Swift or Hormel, wherever they were going. If someone paid attention, they could know who was buying and how much was being paid.

In today's market, that is next to impossible. They publish some prices in the paper, but, in fact, I have to tell my colleague that when we went through that period when hogs dropped to $8 per hundred, the truth of the matter was that many of the hogs being slaughtered in our facilities in Iowa and Minnesota were not selling for $8 a hog, they were selling for substantially more than that because they were on some form of contract. Even today, when we look at the cash market, that may or may not be the price that hogs are actually being sold for on that given day.

The USDA has enormous power under the Packers and Stockyards Act, and what we are saying as part of this is that they need to do a better job of sharing the information they have with those independent producers.

And let me just say finally about the independent producers that anybody who has spent any amount of time with these people who raise livestock, farmers in general but livestock producers in particular, these are the salt of the earth people. The truth of the matter is they do not ask for much from government. Matter of fact, if any of my colleagues were to go to the National Cattlemen's Association, if there is any group in America who says get the government out of our business, it is the Nation's cattlemen. I admire them so much.

All they really ask for is a level playing field and a set of rules that are fair so that they have a chance to compete and take care of their families, perhaps grow their farms and their ranches for their families and future generations. They do not ask for much. And so I think the very minimum that we can do in this Congress is to make certain that we at least implement the recommendations of our own General Accounting Office.

So I congratulate the gentleman for bringing this bill forward. I congratulate the Senate sponsors as well. Hopefully, we can get this bill passed, perhaps in the next 10 days. But I will promise the gentleman that if we do not get it passed before we are able to go home and this Congress adjourns, we will be back next year and I will be prodding my colleagues on the Committee on Agriculture, and I know the gentleman will be prodding his colleagues in the Committee on Commerce to make certain that we do follow through on this and that something happens for these great people out there working their tails off every day.

Mr. GANSKE. Well, Teddy Roosevelt was known as the trust buster, and what we were dealing with at that time was the big oil and the railroads. Probably one of the great books in American literature on capitalism is a book by the name of the ''Octopus,'' and I would encourage all our colleagues to read that book because that book dealt with the iron grip that the railroads had over our agricultural communities at that time. The average farmer there was the victim of a monopoly most of the time in those areas. Take it or leave it; this is our freight rate, and they had no choice. It required the hand of government to come in and act as an equalizing force so that, in effect, competition could flourish and that we could see some justice in the economic markets.

I am afraid that we are heading, with the continued concentration in the food industry, and particularly the meat packing industry, in that same direction. I think it would be better to implement the current laws now effectively rather than at some time in the future be faced with a more draconian type of legislation. And strange things can happen in a democracy. I think that it would behoove the meat packing industry itself to have an interest in the effective application by GIPSA of the Packers and Stockyards Act. So I thank my colleague for joining me on this issue.

I think that we also could speak for a few minutes on a very important issue to our constituents, and that is the high cost of prescription drugs. This is an issue that is important not just for senior citizens but for everyone in the country. We are seeing health insurance premiums rise at 10, 11, 12 percent per year now, largely due to the fact that prescription drug costs are rising at 18 to 20 percent per year, and so employers are being hit with increased costs of premiums and they are passing part of that on to the employees, which is making health care much more expensive.

We are seeing prescription drug prices in this country at four times the cost for the same medicine than it would cost in Mexico; at twice the cost for the same medicine as someone can get the medicine from Canada or the European Union.

I got a letter from a constituent who said that he had been in a clinical trial for a new arthritis medicine. It worked great. He was a volunteer at a hospital, so he went to the hospital pharmacy where, with his volunteer discount, he could get that pill for $2.50 per pill. He got on the Internet that night and he found he would be able to get that pill for about half price from Canada or Europe, Geneva, Switzerland, and a quarter price from Mexico.

And yet, if he does that, he is likely to get a threatening letter from the Food and Drug Administration saying that he is breaking a law that was passed in 1980 that prevents the reimportation of prescription drugs; drugs that are made in this country, safely packaged in this country, and sent overseas. In 1980, they passed a law that said we could not reimport those drugs back into the United States.

It was part of an FDA reform bill. It was a small part, but Ronald Reagan, who was the President at that time, signed the bill in general but gave a warning about that particular part. He said he was really concerned about that special protection for the pharmaceutical industry, because he thought that not allowing reimportation could result in the increase of prescription drugs in the United States. And Ronald Reagan was right, because we are now seeing these high costs.

The gentleman from Minnesota and I, and the gentlewoman from Missouri (Mrs. EMERSON), and a couple of our other colleagues, the gentleman from Oklahoma (Mr. COBURN), including some of our colleagues on the Democratic side of the aisle, the gentleman from Vermont (Mr. SANDERS) and the gentleman from Maine (Mr. BALDACCI) and others, have worked hard to try to fix that law that was passed in 1980 so that we can reimport prescription drugs. If we allowed drugs to come back into the United States at a lower cost, I guaranty the competition in the market would lower the cost for everyone, not just for senior citizens.

I would be happy to yield to the gentleman to give us an update on where that bill is at this point in time.

Mr. GUTKNECHT. Well, the gentleman has done a great job of setting the stage. In this case, I should say Dr. GANSKE. The gentleman probably understands this issue as well as anybody. I sort of fell into it at some of my town hall meetings.

Several years ago, seniors started to talk about bus trips to Canada to buy prescription drugs. And, to be honest, the first couple of times it came up, I just sort of dismissed it. If people want to go to Canada, they can go to Canada. But then I began to learn that the FDA actually sent these threatening letters to seniors if they attempted to reorder. Generally speaking, they will allow people to go across the border with a legal prescription and go into a pharmacy in Canada or Mexico, or, frankly, around the rest of the world.

But I want to take a moment to talk about the differentials. Let us take one drug. The purple pill; Prilosec. The average price in the United States now is about $139 for a 30-day supply. And one of the aspects of many of these drugs is that once a patient begins to take these, they tend to be on them for very long periods of time.

□ 2145

Prilosec is a wonderful drug. It is for acid reflux disease and for ulcers. It is a wonderful drug. I really do not want to bash the makers of it. But the problem is this. In the United States that 30-day supply is about $139 now. That same 30-day supply of exactly the same drug made in the same plant under the same FDA approval sells in Canada for about $55. But in Mexico I am told you can buy the same drug for $17.50. In Europe the average price is about $39.

I think Americans want to pay their fair share. But what is really happening right now is the pharmaceutical industry is shifting much of their cost for research and development and most of their profits are coming at the expense of American consumers. That is just wrong. When we talk about Teddy Roosevelt, we talk about competition and how competition makes things stronger. Competition in sports, competition in business. What we are saying is you have got to have competition in the drug industry. Right now they hide behind the protection of the FDA. We are saying that that has to stop.

I will give the gentleman one more example. My 83-year-old father, unlike some of the politicians' stories, really does take Coumadin. It is a blood thinner. The average price here in the United States for a 30-day supply is about $28. That same drug in Switzerland sells for $2.85. The President and the Vice President and a lot of people on both sides of the aisle say, ''We've got to have prescription drug coverage for seniors.'' But one of the seniors at my town hall meetings said it so well. He said, ''If you think drugs are expensive today, just wait till the government provides them for free.'' If we do not solve this price side of this problem, we will never be able to solve the coverage side. I support the coverage side. I think it is time to have a benefit as part of Medicare that includes prescription drugs. I think that is the right thing to do. But you will never get there, you will never be able to afford that benefit if we do not create some competition in the United States so that Americans have access to world market prices. It is the only area I know of where the world's best customers pay far and away the world's highest prices.

We are making progress. The President has now embraced our bill. Congressional leaders on both sides have embraced our bill. But the FDA and the drug companies are not exactly embracing our bill. As we speak, they are trying to throw more and more grit into the gears to try and slow this thing down. I do believe that ultimately, because we are in the Information Age, this is going to happen. You cannot hold back markets. Shortly after the Soviet flag came down for the last time over the Kremlin, a headline was written and it was so powerful, because what it said was, markets are more powerful than armies. If you think about it, the Soviet experiment was 70 years of the government trying to hold back markets. It cannot be done, particularly in the Information Age. We are going to win this fight. We are going to see prescription drug prices in the United States come down by at least 30 percent. And with those savings, and the estimates are next year we are going to spend $150 billion in this country on prescription drugs, a 30 percent savings, I am not good in math but that works out to $45 billion in savings for American consumers. With some of those savings we can begin to create a better safety net, a better program, some kind of a benefit that will take care of those seniors that currently fall through the cracks.

I want to thank the gentleman for all his help. It has been bipartisan. We have the gentleman from Vermont (Mr. SANDERS), we have got a lot of Democrats who have joined us, the gentleman from Maine (Mr. BALDACCI), lots of Democrats have helped us on this. It is not a partisan issue. I always tell people this is not a debate between the right and the left. This is a debate between right and wrong and it is wrong to make American consumers pay the world's highest prices.

Mr. GANSKE. I would point out that on the House appropriations bill, we have passed an amendment in a bipartisan fashion, 375–12, to allow the reimportation of prescription drugs back into the United States. And on the Senate side, the vote was about 75 for allowing reimportation. Here is where we are on the specifics of the legislation as I understand it today in talks that are ongoing with the White House and between congressional leadership

and, that is, that there is an issue on labeling. The prescription drug companies want to try to get a provision into this bill that would say that if the label is at all different, then you cannot bring the drug back in. Those labels frequently will be written in the foreign language of the country that they are in, not necessarily the instructions inside the box, the instructions inside the box could easily be just like the instructions inside the box of a DVD that you would buy. In other words, they would be written in English, German, Spanish, French, so that you would have the same information, but the drug companies are trying to prevent the reimportation by saying that if there is anything different on the label, then it cannot come back in. We need to make sure that that type of loophole is not allowed into it.

Then the drug companies are looking at ways where they can write contracts with wholesalers and retailers overseas, restrictive contracts that would say that they cannot send those drugs back into the United States. That would be totally gutting the bill if they were allowed to do that. We cannot allow the pharmaceutical companies to put a provision into a bill saying that they can write contracts that would be exclusive contracts and not allow for the reimportation.

On the safety issue, honestly I believe that prescription drugs that are made in the United States, shipped overseas, can safely be reimported. The Secretary of Health and Human Services Donna Shalala says that we think that the FDA can monitor the safety of drugs coming back into the United States. Just give us about $24 million more to beef up our inspection service in the FDA and we think we can do it safely and effectively. $24 million is a drop in the bucket compared to the billions of dollars that consumers in this country would save by having increased competition.

I just have to reinforce what my colleague has said. We are talking about increased competition. We are not talking about price controls. We are talking about really letting the market work, whereas right now there is a special protection for those products that almost no other industry has. Do our farmers have that kind of protection? We are dealing with a global market. Our farmers when they sell their corn and beans, that sale price is determined by how many acres are planted in Brazil. They are dealing with a global market. So are our appliance makers. So is our entire economy if we are selling financial services. It is a global market. There is no reason why one industry should have such a special protection when we can safely and effectively administer the reimportation.

Finally, I just want to point out, the negotiations with the White House are primarily going on about whether to allow wholesalers and retailers to reimport prescription drugs. I think the gentleman from Minnesota would agree with me 100 percent, this should not be just for wholesalers and retailers. This should be for individuals as well. And at a bare minimum we ought to delete that law that says that the Customs Department and the Food and Drug Administration can send threatening letters to citizens from this country if they would purchase prescription drugs overseas.

Mr. GUTKNECHT. The gentleman is exactly right. I think that it has to be about allowing the local pharmacies and other groups to import, but most importantly, if nothing else happens this year, we ought to make it very clear to the FDA that as long as it is an FDA-approved drug, made in an FDA-approved facility, they should stop threatening American seniors for trying to save a few bucks on prescription drugs. It is immoral for them to send threatening letters to 87-year-old widows trying to save $15 on a prescription or $20 or maybe $100, whatever it happens to be. For our own FDA to be the bully in this whole debate, it seems to me is outrageous. Now, if it is an illegal drug, then absolutely it ought to be stopped at the border. But if it clearly is an FDA-approved drug made in an FDA-approved facility, for them to be allowed to send threatening letters to our seniors ought to stop and it ought to stop the day the President signs that bill. I feel very strongly about this. Yes, we want to do it for everybody.

Let me come back just real briefly to the whole issue of safety. One of the arguments and we have seen ads, in fact I think the pharmaceutical industry spent something like $400 million this year lobbying and advertising on this issue, it is the Henny Penny, the sky will fall. People just have to think what we can do today with today's technology. There is a software company in Minneapolis that was one of the people who developed the bar coding technology that is now being used in almost every hospital, where they bar code the pharmaceuticals and they put a bar-coded bracelet on everybody. They know exactly when you got your Prilosec or whatever drug was given to you. That technology is there today, could be modified and we can make certain that every product that comes off the line, whether the plant is in Switzerland or Indianapolis, that that is in fact what it says and that it was made on such and such a date at such and such a time, we can check that instantly with today's technology. Not only that, we have got tamperproof containers today that we did not have in 1980. Finally, we can bar code boxes. I do not know when the last time you got a package from Fed Ex or UPS or the post office but almost all of them now have bar coding technology. They know where that package is almost at any moment from the time you deliver it to the parcel delivery service to the time it is electronically signed for. The idea that we cannot protect this commodity when it is going from Great Britain or Geneva to the United States is just outrageous. That is not true. We have the technology.

Finally, let me say, how safe is safe? The truth of the matter is, sometimes people here in the United States get the wrong prescription, or even when they get the right prescription in the right dosage, some people will have adverse reactions. The gentleman mentioned our farmers. Every day hundreds of thousands of pounds of food go across our borders with very, very little inspection by the Food and Drug Administration. But somehow we have to build a wall a mile high to keep out pharmaceuticals. That is just not good common sense. That is all we are really asking for, is some competition and some common sense.

I do not like price controls. The way to break the backs of price controls in other parts of the world is open up the markets. But what will happen is American consumers on a net basis will see their costs go down while the rest of the world starts to pay their fair share.

Mr. GANSKE. I think that this is a very important issue. There are competing plans for more comprehensive pharmaceutical benefits in Medicare. They are caught up right now in presidential politics as well as partisan politics with the elections coming up. But this is something that we have been able to already vote on in both the House and in the Senate in a very bipartisan manner. Would this solve the total problem? No. But it would be an important step forward. I do think that it would result in more competitive and lower priced prescription drugs in this country. It would take a little while for the implementation of the rules that the FDA would make in terms of being able to inspect periodically reimported drugs. So I do not think it would be an immediate benefit. We might not see it in the first 6 months or maybe even year after the implementation, but very shortly I think it could be implemented. And I think that the administration has come to the conclusion that this can be done safely, too. Otherwise, Secretary Shalala would not have said we think that with some small amount of additional funding for the FDA, we can adequately protect American consumers on the reimportation of drugs.

I would point out that as the gentleman already has that food passes back and forth across our borders rather freely. It is inspected periodically. But there are pathogens that can appear on food that can be life-threatening, too. Yet we do not say that there can be no international trade on food. And so this is something that we ought to get done before we finish up. I truly encourage our leadership and the administration to work together in good faith and not to be unduly swayed by attempts by the pharmaceutical industry to put in provisions that would in essence continue this practice of protectionism.

Mr. GUTKNECHT. I would just thank the gentleman again for this special order. If I could just say that the two of us came in 1994 and hopefully, with the blessing of our voters in our district, we are going to be back next year to continue to fight in that Teddy Roosevelt tradition, to create more competition, whether it is in the pharmaceutical industry, whether it is with packers and stockyards, because at the end of the day one of the rules of the Federal Government is to ensure that there will be adequate competition, that there will be a level playing field, and that everybody has a chance to succeed in this marketplace.

□ 1000

So we are going to be back next year, regardless of what happens on either of these issues. We are going to continue to press the envelope, and the spirit of Teddy Roosevelt is still alive and well here in Washington.

RECESS

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

Accordingly (at 10 p.m.) the House stood in recess, subject to the call of the Chair.

□ 2317

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 11 o'clock and 17 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4828, STEENS MOUNTAIN WILDERNESS ACT OF 2000

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 106–930) on the resolution (H. Res. 609) providing for consideration of the bill (H.R. 4828) to designate wilderness areas and a cooperative management and protection area in the vicinity of Steens Mountain in Harney County, Oregon, and for other purposes, which was referred to the House Calendar and ordered to be printed.

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. BROWN of Ohio) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. CARDIN, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. WISE, for 5 minutes, today.

Mr. ENGEL, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

(The following Members (at the request of Mr. GUTKNECHT) to revise and extend their remarks and include extraneous material:)

Mr. SIMPSON, for 5 minutes, October 5.

Mr. PETERSON of Pennsylvania, for 5 minutes, today.

Mr. BILIRAKIS, for 5 minutes, October 10.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker.

H.R. 3363. For the relief of Akal Security, Incorporated.

H.R. 4115. To authorize appropriations for the United States Holocaust memorial museum, and for other purposes.

H.R. 4733. Making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes.

H.R. 4931. To provide for the training or orientation or individuals, during a Presidential transition, who the President intends to appoint to certain key positions, to provide for a study and report on improving the financial disclosure process for certain Presidential nominees, and for other purposes.

H.R. 5193. To amend the National Housing Act to temporarily extend the applicability of the downpayment simplification provisions for the PHA single family housing mortgage insurance program.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 704. An act to amend title 18, United States Code, to combat the overutilization of prison health care services and control rising prisoner health care costs.

S. 179. An act to designate the Federal courthouse at 145 East Simpson Avenue in Jackson, Wyoming, as the ''Clifford P. Hansen Federal Courthouse''.

ADJOURNMENT

Mrs. MYRICK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 18 minutes p.m.), the House adjourned until tomorrow, Wednesday, October 4, 2000, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

10422. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the Annual Report for the calendar year 1999; to the Committee on Banking and Financial Services.

10423. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed transfer of major defense equipment from the Government of Israel [Transmittal RSAT–2–00], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

10424. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to South Korea [Transmittal No. DTC 130–00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10425. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a notice, in accordance with Section 42(b) of the Arms Export Control Act, that the Government of Egypt has requested that the United States Government permit the use of Foreign Military Financing for the sale and limited coproduction of 13 M88A2 tank recovery vehicle kits; to the Committee on International Relations.

10426. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Passport Procedures—Amendment to requirements for executing a passport application on behalf of a minor—received October 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

10427. A letter from the Chairman, Federal Maritime Commission, transmitting a Strategic Plan covering the program activities through fiscal year 2005; to the Committee on Government Reform.

10428. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the NASA 2000 Strategic Plan (Enclosure 1); to the Committee on Government Reform.

10429. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the Commission's Strategic Plan for Fiscal Years 2000 through 2005; to the Committee on Government Reform.

10430. A letter from the Director, Office of Federal Housing Enterprise Oversight, transmitting the Strategic Plan for Fiscal Year 2000–2005; to the Committee on Government Reform.

10431. A letter from the Acting Director, Office of Government Ethics, transmitting the Strategic Plan for Fiscal Years 2001–2006; to the Committee on Government Reform.

10432. A letter from the Board Members, Railroad Retirement Board, transmitting the Board's Strategic Plan for 2000 through 2005; to the Committee on Government Reform.

10433. A letter from the Secretary of Health and Human Services, transmitting the Department's Strategic Plan for Fiscal Years 2001 through 2006; to the Committee on Government Reform.

10434. A letter from the Secretary of Transportation, transmitting the Department's Strategic Plan for Fiscal Years 2000 through 2005; to the Committee on Government Reform.

10435. A letter from the Assistant Attorney General, Office of Justice Programs, transmitting the annual report of the Office of Justice Programs, Fiscal Year 1999, pursuant to 42 U.S.C. 3712(b); to the Committee on the Judiciary.

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. BLILEY: Committee on Commerce. H.R. 3850. A bill to amend the Communications Act of 1934 to promote deployment of advanced services and foster the development of competition for the benefit of consumers in all regions of the nation by relieving unnecessary burdens on the Nation's two percent local exchange telecommunications carriers, and for other purposes, with an amendment (Rept. 106–926). Referred to the Committee of the Whole House on the State of the Union.

Mr. GEKAS: Committee on the Judiciary. H.R. 1293. A bill to amend title 46, United States Code, to provide equitable treatment with respect to State and local income taxes for certain individuals who perform duties on vessels (Rept. 106–927, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 4721. A bill to provide for all right, title, and interest in and to certain property in Washington County, Utah, to be vested in the United States; with an amendment (Rept. 106–928). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 4828. A bill to designate wilderness areas and a cooperative management and protection area in the vicinity of Steens Mountain in Harney County, Oregon, and for other purposes; with an amendment (Rept. 106–929, Pt. 1).

Mrs. MYRICK: Committee on Rules. House Resolution 609. Resolution providing for consideration of the bill (H.R. 4828) to designate wilderness areas and a cooperative management and protection area in the vicinity of Steens Mountain in Harney County, Oregon, and for other purposes (Rept. 106–930). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the Committee on Transportation and Infrastructure discharged. H.R. 1293 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 5 of rule X the Committee on Agriculture discharged. H.R. 4828 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 1293. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than October 3, 2000.

H.R. 4828. Referral to the Committee on Agriculture extended for a period ending not later than October 3, 2000.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. POMBO (for himself and Mr. LANTOS):

H.R. 5360. A bill to direct the Secretary of Agriculture to conduct a comprehensive evaluation of, and make necessary recommendations to Congress regarding, Federal and State laws that regulate private ownership of exotic wild animals; to the Committee on Agriculture, and in addition to the Committee on Resources, 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. OBERSTAR (for himself, Mr. DINGELL, Mr. INSLEE, Mr. UDALL of New Mexico, Mr. PASCRELL, Mr. LEWIS of Georgia, Mr. PALLONE, Mr. SMITH of Washington, and Mr. TIERNEY):

H.R. 5361. A bill to amend title 49, United States Code, to require periodic inspections of pipelines and improve the safety of our Nation's pipeline system; 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. DREIER (for himself and Mr. MOAKLEY):

H.R. 5362. A bill to increase the amount of fees charged to employers who are petitioners for the employment of H–1B non-immigrant workers, and for other purposes; to the Committee on the Judiciary.

By Mr. GILMAN:

H.R. 5363. A bill to provide for the review by Congress of proposed construction of court facilities; to the Committee on Transportation and Infrastructure.

By Mr. BERMAN (for himself and Mr. BOUCHER):

H.R. 5364. A bill to amend title 35, United States Code, to provide for improvements in the quality of patents on certain inventions; to the Committee on the Judiciary.

By Mr. COX (for himself, Mr. BLILEY, Mr. TAUZIN, Mr. DREIER, Mr. DAVIS of Virginia, Mr. GOODLATTE, Mr. WELLER, Mr. DOOLEY of California, Ms. ESHOO, Mr. MORAN of Virginia, Mr. SMITH of Washington, Mr. CROWLEY, and Mr. GONZALEZ):

H.R. 5365. A bill to impose a temporary moratorium on the elimination of the existing ''pooling of interests'' method of accounting for business mergers and acquisitions, and for other purposes; to the Committee on Commerce.

By Mr. DINGELL:

H.R. 5366. A bill to abolish the Council on Environmental Quality; to the Committee on Resources.

By Mr. GANSKE (for himself and Mr. GUTKNECHT):

H.R. 5367. A bill to require the implementation of the recommendations of the General Accounting Office on improving the administration of the Packers and Stockyards Act, 1921, by the Department of Agriculture; to the Committee on Agriculture.

By Mr. NEY:

H.R. 5368. A bill to extend the deadline for commencement of construction of a hydroelectric project in the State of Ohio; to the Committee on Commerce.

By Ms. PRYCE of Ohio (for herself, Mr. HYDE, Mr. CAMP, Mrs. JOHNSON of Connecticut, and Mr. EWING):

H.R. 5369. A bill to improve the administrative efficiency and effectiveness of the Nation's abuse and neglect courts and for other purposes consistent with the Adoption and Safe Families Act of 1997; to the Committee on the Judiciary.

By Mr. RADANOVICH:

H.R. 5370. A bill to authorize the President to award a gold medal on behalf of the Congress to Peter F. Drucker, the father of modern management, in recognition of his accomplishments as a journalist, a writer, an economist, and a philosopher; to the Committee on Banking and Financial Services.

By Mr. SCHAFFER:

H.R. 5371. A bill to authorize the Secretary of the Interior to establish the Sand Creek Massacre National Historic Site in the State of Colorado; to the Committee on Resources.

By Mr. SMITH of Michigan:

H.R. 5372. A bill to amend the Agricultural Marketing Act of 1946 to enhance dairy markets through dairy product mandatory reporting, and for other purposes; to the Committee on Agriculture.

By Mr. TANCREDO (for himself, Mr. JONES of North Carolina, and Mr. MCCOLLUM):

H.R. 5373. A bill to guarantee the right of individuals to receive Social Security benefits under title II of the Social Security Act in full with an accurate annual cost-of-living adjustment; to the Committee on Ways and Means.

By Mr. UDALL of New Mexico:

H.R. 5374. A bill to settle the land claims of the Pueblo of Santo Domingo; to the Committee on Resources.

By Mr. WALSH (for himself, Mr. BOEHLERT, Mr. GILMAN, Mr. REYNOLDS, Mr. QUINN, Mr. LAZIO, Mr. HOUGHTON, Mr. MCHUGH, and Mr. SWEENEY):

H.R. 5375. A bill to establish the Erie Canalway National Heritage Corridor in the State of New York, and for other purposes; to the Committee on Resources.

By Mr. BORSKI (for himself, Mr. LIPINSKI, Mr. BRADY of Pennsylvania, Ms. MILLENDER-MCDONALD, Ms. KAPTUR, Mr. MCGOVERN, Mr. BROWN of Ohio, Mr. KLECZKA, Mr. DINGELL, Mr. GEJDENSON, Mr. QUINN, Mr. HOYER, Mr. SMITH of New Jersey, Mr. KANJORSKI, Mr. SAXTON, Mr. FROST, Mr. ROHRABACHER, Mr. KLINK, Mr. ENGLISH, Mr. MURTHA, Mr. HOLDEN, Mr. FATTAH, Mr. DOYLE, Mr. MCDERMOTT, Mr. MASCARA, Mr. PALLONE, Mr. LARSON, Mr. PASCRELL, Mr. HOEFFEL, Mr. STUPAK, and Mr. KUCINICH):

H. Con. Res. 416. Concurrent resolution recognizing the historical significance of the 20th anniversary of the workers' strikes in Poland that led to the creation of the independent trade union Solidarnosc, and for other purposes; to the Committee on International Relations.

By Mr. ROHRABACHER (for himself, Mr. LANTOS, Mr. BURTON of Indiana, and Mr. FALEOMAVAEGA):

H. Res. 606. A resolution calling upon the President to provide for the appropriate training of Foreign Service officers and other executive branch personnel in the primacy of democratic values and internationally-recognized human rights; to the Committee on International Relations.

By Mr. SHUSTER:

H. Res. 607. A resolution providing for the concurrence by the House with an amendment in the Senate amendment to H.R. 707; considered and agreed to.

By Mr. GUTKNECHT:

H. Res. 608. A resolution designating majority membership on certain standing committees of the House; considered and agreed to.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. BARR of Georgia introduced A bill (H.R. 5376) for the relief of Sandra J. Pilot; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 49: Mr. STRICKLAND.

H.R. 71: Mr. WALDEN of Oregon.
H.R. 82: Mr. MANZULLO.
H.R. 284: Mr. WALSH and Mr. GEKAS.
H.R. 303: Mr. GREENWOOD.
H.R. 632: Mr. COX.
H.R. 700: Mr. WALDEN of Oregon.
H.R. 842: Mr. CHABOT, Mr. RAHALL, Mr. WISE, and Mr. KUCINICH.
H.R. 1071: Mr. HOLT, Ms. SLAUGHTER, and Mr. PICKETT.
H.R. 1182: Mr. GREEN of Wisconsin.
H.R. 1196: Mr. MOAKLEY.
H.R. 1303: Mr. BEREUTER, and Mr. SAXTON.
H.R. 1422: Mr. CLEMENT.
H.R. 1560: Mr. CRANE.
H.R. 1595: Mr. NADLER.
H.R. 1671: Mr. GIBBONS.
H.R. 1689: Mr. LOBIONDO.
H.R. 2000: Mr. GREENWOOD.
H.R. 2166: Mr. HOLT, Ms. WOOLSEY, Mr. NORTHRUP, Mr. MICA, and Ms. BALDWIN.
H.R. 2355: Mr. LAMPSON.
H.R. 2451: Mr. PICKERING.
H.R. 2620: Mr. WELLER and Mr. WELDON of Florida.
H.R. 2702: Mrs. KELLY.
H.R. 2814: Ms. LEE.
H.R. 2835: Ms. WOOLSEY.
H.R. 2894: Mr. PICKERING.
H.R. 3083: Mr. HASTINGS of Florida.
H.R. 3433: Mr. FATTAH.
H.R. 4025: Mr. MICA.
H.R. 4145: Mr. BROWN of Ohio.
H.R. 4162: Mr. OLVER.
H.R. 4281: Mr. HASTINGS of Washington.
H.R. 4328: Mr. OSE and Mr. SANDLIN.
H.R. 4487: Mr. ALLEN.
H.R. 4493: Mr. MCNULTY.
H.R. 4498: Mrs. THURMAN.
H.R. 4527: Mr. WOLF, Mr. PHELPS, Mr. BECERRA, Mr. TIERNEY, Mr. HILL of Indiana, Ms. SANCHEZ, MR. GONZALEZ, Mrs. NAPOLITANO, Ms. BERKLEY, Mr. MOORE, Mr. OLVER, Mr. KIND, Mr. ABERCROMBIE, Mr. KUCINICH, Mr. WEINER, Mr. FRANK of Massachusetts, Mr. JEFFERSON, Mr. MEEKS of New York, Mr. THOMPSON of California, Mrs. LOWEY, Mr. MCGOVERN, Ms. MILLENDER-MCDONALD, Mr. DIXON, Mr. MILLER of Florida, Mr. MCDERMOTT, Mr. GEKAS, Mrs. WILSON, Mr. HOEFFEL, Mr. BALDACCI, Mr. DOYLE, Mr. GEORGE MILLER of California, Mr. HERGER, Mr. BACA, Ms. VELAZQUEZ, Mr. SABO, Mr. HULSHOF, Mr. BAIRD, Mrs. BONO, Mr. EVANS, Ms. KILPATRICK, and Mr. KOLBE.
H.R. 4570: Mr. PORTER, Mr. FATTAH, and Mr. WATKINS.
H.R. 4650: Mr. TOOMEY.
H.R. 4672: Mr. SMITH of Texas.
H.R. 4728: Ms. ESHOO, Mr. HAYWORTH, Mr. WATKINS, Mr. PICKERING, Mr. WICKER, Mr. MILLENDER-MCDONALD, Mr. COBURN, Mr. TURNER, Mr. HEFLEY, Mr. BILIRAKIS, Ms. PRYCE of Ohio, and Mr. SHAFFER.
H.R. 4792: Mrs. LOWEY and Mr. DINGELL.
H.R. 4825: Mr. WATT of North Carolina, Mr. INSLEE, Mr. JONES of North Carolina, Mr. MOORE, Mrs. ROUKEMA, Mr. HINCHEY, Mr. SAXTON, and Mr. MORAN of Virginia.
H.R. 4874: Mr. WEYGAND.
H.R. 4935: Ms. SCHAKOWSKY.
H.R. 4971: Mr. STEARNS, Mrs. MEEK of Florida, and Mr. CANADY of Florida.
H.R. 5015: Ms. KAPTUR and Mr. FROST.
H.R. 5055: Ms. KILPATRICK and Mr. GONZALEZ.
H.R. 5068: Mr. MICA, Mr. SCARBOROUGH, Mr. BILIRAKIS, and Mr. STEARNS.
H.R. 5081: Mr. ABERCROMBIE.
H.R. 5132: Mr. SHAYS, Ms. KAPTUR, Mr. FILNER, Mr. ABERCROMBIE, and Ms. MCKINNEY.
H.R. 5147: Mr. EVANS, Mr. TIERNEY, Mr. WEINER, Mr. MCGOVERN, Mr. CAPUANO, Mr. DEFAZIO, Mr. ABERCROMBIE, and Mr. MCDERMOTT.
H.R. 5151: Mr. ISAKSON.
H.R. 5166: Mr. EVANS.
H.R. 5178: Mrs. KELLY and Mr. KLINK.
H.R. 5180: Mr. DOYLE, Mr. KUYKENDALL, and Mr. GOODE.
H.R. 5212: Mrs. MYRICK, Mr. LIPINSKI, Mr. STEARNS, Mr. MCHUGH, and Mr. GIBBONS.
H.R. 5236: Mr. RODRIGUEZ.
H.R. 5237: Mr. RODRIGUEZ.
H.R. 5242: Mrs. LOWEY, Mr. FOSSELLA, Mr. ACKERMAN, Mr. MEEKS of New York, Mr. CROWLEY, and Ms. SLAUGHTER.
H.R. 5262: Ms. LOFGREN and Mr. FROST.
H.R. 5265: Mr. HEFLEY.
H.R. 5268: Mr. FILNER, Mr. KINGSTON, Mr. DAVIS of Illinois, and Mr. SISISKY.
H.R. 5271: Mr. HOLDEN, Mr. LIPINSKI, Mr. RANGEL, Mr. KUCINICH, and Mr. MASCARA.
H.R. 5275: Mr. STRICKLAND and Mr. BOEHLERT.
H.R. 5306: Mr. STUMP, Mr. SESSIONS, Mr. MCINTOSH, Mr. EHRLICH, Mr. RILEY, Mr. STEVENS, Mr. WATTS of Oklahoma, Mr. EVERETT, and Mr. PAUL.
H.R. 5311: Mr. SANDERS, Mr. FILNER, Ms. KAPTUR, Mrs. JONES of Ohio, Mr. ABERCROMBIE, Mr. FROST, Ms. MCKINNEY, Mr. RAHALL, Ms. MILLENDER-MCDONALD, Mr. BONIOR, and Mr. KUCINICH.
H.R. 5331: Mr. CARDIN, and Ms. BERKLEY.
H.R. 5345: Mr. BACA, Mr. DIXON, Mr. BOEHLERT, and Mr. MCHUGH.
H.J. Res. 48: Mr. WELLER.
H. Con. Res. 77: Mr. SAXTON.
H. Con. Res. 283: Mr. CONDIT.
H. Con. Res. 323: Mr. UDALL of Colorado.
H. Con. Res. 337: Mr. COX, Mr. KING, and Mr. WELLER.
H. Con. Res. 364: Mr. TURNER.
H. Con. Res. 373: Mr. DEFAZIO.
H. Con. Res. 384: Mr. HAYWORTH, Mr. BONILLA, and Mr. COX.
H. Con. Res. 395: Ms. HOOLEY of Oregon.
H. Con. Res. 404: Mr. FILNER, Mr. FALEOMAVAEGA, Mr. TOWNS, Mr. HINCHEY, Ms. BERKLEY, Mr. TURNER, and Mr. HUTCHINSON.
H. Res. 347: Mr. WALSH.
H. Res. 458: Mr. BACHUS, Mr. DEFAZIO, Mr. BALLENGER, Mr. WATT of North Carolina, Mr. LANTOS, and Mr. TAUZIN.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments, were submitted as follows:

H.R. 4828

OFFERED BY: MR. WALDEN OF OREGON

[Amendment in the Nature of a Substitute]

AMENDMENT NO. 1: Strike all after the enacting clause and insert the following:

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

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

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

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

(2) To designate the Steens Mountain Wilderness Area.

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 1. Short title; purposes; table of contents.
Sec. 2. Definitions.
Sec. 3. Maps and legal descriptions.
Sec. 4. Valid existing rights.
Sec. 5. Protection of tribal rights.

TITLE I—STEENS MOUNTAIN COOPERATIVE MANAGEMENT AND PROTECTION AREA

Subtitle A—Designation and Purposes

Sec. 101. Designation of Steens Mountain Cooperative Management and Protection Area.
Sec. 102. Purpose and objectives of Cooperative Management and protection Area.

Subtitle B—Management of Federal Lands

Sec. 111. Management authorities and purposes.
Sec. 112. Roads and travel access.
Sec. 113. Land use authorities.
Sec. 114. Land acquisition authority.
Sec. 115. Special use permits.

Subtitle C—Cooperative Management

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

Subtitle D—Advisory Council

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

TITLE II—STEENS MOUNTAIN WILDERNESS AREA

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

TITLE III—WILD AND SCENIC RIVERS AND TROUT RESERVE

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

TITLE IV—MINERAL WITHDRAWAL AREA

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

TITLE V—ESTABLISHMENT OF WILDLANDS JUNIPER MANAGEMENT AREA

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

TITLE VI—LAND EXCHANGES

Sec. 601. Land exchange, Roaring Springs Ranch.

Sec. 602. Land exchanges, C.M. Otley and Otley Brothers.
Sec. 603. Land exchange, Tom J. Davis Livestock, Incorporated.
Sec. 604. Land exchange, Lowther (Clemens) Ranch.
Sec. 605. General provisions applicable to land exchanges.
TITLE VII—FUNDING AUTHORITIES
Sec. 701. Authorization of appropriations.
Sec. 702. Use of land and water conservation fund.

SEC. 2. DEFINITIONS.

In this Act:

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

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

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

(4) EASEMENTS.—

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

(B) NONDEVELOPMENT EASEMENT.—The term ''nondevelopment easement'' means a binding contractual agreement between the Secretary and a landowner in the Cooperative Management and Protection Area that will, permanently or during a time period specified in the agreement—

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

(ii) protect open space or viewshed.

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

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

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

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

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

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

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

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

SEC. 3. MAPS AND LEGAL DESCRIPTIONS.

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

(1) The Cooperative Management and Protection Area.

(2) The Wilderness Area.

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

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

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

(6) The land exchanges required by title VI.

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

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

SEC. 4. VALID EXISTING RIGHTS.

Nothing in this Act shall effect any valid existing right.

SEC. 5. PROTECTION OF TRIBAL RIGHTS.

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

TITLE I—STEENS MOUNTAIN COOPERATIVE MANAGEMENT AND PROTECTION AREA

Subtitle A—Designation and Purposes

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Subtitle B—Management of Federal Lands

SEC. 111. MANAGEMENT AUTHORITIES AND PURPOSES.

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

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

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

(b) MANAGEMENT PLAN.—Within four years after the date of the enactment of this Act, the Secretary shall develop a comprehensive plan for the long-range protection and management of the Federal lands included in the Cooperative Management and Protection Area, including the Wilderness Area. The plan shall—

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

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

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

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

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

SEC. 112. ROADS AND TRAVEL ACCESS.

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

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

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

(A) is prohibited off road; and

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

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

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

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

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

(d) PROHIBITION ON NEW CONSTRUCTION.—

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

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

(e) ACCESS TO NONFEDERALLY OWNED LANDS.—

(1) REASONABLE ACCESS.—The Secretary shall provide reasonable access to nonfederally owned lands or interests in land within the boundaries of the Cooperative Management and Protection Area and the Wilderness Area to provide the owner of the land or interest the reasonable use thereof.

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

SEC. 113. LAND USE AUTHORITIES.

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

(b) COMMERCIAL TIMBER.—

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

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

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

(d) HUNTING, FISHING, AND TRAPPING.—

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

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

(e) GRAZING.—

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

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

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

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

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

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

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

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

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

(1) will be minimal in nature;

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

(3) is necessary—

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

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

(C) for the management of livestock; or

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

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

SEC. 114. LAND ACQUISITION AUTHORITY.

(a) ACQUISITION.—

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

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

(b) TREATMENT OF ACQUIRED LANDS.—

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

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

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

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

(1) become part of the Wilderness Area; and

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

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

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

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

(c) APPRAISAL.—In appraising non-Federal land, development rights, or conservation easements for possible acquisition under this section or section 122, the Secretary shall disregard any adverse impacts on values resulting from the designation of the Cooperative Management and Protection Area or the Wilderness Area.

SEC. 115. SPECIAL USE PERMITS.

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

Subtitle C—Cooperative Management

SEC. 121. COOPERATIVE MANAGEMENT AGREEMENTS.

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

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

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

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

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

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

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

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

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

Subtitle D—Advisory Council

SEC. 131. ESTABLISHMENT OF ADVISORY COUNCIL.

(a) ESTABLISHMENT.—The Secretary shall establish the Steens Mountain Advisory Council to advise the Secretary in managing the Cooperative Management and Protection Area and in promoting the cooperative management under subtitle C.

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

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

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

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

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

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

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

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

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

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

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

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

(d) TERMS.—

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

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

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

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

(e) SERVICE WITHOUT COMPENSATION.—Members of the advisory council shall serve without pay, but the Secretary shall reimburse members for reasonable expenses incurred in carrying out official duties as a member of the council.

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

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

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

SEC. 132. ADVISORY ROLE IN MANAGEMENT ACTIVITIES.

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

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

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

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

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

SEC. 133. SCIENCE COMMITTEE.

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

TITLE II—STEENS MOUNTAIN WILDERNESS AREA

SEC. 201. DESIGNATION OF STEENS MOUNTAIN WILDERNESS AREA.

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

SEC. 202. ADMINISTRATION OF WILDERNESS AREA.

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

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

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

(d) GRAZING.—

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

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

SEC. 203. WATER RIGHTS.

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

SEC. 204. TREATMENT OF WILDERNESS STUDY AREAS.

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

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

(c) EXPANSION OF BASQUE HILLS WILDERNESS STUDY AREA.—The boundaries of the Basque Hills Wilderness Study Area are hereby expanded to include the Federal lands within sections 8, 16, 17, 21, 22, and 27 of township 36 south, range 31 east, Willamette Meridian. These lands shall be managed

under section 603(c) of the Federal Lands Policy and Management Act of 1976 (43 U.S.C. 1782(c)) to protect and enhance the wilderness values of these lands.

TITLE III—WILD AND SCENIC RIVERS AND TROUT RESERVE

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

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

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

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

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

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

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

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

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

(b) DESIGNATION OF WILDHORSE AND KIGER CREEKS, OREGON.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following new paragraph:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) ADMINISTRATION.—

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

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

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

(4) REMOVAL OF DAM.—The Secretary shall remove the dam located below the mouth of Fish Creek and above Page Springs if removal of the dam is scientifically justified and funds are available for such purpose.

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

TITLE IV—MINERAL WITHDRAWAL AREA

SEC. 401. DESIGNATION OF MINERAL WITHDRAWAL AREA.

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

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

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

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

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

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

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

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

(2) a monetary payment to the State; or

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

TITLE V—ESTABLISHMENT OF WILDLANDS JUNIPER MANAGEMENT AREA

SEC. 501. WILDLANDS JUNIPER MANAGEMENT AREA.

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

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

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

SEC. 502. RELEASE FROM WILDERNESS STUDY AREA STATUS.

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

TITLE VI—LAND EXCHANGES

SEC. 601. LAND EXCHANGE, ROARING SPRINGS RANCH.

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

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

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

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

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

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

(a) C. M. OTLEY EXCHANGE.—

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

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

(3) DISBURSEMENT.—Upon completion of the land exchange authorized by this subsection, the Secretary is authorized to make a disbursement to C.M. Otley, in the amount of $920,000.

(b) OTLEY BROTHERS EXCHANGE.—

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

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

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

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

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

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

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

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

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

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

(a) EXCHANGE AUTHORIZED.—For the purpose of protecting and consolidating Federal lands within the Cooperative Management and Protection Area, the Secretary may carry out a land exchange with the Lowther (Clemens) Ranch to convey all right, title, and interest of the United States in and to certain parcels of land under the jurisdiction of the Bureau of Land Management in the vicinity of Steens Mountain, Oregon, as depicted on the map referred to in section 605(a), consisting of a total of approximately 11,796 acres in exchange for the private lands described in subsection (b).

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

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

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

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

SEC. 605. GENERAL PROVISIONS APPLICABLE TO LAND EXCHANGES.

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

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

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

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

TITLE VII—FUNDING AUTHORITIES

SEC. 701. AUTHORIZATION OF APPROPRIATIONS.

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

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

(a) AVAILABILITY OF FUND.—There are authorized to be appropriated $25,000,000 from the land and water conservation fund established under section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–5) to provide funds for the acquisition of land and interests in land under section 114 and to enter into nondevelopment easements and conservation easements under subsections (b) and (c) of section 122.

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

Amend the title so as to read: ''A bill to designate the Steens Mountain Wilderness Area and the Steens Mountain Cooperative Management and Protection Area in Harney County, Oregon, and for other purposes.''.