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House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
October 19, 2000.

I hereby appoint the Honorable DOUG OSE to act as Speaker pro tempore on this day.

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

PRAYER

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

Lord, students do not like testing; the sick dread examination; all of us try to avoid chastisement and criticism. Lord, be our strength in times of trial.

You teach us, Lord, to look upon all suffering with the eyes of faith. Isaiah's suffering servant speaks to the Jew. Jesus' cross interprets life for the Christian. All religions hold up champions who persevere in the name of wisdom, love, or justice.

Be with the Members of the House of Representatives as they strive to bring finality to their work as the 106th Congress. Prepare them as the people of this Nation move closer to the day of election. May all of us, as believing people, seek first and foremost Your judgment and Your judgment alone. For You live and reign 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 New York (Mr. MCNULTY) come forward and lead the House in the Pledge of Allegiance.

Mr. MCNULTY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment a bill and a concurrent resolution of the House of the following titles:

H.R. 4132. An act to reauthorize grants for water resources research and technology institutes established under the Water Resources Research Act of 1984.

H. Con. Res. 404. Concurrent resolution calling for the immediate release of Mr. Edmond Pope from prison in the Russian Federation for humanitarian reasons, and for other purposes.

The message also 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. 1550. An act to authorize appropriations for the United States Fire Administration for fiscal years 2000 and 2001, and for other purposes.

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

S. 1639. An act to authorize appropriations for carrying out the Earthquake Hazards Reduction Act of 1977, for the National Weather Service Related Agencies, and for the United States Fire Administration for fiscal years 2000, 2001, and 2002.

S. Con. Res. 146. Concurrent resolution condemning the assassination of Father John Kaiser and others in Kenya, and calling for a thorough investigation to be conducted in those cases, a report on the progress made in such an investigation to be submitted to Congress by December 15, 2000, and a final report on such an investigation to be made public, and for other purposes.

NOTICE

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Michael F. DiMario, *Public Printer*

PROVIDING FOR CONSIDERATION OF S. 2796, WATER RESOURCES DEVELOPMENT ACT OF 2000

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 639 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 639

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (S. 2796) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes. The bill shall be considered as read for amendment. The amendment in the nature of a substitute printed in the Congressional Record and numbered 2 pursuant to clause 8 of rule XVIII shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure; and (2) one motion to recommit with or without instructions.

SEC. 2. If the Senate bill, as amended, is passed, then it shall be in order to move that the House insist on its amendment to S. 2796 and request a conference with the Senate thereon.

The SPEAKER pro tempore. The gentleman from Florida (Mr. GOSS) is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the distinguished gentleman from Texas (Mr. FROST) 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.

H. Res. 639 provides for consideration of S. 2796, better known as the Water Resources Development Act of 2000. This closed rule waives all points of order against consideration of the bill. It provides for 1 hour of debate equally divided and controlled by the chairman and ranking member of the Committee on Transportation.

Further, the rule provides that the amendment in the nature of a substitute printed in the CONGRESSIONAL RECORD and numbered 2 shall be considered as adopted. The rule provides for one motion to recommit with or without instructions.

Finally, the rule provides that, should the Senate bill, as amended, pass the House, it then shall be in order to move that the House insist on its amendment to S. 2796 and request a conference with the Senate.

I believe it is a very fair rule under the circumstances.

Mr. Speaker, as we know, the clock on the 106th Congress is running out, and we do need to move quickly. In view of the strong bipartisan support this bill enjoys and the constraints associated with the calendar, I believe this is a very sensible way to proceed today and, as I have said, extremely fair under the circumstances. I definitely encourage my colleagues to support this rule so we can get on with this very important legislation.

The WRDA bill is a critically important piece of environmental legislation. Of particular note is that this year's WRDA bill contains an initial authorization for a plan to restore the Florida Everglades, unquestionably a unique national treasure of which we are very proud. The Everglades Restoration Project represents the largest, most comprehensive environmental restoration ever attempted.

Florida Governor Jeb Bush recently termed the Everglades restoration effort ''perhaps the defining environmental issue of this new century.'' Governor Bush is absolutely correct.

It should be noted that the State of Florida has already set aside funds from its budget to meet its entire cost share of the restoration effort for the next 10 years, an unprecedented step and an unmistakable display of commitment. I am proud of the State of Florida for taking that step.

The Everglades has always been a nonpartisan effort. Every Member of the Florida delegation has been united in support of this treasure. Our delegation has been especially well led on the Everglades issue by the gentleman from Florida (Mr. SHAW), the chairman of the Florida delegation and the extremely capable man who has kept us in an effective fighting team from Florida to bring attention to this.

The Clinton administration has also done quite an excellent job here and deserves praise. I said this was a bipartisan effort. Even so, I must say now that I have been somewhat disturbed at recent efforts to drag the Everglades into presidential politics. It does not belong there. I hope Vice President GORE will reverse course and recognize what all of us do, that the Everglades is far too important to be manipulated for short-term political gain.

Mr. Speaker, earlier this year, after months of negotiations, the Senate crafted an initial authorization plan embodied in their version of the WRDA bill. The Senate's plan was widely supported by all stakeholders involved, quite a feat.

When the House began its work on its version of the WRDA bill, we were cautioned not to tamper with the delicate balance of the Senate Everglades proposal. While in the end, the Senate Transportation Committee did make a number of changes to the Senate bill, changes everyone enthusiastically supports and acknowledges improve on the Senate product. So I am extremely grateful for the hard work and the very responsible stewardship of the Everglades authorization by the gentleman from Pennsylvania (Chairman SHUSTER) and his Committee on Transportation and Infrastructure.

Mr. Speaker, the challenge we have always faced is to put together a restoration plan that will get it right, undoing years of neglect and misunderstanding that have brought the Florida Everglades to the brink of disaster. In my view, the Everglades provisions in the WRDA bill will do just that, putting us now on solid footing for the next 10 years.

The Everglades is a national treasure, and the House action today to implement a comprehensive plan to restore it is, indeed, historic, as Governor Bush has said.

I hope all of my colleagues will support the water resources bill and the restoration of the Everglades. Furthermore, I strongly urge support of this rule so we can get on with this important debate.

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

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

Mr. Speaker, this rule expedites moving the Senate bill S. 2796 to conference and thus one step closer to being passed by the Congress and sent to the President before the adjournment of the 106th Congress. While this is a closed rule, it is supported by the majority of the Democratic Members of the Committee on Transportation and Infrastructure; and for that reason, I will support it.

The rule provides that the text of an amendment in the nature of a substitute to S. 2796, which was developed by the chairman and ranking member of the Committee on Transportation and Infrastructure, shall be considered as adopted. The substitute contains authorizations for important water resources projects. It provides Army Corps of Engineers policy and procedure reforms and the first increment of the important comprehensive restoration of the Everglades plan, which I know is of special importance to the gentleman from Florida (Mr. GOSS).

The rule also provides for 1 hour of general debate and for one motion to recommit with or without instructions.

I should note, Mr. Speaker, this rule is not without controversy. The Committee on Rules did not make in order several amendments offered by other Members, including two offered by the gentleman from South Carolina (Mr. SANFORD) and one by the gentleman from Wisconsin (Mr. KIND) and one by the gentleman from Oregon (Mr. BLUMENAUER). While all of these amendments may be worthy of consideration, I believe, given the late hour of this Congress, these issues might best be left to the next Congress so as to expedite the consideration of the important projects contained in the substitute.

Mr. Speaker, I urge support for the rule and the bill.

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

Mr. GOSS. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from Florida (Mr. FOLEY), who has participated in every way in this arrangement for a number of years and is, indeed, one of the leaders and champions of the Everglades.

Mr. FOLEY. Mr. Speaker, I appreciate certainly the leadership of the gentleman from Florida (Mr. GOSS), serving our west coast and working so consistently on protecting our great natural treasure and national treasure, the Everglades.

Mr. Speaker, I rise today in strong support of this bipartisan legislation and urge all of my colleagues to support it. The Everglades, as I just said, is a national treasure of benefit to the entire country, and I applaud the leadership for scheduling this important bill for consideration.

The legislation before us today represents a historic partnership reached between all stakeholders in this debate. Agricultural interests, the administration, utilities, environmentalists, the State of Florida, our Native American Indian tribes came together in an unprecedented show of cooperation to work out the agreement before us today. It truly represents a balanced approach reached with equal input from all these stakeholders in the public and one that we can all support.

The Everglades ecosystem has been in steady decline over the past 50 years. In fact, back in the 1930s people ran for public office saying, if you elect me governor, we will drain that swamp and make room for development. How wrong they were, and how right we are to start anew to correct the problems.

The population in south Florida has grown rapidly, and with the growth come problems of water supply, flood control, and species and habitat protection. This agreement will allow the Army Corps to help provide for water needs of this population while protecting and preserving the needs of the ecosystem.

Congress must pass this legislation this year. The Senate has acted. It is now our turn in the House to send this bill speedily to the President for signature.

The Water Resource Development Acts of 1992 and 1996 gave the Army Corps of Engineers the authority to review the problems within the Everglades and to recommend solutions from which evolve the Comprehensive Everglades Restoration Plan, or CERP. Those recommendations form the basis for this legislation and will incorporate a number of restoration projects already under way.

The legislation before us today calls for a series of water system improvements over 30 years, the cost of which will be shared equally between the Federal Government and the State of Florida.

We have today a great opportunity to save a national treasure, protect the environment, and ensure water quality and safety for the residents of Florida. I urge my colleagues to join together in this historic opportunity and thank the gentleman from Florida (Mr. SHAW), thank former Governor Chiles, Governor Jeb Bush, Senator CONNIE MACK, Senator BOB GRAHAM, and all the Members of the Florida delegation who have put aside partisanship at this rare and unique opportunity to join together to commit the Federal Government in a partnership with the State government in restoring the Everglades to the pristine wilderness and wonderment that it is and hope at the end of the week that we will all, again, join together at the White House for signature of this very, very important environmental restoration effort.

Again, I want to single out the gentleman from Florida (Mr. SHAW), as was mentioned by the gentleman from Florida (Mr. GOSS). He, as chairman from the delegation, has remained persistent, vigilant to see that this is accomplished.

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Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's yielding me this time. While I am prepared to support the rule and the underlying bill, I am disappointed that our proposed amendments were not ruled in order. While more progress is possible on this bill, at this late date in this session it may well be unrealistic, and there is, in fact, much to celebrate.

The inclusion in the legislation of almost $8 billion to save the Florida Everglades is symbolic of our changing attitudes towards water resource management. It is also important to remember that we are simply paying to undo our own bad decisions. This Congress told the Corps of Engineers to drain the swamp in 1948, and drain it they did, all too well, without comprehensive planning and environmental assessment of its impact. We must do what we can to make sure that we do not repeat those mistakes of the past.

Akin to the Everglades, the Columbia Slough, in my district, was cut off from the Columbia River by a Corps project decades ago and today it is stagnant and heavily polluted. This legislation directs the Corps to work with the City of Portland to fix the problems associated with the old Corps project. I am pleased that the bill incorporates my proposal for $40 million in funding to protect and restore the lower Columbia River and Tillamook estuaries, critical nurseries for endangered salmon.

While there are some reform measures included in the bill, I would hope that we can continue going further. I have enjoyed working with the gentleman from Wisconsin (Mr. KIND) on legislation which would increase the Corps' transparency and accountability that would guaranty more citizen participation and lead to a better balance between economic and environmental considerations. This is an effort that I will continue to pursue.

One particular area of Corps reform that I think we in this body need to look at very carefully is the contentious beach nourishment program. In too many cases, the program is washing taxpayer dollars out to sea while actually hurting the environment. One simple change that we tried to make in order would require communities with beaches to at least pay full costs for any prospective Corps beach nourishment project if there is no public access.

But the major reform of the Corps of Engineers is to be found on the floor of this Congress. We need to be more careful of what we authorize, what we require, and how all the complex pieces of our waterways fit together. This bill can help start the process. I support the rule and the underlying bill.

Mr. GOSS. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. SHAW), the chairman of the Florida delegation; and I would simply say that the gentleman from Florida (Mr. SHAW) has a very long history of careful and persistent work in dealing with all parties interested in the Everglades, both as a Florida resident, at the local government level, as a businessman and interested citizen, in every way, shape, and form. For people who care about the Everglades, it would be useful for them to give thanks to the gentleman from Florida (Mr. SHAW).

Mr. SHAW. Mr. Speaker, I thank the gentleman for yielding me this time and for his kind remarks.

Mr. Speaker, this is an extraordinary time, and I think this is an extraordinary moment. We are in now what is sometimes called the ''goofy season,'' the period of time when I think partisan politics reaches its peak, and sometimes in not very constructive ways. But today is an extraordinary day. And today we have bipartisan and true leadership on display here in the House regarding this bill that we are able to consider, a Water Resources Development Act containing historic provisions to restore America's Everglades, which has always been referred to as Florida's Everglades, but it is America's Everglades. We all recognize the importance of this legacy, not only on the lands and water but for the people who live in Florida and visit this national treasure, and we want to make sure that it is there for all future generations.

How we got to this point is what is so remarkable, and it is the reason that we are bringing up a closed rule for debate as time grows short in the waning days of this 106th Congress. Normally, the minority party abhors closed rules. I know that, because I did in the 14 years that I served in the Republican minority. But today we have a bipartisan agreement on a bill and a process that helps us streamline the consideration of this important landmark legislation.

Another passion of mine, besides the number of the intricacies of tax and budget policy, has been the environment. In fact, I served on the Committee on Public Works earlier in my House career. I have authored several bills on the environment, but none makes me more proud to have my

name on it than the comprehensive Everglades restoration bill. And working with my colleagues in the Florida delegation, such as the gentleman from Florida (Mr. GOSS) and I see the gentlewoman from Florida (Mrs. MEEK) on the other side of the aisle, who has been a great crusader for the Everglades, we have seen all of the Florida delegation gather together in support of this landmark legislation.

But our work is not over. We have little time left, but we have much left to do. The tremendous effort that got us to this point of near unanimous consensus is threatened by the clock. We must pass water resources development legislation containing Everglades restoration today. We need time to work out project differences with the Senate, not only on the Everglades portion but on other portions of this bill.

In that regard, Mr. Speaker, I would like to compliment both of Florida's Senators, Senator BOB GRAHAM and Senator CONNIE MACK, as well as Senator BOB SMITH, the chairman of the committee, for the wonderful work that they have done in bringing this together; and I might also say the administration, which was extraordinarily cooperative with all in structuring this bill.

Organizations, from the environmental community, agricultural, business, Native American tribes, both the Miccosukee and the Seminoles, recreational users, the State, local and Federal governments, all have had a hand in crafting the Everglades legislation. And the delicate balance achieved in the other Chamber has been enhanced by the work done here in this House. I must compliment the gentleman from Minnesota (Mr. OBERSTAR) and our chairman, the gentleman from Pennsylvania (Mr. SHUSTER), for seeing that this comes through and that this is done. As we know, there were some differences early on; but they worked to get them straightened out and that has brought us to where we are today.

This bill is the product of constant and consistent hours of negotiation between the interested parties to reach a consensus on the key points of this legislation. I am honored that those serving in the other Chamber allowed me this rare opportunity to be a part of the crafting of their bill prior to my introducing the companion bill in this House, H.R. 5121. This helped us save precious time in arriving at a compatible bill in the House and the Senate, and avoiding major divisions in the few remaining days of this session. Now the House must put this legislation to a vote so that we can resolve the remaining differences in the other parts of the WRDA bill that the Senate has already passed.

I also want to recognize the tremendous efforts of our previous governor, Governor Childs, and of course our existing governor, Jeb Bush, who has been so active in bringing this about. I was with him in Fort Lauderdale yesterday, and that is all he wanted to talk about was the status of this bill and where we are going.

So we are seeing a rare moment in the closing days of this Congress; both great political parties coming together and doing the right thing. I urge passage of this resolution and passage of the bill.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, I rise in support of this bill, but I think that it is important for people to understand what is going on here.

The leadership in the Republican Party has got us in a slow dance here. The gentleman from Texas (Mr. DELAY) has gone out and said that he does not intend to negotiate with the President of the United States about education or anything else. So today, a little later, we will work on a continuing resolution. This continuing resolution takes us until next Wednesday. That is 13 days before the election. Now, we slowly waltz out of here with Everglades in our arms and everybody goes home tonight sometime and goes to campaigning. And we will show up next Wednesday, and we will have another continuing resolution for another week so that we are here 6 days before the election.

Because the leadership of the Republican Party does not want to negotiate with the President, these bills are going to be vetoed. We are never going to see the Health and Human Services budget out here because it has education at the center of it and the Republican Party does not want to do anything about education. They do not want to deal with the President because they know his proposal is right, and so we are softly being slow danced out of here.

Now, some people may like that. They may think that they can go home and, if they have got the Everglades in their arms they can get reelected. They can say, well, I did this. But if we do not deal with issues like the balanced budget amendments give-backs, that issue is still there. Our hospitals are out there waiting to figure out what is going to happen.

The President has said the bill that is on the table is going to be vetoed because it is wrong and it is bad public policy. But the Republican leadership does not care. If they did, they would bring it out here, get the veto, then sit down and start negotiating. But they do not want to do that. They want it as a campaign issue. The same is true with education. They want to wait and sort of slow dance education out of here and then say that they would have given us all this for education, but the President would not do it.

So I would say that people today ought to vote ''no'' on the continuing resolution.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume just to relieve any confusion there might be. This is actually the rule on the WRDA bill. There will be an opportunity to talk about the continuing resolution later. It is the normal routine business in the House. And we will be doing 1-minutes later in the day for matters of appropriate discussion under 1-minutes as well.

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

Mr. GOSS. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. SHUSTER. Mr. Speaker, pursuant to the rule, I call up the Senate bill (S. 2796) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes, and ask for its unanimous consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Pursuant to House Resolution 639, the Senate bill is considered as having been read for amendment.

The text of S. 2796 is as follows:

S. 2796

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Water Resources Development Act of 2000''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Definition of Secretary.

TITLE I—WATER RESOURCES PROJECTS

Sec. 101. Project authorizations.
Sec. 102. Small shore protection projects.
Sec. 103. Small navigation projects.
Sec. 104. Removal of snags and clearing and straightening of channels in navigable waters.
Sec. 105. Small bank stabilization projects.
Sec. 106. Small flood control projects.
Sec. 107. Small projects for improvement of the quality of the environment.
Sec. 108. Beneficial uses of dredged material.
Sec. 109. Small aquatic ecosystem restoration projects.
Sec. 110. Flood mitigation and riverine restoration.
Sec. 111. Disposal of dredged material on beaches.

TITLE II—GENERAL PROVISIONS

Sec. 201. Cooperation agreements with counties.
Sec. 202. Watershed and river basin assessments.
Sec. 203. Tribal partnership program.
Sec. 204. Ability to pay.
Sec. 205. Property protection program.
Sec. 206. National Recreation Reservation Service.
Sec. 207. Operation and maintenance of hydroelectric facilities.
Sec. 208. Interagency and international support.
Sec. 209. Reburial and conveyance authority.

Sec. 210. Approval of construction of dams and dikes.
Sec. 211. Project deauthorization authority.
Sec. 212. Floodplain management requirements.
Sec. 213. Environmental dredging.
Sec. 214. Regulatory analysis and management systems data.
Sec. 215. Performance of specialized or technical services.
Sec. 216. Hydroelectric power project funding.
Sec. 217. Assistance programs.
Sec. 218. Funding to process permits.
Sec. 219. Program to market dredged material.
Sec. 220. National Academy of Sciences studies.

TITLE III—PROJECT-RELATED PROVISIONS

Sec. 301. Tennessee-Tombigbee Waterway Wildlife Mitigation Project, Alabama and Mississippi.
Sec. 302. Boydsville, Arkansas.
Sec. 303. White River Basin, Arkansas and Missouri.
Sec. 304. Petaluma, California.
Sec. 305. Gasparilla and Estero Islands, Florida.
Sec. 306. Illinois River basin restoration, Illinois.
Sec. 307. Upper Des Plaines River and tributaries, Illinois.
Sec. 308. Atchafalaya Basin, Louisiana.
Sec. 309. Red River Waterway, Louisiana.
Sec. 310. Narraguagus River, Milbridge, Maine.
Sec. 311. William Jennings Randolph Lake, Maryland.
Sec. 312. Breckenridge, Minnesota.
Sec. 313. Missouri River Valley, Missouri.
Sec. 314. New Madrid County, Missouri.
Sec. 315. Pemiscot County Harbor, Missouri.
Sec. 316. Pike County, Missouri.
Sec. 317. Fort Peck fish hatchery, Montana.
Sec. 318. Sagamore Creek, New Hampshire.
Sec. 319. Passaic River Basin flood management, New Jersey.
Sec. 320. Rockaway Inlet to Norton Point, New York.
Sec. 321. John Day Pool, Oregon and Washington.
Sec. 322. Fox Point hurricane barrier, Providence, Rhode Island.
Sec. 323. Charleston Harbor, South Carolina.
Sec. 324. Savannah River, South Carolina.
Sec. 325. Houston-Galveston Navigation Channels, Texas.
Sec. 326. Joe Pool Lake, Trinity River basin, Texas.
Sec. 327. Lake Champlain watershed, Vermont and New York.
Sec. 328. Mount St. Helens, Washington.
Sec. 329. Puget Sound and adjacent waters restoration, Washington.
Sec. 330. Fox River System, Wisconsin.
Sec. 331. Chesapeake Bay oyster restoration.
Sec. 332. Great Lakes dredging levels adjustment.
Sec. 333. Great Lakes fishery and ecosystem restoration.
Sec. 334. Great Lakes remedial action plans and sediment remediation.
Sec. 335. Great Lakes tributary model.
Sec. 336. Treatment of dredged material from Long Island Sound.
Sec. 337. New England water resources and ecosystem restoration.
Sec. 338. Project deauthorizations.
Sec. 339. Bogue Banks, Carteret County, North Carolina.

TITLE IV—STUDIES

Sec. 401. Baldwin County, Alabama.
Sec. 402. Bono, Arkansas.
Sec. 403. Cache Creek Basin, California.
Sec. 404. Estudillo Canal watershed, California.
Sec. 405. Laguna Creek watershed, California.
Sec. 406. Oceanside, California.
Sec. 407. San Jacinto watershed, California.
Sec. 408. Choctawhatchee River, Florida.
Sec. 409. Egmont Key, Florida.
Sec. 410. Fernandina Harbor, Florida.
Sec. 411. Upper Ocklawaha River and Apopka/Palatlakaha River basins, Florida.
Sec. 412. Boise River, Idaho.
Sec. 413. Wood River, Idaho.
Sec. 414. Chicago, Illinois.
Sec. 415. Boeuf and Black, Louisiana.
Sec. 416. Port of Iberia, Louisiana.
Sec. 417. South Louisiana.
Sec. 418. St. John the Baptist Parish, Louisiana.
Sec. 419. Portland Harbor, Maine.
Sec. 420. Portsmouth Harbor and Piscataqua River, Maine and New Hampshire.
Sec. 421. Searsport Harbor, Maine.
Sec. 422. Merrimack River basin, Massachusetts and New Hampshire.
Sec. 423. Port of Gulfport, Mississippi.
Sec. 424. Upland disposal sites in New Hampshire.
Sec. 425. Southwest Valley, Albuquerque, New Mexico.
Sec. 426. Cuyahoga River, Ohio.
Sec. 427. Duck Creek Watershed, Ohio.
Sec. 428. Fremont, Ohio.
Sec. 429. Grand Lake, Oklahoma.
Sec. 430. Dredged material disposal site, Rhode Island.
Sec. 431. Chickamauga Lock and Dam, Tennessee.
Sec. 432. Germantown, Tennessee.
Sec. 433. Horn Lake Creek and Tributaries, Tennessee and Mississippi.
Sec. 434. Cedar Bayou, Texas.
Sec. 435. Houston Ship Channel, Texas.
Sec. 436. San Antonio Channel, Texas.
Sec. 437. Vermont dams remediation.
Sec. 438. White River watershed below Mud Mountain Dam, Washington.
Sec. 439. Willapa Bay, Washington.
Sec. 440. Upper Mississippi River basin sediment and nutrient study.
Sec. 441. Cliff Walk in Newport, Rhode Island.
Sec. 442. Quonset Point Channel reconnaissance study.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Visitors centers.
Sec. 502. CALFED Bay-Delta Program assistance, California.
Sec. 503. Lake Sidney Lanier, Georgia, home preservation.
Sec. 504. Conveyance of lighthouse, Ontonagon, Michigan.
Sec. 505. Land conveyance, Candy Lake, Oklahoma.
Sec. 506. Land conveyance, Richard B. Russell Dam and Lake, South Carolina.
Sec. 507. Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and State of South Dakota terrestrial wildlife habitat restoration.
Sec. 508. Export of water from Great Lakes.

TITLE VI—COMPREHENSIVE EVERGLADES RESTORATION PLAN

Sec. 601. Comprehensive Everglades Restoration Plan.
Sec. 602. Sense of the Senate concerning Homestead Air Force Base.

TITLE VII—MISSOURI RIVER PROTECTION AND IMPROVEMENT

Sec. 701. Short title.
Sec. 702. Findings and purposes.
Sec. 703. Definitions.
Sec. 704. Missouri River Trust.
Sec. 705. Missouri River Task Force.
Sec. 706. Administration.
Sec. 707. Authorization of appropriations.

TITLE VIII—WILDLIFE REFUGE ENHANCEMENT

Sec. 801. Short title.
Sec. 802. Purpose.
Sec. 803. Definitions.
Sec. 804. Conveyance of cabin sites.
Sec. 805. Rights of nonparticipating lessees.
Sec. 806. Conveyance to third parties.
Sec. 807. Use of proceeds.
Sec. 808. Administrative costs.
Sec. 809. Termination of wildlife designation.
Sec. 810. Authorization of appropriations.

TITLE IX—MISSOURI RIVER RESTORATION

Sec. 901. Short title.
Sec. 902. Findings and purposes.
Sec. 903. Definitions.
Sec. 904. Missouri River Trust.
Sec. 905. Missouri River Task Force.
Sec. 906. Administration.
Sec. 907. Authorization of appropriations.

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term ''Secretary'' means the Secretary of the Army.

TITLE I—WATER RESOURCES PROJECTS

SEC. 101. PROJECT AUTHORIZATIONS.

(a) PROJECTS WITH CHIEF'S REPORTS.—The following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the respective reports designated in this subsection:

(1) BARNEGAT INLET TO LITTLE EGG INLET, NEW JERSEY.—The project for shore protection, Barnegat Inlet to Little Egg Inlet, New Jersey, at a total cost of $51,203,000, with an estimated Federal cost of $33,282,000 and an estimated non-Federal cost of $17,921,000, and at an estimated average annual cost of $1,751,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of $1,138,000 and an estimated annual non-Federal cost of $613,000.

(2) NEW YORK-NEW JERSEY HARBOR.—The project for navigation, New York-New Jersey Harbor: Report of the Chief of Engineers dated May 2, 2000, at a total cost of $1,781,234,000, with an estimated Federal cost of $743,954,000 and an estimated non-Federal cost of $1,037,280,000.

(b) PROJECTS SUBJECT TO A FINAL REPORT.—The following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, recommended in a final report of the Chief of Engineers if a favorable report of the Chief is completed not later than December 31, 2000:

(1) FALSE PASS HARBOR, ALASKA.—The project for navigation, False Pass Harbor, Alaska, at a total cost of $15,164,000, with an estimated Federal cost of $8,238,000 and an estimated non-Federal cost of $6,926,000.

(2) UNALASKA HARBOR, ALASKA.—The project for navigation, Unalaska Harbor, Alaska, at a total cost of $20,000,000, with an estimated Federal cost of $12,000,000 and an estimated non-Federal cost of $8,000,000.

(3) RIO DE FLAG, ARIZONA.—The project for flood damage reduction, Rio de Flag, Arizona, at a total cost of $24,072,000, with an estimated Federal cost of $15,576,000 and an estimated non-Federal cost of $8,496,000.

(4) TRES RIOS, ARIZONA.—The project for environmental restoration, Tres Rios, Arizona, at a total cost of $99,320,000, with an estimated Federal cost of $62,755,000 and an estimated non-Federal cost of $36,565,000.

(5) LOS ANGELES HARBOR, CALIFORNIA.—The project for navigation, Los Angeles Harbor, California, at a total cost of $153,313,000, with

an estimated Federal cost of $43,735,000 and an estimated non-Federal cost of $109,578,000.

(6) MURRIETA CREEK, CALIFORNIA.—The project for flood control, Murrieta Creek, California, at a total cost of $90,865,000, with an estimated Federal cost of $25,555,000 and an estimated non-Federal cost of $65,310,000.

(7) PINE FLAT DAM, CALIFORNIA.—The project for fish and wildlife restoration, Pine Flat Dam, California, at a total cost of $34,000,000, with an estimated Federal cost of $22,000,000 and an estimated non-Federal cost of $12,000,000.

(8) RANCHOS PALOS VERDES, CALIFORNIA.—The project for environmental restoration, Ranchos Palos Verdes, California, at a total cost of $18,100,000, with an estimated Federal cost of $11,800,000 and an estimated non-Federal cost of $6,300,000.

(9) SANTA BARBARA STREAMS, CALIFORNIA.—The project for flood damage reduction, Santa Barbara Streams, Lower Mission Creek, California, at a total cost of $18,300,000, with an estimated Federal cost of $9,200,000 and an estimated non-Federal cost of $9,100,000.

(10) UPPER NEWPORT BAY HARBOR, CALIFORNIA.—The project for environmental restoration, Upper Newport Bay Harbor, California, at a total cost of $32,475,000, with an estimated Federal cost of $21,109,000 and an estimated non-Federal cost of $11,366,000.

(11) WHITEWATER RIVER BASIN, CALIFORNIA.—The project for flood damage reduction, Whitewater River basin, California, at a total cost of $27,570,000, with an estimated Federal cost of $17,920,000 and an estimated non-Federal cost of $9,650,000.

(12) DELAWARE COAST FROM CAPE HENLOPEN TO FENWICK ISLAND, DELAWARE.—The project for shore protection, Delaware Coast from Cape Henlopen to Fenwick Island, Delaware, at a total cost of $5,633,000, with an estimated Federal cost of $3,661,000 and an estimated non-Federal cost of $1,972,000, and at an estimated average annual cost of $920,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of $460,000 and an estimated annual non-Federal cost of $460,000.

(13) TAMPA HARBOR, FLORIDA.—Modification of the project for navigation, Tampa Harbor, Florida, authorized by section 4 of the Act of September 22, 1922 (42 Stat. 1042, chapter 427), to deepen the Port Sutton Channel, at a total cost of $6,000,000, with an estimated Federal cost of $4,000,000 and an estimated non-Federal cost of $2,000,000.

(14) JOHN T. MYERS LOCK AND DAM, INDIANA AND KENTUCKY.—The project for navigation, John T. Myers Lock and Dam, Ohio River, Indiana and Kentucky, at a total cost of $182,000,000. The costs of construction of the project shall be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(15) GREENUP LOCK AND DAM, KENTUCKY.—The project for navigation, Greenup Lock and Dam, Ohio River, Kentucky, at a total cost of $175,500,000. The costs of construction of the project shall be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(16) MORGANZA, LOUISIANA, TO GULF OF MEXICO.—

(A) IN GENERAL.—The project for hurricane protection, Morganza, Louisiana, to the Gulf of Mexico, at a total cost of $550,000,000, with an estimated Federal cost of $358,000,000 and an estimated non-Federal cost of $192,000,000.

(B) CREDIT.—The non-Federal interests shall receive credit toward the non-Federal share of project costs for the costs of any work carried out by the non-Federal interests for interim flood protection after March 31, 1989, if the Secretary finds that the work is compatible with, and integral to, the project.

(17) CHESTERFIELD, MISSOURI.—The project to implement structural and nonstructural measures to prevent flood damage to Chesterfield, Missouri, and the surrounding area, at a total cost of $67,700,000, with an estimated Federal cost of $44,000,000 and an estimated non-Federal cost of $23,700,000.

(18) RARITAN BAY AND SANDY HOOK BAY, PORT MONMOUTH, NEW JERSEY.—The project for shore protection, Raritan Bay and Sandy Hook Bay, Port Monmouth, New Jersey, at a total cost of $32,064,000, with an estimated Federal cost of $20,842,000 and an estimated non-Federal cost of $11,222,000, and at an estimated average annual cost of $2,468,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of $1,234,000 and an estimated annual non-Federal cost of $1,234,000.

(19) MEMPHIS, TENNESSEE.—The project for ecosystem restoration, Wolf River, Memphis, Tennessee, at a total cost of $10,933,000, with an estimated Federal cost of $7,106,000 and an estimated non-Federal cost of $3,827,000.

(20) JACKSON HOLE, WYOMING.—

(A) IN GENERAL.—The project for environmental restoration, Jackson Hole, Wyoming, at a total cost of $52,242,000, with an estimated Federal cost of $33,957,000 and an estimated non-Federal cost of $18,285,000.

(B) NON-FEDERAL SHARE.—

(i) IN GENERAL.—The non-Federal share of the costs of the project may be provided in cash or in the form of in-kind services or materials.

(ii) CREDIT.—The non-Federal interest shall receive credit toward the non-Federal share of project costs for design and construction work carried out by the non-Federal interest before the date of execution of a project cooperation agreement for the project, if the Secretary finds that the work is integral to the project.

(21) OHIO RIVER.—

(A) IN GENERAL.—The program for protection and restoration of fish and wildlife habitat in and along the main stem of the Ohio River, consisting of projects described in a comprehensive plan, at a total cost of $307,700,000, with an estimated Federal cost of $200,000,000 and an estimated non-Federal cost of $107,700,000.

(B) NON-FEDERAL SHARE.—

(i) IN GENERAL.—The non-Federal share of the costs of any project under the program may be provided in cash or in the form of in-kind services or materials.

(ii) CREDIT.—The non-Federal interest shall receive credit toward the non-Federal share of project costs for design and construction work carried out by the non-Federal interest before the date of execution of a project cooperation agreement for the project, if the Secretary finds that the work is integral to the project.

SEC. 102. SMALL SHORE PROTECTION PROJECTS.

The Secretary shall conduct a study for each of the following projects, and if the Secretary determines that a project is feasible, may carry out the project under section 3 of the Act of August 13, 1946 (33 U.S.C. 426g):

(1) LAKE PALOURDE, LOUISIANA.—Project for beach restoration and protection, Highway 70, Lake Palourde, St. Mary and St. Martin Parishes, Louisiana.

(2) ST. BERNARD, LOUISIANA.—Project for beach restoration and protection, Bayou Road, St. Bernard, Louisiana.

SEC. 103. SMALL NAVIGATION PROJECTS.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577):

(1) CAPE CORAL SOUTH SPREADER WATERWAY, FLORIDA.—Project for navigation, Cape Coral South Spreader Waterway, Lee County, Florida.

(2) HOUMA NAVIGATION CANAL, LOUISIANA.—Project for navigation, Houma Navigation Canal, Terrebonne Parish, Louisiana.

(3) VIDALIA PORT, LOUISIANA.—Project for navigation, Vidalia Port, Louisiana.

SEC. 104. REMOVAL OF SNAGS AND CLEARING AND STRAIGHTENING OF CHANNELS IN NAVIGABLE WATERS.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is appropriate, may carry out the project under section 3 of the Act of March 2, 1945 (33 U.S.C. 604):

(1) BAYOU MANCHAC, LOUISIANA.—Project for removal of snags and clearing and straightening of channels for flood control, Bayou Manchac, Ascension Parish, Louisiana.

(2) BLACK BAYOU AND HIPPOLYTE COULEE, LOUISIANA.—Project for removal of snags and clearing and straightening of channels for flood control, Black Bayou and Hippolyte Coulee, Calcasieu Parish, Louisiana.

SEC. 105. SMALL BANK STABILIZATION PROJECTS.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r):

(1) BAYOU DES GLAISES, LOUISIANA.—Project for emergency streambank protection, Bayou des Glaises (Lee Chatelain Road), Avoyelles Parish, Louisiana.

(2) BAYOU PLAQUEMINE, LOUISIANA.—Project for emergency streambank protection, Highway 77, Bayou Plaquemine, Iberville Parish, Louisiana.

(3) HAMMOND, LOUISIANA.—Project for emergency streambank protection, Fagan Drive Bridge, Hammond, Louisiana.

(4) IBERVILLE PARISH, LOUISIANA.—Project for emergency streambank protection, Iberville Parish, Louisiana.

(5) LAKE ARTHUR, LOUISIANA.—Project for emergency streambank protection, Parish Road 120 at Lake Arthur, Louisiana.

(6) LAKE CHARLES, LOUISIANA.—Project for emergency streambank protection, Pithon Coulee, Lake Charles, Calcasieu Parish, Louisiana.

(7) LOGGY BAYOU, LOUISIANA.—Project for emergency streambank protection, Loggy Bayou, Bienville Parish, Louisiana.

(8) SCOTLANDVILLE BLUFF, LOUISIANA.—Project for emergency streambank protection, Scotlandville Bluff, East Baton Rouge Parish, Louisiana.

SEC. 106. SMALL FLOOD CONTROL PROJECTS.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s):

(1) WEISER RIVER, IDAHO.—Project for flood damage reduction, Weiser River, Idaho.

(2) BAYOU TETE L'OURS, LOUISIANA.—Project for flood control, Bayou Tete L'Ours, Louisiana.

(3) BOSSIER CITY, LOUISIANA.—Project for flood control, Red Chute Bayou levee, Bossier City, Louisiana.

(4) BRAITHWAITE PARK, LOUISIANA.—Project for flood control, Braithwaite Park, Louisiana.

(5) CANE BEND SUBDIVISION, LOUISIANA.—Project for flood control, Cane Bend Subdivision, Bossier Parish, Louisiana.

(6) CROWN POINT, LOUISIANA.—Project for flood control, Crown Point, Louisiana.

(7) DONALDSONVILLE CANALS, LOUISIANA.—Project for flood control, Donaldsonville Canals, Louisiana.

(8) GOOSE BAYOU, LOUISIANA.—Project for flood control, Goose Bayou, Louisiana.

(9) GUMBY DAM, LOUISIANA.—Project for flood control, Gumby Dam, Richland Parish, Louisiana.

(10) HOPE CANAL, LOUISIANA.—Project for flood control, Hope Canal, Louisiana.

(11) JEAN LAFITTE, LOUISIANA.—Project for flood control, Jean Lafitte, Louisiana.

(12) LOCKPORT TO LAROSE, LOUISIANA.—Project for flood control, Lockport to Larose, Louisiana.

(13) LOWER LAFITTE BASIN, LOUISIANA.—Project for flood control, Lower Lafitte Basin, Louisiana.

(14) OAKVILLE TO LAREUSSITE, LOUISIANA.—Project for flood control, Oakville to LaReussite, Louisiana.

(15) PAILET BASIN, LOUISIANA.—Project for flood control, Pailet Basin, Louisiana.

(16) POCHITOLAWA CREEK, LOUISIANA.—Project for flood control, Pochitolawa Creek, Louisiana.

(17) ROSETHORN BASIN, LOUISIANA.—Project for flood control, Rosethorn Basin, Louisiana.

(18) SHREVEPORT, LOUISIANA.—Project for flood control, Twelve Mile Bayou, Shreveport, Louisiana.

(19) STEPHENSVILLE, LOUISIANA.—Project for flood control, Stephensville, Louisiana.

(20) ST. JOHN THE BAPTIST PARISH, LOUISIANA.—Project for flood control, St. John the Baptist Parish, Louisiana.

(21) MAGBY CREEK AND VERNON BRANCH, MISSISSIPPI.—Project for flood control, Magby Creek and Vernon Branch, Lowndes County, Mississippi.

(22) FRITZ LANDING, TENNESSEE.—Project for flood control, Fritz Landing, Tennessee.

SEC. 107. SMALL PROJECTS FOR IMPROVEMENT OF THE QUALITY OF THE ENVIRONMENT.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is appropriate, may carry out the project under section 1135(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2309a(a)):

(1) BAYOU SAUVAGE NATIONAL WILDLIFE REFUGE, LOUISIANA.—Project for improvement of the quality of the environment, Bayou Sauvage National Wildlife Refuge, Orleans Parish, Louisiana.

(2) GULF INTRACOASTAL WATERWAY, BAYOU PLAQUEMINE, LOUISIANA.—Project for improvement of the quality of the environment, Gulf Intracoastal Waterway, Bayou Plaquemine, Iberville Parish, Louisiana.

(3) GULF INTRACOASTAL WATERWAY, MILES 220 TO 222.5, LOUISIANA.—Project for improvement of the quality of the environment, Gulf Intracoastal Waterway, miles 220 to 222.5, Vermilion Parish, Louisiana.

(4) GULF INTRACOASTAL WATERWAY, WEEKS BAY, LOUISIANA.—Project for improvement of the quality of the environment, Gulf Intracoastal Waterway, Weeks Bay, Iberia Parish, Louisiana.

(5) LAKE FAUSSE POINT, LOUISIANA.—Project for improvement of the quality of the environment, Lake Fausse Point, Louisiana.

(6) LAKE PROVIDENCE, LOUISIANA.—Project for improvement of the quality of the environment, Old River, Lake Providence, Louisiana.

(7) NEW RIVER, LOUISIANA.—Project for improvement of the quality of the environment, New River, Ascension Parish, Louisiana.

(8) ERIE COUNTY, OHIO.—Project for improvement of the quality of the environment, Sheldon's Marsh State Nature Preserve, Erie County, Ohio.

(9) MUSHINGUM COUNTY, OHIO.—Project for improvement of the quality of the environment, Dillon Reservoir watershed, Licking River, Mushingum County, Ohio.

SEC. 108. BENEFICIAL USES OF DREDGED MATERIAL.

The Secretary may carry out the following projects under section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326):

(1) HOUMA NAVIGATION CANAL, LOUISIANA.—Project to make beneficial use of dredged material from a Federal navigation project that includes barrier island restoration at the Houma Navigation Canal, Terrebonne Parish, Louisiana.

(2) MISSISSIPPI RIVER GULF OUTLET, MILE -3 TO MILE -9, LOUISIANA.—Project to make beneficial use of dredged material from a Federal navigation project that includes dredging of the Mississippi River Gulf Outlet, mile -3 to mile -9, St. Bernard Parish, Louisiana.

(3) MISSISSIPPI RIVER GULF OUTLET, MILE 11 TO MILE 4, LOUISIANA.—Project to make beneficial use of dredged material from a Federal navigation project that includes dredging of the Mississippi River Gulf Outlet, mile 11 to mile 4, St. Bernard Parish, Louisiana.

(4) PLAQUEMINES PARISH, LOUISIANA.—Project to make beneficial use of dredged material from a Federal navigation project that includes marsh creation at the contained submarine maintenance dredge sediment trap, Plaquemines Parish, Louisiana.

(5) OTTAWA COUNTY, OHIO.—Project to protect, restore, and create aquatic and related habitat using dredged material, East Harbor State Park, Ottawa County, Ohio.

SEC. 109. SMALL AQUATIC ECOSYSTEM RESTORATION PROJECTS.

(a) IN GENERAL.—The Secretary may carry out the following projects under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330):

(1) BRAUD BAYOU, LOUISIANA.—Project for aquatic ecosystem restoration, Braud Bayou, Spanish Lake, Ascension Parish, Louisiana.

(2) BURAS MARINA, LOUISIANA.—Project for aquatic ecosystem restoration, Buras Marina, Buras, Plaquemines Parish, Louisiana.

(3) COMITE RIVER, LOUISIANA.—Project for aquatic ecosystem restoration, Comite River at Hooper Road, Louisiana.

(4) DEPARTMENT OF ENERGY 21-INCH PIPELINE CANAL, LOUISIANA.—Project for aquatic ecosystem restoration, Department of Energy 21-inch Pipeline Canal, St. Martin Parish, Louisiana.

(5) LAKE BORGNE, LOUISIANA.—Project for aquatic ecosystem restoration, southern shores of Lake Borgne, Louisiana.

(6) LAKE MARTIN, LOUISIANA.—Project for aquatic ecosystem restoration, Lake Martin, Louisiana.

(7) LULING, LOUISIANA.—Project for aquatic ecosystem restoration, Luling Oxidation Pond, St. Charles Parish, Louisiana.

(8) MANDEVILLE, LOUISIANA.—Project for aquatic ecosystem restoration, Mandeville, St. Tammany Parish, Louisiana.

(9) ST. JAMES, LOUISIANA.—Project for aquatic ecosystem restoration, St. James, Louisiana.

(10) MINES FALLS PARK, NEW HAMPSHIRE.—Project for aquatic ecosystem restoration, Mines Falls Park, New Hampshire.

(11) NORTH HAMPTON, NEW HAMPSHIRE.—Project for aquatic ecosystem restoration, Little River Salt Marsh, North Hampton, New Hampshire.

(12) HIGHLAND COUNTY, OHIO.—Project for aquatic ecosystem restoration, Rocky Fork Lake, Clear Creek floodplain, Highland County, Ohio.

(13) HOCKING COUNTY, OHIO.—Project for aquatic ecosystem restoration, Long Hollow Mine, Hocking County, Ohio.

(14) TUSCARAWAS COUNTY, OHIO.—Project for aquatic ecosystem restoration, Huff Run, Tuscarawas County, Ohio.

(15) CENTRAL AMAZON CREEK, OREGON.—Project for aquatic ecosystem restoration, Central Amazon Creek, Oregon.

(16) DELTA PONDS, OREGON.—Project for aquatic ecosystem restoration, Delta Ponds, Oregon.

(17) EUGENE MILLRACE, OREGON.—Project for aquatic ecosystem restoration, Eugene Millrace, Oregon.

(18) MEDFORD, OREGON.—Project for aquatic ecosystem restoration, Bear Creek watershed, Medford, Oregon.

(19) ROSLYN LAKE, OREGON.—Project for aquatic ecosystem restoration, Roslyn Lake, Oregon.

(b) SALMON RIVER, IDAHO.—

(1) CREDIT.—The non-Federal interests with respect to the proposed project for aquatic ecosystem restoration, Salmon River, Idaho, may receive credit toward the non-Federal share of project costs for work, consisting of surveys, studies, and development of technical data, that is carried out by the non-Federal interests in connection with the project, if the Secretary finds that the work is integral to the project.

(2) MAXIMUM AMOUNT OF CREDIT.—The amount of the credit under paragraph (1), together with other credit afforded, shall not exceed the non-Federal share of the cost of the project under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330).

SEC. 110. FLOOD MITIGATION AND RIVERINE RESTORATION.

Section 212(e) of the Water Resources Development Act of 1999 (33 U.S.C. 2332(e)) is amended—

(1) in paragraph (22), by striking ''and'' at the end;

(2) in paragraph (23), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(24) Perry Creek, Iowa.''.

SEC. 111. DISPOSAL OF DREDGED MATERIAL ON BEACHES.

Section 217 of the Water Resources Development Act of 1999 (113 Stat. 294) is amended by adding at the end the following:

''(f) FORT CANBY STATE PARK, BENSON BEACH, WASHINGTON.—The Secretary may design and construct a shore protection project at Fort Canby State Park, Benson Beach, Washington, including beneficial use of dredged material from Federal navigation projects as provided under section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j).''.

TITLE II—GENERAL PROVISIONS

SEC. 201. COOPERATION AGREEMENTS WITH COUNTIES.

Section 221(a) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(a)) is amended in the second sentence—

(1) by striking ''State legislative''; and

(2) by inserting before the period at the end the following: ''of the State or a body politic of the State''.

SEC. 202. WATERSHED AND RIVER BASIN ASSESSMENTS.

Section 729 of the Water Resources Development Act of 1986 (100 Stat. 4164) is amended to read as follows:

''SEC. 729. WATERSHED AND RIVER BASIN ASSESSMENTS.

''(a) IN GENERAL.—The Secretary may assess the water resources needs of river basins and watersheds of the United States, including needs relating to—

''(1) ecosystem protection and restoration;

''(2) flood damage reduction;

''(3) navigation and ports;

''(4) watershed protection;

''(5) water supply; and

''(6) drought preparedness.

''(b) COOPERATION.—An assessment under subsection (a) shall be carried out in cooperation and coordination with—

''(1) the Secretary of the Interior;

''(2) the Secretary of Agriculture;

''(3) the Secretary of Commerce;

''(4) the Administrator of the Environmental Protection Agency; and

''(5) the heads of other appropriate agencies.

''(c) CONSULTATION.—In carrying out an assessment under subsection (a), the Secretary shall consult with Federal, tribal, State, interstate, and local governmental entities.

''(d) PRIORITY RIVER BASINS AND WATERSHEDS.—In selecting river basins and watersheds for assessment under this section, the Secretary shall give priority to—

''(1) the Delaware River basin; and

''(2) the Willamette River basin, Oregon.

''(e) ACCEPTANCE OF CONTRIBUTIONS.—In carrying out an assessment under subsection (a), the Secretary may accept contributions, in cash or in kind, from Federal, tribal, State, interstate, and local governmental entities to the extent that the Secretary determines that the contributions will facilitate completion of the assessment.

''(f) COST-SHARING REQUIREMENTS.—

''(1) NON-FEDERAL SHARE.—The non-Federal share of the costs of an assessment carried out under this section shall be 50 percent.

''(2) CREDIT.—

''(A) IN GENERAL.—Subject to subparagraph (B), the non-Federal interests may receive credit toward the non-Federal share required under paragraph (1) for the provision of services, materials, supplies, or other in-kind contributions.

''(B) MAXIMUM AMOUNT OF CREDIT.—Credit under subparagraph (A) shall not exceed an amount equal to 25 percent of the costs of the assessment.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000.''.

SEC. 203. TRIBAL PARTNERSHIP PROGRAM.

(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) PROGRAM.—

(1) IN GENERAL.—In cooperation with Indian tribes and the heads of other Federal agencies, the Secretary may study and determine the feasibility of carrying out water resources development projects that—

(A) will substantially benefit Indian tribes; and

(B) are located primarily within Indian country (as defined in section 1151 of title 18, United States Code) or in proximity to Alaska Native villages.

(2) MATTERS TO BE STUDIED.—A study conducted under paragraph (1) may address—

(A) projects for flood damage reduction, environmental restoration and protection, and preservation of cultural and natural resources; and

(B) such other projects as the Secretary, in cooperation with Indian tribes and the heads of other Federal agencies, determines to be appropriate.

(c) CONSULTATION AND COORDINATION WITH SECRETARY OF THE INTERIOR.—

(1) IN GENERAL.—In recognition of the unique role of the Secretary of the Interior concerning trust responsibilities with Indian tribes, and in recognition of mutual trust responsibilities, the Secretary shall consult with the Secretary of the Interior concerning studies conducted under subsection (b).

(2) INTEGRATION OF ACTIVITIES.—The Secretary shall—

(A) integrate civil works activities of the Department of the Army with activities of the Department of the Interior to avoid conflicts, duplications of effort, or unanticipated adverse effects on Indian tribes; and

(B) consider the authorities and programs of the Department of the Interior and other Federal agencies in any recommendations concerning carrying out projects studied under subsection (b).

(d) PRIORITY PROJECTS.—In selecting water resources development projects for study under this section, the Secretary shall give priority to the project for the Tribal Reservation of the Shoalwater Bay Indian Tribe on Willapa Bay, Washington, authorized by section 439(b).

(e) COST SHARING.—

(1) ABILITY TO PAY.—

(A) IN GENERAL.—Any cost-sharing agreement for a study under subsection (b) shall be subject to the ability of the non-Federal interest to pay.

(B) USE OF PROCEDURES.—The ability of a non-Federal interest to pay shall be determined by the Secretary in accordance with procedures established by the Secretary.

(2) CREDIT.—

(A) IN GENERAL.—Subject to subparagraph (B), in conducting studies of projects under subsection (b), the Secretary may provide credit to the non-Federal interest for the provision of services, studies, supplies, or other in-kind contributions to the extent that the Secretary determines that the services, studies, supplies, and other in-kind contributions will facilitate completion of the project.

(B) MAXIMUM AMOUNT OF CREDIT.—Credit under subparagraph (A) shall not exceed an amount equal to the non-Federal share of the costs of the study.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (b) $5,000,000 for each of fiscal years 2002 through 2006, of which not more than $1,000,000 may be used with respect to any 1 Indian tribe.

SEC. 204. ABILITY TO PAY.

Section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)) is amended—

(1) by striking paragraphs (1) and (2) and inserting the following:

''(1) IN GENERAL.—Any cost-sharing agreement under this section for a feasibility study, or for construction of an environmental protection and restoration project, a flood control project, a project for navigation, storm damage protection, shoreline erosion, hurricane protection, or recreation, or an agricultural water supply project, shall be subject to the ability of the non-Federal interest to pay.

''(2) CRITERIA AND PROCEDURES.—

''(A) IN GENERAL.—The ability of a non-Federal interest to pay shall be determined by the Secretary in accordance with—

''(i) during the period ending on the date on which revised criteria and procedures are promulgated under subparagraph (B), criteria and procedures in effect on the day before the date of enactment of this subparagraph; and

''(ii) after the date on which revised criteria and procedures are promulgated under subparagraph (B), the revised criteria and procedures promulgated under subparagraph (B).

''(B) REVISED CRITERIA AND PROCEDURES.—Not later than 18 months after the date of enactment of this subparagraph, in accordance with paragraph (3), the Secretary shall promulgate revised criteria and procedures governing the ability of a non-Federal interest to pay.''; and

(2) in paragraph (3)—

(A) in subparagraph (A)(ii), by adding ''and'' at the end; and

(B) by striking subparagraphs (B) and (C) and inserting the following:

''(B) may consider additional criteria relating to—

''(i) the financial ability of the non-Federal interest to carry out its cost-sharing responsibilities; or

''(ii) additional assistance that may be available from other Federal or State sources.''.

SEC. 205. PROPERTY PROTECTION PROGRAM.

(a) IN GENERAL.—The Secretary may carry out a program to reduce vandalism and destruction of property at water resources development projects under the jurisdiction of the Department of the Army.

(b) PROVISION OF REWARDS.—In carrying out the program, the Secretary may provide rewards (including cash rewards) to individuals who provide information or evidence leading to the arrest and prosecution of individuals causing damage to Federal property.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000 for each fiscal year.

SEC. 206. NATIONAL RECREATION RESERVATION SERVICE.

Notwithstanding section 611 of the Treasury and General Government Appropriations Act, 1999 (Public Law 105–277; 112 Stat. 2681–515), the Secretary may—

(1) participate in the National Recreation Reservation Service on an interagency basis; and

(2) pay the Department of the Army's share of the activities required to implement, operate, and maintain the Service.

SEC. 207. OPERATION AND MAINTENANCE OF HYDROELECTRIC FACILITIES.

Section 314 of the Water Resources Development Act of 1990 (33 U.S.C. 2321) is amended in the first sentence by inserting before the period at the end the following: ''in cases in which the activities require specialized training relating to hydroelectric power generation''.

SEC. 208. INTERAGENCY AND INTERNATIONAL SUPPORT.

Section 234(d) of the Water Resources Development Act of 1996 (33 U.S.C. 2323a(d)) is amended—

(1) in the first sentence, by striking ''$1,000,000'' and inserting ''$2,000,000''; and

(2) in the second sentence, by inserting ''out'' after ''carry''.

SEC. 209. REBURIAL AND CONVEYANCE AUTHORITY.

(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) REBURIAL.—

(1) REBURIAL AREAS.—In consultation with affected Indian tribes, the Secretary may identify and set aside areas at civil works projects of the Department of the Army that may be used to rebury Native American remains that—

(A) have been discovered on project land; and

(B) have been rightfully claimed by a lineal descendant or Indian tribe in accordance with applicable Federal law.

(2) REBURIAL.—In consultation with and with the consent of the lineal descendant or the affected Indian tribe, the Secretary may recover and rebury, at full Federal expense, the remains at the areas identified and set aside under subsection (b)(1).

(c) CONVEYANCE AUTHORITY.—

(1) IN GENERAL.—Subject to paragraph (2), notwithstanding any other provision of law, the Secretary may convey to an Indian tribe for use as a cemetery an area at a civil works project that is identified and set aside by the Secretary under subsection (b)(1).

(2) RETENTION OF NECESSARY PROPERTY INTERESTS.—In carrying out paragraph (1), the Secretary shall retain any necessary right-

of-way, easement, or other property interest that the Secretary determines to be necessary to carry out the authorized purposes of the project.

SEC. 210. APPROVAL OF CONSTRUCTION OF DAMS AND DIKES.

Section 9 of the Act of March 3, 1899 (33 U.S.C. 401), is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''It shall'';

(2) by striking ''However, such structures'' and inserting the following:

''(b) WATERWAYS WITHIN A SINGLE STATE.—Notwithstanding subsection (a), structures described in subsection (a)'';

(3) by striking ''When plans'' and inserting the following:

''(c) MODIFICATION OF PLANS.—When plans'';

(4) by striking ''The approval'' and inserting the following:

''(d) APPLICABILITY.—

''(1) BRIDGES AND CAUSEWAYS.—The approval''; and

(5) in subsection (d) (as designated by paragraph (4)), by adding at the end the following:

''(2) DAMS AND DIKES.—

''(A) IN GENERAL.—The approval required by this section of the location and plans, or any modification of plans, of any dam or dike, applies only to a dam or dike that, if constructed, would completely span a waterway used to transport interstate or foreign commerce, in such a manner that actual, existing interstate or foreign commerce could be adversely affected.

''(B) OTHER DAMS AND DIKES.—Any dam or dike (other than a dam or dike described in subparagraph (A)) that is proposed to be built in any other navigable water of the United States—

''(i) shall be subject to section 10; and

''(ii) shall not be subject to the approval requirements of this section.''.

SEC. 211. PROJECT DEAUTHORIZATION AUTHORITY.

Section 1001 of the Water Resources Development Act of 1986 (33 U.S.C. 579a) is amended to read as follows:

''SEC. 1001. PROJECT DEAUTHORIZATIONS.

''(a) DEFINITIONS.—In this section:

''(1) CONSTRUCTION.—The term 'construction', with respect to a project or separable element, means—

''(A) in the case of—

''(i) a nonstructural flood control project, the acquisition of land, an easement, or a right-of-way primarily to relocate a structure; and

''(ii) in the case of any other nonstructural measure, the performance of physical work under a construction contract;

''(B) in the case of an environmental protection and restoration project—

''(i) the acquisition of land, an easement, or a right-of-way primarily to facilitate the restoration of wetland or a similar habitat; or

''(ii) the performance of physical work under a construction contract to modify an existing project facility or to construct a new environmental protection and restoration measure; and

''(C) in the case of any other water resources project, the performance of physical work under a construction contract.

''(2) PHYSICAL WORK UNDER A CONSTRUCTION CONTRACT.—The term 'physical work under a construction contract' does not include any activity related to project planning, engineering and design, relocation, or the acquisition of land, an easement, or a right-of-way.

''(b) PROJECTS NEVER UNDER CONSTRUCTION.—

''(1) LIST OF PROJECTS.—The Secretary shall annually submit to Congress a list of projects and separable elements of projects that—

''(A) are authorized for construction; and

''(B) for which no Federal funds were obligated for construction during the 4 full fiscal years preceding the date of submission of the list.

''(2) DEAUTHORIZATION.—Any water resources project, or separable element of a water resources project, authorized for construction shall be deauthorized effective at the end of the 7-year period beginning on the date of the most recent authorization or reauthorization of the project or separable element unless Federal funds have been obligated for preconstruction engineering and design or for construction of the project or separable element by the end of that period.

''(c) PROJECTS FOR WHICH CONSTRUCTION HAS BEEN SUSPENDED.—

''(1) LIST OF PROJECTS.—

''(A) IN GENERAL.—The Secretary shall annually submit to Congress a list of projects and separable elements of projects—

''(i) that are authorized for construction;

''(ii) for which Federal funds have been obligated for construction of the project or separable element; and

''(iii) for which no Federal funds have been obligated for construction of the project or separable element during the 2 full fiscal years preceding the date of submission of the list.

''(B) PROJECTS WITH INITIAL PLACEMENT OF FILL.—The Secretary shall not include on a list submitted under subparagraph (A) any shore protection project with respect to which there has been, before the date of submission of the list, any placement of fill unless the Secretary determines that the project no longer has a willing and financially capable non-Federal interest.

''(2) DEAUTHORIZATION.—Any water resources project, or separable element of a water resources project, for which Federal funds have been obligated for construction shall be deauthorized effective at the end of any 5-fiscal year period during which Federal funds specifically identified for construction of the project or separable element (in an Act of Congress or in the accompanying legislative report language) have not been obligated for construction.

''(d) CONGRESSIONAL NOTIFICATIONS.—Upon submission of the lists under subsections (b)(1) and (c)(1), the Secretary shall notify each Senator in whose State, and each Member of the House of Representatives in whose district, the affected project or separable element is or would be located.

''(e) FINAL DEAUTHORIZATION LIST.—The Secretary shall publish annually in the Federal Register a list of all projects and separable elements deauthorized under subsection (b)(2) or (c)(2).

''(f) EFFECTIVE DATE.—Subsections (b)(2) and (c)(2) take effect 1 year after the date of enactment of this subsection.''.

SEC. 212. FLOODPLAIN MANAGEMENT REQUIREMENTS.

(a) IN GENERAL.—Section 402(c) of the Water Resources Development Act of 1986 (33 U.S.C. 701b–12(c)) is amended—

(1) in the first sentence of paragraph (1), by striking ''Within 6 months after the date of the enactment of this subsection, the'' and inserting ''The'';

(2) by redesignating paragraph (2) as paragraph (3);

(3) by striking ''Such guidelines shall address'' and inserting the following:

''(2) REQUIRED ELEMENTS.—The guidelines developed under paragraph (1) shall—

''(A) address''; and

(4) in paragraph (2) (as designated by paragraph (3))—

(A) by inserting ''that non-Federal interests shall adopt and enforce'' after ''policies'';

(B) by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(B) require non-Federal interests to take measures to preserve the level of flood protection provided by a project to which subsection (a) applies.''.

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply to any project or separable element of a project with respect to which the Secretary and the non-Federal interest have not entered a project cooperation agreement on or before the date of enactment of this Act.

(c) TECHNICAL AMENDMENTS.—Section 402(b) of the Water Resources Development Act of 1986 (33 U.S.C. 701b–12(b)) is amended—

(1) in the subsection heading, by striking ''FLOOD PLAIN'' and inserting ''FLOODPLAIN''; and

(2) in the first sentence, by striking ''flood plain'' and inserting ''floodplain''.

SEC. 213. ENVIRONMENTAL DREDGING.

Section 312 of the Water Resources Development Act of 1990 (33 U.S.C. 1272) is amended by adding at the end the following:

''(g) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any project carried out under this section, a non-Federal sponsor may include a nonprofit entity, with the consent of the affected local government.''.

SEC. 214. REGULATORY ANALYSIS AND MANAGEMENT SYSTEMS DATA.

(a) IN GENERAL.—Beginning October 1, 2000, the Secretary, acting through the Chief of Engineers, shall publish, on the Army Corps of Engineers' Regulatory Program website, quarterly reports that include all Regulatory Analysis and Management Systems (RAMS) data.

(b) DATA.—Such RAMS data shall include—

(1) the date on which an individual or nationwide permit application under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) is first received by the Corps;

(2) the date on which the application is considered complete;

(3) the date on which the Corps either grants (with or without conditions) or denies the permit; and

(4) if the application is not considered complete when first received by the Corps, a description of the reason the application was not considered complete.

SEC. 215. PERFORMANCE OF SPECIALIZED OR TECHNICAL SERVICES.

(a) DEFINITION OF STATE.—In this section, the term ''State'' has the meaning given the term in section 6501 of title 31, United States Code.

(b) AUTHORITY.—The Corps of Engineers may provide specialized or technical services to a Federal agency (other than a Department of Defense agency), State, or local government of the United States under section 6505 of title 31, United States Code, only if the chief executive of the requesting entity submits to the Secretary—

(1) a written request describing the scope of the services to be performed and agreeing to reimburse the Corps for all costs associated with the performance of the services; and

(2) a certification that includes adequate facts to establish that the services requested are not reasonably and quickly available through ordinary business channels.

(c) CORPS AGREEMENT TO PERFORM SERVICES.—The Secretary, after receiving a request described in subsection (b) to provide specialized or technical services, shall, before entering into an agreement to perform the services—

(1) ensure that the requirements of subsection (b) are met with regard to the request for services; and

(2) execute a certification that includes adequate facts to establish that the Corps is uniquely equipped to perform such services.

(d) ANNUAL REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than the end of each calendar year, the Secretary shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report identifying any request submitted by a Federal agency (other than a Department of Defense agency), State, or local government of the United States to the Corps to provide specialized or technical services.

(2) CONTENTS OF REPORT.—The report shall include, with respect to each request described in paragraph (1)—

(A) a description of the scope of services requested;

(B) the certifications required under subsection (b) and (c);

(C) the status of the request;

(D) the estimated and final cost of the services;

(E) the status of reimbursement;

(F) a description of the scope of services performed; and

(G) copies of all certifications in support of the request.

SEC. 216. HYDROELECTRIC POWER PROJECT FUNDING.

Section 216 of the Water Resources Development Act of 1996 (33 U.S.C. 2321a) is amended—

(1) in subsection (a), by striking ''In carrying out'' and all that follows through ''(1) is'' and inserting the following: ''In carrying out the operation, maintenance, rehabilitation, and modernization of a hydroelectric power generating facility at a water resources project under the jurisdiction of the Department of the Army, the Secretary may, to the extent funds are made available in appropriations Acts or in accordance with subsection (c), take such actions as are necessary to optimize the efficiency of energy production or increase the capacity of the facility, or both, if, after consulting with the heads of other appropriate Federal and State agencies, the Secretary determines that such actions—

''(1) are'';

(2) in the first sentence of subsection (b), by striking ''the proposed uprating'' and inserting ''any proposed uprating'';

(3) by redesignating subsection (c) as subsection (e); and

(4) by inserting after subsection (b) the following:

''(c) USE OF FUNDS PROVIDED BY PREFERENCE CUSTOMERS.—In carrying out this section, the Secretary may accept and expend funds provided by preference customers under Federal law relating to the marketing of power.

''(d) APPLICATION.—This section does not apply to any facility of the Department of the Army that is authorized to be funded under section 2406 of the Energy Policy Act of 1992 (16 U.S.C. 839d–1).''.

SEC. 217. ASSISTANCE PROGRAMS.

(a) CONSERVATION AND RECREATION MANAGEMENT.—To further training and educational opportunities at water resources development projects under the jurisdiction of the Secretary, the Secretary may enter into cooperative agreements with non-Federal public and nonprofit entities for services relating to natural resources conservation or recreation management.

(b) RURAL COMMUNITY ASSISTANCE.—In carrying out studies and projects under the jurisdiction of the Secretary, the Secretary may enter into cooperative agreements with multistate regional private nonprofit rural community assistance entities for services, including water resource assessment, community participation, planning, development, and management activities.

(c) COOPERATIVE AGREEMENTS.—A cooperative agreement entered into under this section shall not be considered to be, or treated as being, a cooperative agreement to which chapter 63 of title 31, United States Code, applies.

SEC. 218. FUNDING TO PROCESS PERMITS.

(a) The Secretary, after public notice, may accept and expend funds contributed by non-Federal public entities to expedite the evaluation of permits under the jurisdiction of the Department of the Army.

(b) In carrying out this section, the Secretary shall ensure that the use of such funds as authorized in subsection (a) will result in improved efficiencies in permit evaluation and will not impact impartial decision-making in the permitting process.

SEC. 219. PROGRAM TO MARKET DREDGED MATERIAL.

(a) SHORT TITLE.—This section may be cited as the ''Dredged Material Reuse Act''.

(b) FINDING.—Congress finds that the Secretary of the Army should establish a program to reuse dredged material—

(1) to ensure the long-term viability of disposal capacity for dredged material; and

(2) to encourage the reuse of dredged material for environmental and economic purposes.

(c) DEFINITION.—In this Act, the term ''Secretary'' means the Secretary of the Army, acting through the Chief of Engineers.

(d) PROGRAM FOR REUSE OF DREDGED MATERIAL.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a program to allow the direct marketing of dredged material to public agencies and private entities.

(2) LIMITATIONS.—The Secretary shall not establish the program under subsection (a) unless a determination is made that such program is in the interest of the United States and is economically justified, equitable, and environmentally acceptable.

(3) REGIONAL RESPONSIBILITY.—The program described in subsection (a) may authorize each of the 8 division offices of the Corps of Engineers to market to public agencies and private entities any dredged material from projects under the jurisdiction of the regional office. Any revenues generated from any sale of dredged material to such entities shall be deposited in the United States Treasury.

(4) REPORTS.—Not later than 180 days after the date of enactment of this Act, and annually thereafter for a period of 4 years, the Secretary shall submit to Congress a report on the program established under subsection (a).

(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this Act $2,000,000 for each fiscal year.

SEC. 220. NATIONAL ACADEMY OF SCIENCES STUDIES.

(a) DEFINITIONS.—In this section:

(1) ACADEMY.—The term ''Academy'' means the National Academy of Sciences.

(2) METHOD.—The term ''method'' means a method, model, assumption, or other pertinent planning tool used in conducting an economic or environmental analysis of a water resources project, including the formulation of a feasibility report.

(3) FEASIBILITY REPORT.—The term ''feasibility report'' means each feasibility report, and each associated environmental impact statement and mitigation plan, prepared by the Corps of Engineers for a water resources project.

(4) WATER RESOURCES PROJECT.—The term ''water resources project'' means a project for navigation, a project for flood control, a project for hurricane and storm damage reduction, a project for emergency streambank and shore protection, a project for ecosystem restoration and protection, and a water resources project of any other type carried out by the Corps of Engineers.

(b) INDEPENDENT PEER REVIEW OF PROJECTS.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall contract with the Academy to study, and make recommendations relating to, the independent peer review of feasibility reports.

(2) STUDY ELEMENTS.—In carrying out a contract under paragraph (1), the Academy shall study the practicality and efficacy of the independent peer review of the feasibility reports, including—

(A) the cost, time requirements, and other considerations relating to the implementation of independent peer review; and

(B) objective criteria that may be used to determine the most effective application of independent peer review to feasibility reports for each type of water resources project.

(3) ACADEMY REPORT.—Not later than 1 year after the date of a contract under paragraph (1), the Academy shall submit to the Secretary, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Environment and Public Works of the Senate a report that includes—

(A) the results of the study conducted under paragraphs (1) and (2); and

(B) in light of the results of the study, specific recommendations, if any, on a program for implementing independent peer review of feasibility reports.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $1,000,000, to remain available until expended.

(c) INDEPENDENT PEER REVIEW OF METHODS FOR PROJECT ANALYSIS.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall contract with the Academy to conduct a study that includes—

(A) a review of state-of-the-art methods;

(B) a review of the methods currently used by the Secretary;

(C) a review of a sample of instances in which the Secretary has applied the methods identified under subparagraph (B) in the analysis of each type of water resources project; and

(D) a comparative evaluation of the basis and validity of state-of-the-art methods identified under subparagraph (A) and the methods identified under subparagraphs (B) and (C).

(2) ACADEMY REPORT.—Not later than 1 year after the date of a contract under paragraph (1), the Academy shall submit to the Secretary, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Environment and Public Works of the Senate a report that includes—

(A) the results of the study conducted under paragraph (1); and

(B) in light of the results of the study, specific recommendations for modifying any of the methods currently used by the Secretary for conducting economic and environmental analyses of water resources projects.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $2,000,000, to remain available until expended.

TITLE III—PROJECT-RELATED PROVISIONS

SEC. 301. TENNESSEE-TOMBIGBEE WATERWAY WILDLIFE MITIGATION PROJECT, ALABAMA AND MISSISSIPPI.

(a) GENERAL.—The Tennessee-Tombigbee Waterway Wildlife Mitigation Project, Alabama and Mississippi, authorized by section 601(a) of Public Law 99–662 (100 Stat. 4138) is modified to authorize the Secretary to—

(1) remove the wildlife mitigation purpose designation from up to 3,000 acres of land as necessary over the life of the project from lands originally acquired for water resource development projects included in the Mitigation Project in accordance with the Report of the Chief of Engineers dated August 31, 1985;

(2) sell or exchange such lands in accordance with subsection (c)(1) and under such conditions as the Secretary determines to be necessary to protect the interests of the United States, utilize such lands as the Secretary determines to be appropriate in connection with development, operation, maintenance, or modification of the water resource development projects, or grant such other interests as the Secretary may determine to be reasonable in the public interest; and

(3) acquire, in accordance with subsections (c) and (d), lands from willing sellers to offset the removal of any lands from the Mitigation Project for the purposes listed in subsection (a)(2) of this section.

(b) REMOVAL PROCESS.—From the date of enactment of this Act, the locations of these lands to be removed will be determined at appropriate time intervals at the discretion of the Secretary, in consultation with appropriate Federal and State fish and wildlife agencies, to facilitate the operation of the water resource development projects and to respond to regional needs related to the project. Removals under this subsection shall be restricted to Project Lands designated for mitigation and shall not include lands purchased exclusively for mitigation purposes (known as Separable Mitigation Lands). Parcel identification, removal, and sale may occur assuming acreage acquisitions pursuant to subsection (d) are at least equal to the total acreage of the lands removed.

(c) LANDS TO BE SOLD.—

(1) Lands to be sold or exchanged pursuant to subsection (a)(2) shall be made available for related uses consistent with other uses of the water resource development project lands (including port, industry, transportation, recreation, and other regional needs for the project).

(2) Any valuation of land sold or exchanged pursuant to this section shall be at fair market value as determined by the Secretary.

(3) The Secretary is authorized to accept monetary consideration and to use such funds without further appropriation to carry out subsection (a)(3). All monetary considerations made available to the Secretary under subsection (a)(2) from the sale of lands shall be used for and in support of acquisitions pursuant to subsection (d). The Secretary is further authorized for purposes of this section to purchase up to 1,000 acres from funds otherwise available.

(d) CRITERIA FOR LAND TO BE ACQUIRED.—The Secretary shall consult with the appropriate Federal and State fish and wildlife agencies in selecting the lands to be acquired pursuant to subsection (a)(3). In selecting the lands to be acquired, bottomland hardwood and associated habitats will receive primary consideration. The lands shall be adjacent to lands already in the Mitigation Project unless otherwise agreed to by the Secretary and the fish and wildlife agencies.

(e) DREDGED MATERIAL DISPOSAL SITES.—The Secretary shall utilize dredge material disposal areas in such a manner as to maximize their reuse by disposal and removal of dredged materials, in order to conserve undisturbed disposal areas for wildlife habitat to the maximum extent practicable. Where the habitat value loss due to reuse of disposal areas cannot be offset by the reduced need for other unused disposal sites, the Secretary shall determine, in consultation with Federal and State fish and wildlife agencies, and ensure full mitigation for any habitat value lost as a result of such reuse.

(f) OTHER MITIGATION LANDS.—The Secretary is also authorized to outgrant by lease, easement, license, or permit lands acquired for the Wildlife Mitigation Project pursuant to section 601(a) of Public Law 99–662, in consultation with Federal and State fish and wildlife agencies, when such outgrants are necessary to address transportation, utility, and related activities. The Secretary shall insure full mitigation for any wildlife habitat value lost as a result of such sale or outgrant. Habitat value replacement requirements shall be determined by the Secretary in consultation with the appropriate fish and wildlife agencies.

(g) REPEAL.—Section 102 of the Water Resources Development Act of 1992 (106 Stat. 4804) is amended by striking subsection (a).

SEC. 302. BOYDSVILLE, ARKANSAS.

The Secretary shall credit toward the non-Federal share of the costs of the study to determine the feasibility of the reservoir and associated improvements in the vicinity of Boydsville, Arkansas, authorized by section 402 of the Water Resources Development Act of 1999 (113 Stat. 322), not more than $250,000 of the costs of the relevant planning and engineering investigations carried out by State and local agencies, if the Secretary finds that the investigations are integral to the scope of the feasibility study.

SEC. 303. WHITE RIVER BASIN, ARKANSAS AND MISSOURI.

(a) IN GENERAL.—Subject to subsection (b), the project for flood control, power generation, and other purposes at the White River Basin, Arkansas and Missouri, authorized by section 4 of the Act of June 28, 1938 (52 Stat. 1218, chapter 795), and modified by House Document 917, 76th Congress, 3d Session, and House Document 290, 77th Congress, 1st Session, approved August 18, 1941, and House Document 499, 83d Congress, 2d Session, approved September 3, 1954, and by section 304 of the Water Resources Development Act of 1996 (110 Stat. 3711), is further modified to authorize the Secretary to provide minimum flows necessary to sustain tail water trout fisheries by reallocating the following recommended amounts of project storage:

(1) Beaver Lake, 1.5 feet.

(2) Table Rock, 2 feet.

(3) Bull Shoals Lake, 5 feet.

(4) Norfolk Lake, 3.5 feet.

(5) Greers Ferry Lake, 3 feet.

(b) REPORT.—

(1) IN GENERAL.—No funds may be obligated to carry out work on the modification under subsection (a) until the Chief of Engineers, through completion of a final report, determines that the work is technically sound, environmentally acceptable, and economically justified.

(2) TIMING.—Not later than January 1, 2002, the Secretary shall submit to Congress the final report referred to in paragraph (1).

(3) CONTENTS.—The report shall include determinations concerning whether—

(A) the modification under subsection (a) adversely affects other authorized project purposes; and

(B) Federal costs will be incurred in connection with the modification.

SEC. 304. PETALUMA, CALIFORNIA.

(a) IN GENERAL.—The Secretary may complete the project for flood damage reduction, Petaluma River, Petaluma, California, substantially in accordance with the Detailed Project Report approved March 1995, at a total cost of $32,226,000, with an estimated Federal cost of $20,647,000 and an estimated non-Federal cost of $11,579,000.

(b) IN-KIND SERVICES.—The non-Federal interest may provide its share of project costs in cash or in the form of in-kind services or materials.

(c) CREDIT.—The non-Federal interest shall receive credit toward the non-Federal share of project costs for design and construction work carried out by the non-Federal interest before the date of modification of the existing project cooperation agreement or execution of a new project cooperation agreement, if the Secretary determines that the work is integral to the project.

SEC. 305. GASPARILLA AND ESTERO ISLANDS, FLORIDA.

The project for shore protection, Gasparilla and Estero Island segments, Lee County, Florida, authorized under section 201 of the Flood Control Act of 1965 (79 Stat. 1073), by Senate Resolution dated December 17, 1970, and by House Resolution dated December 15, 1970, is modified to authorize the Secretary to enter into an agreement with the non-Federal interest to carry out the project in accordance with section 206 of the Water Resources Development Act of 1992 (33 U.S.C. 426i–1), if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified.

SEC. 306. ILLINOIS RIVER BASIN RESTORATION, ILLINOIS.

(a) DEFINITION OF ILLINOIS RIVER BASIN.—In this section, the term ''Illinois River basin'' means the Illinois River, Illinois, its backwaters, side channels, and all tributaries, including their watersheds, draining into the Illinois River.

(b) COMPREHENSIVE PLAN.—

(1) DEVELOPMENT.—As expeditiously as practicable, the Secretary shall develop a proposed comprehensive plan for the purpose of restoring, preserving, and protecting the Illinois River basin.

(2) TECHNOLOGIES AND INNOVATIVE APPROACHES.—The comprehensive plan shall provide for the development of new technologies and innovative approaches—

(A) to enhance the Illinois River as a vital transportation corridor;

(B) to improve water quality within the entire Illinois River basin;

(C) to restore, enhance, and preserve habitat for plants and wildlife; and

(D) to increase economic opportunity for agriculture and business communities.

(3) SPECIFIC COMPONENTS.—The comprehensive plan shall include such features as are necessary to provide for—

(A) the development and implementation of a program for sediment removal technology, sediment characterization, sediment transport, and beneficial uses of sediment;

(B) the development and implementation of a program for the planning, conservation, evaluation, and construction of measures for fish and wildlife habitat conservation and rehabilitation, and stabilization and enhancement of land and water resources in the Illinois River basin;

(C) the development and implementation of a long-term resource monitoring program; and

(D) the development and implementation of a computerized inventory and analysis system.

(4) CONSULTATION.—The comprehensive plan shall be developed by the Secretary in consultation with appropriate Federal agencies and the State of Illinois.

(5) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this

Act, the Secretary shall submit to Congress a report containing the comprehensive plan.

(6) ADDITIONAL STUDIES AND ANALYSES.—After submission of the report under paragraph (5), the Secretary shall continue to conduct such studies and analyses related to the comprehensive plan as are necessary, consistent with this subsection.

(c) CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—If the Secretary, in cooperation with appropriate Federal agencies and the State of Illinois, determines that a restoration project for the Illinois River basin will produce independent, immediate, and substantial restoration, preservation, and protection benefits, the Secretary shall proceed expeditiously with the implementation of the project.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out projects under this subsection $20,000,000.

(3) FEDERAL SHARE.—The Federal share of the cost of carrying out any project under this subsection shall not exceed $5,000,000.

(d) GENERAL PROVISIONS.—

(1) WATER QUALITY.—In carrying out projects and activities under this section, the Secretary shall take into account the protection of water quality by considering applicable State water quality standards.

(2) PUBLIC PARTICIPATION.—In developing the comprehensive plan under subsection (b) and carrying out projects under subsection (c), the Secretary shall implement procedures to facilitate public participation, including—

(A) providing advance notice of meetings;

(B) providing adequate opportunity for public input and comment;

(C) maintaining appropriate records; and

(D) making a record of the proceedings of meetings available for public inspection.

(e) COORDINATION.—The Secretary shall integrate and coordinate projects and activities carried out under this section with ongoing Federal and State programs, projects, and activities, including the following:

(1) Upper Mississippi River System-Environmental Management Program authorized under section 1103 of the Water Resources Development Act of 1986 (33 U.S.C. 652).

(2) Upper Mississippi River Illinois Waterway System Study.

(3) Kankakee River Basin General Investigation.

(4) Peoria Riverfront Development General Investigation.

(5) Illinois River Ecosystem Restoration General Investigation.

(6) Conservation reserve program and other farm programs of the Department of Agriculture.

(7) Conservation Reserve Enhancement Program (State) and Conservation 2000, Ecosystem Program of the Illinois Department of Natural Resources.

(8) Conservation 2000 Conservation Practices Program and the Livestock Management Facilities Act administered by the Department of Agriculture of the State of Illinois.

(9) National Buffer Initiative of the Natural Resources Conservation Service.

(10) Nonpoint source grant program administered by the Environmental Protection Agency of the State of Illinois.

(f) JUSTIFICATION.—

(1) IN GENERAL.—Notwithstanding section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962–2) or any other provision of law, in carrying out activities to restore, preserve, and protect the Illinois River basin under this section, the Secretary may determine that the activities—

(A) are justified by the environmental benefits derived by the Illinois River basin; and

(B) shall not need further economic justification if the Secretary determines that the activities are cost-effective.

(2) APPLICABILITY.—Paragraph (1) shall not apply to any separable element intended to produce benefits that are predominantly unrelated to the restoration, preservation, and protection of the Illinois River basin.

(g) COST SHARING.—

(1) IN GENERAL.—The non-Federal share of the cost of projects and activities carried out under this section shall be 35 percent.

(2) OPERATION, MAINTENANCE, REHABILITATION, AND REPLACEMENT.—The operation, maintenance, rehabilitation, and replacement of projects carried out under this section shall be a non-Federal responsibility.

(3) IN-KIND SERVICES.—

(A) IN GENERAL.—The value of in-kind services provided by the non-Federal interest for a project or activity carried out under this section may be credited toward not more than 80 percent of the non-Federal share of the cost of the project or activity.

(B) ITEMS INCLUDED.—In-kind services shall include all State funds expended on programs and projects that accomplish the goals of this section, as determined by the Secretary, including the Illinois River Conservation Reserve Program, the Illinois Conservation 2000 Program, the Open Lands Trust Fund, and other appropriate programs carried out in the Illinois River basin.

(4) CREDIT.—

(A) VALUE OF LAND.—If the Secretary determines that land or an interest in land acquired by a non-Federal interest, regardless of the date of acquisition, is integral to a project or activity carried out under this section, the Secretary may credit the value of the land or interest in land toward the non-Federal share of the cost of the project or activity, as determined by the Secretary.

(B) WORK.—If the Secretary determines that any work completed by a non-Federal interest, regardless of the date of completion, is integral to a project or activity carried out under this section, the Secretary may credit the value of the work toward the non-Federal share of the cost of the project or activity, as determined by the Secretary.

SEC. 307. UPPER DES PLAINES RIVER AND TRIBUTARIES, ILLINOIS.

The Secretary shall credit toward the non-Federal share of the costs of the study to determine the feasibility of improvements to the upper Des Plaines River and tributaries, phase 2, Illinois and Wisconsin, authorized by section 419 of the Water Resources Development Act of 1999 (113 Stat. 324), the costs of work carried out by the non-Federal interests in Lake County, Illinois, before the date of execution of the feasibility study cost-sharing agreement, if—

(1) the Secretary and the non-Federal interests enter into a feasibility study cost-sharing agreement; and

(2) the Secretary finds that the work is integral to the scope of the feasibility study.

SEC. 308. ATCHAFALAYA BASIN, LOUISIANA.

(a) IN GENERAL.—Notwithstanding the Report of the Chief of Engineers, dated February 28, 1983, for the project for flood control, Atchafalaya Basin Floodway System, Louisiana, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142), which report refers to recreational development in the Lower Atchafalaya Basin Floodway, the Secretary—

(1) shall, in collaboration with the State of Louisiana, initiate construction of the visitors center, authorized as part of the project, at or near Lake End Park in Morgan City, Louisiana; and

(2) shall construct other recreational features, authorized as part of the project, within, and in the vicinity of, the Lower Atchafalaya Basin protection levees.

(b) AUTHORITIES.—The Secretary shall carry out subsection (a) in accordance with—

(1) the feasibility study for the Atchafalaya Basin Floodway System, Louisiana, dated January 1982; and

(2) the recreation cost-sharing requirements under section 103(c) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(c)).

SEC. 309. RED RIVER WATERWAY, LOUISIANA.

The project for mitigation of fish and wildlife losses, Red River Waterway, Louisiana, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142) and modified by section 4(h) of the Water Resources Development Act of 1988 (102 Stat. 4016), section 102(p) of the Water Resources Development Act of 1990 (104 Stat. 4613), and section 301(b)(7) of the Water Resources Development Act of 1996 (110 Stat. 3710), is further modified to authorize the purchase of mitigation land from willing sellers in any of the parishes that comprise the Red River Waterway District, consisting of Avoyelles, Bossier, Caddo, Grant, Natchitoches, Rapides, and Red River Parishes.

SEC. 310. NARRAGUAGUS RIVER, MILBRIDGE, MAINE.

(a) REDESIGNATION.—The project for navigation, Narraguagus River, Milbridge, Maine, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1173), is modified to redesignate as anchorage the portion of the 11-foot channel described as follows: beginning at a point with coordinates N248,413.92, E668,000.24, thence running south 20 degrees 09 minutes 57.8 seconds east 1325.205 feet to a point N247,169.95, E668,457.09, thence running north 51 degrees 30 minutes 05.7 seconds west 562.33 feet to a point N247,520.00, E668,017.00, thence running north 01 degrees 04 minutes 26.8 seconds west 894.077 feet to the point of origin.

(b) REAUTHORIZATION.—The Secretary shall maintain as anchorage the portions of the project for navigation, Narraguagus River, Milbridge, Maine, authorized by section 2 of the Act of June 14, 1880 (21 Stat. 195, chapter 211), that lie adjacent to and outside the limits of the 11-foot and 9-foot channels and that are described as follows:

(1) The area located east of the 11-foot channel beginning at a point with coordinates N248,060.52, E668,236.56, thence running south 36 degrees 20 minutes 52.3 seconds east 1567.242 feet to a point N246,798.21, E669,165.44, thence running north 51 degrees 30 minutes 06.2 seconds west 839.855 feet to a point N247,321.01, E668,508.15, thence running north 20 degrees 09 minutes 58.1 seconds west 787.801 feet to the point of origin.

(2) The area located west of the 9-foot channel beginning at a point with coordinates N249,673.29, E667,537.73, thence running south 20 degrees 09 minutes 57.8 seconds east 1341.616 feet to a point N248,413.92, E668,000.24, thence running south 01 degrees 04 minutes 26.8 seconds east 371.688 feet to a point N248,042.30, E668,007.21, thence running north 22 degrees 21 minutes 20.8 seconds west 474.096 feet to a point N248,480.76, E667,826.88, thence running north 79 degrees 09 minutes 31.6 seconds east 100.872 feet to a point N248,499.73, E667,925.95, thence running north 13 degrees 47 minutes 27.6 seconds west 95.126 feet to a point N248,592.12, E667,903.28, thence running south 79 degrees 09 minutes 31.6 seconds west 115.330 feet to a point N248,570.42, E667,790.01, thence running north 22 degrees 21 minutes 20.8 seconds west 816.885 feet to a point N249,325.91, E667,479.30, thence running north 07 degrees 03 minutes 00.3 seconds west 305.680 feet to a point N249,629.28, E667,441.78, thence running north 65 degrees 21 minutes

33.8 seconds east 105.561 feet to the point of origin.

SEC. 311. WILLIAM JENNINGS RANDOLPH LAKE, MARYLAND.

The Secretary—

(1) may provide design and construction assistance for recreational facilities in the State of Maryland at the William Jennings Randolph Lake (Bloomington Dam), Maryland and West Virginia, project authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1182); and

(2) shall require the non-Federal interest to provide 50 percent of the costs of designing and constructing the recreational facilities.

SEC. 312. BRECKENRIDGE, MINNESOTA.

(a) IN GENERAL.—The Secretary may complete the project for flood damage reduction, Breckenridge, Minnesota, substantially in accordance with the Detailed Project Report dated September 2000, at a total cost of $21,000,000, with an estimated Federal cost of $13,650,000 and an estimated non-Federal cost of $7,350,000.

(b) IN-KIND SERVICES.—The non-Federal interest may provide its share of project costs in cash or in the form of in-kind services or materials.

(c) CREDIT.—The non-Federal interest shall receive credit toward the non-Federal share of project costs for design and construction work carried out by the non-Federal interest before the date of modification of the existing project cooperation agreement or execution of a new project cooperation agreement, if the Secretary determines that the work is integral to the project.

SEC. 313. MISSOURI RIVER VALLEY, MISSOURI.

(a) SHORT TITLE.—This section may be cited as the ''Missouri River Valley Improvement Act''.

(b) FINDINGS AND PURPOSES.—

(1) FINDINGS.—Congress finds that—

(A) Lewis and Clark were pioneering naturalists that recorded dozens of species previously unknown to science while ascending the Missouri River in 1804;

(B) the Missouri River, which is 2,321 miles long, drains ⅙ of the United States, is home to approximately 10,000,000 people in 10 States and 28 Native American tribes, and is a resource of incalculable value to the United States;

(C) the construction of dams, levees, and river training structures in the past 150 years has aided navigation, flood control, and water supply along the Missouri River, but has reduced habitat for native river fish and wildlife;

(D) river organizations, including the Missouri River Basin Association, support habitat restoration, riverfront revitalization, and improved operational flexibility so long as those efforts do not significantly interfere with uses of the Missouri River; and

(E) restoring a string of natural places by the year 2004 would aid native river fish and wildlife, reduce flood losses, enhance recreation and tourism, and celebrate the bicentennial of Lewis and Clark's voyage.

(2) PURPOSES.—The purposes of this section are—

(A) to protect, restore, and enhance the fish, wildlife, and plants, and the associated habitats on which they depend, of the Missouri River;

(B) to restore a string of natural places that aid native river fish and wildlife, reduce flood losses, and enhance recreation and tourism;

(C) to revitalize historic riverfronts to improve quality of life in riverside communities and attract recreation and tourism;

(D) to monitor the health of the Missouri River and measure biological, chemical, geological, and hydrological responses to changes in Missouri River management;

(E) to allow the Corps of Engineers increased authority to restore and protect fish and wildlife habitat on the Missouri River;

(F) to protect and replenish cottonwoods, and their associated riparian woodland communities, along the upper Missouri River; and

(G) to educate the public about the economic, environmental, and cultural importance of the Missouri River and the scientific and cultural discoveries of Lewis and Clark.

(c) DEFINITION OF MISSOURI RIVER.—In this section, the term ''Missouri River'' means the Missouri River and the adjacent floodplain that extends from the mouth of the Missouri River (RM 0) to the confluence of the Jefferson, Madison, and Gallatin Rivers (RM 2341) in the State of Montana.

(d) AUTHORITY TO PROTECT, ENHANCE, AND RESTORE FISH AND WILDLIFE HABITAT.—Section 9(b) of the Act of December 22, 1944 (58 Stat. 891, chapter 665), is amended—

(1) by striking ''(b) The general'' and inserting the following:

''(b) COMPREHENSIVE PLAN.—

''(1) IN GENERAL.—The general'';

(2) by striking ''paragraph'' and inserting ''subsection''; and

(3) by adding at the end the following:

''(2) FISH AND WILDLIFE HABITAT.—In addition to carrying out the duties under the comprehensive plan described in paragraph (1), the Chief of Engineers shall protect, enhance, and restore fish and wildlife habitat on the Missouri River to the extent consistent with other authorized project purposes.''.

(e) INTEGRATION OF ACTIVITIES.—

(1) IN GENERAL.—In carrying out this section and in accordance with paragraph (2), the Secretary shall provide for such activities as are necessary to protect and enhance fish and wildlife habitat without adversely affecting—

(A) the water-related needs of the Missouri River basin, including flood control, navigation, hydropower, water supply, and recreation; and

(B) private property rights.

(2) NEW AUTHORITY.—Nothing in this section confers any new regulatory authority on any Federal or non-Federal entity that carries out any activity under this section.

(f) MISSOURI RIVER MITIGATION PROJECT.—The matter under the heading ''MISSOURI RIVER MITIGATION, MISSOURI, KANSAS, IOWA, AND NEBRASKA'' of section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4143) is amended by adding at the end the following: ''There is authorized to be appropriated to carry out this paragraph $20,000,000 for each of fiscal years 2001 through 2010, contingent on the completion by December 31, 2000, of the study under this heading.''.

(g) UPPER MISSOURI RIVER AQUATIC AND RIPARIAN HABITAT MITIGATION PROGRAM.—

(1) IN GENERAL.—

(A) STUDY.—Not later than 2 years after the date of enactment of this Act, the Secretary, through an interagency agreement with the Director of the United States Fish and Wildlife Service and in accordance with the Fish and Wildlife Conservation Act of 1980 (16 U.S.C. 2901 et seq.), shall complete a study that—

(i) analyzes any adverse effects on aquatic and riparian-dependent fish and wildlife resulting from the operation of the Missouri River Mainstem Reservoir Project in the States of Nebraska, South Dakota, North Dakota, and Montana;

(ii) recommends measures appropriate to mitigate the adverse effects described in clause (i); and

(iii) develops baseline geologic and hydrologic data relating to aquatic and riparian habitat.

(B) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study under subparagraph (A).

(2) PILOT PROGRAM.—The Secretary, in consultation with the Director of the United States Fish and Wildlife Service and the affected State fish and wildlife agencies, shall develop and administer a pilot mitigation program that—

(A) involves the experimental releases of warm water from the spillways at Fort Peck Dam during the appropriate spawning periods for native fish;

(B) involves the monitoring of the response of fish to and the effectiveness of the preservation of native fish and wildlife habitat of the releases described in subparagraph (A); and

(C) shall not adversely impact a use of the reservoir existing on the date on which the pilot program is implemented.

(3) RESERVOIR FISH LOSS STUDY.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary, in consultation with the North Dakota Game and Fish Department and the South Dakota Department of Game, Fish and Parks, shall complete a study to analyze and recommend measures to avoid or reduce the loss of fish, including rainbow smelt, through Garrison Dam in North Dakota and Oahe Dam in South Dakota.

(B) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study under subparagraph (A).

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary—

(A) to complete the study required under paragraph (3), $200,000; and

(B) to carry out the other provisions of this subsection, $1,000,000 for each of fiscal years 2001 through 2010.

(h) MISSOURI AND MIDDLE MISSISSIPPI RIVERS ENHANCEMENT PROJECT.—Section 514 of the Water Resources Development Act of 1999 (113 Stat. 342) is amended by striking subsection (g) and inserting the following:

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to pay the Federal share of the cost of carrying out activities under this section $5,000,000 for each of fiscal years 2001 through 2004.''.

SEC. 314. NEW MADRID COUNTY, MISSOURI.

(a) IN GENERAL.—The project for navigation, New Madrid County Harbor, New Madrid County, Missouri, authorized under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), is authorized as described in the feasibility report for the project, including both phase 1 and phase 2 of the project.

(b) CREDIT.—

(1) IN GENERAL.—The Secretary shall provide credit to the non-Federal interests for the costs incurred by the non-Federal interests in carrying out construction work for phase 1 of the project, if the Secretary finds that the construction work is integral to phase 2 of the project.

(2) MAXIMUM AMOUNT OF CREDIT.—The amount of the credit under paragraph (1) shall not exceed the required non-Federal share for the project.

SEC. 315. PEMISCOT COUNTY HARBOR, MISSOURI.

(a) CREDIT.—With respect to the project for navigation, Pemiscot County Harbor, Missouri, authorized under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), the Secretary shall provide credit to the Pemiscot County Port Authority, or an agent of the authority, for the costs incurred by the Authority or agent in carrying out construction work for the project after December 31, 1997, if the Secretary finds that

the construction work is integral to the project.

(b) MAXIMUM AMOUNT OF CREDIT.—The amount of the credit under subsection (a) shall not exceed the required non-Federal share for the project, estimated as of the date of enactment of this Act to be $222,000.

SEC. 316. PIKE COUNTY, MISSOURI.

(a) IN GENERAL.—Subject to subsections (c) and (d), at such time as S.S.S., Inc. conveys all right, title, and interest in and to the parcel of land described in subsection (b)(1) to the United States, the Secretary shall convey all right, title, and interest of the United States in and to the parcel of land described in subsection (b)(2) to S.S.S., Inc.

(b) LAND DESCRIPTION.—The parcels of land referred to in subsection (a) are the following:

(1) NON-FEDERAL LAND.—8.99 acres with existing flowage easements, located in Pike County, Missouri, adjacent to land being acquired from Holnam, Inc. by the Corps of Engineers.

(2) FEDERAL LAND.—8.99 acres located in Pike County, Missouri, known as ''Government Tract Numbers FM–46 and FM–47'', administered by the Corps of Engineers.

(c) CONDITIONS.—The land exchange under subsection (a) shall be subject to the following conditions:

(1) DEEDS.—

(A) NON-FEDERAL LAND.—The conveyance of the parcel of land described in subsection (b)(1) to the Secretary shall be by a warranty deed acceptable to the Secretary.

(B) FEDERAL LAND.—The instrument of conveyance used to convey the parcel of land described in subsection (b)(2) to S.S.S., Inc. shall contain such reservations, terms, and conditions as the Secretary considers necessary to allow the United States to operate and maintain the Mississippi River 9-Foot Navigation Project.

(2) REMOVAL OF IMPROVEMENTS.—

(A) IN GENERAL.—S.S.S., Inc. may remove, and the Secretary may require S.S.S., Inc. to remove, any improvements on the parcel of land described in subsection (b)(1).

(B) NO LIABILITY.—If S.S.S., Inc., voluntarily or under direction from the Secretary, removes an improvement on the parcel of land described in subsection (b)(1)—

(i) S.S.S., Inc. shall have no claim against the United States for liability; and

(ii) the United States shall not incur or be liable for any cost associated with the removal or relocation of the improvement.

(3) TIME LIMIT FOR LAND EXCHANGE.—Not later than 2 years after the date of enactment of this Act, the land exchange under subsection (a) shall be completed.

(4) LEGAL DESCRIPTION.—The Secretary shall provide legal descriptions of the parcels of land described in subsection (b), which shall be used in the instruments of conveyance of the parcels.

(5) ADMINISTRATIVE COSTS.—The Secretary shall require S.S.S., Inc. to pay reasonable administrative costs associated with the land exchange under subsection (a).

(d) VALUE OF PROPERTIES.—If the appraised fair market value, as determined by the Secretary, of the parcel of land conveyed to S.S.S., Inc. by the Secretary under subsection (a) exceeds the appraised fair market value, as determined by the Secretary, of the parcel of land conveyed to the United States by S.S.S., Inc. under that subsection, S.S.S., Inc. shall pay to the United States, in cash or a cash equivalent, an amount equal to the difference between the 2 values.

SEC. 317. FORT PECK FISH HATCHERY, MONTANA.

(a) FINDINGS.—Congress finds that—

(1) Fort Peck Lake, Montana, is in need of a multispecies fish hatchery;

(2) the burden of carrying out efforts to raise and stock fish species in Fort Peck Lake has been disproportionately borne by the State of Montana despite the existence of a Federal project at Fort Peck Lake;

(3)(A) as of the date of enactment of this Act, eastern Montana has only 1 warm water fish hatchery, which is inadequate to meet the demands of the region; and

(B) a disease or infrastructure failure at that hatchery could imperil fish populations throughout the region;

(4) although the multipurpose project at Fort Peck, Montana, authorized by the first section of the Act of August 30, 1935 (49 Stat. 1034, chapter 831), was intended to include irrigation projects and other activities designed to promote economic growth, many of those projects were never completed, to the detriment of the local communities flooded by the Fort Peck Dam;

(5) the process of developing an environmental impact statement for the update of the Corps of Engineers Master Manual for the operation of the Missouri River recognized the need for greater support of recreation activities and other authorized purposes of the Fort Peck project;

(6)(A) although fish stocking is included among the authorized purposes of the Fort Peck project, the State of Montana has funded the stocking of Fort Peck Lake since 1947; and

(B) the obligation to fund the stocking constitutes an undue burden on the State; and

(7) a viable multispecies fishery would spur economic development in the region.

(b) PURPOSES.—The purposes of this section are—

(1) to authorize and provide funding for the design and construction of a multispecies fish hatchery at Fort Peck Lake, Montana; and

(2) to ensure stable operation and maintenance of the fish hatchery.

(c) DEFINITIONS.—In this section:

(1) FORT PECK LAKE.—The term ''Fort Peck Lake'' means the reservoir created by the damming of the upper Missouri River in northeastern Montana.

(2) HATCHERY PROJECT.—The term ''hatchery project'' means the project authorized by subsection (d).

(d) AUTHORIZATION.—The Secretary shall carry out a project at Fort Peck Lake, Montana, for the design and construction of a fish hatchery and such associated facilities as are necessary to sustain a multispecies fishery.

(e) COST SHARING.—

(1) DESIGN AND CONSTRUCTION.—

(A) FEDERAL SHARE.—The Federal share of the costs of design and construction of the hatchery project shall be 75 percent.

(B) FORM OF NON-FEDERAL SHARE.—

(i) IN GENERAL.—The non-Federal share of the costs of the hatchery project may be provided in the form of cash or in the form of land, easements, rights-of-way, services, roads, or any other form of in-kind contribution determined by the Secretary to be appropriate.

(ii) REQUIRED CREDITING.—The Secretary shall credit toward the non-Federal share of the costs of the hatchery project—

(I) the costs to the State of Montana of stocking Fort Peck Lake during the period beginning January 1, 1947; and

(II) the costs to the State of Montana and the counties having jurisdiction over land surrounding Fort Peck Lake of construction of local access roads to the lake.

(2) OPERATION, MAINTENANCE, REPAIR, AND REPLACEMENT.—

(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), the operation, maintenance, repair, and replacement of the hatchery project shall be a non-Federal responsibility.

(B) COSTS ASSOCIATED WITH THREATENED AND ENDANGERED SPECIES.—The costs of operation and maintenance associated with raising threatened or endangered species shall be a Federal responsibility.

(C) POWER.—The Secretary shall offer to the hatchery project low-cost project power for all hatchery operations.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

(A) $20,000,000; and

(B) such sums as are necessary to carry out subsection (e)(2)(B).

(2) AVAILABILITY OF FUNDS.—Sums made available under paragraph (1) shall remain available until expended.

SEC. 318. SAGAMORE CREEK, NEW HAMPSHIRE.

The Secretary shall carry out maintenance dredging of the Sagamore Creek Channel, New Hampshire.

SEC. 319. PASSAIC RIVER BASIN FLOOD MANAGEMENT, NEW JERSEY.

(a) IN GENERAL.—The project for flood control, Passaic River, New Jersey and New York, authorized by section 101(a)(18) of the Water Resources Development Act of 1990 (104 Stat. 4607), is modified to emphasize nonstructural approaches for flood control as alternatives to the construction of the Passaic River tunnel element, while maintaining the integrity of other separable mainstream project elements, wetland banks, and other independent projects that were authorized to be carried out in the Passaic River Basin before the date of enactment of this Act.

(b) REEVALUATION OF FLOODWAY STUDY.—The Secretary shall review the Passaic River Floodway Buyout Study, dated October 1995, to calculate the benefits of a buyout and environmental restoration using the method used to calculate the benefits of structural projects under section 308(b) of the Water Resources Development Act of 1990 (33 U.S.C. 2318(b)).

(c) REEVALUATION OF 10-YEAR FLOODPLAIN STUDY.—The Secretary shall review the Passaic River Buyout Study of the 10-year floodplain beyond the floodway of the Central Passaic River Basin, dated September 1995, to calculate the benefits of a buyout and environmental restoration using the method used to calculate the benefits of structural projects under section 308(b) of the Water Resources Development Act of 1990 (33 U.S.C. 2318(b)).

(d) PRESERVATION OF NATURAL STORAGE AREAS.—

(1) IN GENERAL.—The Secretary shall reevaluate the acquisition, from willing sellers, for flood protection purposes, of wetlands in the Central Passaic River Basin to supplement the wetland acquisition authorized by section 101(a)(18)(C)(vi) of the Water Resources Development Act of 1990 (104 Stat. 4609).

(2) PURCHASE.—If the Secretary determines that the acquisition of wetlands evaluated under paragraph (1) is economically justified, the Secretary shall purchase the wetlands, with the goal of purchasing not more than 8,200 acres.

(e) STREAMBANK EROSION CONTROL STUDY.—The Secretary shall review relevant reports and conduct a study to determine the feasibility of carrying out a project for environmental restoration, erosion control, and streambank restoration along the Passaic River, from Dundee Dam to Kearny Point, New Jersey.

(f) PASSAIC RIVER FLOOD MANAGEMENT TASK FORCE.—

(1) ESTABLISHMENT.—The Secretary, in cooperation with the non-Federal interest, shall establish a task force, to be known as the ''Passaic River Flood Management Task Force'', to provide advice to the Secretary

concerning all aspects of the Passaic River flood management project.

(2) MEMBERSHIP.—The task force shall be composed of 20 members, appointed as follows:

(A) APPOINTMENT BY SECRETARY.—The Secretary shall appoint 1 member to represent the Corps of Engineers and to provide technical advice to the task force.

(B) APPOINTMENTS BY GOVERNOR OF NEW JERSEY.—The Governor of New Jersey shall appoint 18 members to the task force, as follows:

(i) 2 representatives of the New Jersey legislature who are members of different political parties.

(ii) 1 representative of the State of New Jersey.

(iii) 1 representative of each of Bergen, Essex, Morris, and Passaic Counties, New Jersey.

(iv) 6 representatives of governments of municipalities affected by flooding within the Passaic River Basin.

(v) 1 representative of the Palisades Interstate Park Commission.

(vi) 1 representative of the North Jersey District Water Supply Commission.

(vii) 1 representative of each of—

(I) the Association of New Jersey Environmental Commissions;

(II) the Passaic River Coalition; and

(III) the Sierra Club.

(C) APPOINTMENT BY GOVERNOR OF NEW YORK.—The Governor of New York shall appoint 1 representative of the State of New York to the task force.

(3) MEETINGS.—

(A) REGULAR MEETINGS.—The task force shall hold regular meetings.

(B) OPEN MEETINGS.—The meetings of the task force shall be open to the public.

(4) ANNUAL REPORT.—The task force shall submit annually to the Secretary and to the non-Federal interest a report describing the achievements of the Passaic River flood management project in preventing flooding and any impediments to completion of the project.

(5) EXPENDITURE OF FUNDS.—The Secretary may use funds made available to carry out the Passaic River Basin flood management project to pay the administrative expenses of the task force.

(6) TERMINATION.—The task force shall terminate on the date on which the Passaic River flood management project is completed.

(g) ACQUISITION OF LANDS IN THE FLOODWAY.—Section 1148 of the Water Resources Development Act of 1986 (100 Stat. 4254; 110 Stat. 3718), is amended by adding at the end the following:

''(e) CONSISTENCY WITH NEW JERSEY BLUE ACRES PROGRAM.—The Secretary shall carry out this section in a manner that is consistent with the Blue Acres Program of the State of New Jersey.''.

(h) STUDY OF HIGHLANDS LAND CONSERVATION.—The Secretary, in cooperation with the Secretary of Agriculture and the State of New Jersey, may study the feasibility of conserving land in the Highlands region of New Jersey and New York to provide additional flood protection for residents of the Passaic River Basin in accordance with section 212 of the Water Resources Development Act of 1999 (33 U.S.C. 2332).

(i) RESTRICTION ON USE OF FUNDS.—The Secretary shall not obligate any funds to carry out design or construction of the tunnel element of the Passaic River flood control project, as authorized by section 101(a)(18)(A) of the Water Resources Development Act of 1990 (104 Stat. 4607).

(j) CONFORMING AMENDMENT.—Section 101(a)(18) of the Water Resources Development Act of 1990 (104 Stat. 4607) is amended in the paragraph heading by striking ''MAIN STEM,'' and inserting ''FLOOD MANAGEMENT PROJECT,''.

SEC. 320. ROCKAWAY INLET TO NORTON POINT, NEW YORK.

(a) IN GENERAL.—The project for shoreline protection, Atlantic Coast of New York City from Rockaway Inlet to Norton Point (Coney Island Area), New York, authorized by section 501(a) of the Water Resources Development Act of 1986 (100 Stat. 4135) is modified to authorize the Secretary to construct T-groins to improve sand retention down drift of the West 37th Street groin, in the Sea Gate area of Coney Island, New York, as identified in the March 1998 report prepared for the Corps of Engineers, entitled ''Field Data Gathering Project Performance Analysis and Design Alternative Solutions to Improve Sandfill Retention'', at a total cost of $9,000,000, with an estimated Federal cost of $5,850,000 and an estimated non-Federal cost of $3,150,000.

(b) COST SHARING.—The non-Federal share of the costs of constructing the T-groins under subsection (a) shall be 35 percent.

SEC. 321. JOHN DAY POOL, OREGON AND WASHINGTON.

(a) EXTINGUISHMENT OF REVERSIONARY INTERESTS AND USE RESTRICTIONS.—With respect to the land described in each deed specified in subsection (b)—

(1) the reversionary interests and the use restrictions relating to port or industrial purposes are extinguished;

(2) the human habitation or other building structure use restriction is extinguished in each area where the elevation is above the standard project flood elevation; and

(3) the use of fill material to raise low areas above the standard project flood elevation is authorized, except in any low area constituting wetland for which a permit under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) would be required.

(b) AFFECTED DEEDS.—Subsection (a) applies to deeds with the following county auditors' numbers:

(1) Auditor's Microfilm Numbers 229 and 16226 of Morrow County, Oregon, executed by the United States.

(2) The portion of the land conveyed in a deed executed by the United States and bearing Benton County, Washington, Auditor's File Number 601766, described as a tract of land lying in sec. 7, T. 5 N., R. 28 E., Willamette meridian, Benton County, Washington, being more particularly described by the following boundaries:

(A) Commencing at the point of intersection of the centerlines of Plymouth Street and Third Avenue in the First Addition to the Town of Plymouth (according to the duly recorded plat thereof).

(B) Thence west along the centerline of Third Avenue, a distance of 565 feet.

(C) Thence south 54° 10' west, to a point on the west line of Tract 18 of that Addition and the true point of beginning.

(D) Thence north, parallel with the west line of that sec. 7, to a point on the north line of that sec. 7.

(E) Thence west along the north line thereof to the northwest corner of that sec. 7.

(F) Thence south along the west line of that sec. 7 to a point on the ordinary high water line of the Columbia River.

(G) Thence northeast along that high water line to a point on the north and south coordinate line of the Oregon Coordinate System, North Zone, that coordinate line being east 2,291,000 feet.

(H) Thence north along that line to a point on the south line of First Avenue of that Addition.

(I) Thence west along First Avenue to a point on the southerly extension of the west line of T. 18.

(J) Thence north along that west line of T. 18 to the point of beginning.

SEC. 322. FOX POINT HURRICANE BARRIER, PROVIDENCE, RHODE ISLAND.

Section 352 of the Water Resources Development Act of 1999 (113 Stat. 310) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''The''; and

(2) by adding at the end the following:

''(b) CREDIT TOWARD NON-FEDERAL SHARE.—The non-Federal interest shall receive credit toward the non-Federal share of project costs, or reimbursement, for the Federal share of the costs of repairs authorized under subsection (a) that are incurred by the non-Federal interest before the date of execution of the project cooperation agreement.''.

SEC. 323. CHARLESTON HARBOR, SOUTH CAROLINA.

(a) ESTUARY RESTORATION.—

(1) SUPPORT PLAN.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop a plan for activities of the Corps of Engineers to support the restoration of the ecosystem of the Charleston Harbor estuary, South Carolina.

(B) COOPERATION.—The Secretary shall develop the plan in cooperation with—

(i) the State of South Carolina; and

(ii) other affected Federal and non-Federal interests.

(2) PROJECTS.—The Secretary shall plan, design, and construct projects to support the restoration of the ecosystem of the Charleston Harbor estuary.

(3) EVALUATION PROGRAM.—

(A) IN GENERAL.—The Secretary shall develop a program to evaluate the success of the projects carried out under paragraph (2) in meeting ecosystem restoration goals.

(B) STUDIES.—Evaluations under subparagraph (A) shall be conducted in consultation with the appropriate Federal, State, and local agencies.

(b) COST SHARING.—

(1) DEVELOPMENT OF PLAN.—The Federal share of the cost of development of the plan under subsection (a)(1) shall be 65 percent.

(2) PROJECT PLANNING, DESIGN, CONSTRUCTION, AND EVALUATION.—The Federal share of the cost of planning, design, construction, and evaluation of a project under paragraphs (2) and (3) of subsection (a) shall be 65 percent.

(3) NON-FEDERAL SHARE.—

(A) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The non-Federal interest shall receive credit for the value of any land, easement, right-of-way, relocation, or dredged material disposal area provided for carrying out a project under subsection (a)(2).

(B) FORM.—The non-Federal interest may provide up to 50 percent of the non-Federal share in the form of services, materials, supplies, or other in-kind contributions.

(4) OPERATION AND MAINTENANCE.—The operation, maintenance, repair, rehabilitation, and replacement of projects carried out under this section shall be a non-Federal responsibility.

(5) NON-FEDERAL INTERESTS.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any project carried out under this section, a non-Federal interest may include a private interest and a nonprofit entity.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) DEVELOPMENT OF PLAN.—There is authorized to be appropriated to carry out subsection (a)(1) $300,000.

(2) OTHER ACTIVITIES.—There is authorized to be appropriated to carry out paragraphs (2) and (3) of subsection (a) $5,000,000 for each of fiscal years 2001 through 2004.

SEC. 324. SAVANNAH RIVER, SOUTH CAROLINA.

(a) DEFINITION OF NEW SAVANNAH BLUFF LOCK AND DAM.—In this section, the term ''New Savannah Bluff Lock and Dam'' means—

(1) the lock and dam at New Savannah Bluff, Savannah River, Georgia and South Carolina; and

(2) the appurtenant features to the lock and dam, including—

(A) the adjacent approximately 50-acre park and recreation area with improvements made under the project for navigation, Savannah River below Augusta, Georgia, authorized by the first section of the Act of July 3, 1930 (46 Stat. 924, chapter 847) and the first section of the Act of August 30, 1935 (49 Stat. 1032, chapter 831); and

(B) other land that is part of the project and that the Secretary determines to be appropriate for conveyance under this section.

(b) REPAIR AND CONVEYANCE.—After execution of an agreement between the Secretary and the city of North Augusta and Aiken County, South Carolina, the Secretary—

(1) shall repair and rehabilitate the New Savannah Bluff Lock and Dam, at full Federal expense estimated at $5,300,000; and

(2) after repair and rehabilitation, may convey the New Savannah Bluff Lock and Dam, without consideration, to the city of North Augusta and Aiken County, South Carolina.

(c) TREATMENT OF NEW SAVANNAH BLUFF LOCK AND DAM.—The New Savannah Bluff Lock and Dam shall not be considered to be part of any Federal project after the conveyance under subsection (b).

(d) OPERATION AND MAINTENANCE.—

(1) BEFORE CONVEYANCE.—Before the conveyance under subsection (b), the Secretary shall continue to operate and maintain the New Savannah Bluff Lock and Dam.

(2) AFTER CONVEYANCE.—After the conveyance under subsection (b), operation and maintenance of all features of the project for navigation, Savannah River below Augusta, Georgia, described in subsection (a)(2)(A), other than the New Savannah Bluff Lock and Dam, shall continue to be a Federal responsibility.

SEC. 325. HOUSTON-GALVESTON NAVIGATION CHANNELS, TEXAS.

(a) IN GENERAL.—Subject to the completion, not later than December 31, 2000, of a favorable report by the Chief of Engineers, the project for navigation and environmental restoration, Houston-Galveston Navigation Channels, Texas, authorized by section 101(a)(30) of the Water Resources Development Act of 1996 (110 Stat. 3666), is modified to authorize the Secretary to design and construct barge lanes adjacent to both sides of the Houston Ship Channel from Redfish Reef to Morgan Point, a distance of approximately 15 miles, to a depth of 12 feet, at a total cost of $34,000,000, with an estimated Federal cost of $30,600,000 and an estimated non-Federal cost of $3,400,000.

(b) COST SHARING.—The non-Federal interest shall pay a portion of the costs of construction of the barge lanes under subsection (a) in accordance with section 101 of the Water Resources Development Act of 1986 (33 U.S.C. 2211).

(c) FEDERAL INTEREST.—If the modification under subsection (a) is in compliance with all applicable environmental requirements, the modification shall be considered to be in the Federal interest.

(d) NO AUTHORIZATION OF MAINTENANCE.—No maintenance is authorized to be carried out for the modification under subsection (a).

SEC. 326. JOE POOL LAKE, TRINITY RIVER BASIN, TEXAS.

(a) IN GENERAL.—The Secretary shall enter into an agreement with the city of Grand Prairie, Texas, under which the city agrees to assume all responsibilities of the Trinity River Authority of the State of Texas under Contract No. DACW63–76–C–0166, other than financial responsibilities, except the responsibility described in subsection (d).

(b) RESPONSIBILITIES OF TRINITY RIVER AUTHORITY.—The Trinity River Authority shall be relieved of all financial responsibilities under the contract described in subsection (a) as of the date on which the Secretary enters into the agreement with the city under that subsection.

(c) PAYMENTS BY CITY.—In consideration of the agreement entered into under subsection (a), the city shall pay the Federal Government $4,290,000 in 2 installments—

(1) 1 installment in the amount of $2,150,000, which shall be due and payable not later than December 1, 2000; and

(2) 1 installment in the amount of $2,140,000, which shall be due and payable not later than December 1, 2003.

(d) OPERATION AND MAINTENANCE COSTS.—The agreement entered into under subsection (a) shall include a provision requiring the city to assume responsibility for all costs associated with operation and maintenance of the recreation facilities included in the contract described in that subsection.

SEC. 327. LAKE CHAMPLAIN WATERSHED, VERMONT AND NEW YORK.

(a) DEFINITIONS.—In this section:

(1) CRITICAL RESTORATION PROJECT.—The term ''critical restoration project'' means a project that will produce, consistent with Federal programs, projects, and activities, immediate and substantial ecosystem restoration, preservation, and protection benefits.

(2) LAKE CHAMPLAIN WATERSHED.—The term ''Lake Champlain watershed'' means—

(A) the land areas within Addison, Bennington, Caledonia, Chittenden, Franklin, Grand Isle, Lamoille, Orange, Orleans, Rutland, and Washington Counties in the State of Vermont; and

(B)(i) the land areas that drain into Lake Champlain and that are located within Essex, Clinton, Franklin, Warren, and Washington Counties in the State of New York; and

(ii) the near-shore areas of Lake Champlain within the counties referred to in clause (i).

(b) CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—The Secretary may participate in critical restoration projects in the Lake Champlain watershed.

(2) TYPES OF PROJECTS.—A critical restoration project shall be eligible for assistance under this section if the critical restoration project consists of—

(A) implementation of an intergovernmental agreement for coordinating regulatory and management responsibilities with respect to the Lake Champlain watershed;

(B) acceleration of whole farm planning to implement best management practices to maintain or enhance water quality and to promote agricultural land use in the Lake Champlain watershed;

(C) acceleration of whole community planning to promote intergovernmental cooperation in the regulation and management of activities consistent with the goal of maintaining or enhancing water quality in the Lake Champlain watershed;

(D) natural resource stewardship activities on public or private land to promote land uses that—

(i) preserve and enhance the economic and social character of the communities in the Lake Champlain watershed; and

(ii) protect and enhance water quality; or

(E) any other activity determined by the Secretary to be appropriate.

(c) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a critical restoration project under this section only if—

(1) the critical restoration project is publicly owned; or

(2) the non-Federal interest with respect to the critical restoration project demonstrates that the critical restoration project will provide a substantial public benefit in the form of water quality improvement.

(d) PROJECT SELECTION.—

(1) IN GENERAL.—In consultation with the Lake Champlain Basin Program and the heads of other appropriate Federal, State, tribal, and local agencies, the Secretary may—

(A) identify critical restoration projects in the Lake Champlain watershed; and

(B) carry out the critical restoration projects after entering into an agreement with an appropriate non-Federal interest in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) and this section.

(2) CERTIFICATION.—

(A) IN GENERAL.—A critical restoration project shall be eligible for financial assistance under this section only if the State director for the critical restoration project certifies to the Secretary that the critical restoration project will contribute to the protection and enhancement of the quality or quantity of the water resources of the Lake Champlain watershed.

(B) SPECIAL CONSIDERATION.—In certifying critical restoration projects to the Secretary, State directors shall give special consideration to projects that implement plans, agreements, and measures that preserve and enhance the economic and social character of the communities in the Lake Champlain watershed.

(e) COST SHARING.—

(1) IN GENERAL.—Before providing assistance under this section with respect to a critical restoration project, the Secretary shall enter into a project cooperation agreement that shall require the non-Federal interest—

(A) to pay 35 percent of the total costs of the critical restoration project;

(B) to acquire any land, easements, rights-of-way, relocations, and dredged material disposal areas necessary to carry out the critical restoration project;

(C) to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs associated with the critical restoration project; and

(D) to hold the United States harmless from any claim or damage that may arise from carrying out the critical restoration project, except any claim or damage that may arise from the negligence of the Federal Government or a contractor of the Federal Government.

(2) NON-FEDERAL SHARE.—

(A) CREDIT FOR DESIGN WORK.—The non-Federal interest shall receive credit for the reasonable costs of design work carried out by the non-Federal interest before the date of execution of a project cooperation agreement for the critical restoration project, if the Secretary finds that the design work is integral to the critical restoration project.

(B) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The non-Federal interest shall receive credit for the value of any land, easement, right-of-way, relocation, or dredged material disposal area provided for carrying out the critical restoration project.

(C) FORM.—The non-Federal interest may provide up to 50 percent of the non-Federal

share in the form of services, materials, supplies, or other in-kind contributions.

(f) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or otherwise affects the applicability of Federal or State law with respect to a critical restoration project carried out with assistance provided under this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000, to remain available until expended.

SEC. 328. MOUNT ST. HELENS, WASHINGTON.

The project for sediment control, Mount St. Helens, Washington, authorized by the matter under the heading ''TRANSFER OF FEDERAL TOWNSITES'' in chapter IV of title I of the Supplemental Appropriations Act, 1985 (99 Stat. 318), is modified to authorize the Secretary to maintain, for Longview, Kelso, Lexington, and Castle Rock on the Cowlitz River, Washington, the flood protection levels specified in the October 1985 report entitled ''Mount St. Helens, Washington, Decision Document (Toutle, Cowlitz, and Columbia Rivers)'', published as House Document No. 135, 99th Congress, signed by the Chief of Engineers, and endorsed and submitted to Congress by the Acting Assistant Secretary of the Army.

SEC. 329. PUGET SOUND AND ADJACENT WATERS RESTORATION, WASHINGTON.

(a) DEFINITION OF CRITICAL RESTORATION PROJECT.—In this section, the term ''critical restoration project'' means a project that will produce, consistent with Federal programs, projects, and activities, immediate and substantial ecosystem restoration, preservation, and protection benefits.

(b) CRITICAL RESTORATION PROJECTS.—The Secretary may participate in critical restoration projects in the area of Puget Sound, Washington, and adjacent waters, including—

(1) the watersheds that drain directly into Puget Sound;

(2) Admiralty Inlet;

(3) Hood Canal;

(4) Rosario Strait; and

(5) the Strait of Juan de Fuca to Cape Flattery.

(c) PROJECT SELECTION.—

(1) IN GENERAL.—The Secretary may identify critical restoration projects in the area described in subsection (b) based on—

(A) studies to determine the feasibility of carrying out the critical restoration projects; and

(B) analyses conducted before the date of enactment of this Act by non-Federal interests.

(2) CRITERIA AND PROCEDURES FOR REVIEW AND APPROVAL.—

(A) IN GENERAL.—In consultation with the Secretary of Commerce, the Secretary of the Interior, the Governor of the State of Washington, tribal governments, and the heads of other appropriate Federal, State, and local agencies, the Secretary may develop criteria and procedures for prioritizing critical restoration projects identified under paragraph (1).

(B) CONSISTENCY WITH FISH RESTORATION GOALS.—The criteria and procedures developed under subparagraph (A) shall be consistent with fish restoration goals of the National Marine Fisheries Service and the State of Washington.

(C) USE OF EXISTING STUDIES AND PLANS.—In carrying out subparagraph (A), the Secretary shall use, to the maximum extent practicable, studies and plans in existence on the date of enactment of this Act to identify project needs and priorities.

(3) LOCAL PARTICIPATION.—In prioritizing critical restoration projects for implementation under this section, the Secretary shall consult with, and give full consideration to the priorities of, public and private entities that are active in watershed planning and ecosystem restoration in Puget Sound watersheds, including—

(A) the Salmon Recovery Funding Board;

(B) the Northwest Straits Commission;

(C) the Hood Canal Coordinating Council;

(D) county watershed planning councils; and

(E) salmon enhancement groups.

(d) IMPLEMENTATION.—The Secretary may carry out critical restoration projects identified under subsection (c) after entering into an agreement with an appropriate non-Federal interest in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) and this section.

(e) COST SHARING.—

(1) IN GENERAL.—Before carrying out any critical restoration project under this section, the Secretary shall enter into a binding agreement with the non-Federal interest that shall require the non-Federal interest—

(A) to pay 35 percent of the total costs of the critical restoration project;

(B) to acquire any land, easements, rights-of-way, relocations, and dredged material disposal areas necessary to carry out the critical restoration project;

(C) to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs associated with the critical restoration project; and

(D) to hold the United States harmless from any claim or damage that may arise from carrying out the critical restoration project, except any claim or damage that may arise from the negligence of the Federal Government or a contractor of the Federal Government.

(2) CREDIT.—

(A) IN GENERAL.—The non-Federal interest shall receive credit for the value of any land, easement, right-of-way, relocation, or dredged material disposal area provided for carrying out the critical restoration project.

(B) FORM.—The non-Federal interest may provide up to 50 percent of the non-Federal share in the form of services, materials, supplies, or other in-kind contributions.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000, of which not more than $5,000,000 may be used to carry out any 1 critical restoration project.

SEC. 330. FOX RIVER SYSTEM, WISCONSIN.

Section 332(a) of the Water Resources Development Act of 1992 (106 Stat. 4852) is amended—

(1) by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary''; and

(2) by adding at the end the following:

''(2) PAYMENTS TO STATE.—The terms and conditions may include 1 or more payments to the State of Wisconsin to assist the State in paying the costs of repair and rehabilitation of the transferred locks and appurtenant features.''.

SEC. 331. CHESAPEAKE BAY OYSTER RESTORATION.

Section 704(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2263(b)) is amended—

(1) in the second sentence, by striking ''$7,000,000'' and inserting ''$20,000,000''; and

(2) by striking paragraph (4) and inserting the following:

''(4) the construction of reefs and related clean shell substrate for fish habitat, including manmade 3-dimensional oyster reefs, in the Chesapeake Bay and its tributaries in Maryland and Virginia—

''(A) which reefs shall be preserved as permanent sanctuaries by the non-Federal interests, consistent with the recommendations of the scientific consensus document on Chesapeake Bay oyster restoration dated June 1999; and

''(B) for assistance in the construction of which reefs the Chief of Engineers shall solicit participation by and the services of commercial watermen.''.

SEC. 332. GREAT LAKES DREDGING LEVELS ADJUSTMENT.

(a) DEFINITION OF GREAT LAKE.—In this section, the term ''Great Lake'' means Lake Superior, Lake Michigan, Lake Huron (including Lake St. Clair), Lake Erie, and Lake Ontario (including the St. Lawrence River to the 45th parallel of latitude).

(b) DREDGING LEVELS.—In operating and maintaining Federal channels and harbors of, and the connecting channels between, the Great Lakes, the Secretary shall conduct such dredging as is necessary to ensure minimal operation depths consistent with the original authorized depths of the channels and harbors when water levels in the Great Lakes are, or are forecast to be, below the International Great Lakes Datum of 1985.

SEC. 333. GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION.

(a) FINDINGS.—Congress finds that—

(1) the Great Lakes comprise a nationally and internationally significant fishery and ecosystem;

(2) the Great Lakes fishery and ecosystem should be developed and enhanced in a coordinated manner; and

(3) the Great Lakes fishery and ecosystem provides a diversity of opportunities, experiences, and beneficial uses.

(b) DEFINITIONS.—In this section:

(1) GREAT LAKE.—

(A) IN GENERAL.—The term ''Great Lake'' means Lake Superior, Lake Michigan, Lake Huron (including Lake St. Clair), Lake Erie, and Lake Ontario (including the St. Lawrence River to the 45th parallel of latitude).

(B) INCLUSIONS.—The term ''Great Lake'' includes any connecting channel, historically connected tributary, and basin of a lake specified in subparagraph (A).

(2) GREAT LAKES COMMISSION.—The term ''Great Lakes Commission'' means The Great Lakes Commission established by the Great Lakes Basin Compact (82 Stat. 414).

(3) GREAT LAKES FISHERY COMMISSION.—The term ''Great Lakes Fishery Commission'' has the meaning given the term ''Commission'' in section 2 of the Great Lakes Fishery Act of 1956 (16 U.S.C. 931).

(4) GREAT LAKES STATE.—The term ''Great Lakes State'' means each of the States of Illinois, Indiana, Michigan, Minnesota, Ohio, Pennsylvania, New York, and Wisconsin.

(c) GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION.—

(1) SUPPORT PLAN.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop a plan for activities of the Corps of Engineers that support the management of Great Lakes fisheries.

(B) USE OF EXISTING DOCUMENTS.—To the maximum extent practicable, the plan shall make use of and incorporate documents that relate to the Great Lakes and are in existence on the date of enactment of this Act, such as lakewide management plans and remedial action plans.

(C) COOPERATION.—The Secretary shall develop the plan in cooperation with—

(i) the signatories to the Joint Strategic Plan for Management of the Great Lakes Fisheries; and

(ii) other affected interests.

(2) PROJECTS.—The Secretary shall plan, design, and construct projects to support the restoration of the fishery, ecosystem, and beneficial uses of the Great Lakes.

(3) EVALUATION PROGRAM.—

(A) IN GENERAL.—The Secretary shall develop a program to evaluate the success of the projects carried out under paragraph (2) in meeting fishery and ecosystem restoration goals.

(B) STUDIES.—Evaluations under subparagraph (A) shall be conducted in consultation with the Great Lakes Fishery Commission and appropriate Federal, State, and local agencies.

(d) COOPERATIVE AGREEMENTS.—In carrying out this section, the Secretary may enter into a cooperative agreement with the Great Lakes Commission or any other agency established to facilitate active State participation in management of the Great Lakes.

(e) RELATIONSHIP TO OTHER GREAT LAKES ACTIVITIES.—No activity under this section shall affect the date of completion of any other activity relating to the Great Lakes that is authorized under other law.

(f) COST SHARING.—

(1) DEVELOPMENT OF PLAN.—The Federal share of the cost of development of the plan under subsection (c)(1) shall be 65 percent.

(2) PROJECT PLANNING, DESIGN, CONSTRUCTION, AND EVALUATION.—The Federal share of the cost of planning, design, construction, and evaluation of a project under paragraph (2) or (3) of subsection (c) shall be 65 percent.

(3) NON-FEDERAL SHARE.—

(A) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The non-Federal interest shall receive credit for the value of any land, easement, right-of-way, relocation, or dredged material disposal area provided for carrying out a project under subsection (c)(2).

(B) FORM.—The non-Federal interest may provide up to 50 percent of the non-Federal share required under paragraphs (1) and (2) in the form of services, materials, supplies, or other in-kind contributions.

(4) OPERATION AND MAINTENANCE.—The operation, maintenance, repair, rehabilitation, and replacement of projects carried out under this section shall be a non-Federal responsibility.

(5) NON-FEDERAL INTERESTS.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any project carried out under this section, a non-Federal interest may include a private interest and a nonprofit entity.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) DEVELOPMENT OF PLAN.—There is authorized to be appropriated for development of the plan under subsection (c)(1) $300,000.

(2) OTHER ACTIVITIES.—There is authorized to be appropriated to carry out paragraphs (2) and (3) of subsection (c) $8,000,000 for each of fiscal years 2002 through 2006.

SEC. 334. GREAT LAKES REMEDIAL ACTION PLANS AND SEDIMENT REMEDIATION.

Section 401 of the Water Resources Development Act of 1990 (33 U.S.C. 1268 note; 104 Stat. 4644; 110 Stat. 3763; 113 Stat. 338) is amended—

(1) in subsection (a)(2)(A), by striking ''50 percent'' and inserting ''35 percent'';

(2) in subsection (b)—

(A) by striking paragraph (3);

(B) in the first sentence of paragraph (4), by striking ''50 percent'' and inserting ''35 percent''; and

(C) by redesignating paragraph (4) as paragraph (3); and

(3) in subsection (c), by striking ''$5,000,000 for each of fiscal years 1998 through 2000.'' and inserting ''$10,000,000 for each of fiscal years 2001 through 2010.''.

SEC. 335. GREAT LAKES TRIBUTARY MODEL.

Section 516 of the Water Resources Development Act of 1996 (33 U.S.C. 2326b) is amended—

(1) in subsection (e), by adding at the end the following:

''(3) COST SHARING.—The non-Federal share of the costs of developing a tributary sediment transport model under this subsection shall be 50 percent.''; and

(2) in subsection (g)—

(A) by striking ''There is authorized'' and inserting the following:

''(1) IN GENERAL.—There is authorized''; and

(B) by adding at the end the following:

''(2) GREAT LAKES TRIBUTARY MODEL.—In addition to amounts made available under paragraph (1), there is authorized to be appropriated to carry out subsection (e) $5,000,000 for each of fiscal years 2001 through 2008.''.

SEC. 336. TREATMENT OF DREDGED MATERIAL FROM LONG ISLAND SOUND.

(a) IN GENERAL.—Not later than December 31, 2002, the Secretary shall carry out a demonstration project for the use of innovative sediment treatment technologies for the treatment of dredged material from Long Island Sound.

(b) PROJECT CONSIDERATIONS.—In carrying out subsection (a), the Secretary shall, to the maximum extent practicable—

(1) encourage partnerships between the public and private sectors;

(2) build on treatment technologies that have been used successfully in demonstration or full-scale projects (such as projects carried out in the State of New York, New Jersey, or Illinois), such as technologies described in—

(A) section 405 of the Water Resources Development Act of 1992 (33 U.S.C. 2239 note; 106 Stat. 4863); or

(B) section 503 of the Water Resources Development Act of 1999 (33 U.S.C. 2314 note; 113 Stat. 337);

(3) ensure that dredged material from Long Island Sound that is treated under the demonstration project is disposed of by beneficial reuse, by open water disposal, or at a licensed waste facility, as appropriate; and

(4) ensure that the demonstration project is consistent with the findings and requirements of any draft environmental impact statement on the designation of 1 or more dredged material disposal sites in Long Island Sound that is scheduled for completion in 2001.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000.

SEC. 337. NEW ENGLAND WATER RESOURCES AND ECOSYSTEM RESTORATION.

(a) DEFINITIONS.—In this section:

(1) CRITICAL RESTORATION PROJECT.—The term ''critical restoration project'' means a project that will produce, consistent with Federal programs, projects, and activities, immediate and substantial ecosystem restoration, preservation, and protection benefits.

(2) NEW ENGLAND.—The term ''New England'' means all watersheds, estuaries, and related coastal areas in the States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

(b) ASSESSMENT.—

(1) IN GENERAL.—The Secretary, in coordination with appropriate Federal, State, tribal, regional, and local agencies, shall perform an assessment of the condition of water resources and related ecosystems in New England to identify problems and needs for restoring, preserving, and protecting water resources, ecosystems, wildlife, and fisheries.

(2) MATTERS TO BE ADDRESSED.—The assessment shall include—

(A) development of criteria for identifying and prioritizing the most critical problems and needs; and

(B) a framework for development of watershed or regional restoration plans.

(3) USE OF EXISTING INFORMATION.—In performing the assessment, the Secretary shall, to the maximum extent practicable, use—

(A) information that is available on the date of enactment of this Act; and

(B) ongoing efforts of all participating agencies.

(4) CRITERIA; FRAMEWORK.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop and make available for public review and comment—

(i) criteria for identifying and prioritizing critical problems and needs; and

(ii) a framework for development of watershed or regional restoration plans.

(B) USE OF RESOURCES.—In developing the criteria and framework, the Secretary shall make full use of all available Federal, State, tribal, regional, and local resources.

(5) REPORT.—Not later than October l, 2002, the Secretary shall submit to Congress a report on the assessment.

(c) RESTORATION PLANS.—

(1) IN GENERAL.—After the report is submitted under subsection (b)(5), the Secretary, in coordination with appropriate Federal, State, tribal, regional, and local agencies, shall—

(A) develop a comprehensive plan for restoring, preserving, and protecting the water resources and ecosystem in each watershed and region in New England; and

(B) submit the plan to Congress.

(2) CONTENTS.—Each restoration plan shall include—

(A) a feasibility report; and

(B) a programmatic environmental impact statement covering the proposed Federal action.

(d) CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—After the restoration plans are submitted under subsection (c)(1)(B), the Secretary, in coordination with appropriate Federal, State, tribal, regional, and local agencies, shall identify critical restoration projects that will produce independent, immediate, and substantial restoration, preservation, and protection benefits.

(2) AGREEMENTS.—The Secretary may carry out a critical restoration project after entering into an agreement with an appropriate non-Federal interest in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) and this section.

(3) PROJECT JUSTIFICATION.—Notwithstanding section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962–2) or any other provision of law, in carrying out a critical restoration project under this subsection, the Secretary may determine that the project—

(A) is justified by the environmental benefits derived from the ecosystem; and

(B) shall not need further economic justification if the Secretary determines that the project is cost effective.

(4) TIME LIMITATION.—No critical restoration project may be initiated under this subsection after September 30, 2005.

(5) COST LIMITATION.—Not more than $5,000,000 in Federal funds may be used to carry out a critical restoration project under this subsection.

(e) COST SHARING.—

(1) ASSESSMENT.—

(A) IN GENERAL.—The non-Federal share of the cost of the assessment under subsection (b) shall be 25 percent.

(B) IN-KIND CONTRIBUTIONS.—The non-Federal share may be provided in the form of services, materials, or other in-kind contributions.

(2) RESTORATION PLANS.—

(A) IN GENERAL.—The non-Federal share of the cost of developing the restoration plans under subsection (c) shall be 35 percent.

(B) IN-KIND CONTRIBUTIONS.—Up to 50 percent of the non-Federal share may be provided in the form of services, materials, or other in-kind contributions.

(3) CRITICAL RESTORATION PROJECTS.—

(A) IN GENERAL.—The non-Federal share of the cost of carrying out a critical restoration project under subsection (d) shall be 35 percent.

(B) IN-KIND CONTRIBUTIONS.—Up to 50 percent of the non-Federal share may be provided in the form of services, materials, or other in-kind contributions.

(C) REQUIRED NON-FEDERAL CONTRIBUTION.—For any critical restoration project, the non-Federal interest shall—

(i) provide all land, easements, rights-of-way, dredged material disposal areas, and relocations;

(ii) pay all operation, maintenance, replacement, repair, and rehabilitation costs; and

(iii) hold the United States harmless from all claims arising from the construction, operation, and maintenance of the project.

(D) CREDIT.—The non-Federal interest shall receive credit for the value of the land, easements, rights-of-way, dredged material disposal areas, and relocations provided under subparagraph (C).

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) ASSESSMENT AND RESTORATION PLANS.—There is authorized to be appropriated to carry out subsections (b) and (c) $2,000,000 for each of fiscal years 2001 through 2005.

(2) CRITICAL RESTORATION PROJECTS.—There is authorized to be appropriated to carry out subsection (d) $30,000,000.

SEC. 338. PROJECT DEAUTHORIZATIONS.

The following projects or portions of projects are not authorized after the date of enactment of this Act:

(1) KENNEBUNK RIVER, KENNEBUNK AND KENNEBUNKPORT, MAINE.—The following portion of the project for navigation, Kennebunk River, Maine, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1173), is not authorized after the date of enactment of this Act: the portion of the northernmost 6-foot deep anchorage the boundaries of which begin at a point with coordinates N1904693.6500, E418084.2700, thence running south 01 degree 04 minutes 50.3 seconds 35 feet to a point with coordinates N190434.6562, E418084.9301, thence running south 15 degrees 53 minutes 45.5 seconds 416.962 feet to a point with coordinates N190033.6386, E418199.1325, thence running north 03 degrees 11 minutes 30.4 seconds 70 feet to a point with coordinates N190103.5300, E418203.0300, thence running north 17 degrees 58 minutes 18.3 seconds west 384.900 feet to the point of origin.

(2) WALLABOUT CHANNEL, BROOKLYN, NEW YORK.—

(A) IN GENERAL.—The northeastern portion of the project for navigation, Wallabout Channel, Brooklyn, New York, authorized by the Act of March 3, 1899 (30 Stat. 1124, chapter 425), beginning at a point N682,307.40, E638,918.10, thence running along the courses and distances described in subparagraph (B).

(B) COURSES AND DISTANCES.—The courses and distances referred to in subparagraph (A) are the following:

(i) South 85 degrees, 44 minutes, 13 seconds East 87.94 feet (coordinate: N682,300.86, E639,005.80).

(ii) North 74 degrees, 41 minutes, 30 seconds East 271.54 feet (coordinate: N682,372.55, E639,267.71).

(iii) South 4 degrees, 46 minutes, 02 seconds West 170.95 feet (coordinate: N682,202.20, E639,253.50).

(iv) South 4 degrees, 46 minutes, 02 seconds West 239.97 feet (coordinate: N681,963.06, E639,233.56).

(v) North 50 degrees, 48 minutes, 26 seconds West 305.48 feet (coordinate: N682,156.10, E638,996.80).

(vi) North 3 degrees, 33 minutes, 25 seconds East 145.04 feet (coordinate: N682,300.86, E639,005.80).

(3) NEW YORK AND NEW JERSEY CHANNELS, NEW YORK AND NEW JERSEY.—The portion of the project for navigation, New York and New Jersey Channels, New York and New Jersey, authorized by the first section of the Act of August 30, 1935 (49 Stat. 1030, chapter 831), and modified by section 101 of the River and Harbor Act of 1950 (64 Stat. 164), consisting of a 35-foot-deep channel beginning at a point along the western limit of the authorized project, N644100.411, E2129256.91, thence running southeast about 38.25 feet to a point N644068.885, E2129278.565, thence running south about 1163.86 feet to a point N642912.127, E2129150.209, thence running southwest about 56.9 feet to a point N642864.09, E2129119.725, thence running north along the western limit of the project to the point of origin.

(4) WARWICK COVE, RHODE ISLAND.—The portion of the project for navigation, Warwick Cove, Rhode Island, authorized under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), which is located within the 5-acre, 6-foot anchorage area west of the channel: beginning at a point with coordinates N221,150.027, E528,960.028, thence running southerly about 257.39 feet to a point with coordinates N220,892.638, E528,960.028, thence running northwesterly about 346.41 feet to a point with coordinates N221,025.270, E528,885.780, thence running northeasterly about 145.18 feet to the point of origin.

SEC. 339. BOGUE BANKS, CARTERET COUNTY, NORTH CAROLINA.

(a) DEFINITION OF BEACHES.—In this section, the term ''beaches'' means the following beaches located in Carteret County, North Carolina:

(1) Atlantic Beach.

(2) Pine Knoll Shores Beach.

(3) Salter Path Beach.

(4) Indian Beach.

(5) Emerald Isle Beach.

(b) RENOURISHMENT STUDY.—The Secretary shall expedite completion of a study under section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j) on the expedited renourishment, through sharing of the costs of deposition of sand and other material used for beach renourishment, of the beaches of Bogue Banks in Carteret County, North Carolina.

TITLE IV—STUDIES

SEC. 401. BALDWIN COUNTY, ALABAMA.

The Secretary shall conduct a study to determine the feasibility of carrying out beach erosion control, storm damage reduction, and other measures along the shores of Baldwin County, Alabama.

SEC. 402. BONO, ARKANSAS.

The Secretary shall conduct a study to determine the feasibility of, and need for, a reservoir and associated improvements to provide for flood control, recreation, water quality, and fish and wildlife in the vicinity of Bono, Arkansas.

SEC. 403. CACHE CREEK BASIN, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of modifying the project for flood control, Cache Creek Basin, California, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4112), to authorize construction of features to mitigate impacts of the project on the storm drainage system of the city of Woodland, California, that have been caused by construction of a new south levee of the Cache Creek Settling Basin.

(b) REQUIRED ELEMENTS.—The study shall include consideration of—

(1) an outlet works through the Yolo Bypass capable of receiving up to 1,600 cubic feet per second of storm drainage from the city of Woodland and Yolo County;

(2) a low-flow cross-channel across the Yolo Bypass, including all appurtenant features, that is sufficient to route storm flows of 1,600 cubic feet per second between the old and new south levees of the Cache Creek Settling Basin, across the Yolo Bypass, and into the Tule Canal; and

(3) such other features as the Secretary determines to be appropriate.

SEC. 404. ESTUDILLO CANAL WATERSHED, CALIFORNIA.

The Secretary shall conduct a study to determine the feasibility of constructing flood control measures in the Estudillo Canal watershed, San Leandro, Calfornia.

SEC. 405. LAGUNA CREEK WATERSHED, CALIFORNIA.

The Secretary shall conduct a study to determine the feasibility of constructing flood control measures in the Laguna Creek watershed, Fremont, California, to provide a 100-year level of flood protection.

SEC. 406. OCEANSIDE, CALIFORNIA.

Not later than 32 months after the date of enactment of this Act, the Secretary shall conduct a special study, at full Federal expense, of plans—

(1) to mitigate for the erosion and other impacts resulting from the construction of Camp Pendleton Harbor, Oceanside, California, as a wartime measure; and

(2) to restore beach conditions along the affected public and private shores to the conditions that existed before the construction of Camp Pendleton Harbor.

SEC. 407. SAN JACINTO WATERSHED, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall conduct a watershed study for the San Jacinto watershed, California.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $250,000.

SEC. 408. CHOCTAWHATCHEE RIVER, FLORIDA.

The Secretary shall conduct a reconnaissance study to determine the Federal interest in dredging the mouth of the Choctawhatchee River, Florida, to remove the sand plug.

SEC. 409. EGMONT KEY, FLORIDA.

The Secretary shall conduct a study to determine the feasibility of stabilizing the historic fortifications and beach areas of Egmont Key, Florida, that are threatened by erosion.

SEC. 410. FERNANDINA HARBOR, FLORIDA.

The Secretary shall conduct a study to determine the feasibility of realigning the access channel in the vicinity of the Fernandina Beach Municipal Marina as part of project for navigation, Fernandina, Florida, authorized by the first section of the Act of June 14, 1880 (21 Stat. 186, chapter 211).

SEC. 411. UPPER OCKLAWAHA RIVER AND APOPKA/PALATLAKAHA RIVER BASINS, FLORIDA.

(a) IN GENERAL.—The Secretary shall conduct a restudy of flooding and water quality issues in—

(1) the upper Ocklawaha River basin, south of the Silver River; and

(2) the Apopka River and Palatlakaha River basins.

(b) REQUIRED ELEMENTS.—In carrying out subsection (a), the Secretary shall review the report of the Chief of Engineers on the Four River Basins, Florida, project, published as House Document No. 585, 87th Congress, and

other pertinent reports to determine the feasibility of measures relating to comprehensive watershed planning for water conservation, flood control, environmental restoration and protection, and other issues relating to water resources in the river basins described in subsection (a).

SEC. 412. BOISE RIVER, IDAHO.

The Secretary shall conduct a study to determine the feasibility of carrying out multi-objective flood control activities along the Boise River, Idaho.

SEC. 413. WOOD RIVER, IDAHO.

The Secretary shall conduct a study to determine the feasibility of carrying out multi-objective flood control and flood mitigation planning projects along the Wood River in Blaine County, Idaho.

SEC. 414. CHICAGO, ILLINOIS.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of carrying out projects for water-related urban improvements, including infrastructure development and improvements, in Chicago, Illinois.

(b) SITES.—Under subsection (a), the Secretary shall study—

(1) the USX/Southworks site;

(2) Calumet Lake and River;

(3) the Canal Origins Heritage Corridor; and

(4) Ping Tom Park.

(c) USE OF INFORMATION; CONSULTATION.—In carrying out this section, the Secretary shall use available information from, and consult with, appropriate Federal, State, and local agencies.

SEC. 415. BOEUF AND BLACK, LOUISIANA.

The Secretary shall conduct a study to determine the feasibility of deepening the navigation channel of the Atchafalaya River and Bayous Chene, Boeuf and Black, Louisiana, from 20 feet to 35 feet.

SEC. 416. PORT OF IBERIA, LOUISIANA.

The Secretary shall conduct a study to determine the feasibility of constructing navigation improvements for ingress and egress between the Port of Iberia, Louisiana, and the Gulf of Mexico, including channel widening and deepening.

SEC. 417. SOUTH LOUISIANA.

The Secretary shall conduct a study to determine the feasibility of constructing projects for hurricane protection in the coastal area of the State of Louisiana between Morgan City and the Pearl River.

SEC. 418. ST. JOHN THE BAPTIST PARISH, LOUISIANA.

The Secretary shall conduct a study to determine the feasibility of constructing urban flood control measures on the east bank of the Mississippi River in St. John the Baptist Parish, Louisiana.

SEC. 419. PORTLAND HARBOR, MAINE.

The Secretary shall conduct a study to determine the adequacy of the channel depth at Portland Harbor, Maine.

SEC. 420. PORTSMOUTH HARBOR AND PISCATAQUA RIVER, MAINE AND NEW HAMPSHIRE.

The Secretary shall conduct a study to determine the feasibility of modifying the project for navigation, Portsmouth Harbor and Piscataqua River, Maine and New Hampshire, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1173) and modified by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4095), to increase the authorized width of turning basins in the Piscataqua River to 1,000 feet.

SEC. 421. SEARSPORT HARBOR, MAINE.

The Secretary shall conduct a study to determine the adequacy of the channel depth at Searsport Harbor, Maine.

SEC. 422. MERRIMACK RIVER BASIN, MASSACHUSETTS AND NEW HAMPSHIRE.

(a) IN GENERAL.—The Secretary shall conduct a comprehensive study of the water resources needs of the Merrimack River basin, Massachusetts and New Hampshire, in the manner described in section 729 of the Water Resources Development Act of 1986 (100 Stat. 4164).

(b) CONSIDERATION OF OTHER STUDIES.—In carrying out this section, the Secretary may take into consideration any studies conducted by the University of New Hampshire on environmental restoration of the Merrimack River System.

SEC. 423. PORT OF GULFPORT, MISSISSIPPI.

The Secretary shall conduct a study to determine the feasibility of modifying the project for navigation, Gulfport Harbor, Mississippi, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4094) and modified by section 4(n) of the Water Resources Development Act of 1988 (102 Stat. 4017)—

(1) to widen the channel from 300 feet to 450 feet; and

(2) to deepen the South Harbor channel from 36 feet to 42 feet and the North Harbor channel from 32 feet to 36 feet.

SEC. 424. UPLAND DISPOSAL SITES IN NEW HAMPSHIRE.

In conjunction with the State of New Hampshire, the Secretary shall conduct a study to identify and evaluate potential upland disposal sites for dredged material originating from harbor areas located within the State.

SEC. 425. SOUTHWEST VALLEY, ALBUQUERQUE, NEW MEXICO.

Section 433 of the Water Resources Development Act of 1999 (113 Stat. 327) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''The''; and

(2) by adding at the end the following:

''(b) EVALUATION OF FLOOD DAMAGE REDUCTION MEASURES.—In conducting the study, the Secretary shall evaluate flood damage reduction measures that would otherwise be excluded from the feasibility analysis based on policies of the Corps of Engineers concerning the frequency of flooding, the drainage area, and the amount of runoff.''.

SEC. 426. CUYAHOGA RIVER, OHIO.

Section 438 of the Water Resources Development Act of 1996 (110 Stat. 3746) is amended to read as follows:

''SEC. 438. CUYAHOGA RIVER, OHIO.

''(a) IN GENERAL.—The Secretary shall—

''(1) conduct a study to evaluate the structural integrity of the bulkhead system located on the Federal navigation channel along the Cuyahoga River near Cleveland, Ohio; and

''(2) provide to the non-Federal interest design analysis, plans and specifications, and cost estimates for repair or replacement of the bulkhead system.

''(b) COST SHARING.—The non-Federal share of the cost of the study shall be 35 percent.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000.''.

SEC. 427. DUCK CREEK WATERSHED, OHIO.

The Secretary shall conduct a study to determine the feasibility of carrying out flood control, environmental restoration, and aquatic ecosystem restoration measures in the Duck Creek watershed, Ohio.

SEC. 428. FREMONT, OHIO.

In consultation with appropriate Federal, State, and local agencies, the Secretary shall conduct a study to determine the feasibility of carrying out projects for water supply and environmental restoration at the Ballville Dam, on the Sandusky River at Fremont, Ohio.

SEC. 429. GRAND LAKE, OKLAHOMA.

(a) EVALUATION.—The Secretary shall—

(1) evaluate the backwater effects specifically due to flood control operations on land around Grand Lake, Oklahoma; and

(2) not later than 180 days after the date of enactment of this Act, submit to Congress a report on whether Federal actions have been a significant cause of the backwater effects.

(b) FEASIBILITY STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of—

(A) addressing the backwater effects of the operation of the Pensacola Dam, Grand/Neosho River basin; and

(B) purchasing easements for any land that has been adversely affected by backwater flooding in the Grand/Neosho River basin.

(2) COST SHARING.—If the Secretary determines under subsection (a)(2) that Federal actions have been a significant cause of the backwater effects, the Federal share of the costs of the feasibility study under paragraph (1) shall be 100 percent.

SEC. 430. DREDGED MATERIAL DISPOSAL SITE, RHODE ISLAND.

In consultation with the Administrator of the Environmental Protection Agency, the Secretary shall conduct a study to determine the feasibility of designating a permanent site in the State of Rhode Island for the disposal of dredged material.

SEC. 431. CHICKAMAUGA LOCK AND DAM, TENNESSEE.

(a) IN GENERAL.—The Secretary shall use $200,000, from funds transferred from the Tennessee Valley Authority, to prepare a report of the Chief of Engineers for a replacement lock at Chickamauga Lock and Dam, Tennessee.

(b) FUNDING.—As soon as practicable after the date of enactment of this Act, the Tennessee Valley Authority shall transfer the funds described in subsection (a) to the Secretary.

SEC. 432. GERMANTOWN, TENNESSEE.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood control and related purposes along Miller Farms Ditch, Howard Road Drainage, and Wolf River Lateral D, Germantown, Tennessee.

(b) JUSTIFICATION ANALYSIS.—The Secretary shall include environmental and water quality benefits in the justification analysis for the project.

(c) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the costs of the feasibility study under subsection (a) shall not exceed 25 percent.

(2) NON-FEDERAL SHARE.—The Secretary—

(A) shall credit toward the non-Federal share of the costs of the feasibility study the value of the in-kind services provided by the non-Federal interests relating to the planning, engineering, and design of the project, whether carried out before or after execution of the feasibility study cost-sharing agreement; and

(B) for the purposes of subparagraph (A), shall consider the feasibility study to be conducted as part of the Memphis Metro Tennessee and Mississippi study authorized by resolution of the Committee on Transportation and Infrastructure, dated March 7, 1996.

SEC. 433. HORN LAKE CREEK AND TRIBUTARIES, TENNESSEE AND MISSISSIPPI.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of modifying the project for flood control, Horn Lake Creek and Tributaries, Tennessee and Mississippi, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4124), to provide a high level of urban flood protection to development along Horn Lake Creek.

(b) REQUIRED ELEMENT.—The study shall include a limited reevaluation of the project to determine the appropriate design, as desired by the non-Federal interests.

SEC. 434. CEDAR BAYOU, TEXAS.

The Secretary shall conduct a study to determine the feasibility of constructing a 12-foot-deep and 125-foot-wide channel from the Houston Ship Channel to Cedar Bayou, mile marker 11, Texas.

SEC. 435. HOUSTON SHIP CHANNEL, TEXAS.

The Secretary shall conduct a study to determine the feasibility of constructing barge lanes adjacent to both sides of the Houston Ship Channel from Bolivar Roads to Morgan Point, Texas, to a depth of 12 feet.

SEC. 436. SAN ANTONIO CHANNEL, TEXAS.

The Secretary shall conduct a study to determine the feasibility of modifying the project for San Antonio Channel improvement, Texas, authorized by section 203 of the Flood Control Act of 1954 (68 Stat. 1259), and modified by section 103 of the Water Resources Development Act of 1976 (90 Stat. 2921), to add environmental restoration and recreation as project purposes.

SEC. 437. VERMONT DAMS REMEDIATION.

(a) IN GENERAL.—The Secretary shall—

(1) conduct a study to evaluate the structural integrity and need for modification or removal of each dam located in the State of Vermont and described in subsection (b); and

(2) provide to the non-Federal interest design analysis, plans and specifications, and cost estimates for repair, restoration, modification, and removal of each dam described in subsection (b).

(b) DAMS TO BE EVALUATED.—The dams referred to in subsection (a) are the following:

(1) East Barre Dam, Barre Town.

(2) Wrightsville Dam, Middlesex-Montpelier.

(3) Lake Sadawga Dam, Whitingham.

(4) Dufresne Pond Dam, Manchester.

(5) Knapp Brook Site 1 Dam, Cavendish.

(6) Lake Bomoseen Dam, Castleton.

(7) Little Hosmer Dam, Craftsbury.

(8) Colby Pond Dam, Plymouth.

(9) Silver Lake Dam, Barnard.

(10) Gale Meadows Dam, Londonderry.

(c) COST SHARING.—The non-Federal share of the cost of the study under subsection (a) shall be 35 percent.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000.

SEC. 438. WHITE RIVER WATERSHED BELOW MUD MOUNTAIN DAM, WASHINGTON.

(a) REVIEW.—The Secretary shall review the report of the Chief of Engineers on the Upper Puyallup River, Washington, dated 1936, authorized by section 5 of the Act of June 22, 1936 (49 Stat. 1591, chapter 688), the Puget Sound and adjacent waters report authorized by section 209 of the Flood Control Act of 1962 (76 Stat. 1197), and other pertinent reports, to determine whether modifications to the recommendations contained in the reports are advisable to provide improvements to the water resources and watershed of the White River watershed downstream of Mud Mountain Dam, Washington.

(b) ISSUES.—In conducting the review under subsection (a), the Secretary shall review, with respect to the Lake Tapps community and other parts of the watershed—

(1) constructed and natural environs;

(2) capital improvements;

(3) water resource infrastructure;

(4) ecosystem restoration;

(5) flood control;

(6) fish passage;

(7) collaboration by, and the interests of, regional stakeholders;

(8) recreational and socioeconomic interests; and

(9) other issues determined by the Secretary.

SEC. 439. WILLAPA BAY, WASHINGTON.

(a) STUDY.—The Secretary shall conduct a study to determine the feasibility of providing coastal erosion protection for the Tribal Reservation of the Shoalwater Bay Indian Tribe on Willapa Bay, Washington.

(b) PROJECT.—

(1) IN GENERAL.—Notwithstanding any other provision of law (including any requirement for economic justification), the Secretary may construct and maintain a project to provide coastal erosion protection for the Tribal Reservation of the Shoalwater Bay Indian Tribe on Willapa Bay, Washington, at full Federal expense, if the Secretary determines that the project—

(A) is a cost-effective means of providing erosion protection;

(B) is environmentally acceptable and technically feasible; and

(C) will improve the economic and social conditions of the Shoalwater Bay Indian Tribe.

(2) LAND, EASEMENTS, AND RIGHTS-OF-WAY.—As a condition of the project described in paragraph (1), the Shoalwater Bay Indian Tribe shall provide land, easements, rights-of-way, and dredged material disposal areas necessary for the implementation of the project.

SEC. 440. UPPER MISSISSIPPI RIVER BASIN SEDIMENT AND NUTRIENT STUDY.

(a) IN GENERAL.—The Secretary, in conjunction with the Secretary of Agriculture and the Secretary of the Interior, shall conduct a study to—

(1) identify and evaluate significant sources of sediment and nutrients in the upper Mississippi River basin;

(2) quantify the processes affecting mobilization, transport, and fate of those sediments and nutrients on land and in water; and

(3) quantify the transport of those sediments and nutrients to the upper Mississippi River and the tributaries of the upper Mississippi River.

(b) STUDY COMPONENTS.—

(1) COMPUTER MODELING.—In carrying out the study under this section, the Secretary shall develop computer models of the upper Mississippi River basin, at the subwatershed and basin scales, to—

(A) identify and quantify sources of sediment and nutrients; and

(B) examine the effectiveness of alternative management measures.

(2) RESEARCH.—In carrying out the study under this section, the Secretary shall conduct research to improve the understanding of—

(A) fate processes and processes affecting sediment and nutrient transport, with emphasis on nitrogen and phosphorus cycling and dynamics;

(B) the influences on sediment and nutrient losses of soil type, slope, climate, vegetation cover, and modifications to the stream drainage network; and

(C) river hydrodynamics, in relation to sediment and nutrient transformations, retention, and transport.

(c) USE OF INFORMATION.—On request of a relevant Federal agency, the Secretary may provide information for use in applying sediment and nutrient reduction programs associated with land-use improvements and land management practices.

(d) REPORTS.—

(1) PRELIMINARY REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a preliminary report that outlines work being conducted on the study components described in subsection (b).

(2) FINAL REPORT.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study under this section, including any findings and recommendations of the study.

(e) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2001 through 2005.

(2) FEDERAL SHARE.—The Federal share of the cost of carrying out this section shall be 50 percent.

SEC. 441. CLIFF WALK IN NEWPORT, RHODE ISLAND.

The Secretary shall conduct a study to determine the project deficiencies and identify the necessary measures to restore the project for Cliff Walk in Newport, Rhode Island to meet its authorized purpose.

SEC. 442. QUONSET POINT CHANNEL RECONNAISSANCE STUDY.

The Secretary shall conduct a reconnaissance study to determine the Federal interest in dredging the Quonset Point navigation channel in Narragansett Bay, Rhode Island.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. VISITORS CENTERS.

(a) JOHN PAUL HAMMERSCHMIDT VISITORS CENTER, ARKANSAS.—Section 103(e) of the Water Resources Development Act of 1992 (106 Stat. 4813) is amended by striking ''Arkansas River, Arkansas.'' and inserting ''at Fort Smith, Arkansas, on land provided by the city of Fort Smith.''.

(b) LOWER MISSISSIPPI RIVER MUSEUM AND RIVERFRONT INTERPRETIVE SITE, MISSISSIPPI.—Section 103(c)(2) of the Water Resources Development Act of 1992 (106 Stat. 4811) is amended in the first sentence by striking ''in the vicinity of the Mississippi River Bridge in Vicksburg, Mississippi.'' and inserting ''between the Mississippi River Bridge and the waterfront in downtown Vicksburg, Mississippi.''.

SEC. 502. CALFED BAY-DELTA PROGRAM ASSISTANCE, CALIFORNIA.

(a) IN GENERAL.—The Secretary—

(1) may participate with the appropriate Federal and State agencies in the planning and management activities associated with the CALFED Bay-Delta Program referred to in the California Bay-Delta Environmental Enhancement and Water Security Act (division E of Public Law 104–208; 110 Stat. 3009–748); and

(2) shall, to the maximum extent practicable and in accordance with applicable law, integrate the activities of the Corps of Engineers in the San Joaquin and Sacramento River basins with the long-term goals of the CALFED Bay-Delta Program.

(b) COOPERATIVE ACTIVITIES.—In participating in the CALFED Bay-Delta Program under subsection (a), the Secretary may—

(1) accept and expend funds from other Federal agencies and from non-Federal public, private, and nonprofit entities to carry out ecosystem restoration projects and activities associated with the CALFED Bay-Delta Program; and

(2) in carrying out the projects and activities, enter into contracts, cooperative research and development agreements, and cooperative agreements with Federal and non-Federal private, public, and nonprofit entities.

(c) AREA COVERED BY PROGRAM.—For the purposes of this section, the area covered by the CALFED Bay-Delta Program shall be the San Francisco Bay/Sacramento-San Joaquin Delta Estuary and its watershed (known as the ''Bay-Delta Estuary''), as identified in the Framework Agreement Between the Governor's Water Policy Council of the State of California and the Federal Ecosystem Directorate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to

carry out this section $5,000,000 for each of fiscal years 2002 through 2005.

SEC. 503. LAKE SIDNEY LANIER, GEORGIA, HOME PRESERVATION.

(a) DEFINITIONS.—In this section:

(1) EASEMENT PROHIBITION.—The term ''easement prohibition'' means the rights acquired by the United States in the flowage easements to prohibit structures for human habitation.

(2) ELIGIBLE PROPERTY OWNER.—The term ''eligible property owner'' means a person that owns a structure for human habitation that was constructed before January 1, 2000, and is located on fee land or in violation of the flowage easement.

(3) FEE LAND.—The term ''fee land'' means the land acquired in fee title by the United States for the Lake.

(4) FLOWAGE EASEMENT.—The term ''flowage easement'' means an interest in land that the United States acquired that provides the right to flood, to the elevation of 1,085 feet above mean sea level (among other rights), land surrounding the Lake.

(5) LAKE.—The term ''Lake'' means the Lake Sidney Lanier, Georgia, project of the Corps of Engineers authorized by the first section of the Act of July 24, 1946 (60 Stat. 635, chapter 595).

(b) ESTABLISHMENT OF PROGRAM.—Not later than 120 days after the date of enactment of this Act, the Secretary shall establish, and provide public notice of, a program—

(1) to convey to eligible property owners the right to maintain existing structures for human habitation on fee land; or

(2) to release eligible property owners from the easement prohibition as it applies to existing structures for human habitation on the flowage easements (if the floor elevation of the human habitation area is above the elevation of 1,085 feet above mean sea level).

(c) REGULATIONS.—To carry out subsection (b), the Secretary shall promulgate regulations that—

(1) require the Corps of Engineers to suspend any activities to require eligible property owners to remove structures for human habitation that encroach on fee land or flowage easements;

(2) provide that a person that owns a structure for human habitation on land adjacent to the Lake shall have a period of 1 year after the date of enactment of this Act—

(A) to request that the Corps of Engineers resurvey the property of the person to determine if the person is an eligible property owner under this section; and

(B) to pay the costs of the resurvey to the Secretary for deposit in the Corps of Engineers account in accordance with section 2695 of title 10, United States Code;

(3) provide that when a determination is made, through a private survey or through a boundary line maintenance survey conducted by the Federal Government, that a structure for human habitation is located on the fee land or a flowage easement—

(A) the Corps of Engineers shall immediately notify the property owner by certified mail; and

(B) the property owner shall have a period of 90 days from receipt of the notice in which to establish that the structure was constructed prior to January 1, 2000, and that the property owner is an eligible property owner under this section;

(4) provide that any private survey shall be subject to review and approval by the Corps of Engineers to ensure that the private survey conforms to the boundary line established by the Federal Government;

(5) require the Corps of Engineers to offer to an eligible property owner a conveyance or release that—

(A) on fee land, conveys by quitclaim deed the minimum land required to maintain the human habitation structure, reserving the right to flood to the elevation of 1,085 feet above mean sea level, if applicable;

(B) in a flowage easement, releases by quitclaim deed the easement prohibition;

(C) provides that—

(i) the existing structure shall not be extended further onto fee land or into the flowage easement; and

(ii) additional structures for human habitation shall not be placed on fee land or in a flowage easement; and

(D) provides that—

(i)(I) the United States shall not be liable or responsible for damage to property or injury to persons caused by operation of the Lake; and

(II) no claim to compensation shall accrue from the exercise of the flowage easement rights; and

(ii) the waiver described in clause (i) of any and all claims against the United States shall be a covenant running with the land and shall be fully binding on heirs, successors, assigns, and purchasers of the property subject to the waiver; and

(6) provide that the eligible property owner shall—

(A) agree to an offer under paragraph (5) not later than 90 days after the offer is made by the Corps of Engineers; or

(B) comply with the real property rights of the United States and remove the structure for human habitation and any other unauthorized real or personal property.

(d) OPTION TO PURCHASE INSURANCE.—Nothing in this section precludes a property owner from purchasing flood insurance to which the property owner may be eligible.

(e) PRIOR ENCROACHMENT RESOLUTIONS.—Nothing in this section affects any resolution, before the date of enactment of this Act, of an encroachment at the Lake, whether the resolution was effected through sale, exchange, voluntary removal, or alteration or removal through litigation.

(f) PRIOR REAL PROPERTY RIGHTS.—Nothing in this section—

(1) takes away, diminishes, or eliminates any other real property rights acquired by the United States at the Lake; or

(2) affects the ability of the United States to require the removal of any and all encroachments that are constructed or placed on United States real property or flowage easements at the Lake after December 31, 1999.

SEC. 504. CONVEYANCE OF LIGHTHOUSE, ONTONAGON, MICHIGAN.

(a) IN GENERAL.—The Secretary may convey to the Ontonagon County Historical Society, at full Federal expense—

(1) the lighthouse at Ontonagon, Michigan; and

(2) the land underlying and adjacent to the lighthouse (including any improvements on the land) that is under the jurisdiction of the Secretary.

(b) MAP.—The Secretary shall—

(1) determine—

(A) the extent of the land conveyance under this section; and

(B) the exact acreage and legal description of the land to be conveyed under this section; and

(2) prepare a map that clearly identifies any land to be conveyed.

(c) CONDITIONS.—The Secretary may—

(1) obtain all necessary easements and rights-of-way; and

(2) impose such terms, conditions, reservations, and restrictions on the conveyance;

as the Secretary determines to be necessary to protect the public interest.

(d) ENVIRONMENTAL RESPONSE.—To the extent required under any applicable law, the Secretary shall be responsible for any necessary environmental response required as a result of the prior Federal use or ownership of the land and improvements conveyed under this section.

(e) RESPONSIBILITIES AFTER CONVEYANCE.—After the conveyance of land under this section, the Ontonagon County Historical Society shall be responsible for any additional operation, maintenance, repair, rehabilitation, or replacement costs associated with—

(1) the lighthouse; or

(2) the conveyed land and improvements.

(f) APPLICABILITY OF ENVIRONMENTAL LAW.—Nothing in this section affects the potential liability of any person under any applicable environmental law.

SEC. 505. LAND CONVEYANCE, CANDY LAKE, OKLAHOMA.

Section 563(c) of the Water Resources Development Act of 1999 (113 Stat. 357) is amended—

(1) in paragraph (1)(B), by striking ''a deceased'' and inserting ''an''; and

(2) by adding at the end the following:

''(4) COSTS OF NEPA COMPLIANCE.—The Federal Government shall assume the costs of any Federal action under this subsection that is carried out for the purpose of section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

''(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.''.

SEC. 506. LAND CONVEYANCE, RICHARD B. RUSSELL DAM AND LAKE, SOUTH CAROLINA.

Section 563 of the Water Resources Development Act of 1999 (113 Stat. 355) is amended by striking subsection (i) and inserting the following:

''(i) RICHARD B. RUSSELL DAM AND LAKE, SOUTH CAROLINA.—

''(1) IN GENERAL.—The Secretary shall convey to the State of South Carolina all right, title, and interest of the United States in and to the parcels of land described in paragraph (2)(A) that are being managed, as of August 17, 1999, by the South Carolina Department of Natural Resources for fish and wildlife mitigation purposes for the Richard B. Russell Dam and Lake, South Carolina, project authorized by section 203 of the Flood Control Act of 1966 (80 Stat. 1420).

''(2) LAND DESCRIPTION.—

''(A) IN GENERAL.—The parcels of land to be conveyed are described in Exhibits A, F, and H of Army Lease No. DACW21–1–93–0910 and associated supplemental agreements.

''(B) SURVEY.—The exact acreage and legal description of the land shall be determined by a survey satisfactory to the Secretary, with the cost of the survey borne by the State.

''(3) COSTS OF CONVEYANCE.—The State shall be responsible for all costs, including real estate transaction and environmental compliance costs, associated with the conveyance.

''(4) PERPETUAL STATUS.—

''(A) IN GENERAL.—All land conveyed under this subsection shall be retained in public ownership and shall be managed in perpetuity for fish and wildlife mitigation purposes in accordance with a plan approved by the Secretary.

''(B) REVERSION.—If any parcel of land is not managed for fish and wildlife mitigation purposes in accordance with the plan, title to the parcel shall revert to the United States.

''(5) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this subsection as the Secretary considers appropriate to protect the interests of the United States.

''(6) FISH AND WILDLIFE MITIGATION AGREEMENT.—

''(A) IN GENERAL.—The Secretary shall pay the State of South Carolina $4,850,000, subject to the Secretary and the State entering into a binding agreement for the State to manage for fish and wildlife mitigation purposes in perpetuity the parcels of land conveyed under this subsection.

''(B) FAILURE OF PERFORMANCE.—The agreement shall specify the terms and conditions under which payment will be made and the rights of, and remedies available to, the Federal Government to recover all or a portion of the payment if the State fails to manage any parcel in a manner satisfactory to the Secretary.''.

SEC. 507. CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE SIOUX TRIBE, AND STATE OF SOUTH DAKOTA TERRESTRIAL WILDLIFE HABITAT RESTORATION.

(a) TERRESTRIAL WILDLIFE HABITAT RESTORATION.—Section 602 of the Water Resources Development Act of 1999 (113 Stat. 385) is amended—

(1) in subsection (a)(4)(C)(i), by striking subclause (I) and inserting the following:

''(I) fund, from funds made available for operation and maintenance under the Pick-Sloan Missouri River Basin program and through grants to the State of South Dakota, the Cheyenne River Sioux Tribe, and the Lower Brule Sioux Tribe—

''(aa) the terrestrial wildlife habitat restoration programs being carried out as of August 17, 1999, on Oahe and Big Bend project land at a level that does not exceed the greatest amount of funding that was provided for the programs during a previous fiscal year; and

''(bb) the carrying out of plans developed under this section; and''; and

(2) in subsection (b)(4)(B), by striking ''section 604(d)(3)(A)(iii)'' and inserting ''section 604(d)(3)(A)''.

(b) SOUTH DAKOTA TERRESTRIAL WILDLIFE HABITAT RESTORATION TRUST FUND.—Section 603 of the Water Resources Development Act of 1999 (113 Stat. 388) is amended—

(1) in subsection (c)(2), by striking ''The'' and inserting ''In consultation with the State of South Dakota, the''; and

(2) in subsection (d)—

(A) in paragraph (2), by inserting ''Department of Game, Fish and Parks of the'' before ''State of''; and

(B) in paragraph (3)(A)(ii)—

(i) in subclause (I), by striking ''transferred'' and inserting ''transferred, or to be transferred,''; and

(ii) by striking subclause (II) and inserting the following:

''(II) fund all costs associated with the lease, ownership, management, operation, administration, maintenance, or development of recreation areas and other land that are transferred, or to be transferred, to the State of South Dakota by the Secretary;''.

(c) CHEYENNE RIVER SIOUX TRIBE AND LOWER BRULE SIOUX TRIBE TERRESTRIAL WILDLIFE HABITAT RESTORATION TRUST FUNDS.—Section 604 of the Water Resources Development Act of 1999 (113 Stat. 389) is amended—

(1) in subsection (c)(2), by striking ''The'' and inserting ''In consultation with the Cheyenne River Sioux Tribe and Lower Brule Sioux Tribe, the''; and

(2) in subsection (d)—

(A) in paragraph (2), by inserting ''as tribal funds'' after ''for use''; and

(B) in paragraph (3)(A)(ii)—

(i) in subclause (I), by striking ''transferred'' and inserting ''transferred, or to be transferred,''; and

(ii) by striking subclause (II) and inserting the following:

''(II) fund all costs associated with the lease, ownership, management, operation, administration, maintenance, or development of recreation areas and other land that are transferred, or to be transferred, to the respective affected Indian Tribe by the Secretary;''.

(d) TRANSFER OF FEDERAL LAND TO STATE OF SOUTH DAKOTA.—Section 605 of the Water Resources Development Act of 1999 (113 Stat. 390) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (B), by striking ''in perpetuity'' and inserting ''for the life of the Mni Wiconi project'';

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following:

''(B) DEADLINE FOR TRANSFER OF RECREATION AREAS.—Under subparagraph (A), the Secretary shall transfer recreation areas not later than January 1, 2002.'';

(2) in subsection (c)—

(A) by redesignating paragraph (1) as paragraph (1)(A);

(B) by redesignating paragraphs (2) through (4) as subparagraphs (B) through (D), respectively, of paragraph (1);

(C) in paragraph (1)—

(i) in subparagraph (C), (as redesignated by subparagraph (B)), by inserting ''and'' after the semicolon; and

(ii) in subparagraph (D) (as redesignated by subparagraph (B)), by striking ''and'' and inserting ''or''; and

(D) by redesignating paragraph (5) as paragraph (2);

(3) in subsection (d), by striking paragraph (2) and inserting the following:

''(2) STRUCTURES.—

''(A) IN GENERAL.—The map shall identify all land and structures to be retained as necessary for continuation of the operation, maintenance, repair, replacement, rehabilitation, and structural integrity of the dams and related flood control and hydropower structures.

''(B) LEASE OF RECREATION AREAS.—

''(i) IN GENERAL.—The Secretary shall lease to the State of South Dakota in perpetuity all or part of the following recreation areas, within the boundaries determined under clause (ii), that are adjacent to land received by the State of South Dakota under this title:

''(I) OAHE DAM AND LAKE.—

''(aa) Downstream Recreation Area.

''(bb) West Shore Recreation Area.

''(cc) East Shore Recreation Area.

''(dd) Tailrace Recreation Area.

''(II) FORT RANDALL DAM AND LAKE FRANCIS CASE.—

''(aa) Randall Creek Recreation Area.

''(bb) South Shore Recreation Area.

''(cc) Spillway Recreation Area.

''(III) GAVINS POINT DAM AND LEWIS AND CLARK LAKE.—Pierson Ranch Recreation Area.

''(ii) LEASE BOUNDARIES.—The Secretary shall determine the boundaries of the recreation areas in consultation with the State of South Dakota.'';

(4) in subsection (f)(1), by striking ''Federal law'' and inserting ''a Federal law specified in section 607(a)(6) or any other Federal law'';

(5) in subsection (g), by striking paragraph (3) and inserting the following:

''(3) EASEMENTS AND ACCESS.—

''(A) IN GENERAL.—Not later than 180 days after a request by the State of South Dakota, the Secretary shall provide to the State of South Dakota easements and access on land and water below the level of the exclusive flood pool outside Indian reservations in the State of South Dakota for recreational and other purposes (including for boat docks, boat ramps, and related structures).

''(B) NO EFFECT ON MISSION.—The easements and access referred to in subparagraph (A) shall not prevent the Corps from carrying out its mission under the Act entitled 'An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes', approved December 22, 1944 (commonly known as the 'Flood Control Act of 1944') (58 Stat. 887)).'';

(6) in subsection (h), by striking ''of this Act'' and inserting ''of law''; and

(7) by adding at the end the following:

''(j) CLEANUP OF LAND AND RECREATION AREAS.—

''(1) IN GENERAL.—Not later than 10 years after the date of enactment of this subsection, the Secretary shall clean up each open dump and hazardous waste site identified by the Secretary and located on the land and recreation areas described in subsections (b) and (c).

''(2) FUNDING.—Cleanup activities under paragraph (1) shall be funded solely from funds made available for operation and maintenance under the Pick-Sloan Missouri River Basin program.

''(k) CULTURAL RESOURCES ADVISORY COMMISSION.—

''(1) IN GENERAL.—The State of South Dakota, the Cheyenne River Sioux Tribe, and the Lower Brule Sioux Tribe may establish an advisory commission to be known as the 'Cultural Resources Advisory Commission' (referred to in this subsection as the 'Commission').

''(2) MEMBERSHIP.—The Commission shall be composed of—

''(A) 1 member representing the State of South Dakota;

''(B) 1 member representing the Cheyenne River Sioux Tribe;

''(C) 1 member representing the Lower Brule Sioux Tribe; and

''(D) upon unanimous vote of the members of the Commission described in subparagraphs (A) through (C), a member representing a federally recognized Indian Tribe located in the State of North Dakota or South Dakota that is historically or traditionally affiliated with the Missouri River Basin in South Dakota.

''(3) DUTY.—The duty of the Commission shall be to provide advice on the identification, protection, and preservation of cultural resources on the land and recreation areas described in subsections (b) and (c) of this section and subsections (b) and (c) of section 606.

''(4) RESPONSIBILITIES, POWERS, AND ADMINISTRATION.—The Governor of the State of South Dakota, the Chairman of the Cheyenne River Sioux Tribe, and the Chairman of the Lower Brule Sioux Tribe are encouraged to unanimously enter into a formal written agreement, not later than 1 year after the date of enactment of this subsection, to establish the role, responsibilities, powers, and administration of the Commission.

''(l) INVENTORY AND STABILIZATION OF CULTURAL AND HISTORIC SITES.—

''(1) IN GENERAL.—Not later than 10 years after the date of enactment of this subsection, the Secretary, through contracts entered into with the State of South Dakota, the affected Indian Tribes, and other Indian Tribes in the States of North Dakota and South Dakota, shall inventory and stabilize each cultural site and historic site located on the land and recreation areas described in subsections (b) and (c).

''(2) FUNDING.—Inventory and stabilization activities under paragraph (1) shall be funded solely from funds made available for operation and maintenance under the Pick-Sloan Missouri River Basin program.''.

(e) TRANSFER OF CORPS OF ENGINEERS LAND FOR AFFECTED INDIAN TRIBES.—Section 606 of

the Water Resources Development Act of 1999 (113 Stat. 393) is amended—

(1) in subsection (a)(1), by striking ''The Secretary'' and inserting ''Not later than January 1, 2002, the Secretary'';

(2) in subsection (b)(1), by striking ''Big Bend and Oahe'' and inserting ''Oahe, Big Bend, and Fort Randall'';

(3) in subsection (d), by striking paragraph (2) and inserting the following:

''(2) STRUCTURES.—

''(A) IN GENERAL.—The map shall identify all land and structures to be retained as necessary for continuation of the operation, maintenance, repair, replacement, rehabilitation, and structural integrity of the dams and related flood control and hydropower structures.

''(B) LEASE OF RECREATION AREAS.—

''(i) IN GENERAL.—The Secretary shall lease to the Lower Brule Sioux Tribe in perpetuity all or part of the following recreation areas at Big Bend Dam and Lake Sharpe:

''(I) Left Tailrace Recreation Area.

''(II) Right Tailrace Recreation Area.

''(III) Good Soldier Creek Recreation Area.

''(ii) LEASE BOUNDARIES.—The Secretary shall determine the boundaries of the recreation areas in consultation with the Lower Brule Sioux Tribe.'';

(4) in subsection (f)—

(A) in paragraph (1), by striking ''Federal law'' and inserting ''a Federal law specified in section 607(a)(6) or any other Federal law'';

(B) in paragraph (2), by striking subparagraph (C) and inserting the following:

''(C) EASEMENTS AND ACCESS.—

''(i) IN GENERAL.—Not later than 180 days after a request by an affected Indian Tribe, the Secretary shall provide to the affected Indian Tribe easements and access on land and water below the level of the exclusive flood pool inside the Indian reservation of the affected Indian Tribe for recreational and other purposes (including for boat docks, boat ramps, and related structures).

''(ii) NO EFFECT ON MISSION.—The easements and access referred to in clause (i) shall not prevent the Corps from carrying out its mission under the Act entitled 'An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes', approved December 22, 1944 (commonly known as the 'Flood Control Act of 1944') (58 Stat. 887)).''; and

(C) in paragraph (3)(B), by inserting before the period at the end the following: ''that were administered by the Corps of Engineers as of the date of the land transfer.''; and

(5) by adding at the end the following:

''(h) CLEANUP OF LAND AND RECREATION AREAS.—

''(1) IN GENERAL.—Not later than 10 years after the date of enactment of this subsection, the Secretary shall clean up each open dump and hazardous waste site identified by the Secretary and located on the land and recreation areas described in subsections (b) and (c).

''(2) FUNDING.—Cleanup activities under paragraph (1) shall be funded solely from funds made available for operation and maintenance under the Pick-Sloan Missouri River Basin program.

''(i) INVENTORY AND STABILIZATION OF CULTURAL AND HISTORIC SITES.—

''(1) IN GENERAL.—Not later than 10 years after the date of enactment of this subsection, the Secretary, in consultation with the Cultural Resources Advisory Commission established under section 605(k) and through contracts entered into with the State of South Dakota, the affected Indian Tribes, and other Indian Tribes in the States of North Dakota and South Dakota, shall inventory and stabilize each cultural site and historic site located on the land and recreation areas described in subsections (b) and (c).

''(2) FUNDING.—Inventory and stabilization activities under paragraph (1) shall be funded solely from funds made available for operation and maintenance under the Pick-Sloan Missouri River Basin program.

''(j) SEDIMENT CONTAMINATION.—

''(1) IN GENERAL.—Not later than 10 years after the date of enactment of this subsection, the Secretary shall—

''(A) complete a study of sediment contamination in the Cheyenne River; and

''(B) take appropriate remedial action to eliminate any public health and environmental risk posed by the contaminated sediment.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out paragraph (1).''.

(f) BUDGET CONSIDERATIONS.—Section 607 of the Water Resources Development Act of 1999 (113 Stat. 395) is amended by adding at the end the following:

''(d) BUDGET CONSIDERATIONS.—

''(1) IN GENERAL.—In developing an annual budget to carry out this title, the Corps of Engineers shall consult with the State of South Dakota and the affected Indian Tribes.

''(2) INCLUSIONS; AVAILABILITY.—The budget referred to in paragraph (1) shall—

''(A) be detailed;

''(B) include all necessary tasks and associated costs; and

''(C) be made available to the State of South Dakota and the affected Indian Tribes at the time at which the Corps of Engineers submits the budget to Congress.''.

(g) AUTHORIZATION OF APPROPRIATIONS.—Section 609 of the Water Resources Development Act of 1999 (113 Stat. 396) is amended by striking subsection (a) and inserting the following:

''(a) SECRETARY.—

''(1) IN GENERAL.—There are authorized to be appropriated to the Secretary for each fiscal year such sums as are necessary—

''(A) to pay the administrative expenses incurred by the Secretary in carrying out this title;

''(B) to fund the implementation of terrestrial wildlife habitat restoration plans under section 602(a);

''(C) to fund activities described in sections 603(d)(3) and 604(d)(3) with respect to land and recreation areas transferred, or to be transferred, to an affected Indian Tribe or the State of South Dakota under section 605 or 606; and

''(D) to fund the annual expenses (not to exceed the Federal cost as of August 17, 1999) of operating recreation areas transferred, or to be transferred, under sections 605(c) and 606(c) to, or leased by, the State of South Dakota or an affected Indian Tribe, until such time as the trust funds under sections 603 and 604 are fully capitalized.

''(2) ALLOCATIONS.—

''(A) IN GENERAL.—For each fiscal year, the Secretary shall allocate the amounts made available under subparagraphs (B), (C), and (D) of paragraph (1) as follows:

''(i) $1,000,000 (or, if a lesser amount is so made available for the fiscal year, the lesser amount) shall be allocated equally among the State of South Dakota, the Cheyenne River Sioux Tribe, and the Lower Brule Sioux Tribe, for use in accordance with paragraph (1).

''(ii) Any amounts remaining after the allocation under clause (i) shall be allocated as follows:

''(I) 65 percent to the State of South Dakota.

''(II) 26 percent to the Cheyenne River Sioux Tribe.

''(III) 9 percent to the Lower Brule Sioux Tribe.

''(B) USE OF ALLOCATIONS.—Amounts allocated under subparagraph (A) may be used at the option of the recipient for any purpose described in subparagraph (B), (C), or (D) of paragraph (1).''.

(h) CLARIFICATION OF REFERENCES TO INDIAN TRIBES.—

(1) DEFINITIONS.—Section 601 of the Water Resources Development Act of 1999 (113 Stat. 385) is amended by striking paragraph (1) and inserting the following:

''(1) AFFECTED INDIAN TRIBE.—The term 'affected Indian Tribe' means each of the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe.''.

(2) TERRESTRIAL WILDLIFE HABITAT RESTORATION.—Section 602(b)(4)(B) of the Water Resources Development Act of 1999 (113 Stat. 388) is amended by striking ''the Tribe'' and inserting ''the affected Indian Tribe''.

(3) CHEYENNE RIVER SIOUX TRIBE AND LOWER BRULE SIOUX TRIBE TERRESTRIAL WILDLIFE HABITAT RESTORATION TRUST FUNDS.—Section 604(d)(3)(A) of the Water Resources Development Act of 1999 (113 Stat. 390) is amended by striking ''the respective Tribe'' each place it appears and inserting ''the respective affected Indian Tribe''.

(4) TRANSFER OF FEDERAL LAND TO STATE OF SOUTH DAKOTA.—Section 605 of the Water Resources Development Act of 1999 (113 Stat. 390) is amended—

(A) in subsection (b)(3), by striking ''an Indian Tribe'' and inserting ''any Indian Tribe''; and

(B) in subsection (c)(1)(B) (as redesignated by subsection (d)(2)(B)), by striking ''an Indian Tribe'' and inserting ''any Indian Tribe''.

(5) TRANSFER OF CORPS OF ENGINEERS LAND FOR AFFECTED INDIAN TRIBES.—Section 606 of the Water Resources Development Act of 1999 (113 Stat. 393) is amended—

(A) in the section heading, by striking ''**INDIAN TRIBES**'' and inserting ''**AFFECTED INDIAN TRIBES**'';

(B) in paragraphs (1) and (4) of subsection (a), by striking ''the Indian Tribes'' each place it appears and inserting ''the affected Indian Tribes'';

(C) in subsection (c)(2), by striking ''an Indian Tribe'' and inserting ''any Indian Tribe'';

(D) in subsection (f)(2)(B)(i)—

(i) by striking ''the respective tribes'' and inserting ''the respective affected Indian Tribes''; and

(ii) by striking ''the respective Tribe's'' and inserting ''the respective affected Indian Tribe's''; and

(E) in subsection (g), by striking ''an Indian Tribe'' and inserting ''any Indian Tribe''.

(6) ADMINISTRATION.—Section 607(a) of the Water Resources Development Act of 1999 (113 Stat. 395) is amended by striking ''an Indian Tribe'' each place it appears and inserting ''any Indian Tribe''.

SEC. 508. EXPORT OF WATER FROM GREAT LAKES.

(a) ADDITIONAL FINDING.—Section 1109(b) of the Water Resources Development Act of 1986 (42 U.S.C. 1962d–20(b)) is amended by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), and by inserting after paragraph (1) the following:

''(2) to encourage the Great Lakes States, in consultation with the Provinces of Ontario and Quebec, to develop and implement a mechanism that provides a common conservation standard embodying the principles of water conservation and resource improvement for making decisions concerning the withdrawal and use of water from the Great Lakes Basin;''.

(b) APPROVAL OF GOVERNORS FOR EXPORT OF WATER.—Section 1109(d) of the Water Resources Development Act of 1986 (42 U.S.C. 1962d–20(d)) is amended by—

(1) inserting ''or exported'' after ''diverted''; and

(2) inserting ''or export'' after ''diversion''.

(c) SENSE OF THE CONGRESS.—It is the Sense of the Congress that the Secretary of State should work with the Canadian Government to encourage and support the Provinces in the development and implementation of a mechanism and standard concerning the withdrawal and use of water from the Great Lakes Basin consistent with those mechanisms and standards developed by the Great Lakes States.

TITLE VI—COMPREHENSIVE EVERGLADES RESTORATION PLAN

SEC. 601. COMPREHENSIVE EVERGLADES RESTORATION PLAN.

(a) DEFINITIONS.—In this section:

(1) CENTRAL AND SOUTHERN FLORIDA PROJECT.—

(A) IN GENERAL.—The term ''Central and Southern Florida Project'' means the project for Central and Southern Florida authorized under the heading ''CENTRAL AND SOUTHERN FLORIDA'' in section 203 of the Flood Control Act of 1948 (62 Stat. 1176).

(B) INCLUSION.—The term ''Central and Southern Florida Project'' includes any modification to the project authorized by this section or any other provision of law.

(2) GOVERNOR.—The term ''Governor'' means the Governor of the State of Florida.

(3) NATURAL SYSTEM.—

(A) IN GENERAL.—The term ''natural system'' means all land and water managed by the Federal Government or the State within the South Florida ecosystem.

(B) INCLUSIONS.—The term ''natural system'' includes—

(i) water conservation areas;

(ii) sovereign submerged land;

(iii) Everglades National Park;

(iv) Biscayne National Park;

(v) Big Cypress National Preserve;

(vi) other Federal or State (including a political subdivision of a State) land that is designated and managed for conservation purposes; and

(vii) any tribal land that is designated and managed for conservation purposes, as approved by the tribe.

(4) PLAN.—The term ''Plan'' means the Comprehensive Everglades Restoration Plan contained in the ''Final Integrated Feasibility Report and Programmatic Environmental Impact Statement'', dated April 1, 1999, as modified by this section.

(5) SOUTH FLORIDA ECOSYSTEM.—

(A) IN GENERAL.—The term ''South Florida ecosystem'' means the area consisting of the land and water within the boundary of the South Florida Water Management District in effect on July 1, 1999.

(B) INCLUSIONS.—The term ''South Florida ecosystem'' includes—

(i) the Everglades;

(ii) the Florida Keys; and

(iii) the contiguous near-shore coastal water of South Florida.

(6) STATE.—The term ''State'' means the State of Florida.

(b) COMPREHENSIVE EVERGLADES RESTORATION PLAN.—

(1) APPROVAL.—

(A) IN GENERAL.—Except as modified by this section, the Plan is approved as a framework for modifications and operational changes to the Central and Southern Florida Project that are needed to restore, preserve, and protect the South Florida ecosystem while providing for other water-related needs of the region, including water supply and flood protection. The Plan shall be implemented to ensure the protection of water quality in, the reduction of the loss of fresh water from, and the improvement of the environment of the South Florida ecosystem and to achieve and maintain the benefits to the natural system and human environment described in the Plan, and required pursuant to this section, for as long as the project is authorized.

(B) INTEGRATION.—In carrying out the Plan, the Secretary shall integrate the activities described in subparagraph (A) with ongoing Federal and State projects and activities in accordance with section 528(c) of the Water Resources Development Act of 1996 (110 Stat. 3769). Unless specifically provided herein, nothing in this section shall be construed to modify any existing cost share or responsibility for projects as listed in subsection (c) or (e) of section 528 of the Water Resources Development Act of 1996 (110 Stat. 3769).

(2) SPECIFIC AUTHORIZATIONS.—

(A) IN GENERAL.—

(i) PROJECTS.—The Secretary shall carry out the projects included in the Plan in accordance with subparagraphs (B), (C), (D) and (E).

(ii) CONSIDERATIONS.—In carrying out activities described in the Plan, the Secretary shall—

(I) take into account the protection of water quality by considering applicable State water quality standards; and

(II) include such features as the Secretary determines are necessary to ensure that all ground water and surface water discharges from any project feature authorized by this subsection will meet all applicable water quality standards and applicable water quality permitting requirements.

(iii) REVIEW AND COMMENT.—In developing the projects authorized under subparagraph (B), the Secretary shall provide for public review and comment in accordance with applicable Federal law.

(B) PILOT PROJECTS.—The following pilot projects are authorized for implementation, after review and approval by the Secretary, at a total cost of $69,000,000, with an estimated Federal cost of $34,500,000 and an estimated non-Federal cost of $34,500,000:

(i) Caloosahatchee River (C–43) Basin ASR, at a total cost of $6,000,000, with an estimated Federal cost of $3,000,000 and an estimated non-Federal cost of $3,000,000.

(ii) Lake Belt In-Ground Reservoir Technology, at a total cost of $23,000,000, with an estimated Federal cost of $11,500,000 and an estimated non-Federal cost of $11,500,000.

(iii) L–31N Seepage Management, at a total cost of $10,000,000, with an estimated Federal cost of $5,000,000 and an estimated non-Federal cost of $5,000,000.

(iv) Wastewater Reuse Technology, at a total cost of $30,000,000, with an estimated Federal cost of $15,000,000 and an estimated non-Federal cost of $15,000,000.

(C) INITIAL PROJECTS.—The following projects are authorized for implementation, after review and approval by the Secretary, subject to the conditions stated in subparagraph (D), at a total cost of $1,100,918,000, with an estimated Federal cost of $550,459,000 and an estimated non-Federal cost of $550,459,000:

(i) C–44 Basin Storage Reservoir, at a total cost of $112,562,000, with an estimated Federal cost of $56,281,000 and an estimated non-Federal cost of $56,281,000.

(ii) Everglades Agricultural Area Storage Reservoirs—Phase I, at a total cost of $233,408,000, with an estimated Federal cost of $116,704,000 and an estimated non-Federal cost of $116,704,000.

(iii) Site 1 Impoundment, at a total cost of $38,535,000, with an estimated Federal cost of $19,267,500 and an estimated non-Federal cost of $19,267,500.

(iv) Water Conservation Areas 3A/3B Levee Seepage Management, at a total cost of $100,335,000, with an estimated Federal cost of $50,167,500 and an estimated non-Federal cost of $50,167,500.

(v) C–11 Impoundment and Stormwater Treatment Area, at a total cost of $124,837,000, with an estimated Federal cost of $62,418,500 and an estimated non-Federal cost of $62,418,500.

(vi) C–9 Impoundment and Stormwater Treatment Area, at a total cost of $89,146,000, with an estimated Federal cost of $44,573,000 and an estimated non-Federal cost of $44,573,000.

(vii) Taylor Creek/Nubbin Slough Storage and Treatment Area, at a total cost of $104,027,000, with an estimated Federal cost of $52,013,500 and an estimated non-Federal cost of $52,013,500.

(viii) Raise and Bridge East Portion of Tamiami Trail and Fill Miami Canal within Water Conservation Area 3, at a total cost of $26,946,000, with an estimated Federal cost of $13,473,000 and an estimated non-Federal cost of $13,473,000.

(ix) North New River Improvements, at a total cost of $77,087,000, with an estimated Federal cost of $38,543,500 and an estimated non-Federal cost of $38,543,500.

(x) C–111 Spreader Canal, at a total cost of $94,035,000, with an estimated Federal cost of $47,017,500 and an estimated non-Federal cost of $47,017,500.

(xi) Adaptive Assessment and Monitoring Program, at a total cost of $100,000,000, with an estimated Federal cost of $50,000,000 and an estimated non-Federal cost of $50,000,000.

(D) CONDITIONS.—

(i) PROJECT IMPLEMENTATION REPORTS.—Before implementation of a project described in any of clauses (i) through (x) of subparagraph (C), the Secretary shall review and approve for the project a project implementation report prepared in accordance with subsections (f) and (h).

(ii) SUBMISSION OF REPORT.—The Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate the project implementation report required by subsections (f) and (h) for each project under this paragraph (including all relevant data and information on all costs).

(iii) FUNDING CONTINGENT ON APPROVAL.—No appropriation shall be made to construct any project under this paragraph if the project implementation report for the project has not been approved by resolutions adopted by the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(iv) MODIFIED WATER DELIVERY.—No appropriation shall be made to construct the Water Conservation Area 3 Decompartmentalization and Sheetflow Enhancement Project (including component AA, Additional S–345 Structures; component QQ Phase 1, Raise and Bridge East Portion of Tamiami Trail and Fill Miami Canal within WCA 3; component QQ Phase 2, WCA 3 Decompartmentalization and Sheetflow Enhancement; and component SS, North New River Improvements) or the Central Lakebelt Storage Project (including components S and EEE, Central Lake Belt Storage Area) until the completion of the project to improve water deliveries to Everglades National Park authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r–8).

(E) MAXIMUM COST OF PROJECTS.—Section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280) shall apply to each

project feature authorized under this subsection.

(c) ADDITIONAL PROGRAM AUTHORITY.—

(1) IN GENERAL.—To expedite implementation of the Plan, the Secretary may implement modifications to the Central and Southern Florida Project that—

(A) are described in the Plan; and

(B) will produce a substantial benefit to the restoration, preservation and protection of the South Florida ecosystem.

(2) PROJECT IMPLEMENTATION REPORTS.—Before implementation of any project feature authorized under this subsection, the Secretary shall review and approve for the project feature a project implementation report prepared in accordance with subsections (f) and (h).

(3) FUNDING.—

(A) INDIVIDUAL PROJECT FUNDING.—

(i) FEDERAL COST.—The total Federal cost of each project carried out under this subsection shall not exceed $12,500,000.

(ii) OVERALL COST.—The total cost of each project carried out under this subsection shall not exceed $25,000,000.

(B) AGGREGATE COST.—The total cost of all projects carried out under this subsection shall not exceed $206,000,000, with an estimated Federal cost of $103,000,000 and an estimated non-Federal cost of $103,000,000.

(d) AUTHORIZATION OF FUTURE PROJECTS.—

(1) IN GENERAL.—Except for a project authorized by subsection (b) or (c), any project included in the Plan shall require a specific authorization by Congress.

(2) SUBMISSION OF REPORT.—Before seeking congressional authorization for a project under paragraph (1), the Secretary shall submit to Congress—

(A) a description of the project; and

(B) a project implementation report for the project prepared in accordance with subsections (f) and (h).

(e) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the cost of carrying out a project authorized by subsection (b), (c), or (d) shall be 50 percent.

(2) NON-FEDERAL RESPONSIBILITIES.—The non-Federal sponsor with respect to a project described in subsection (b), (c), or (d), shall be—

(A) responsible for all land, easements, rights-of-way, and relocations necessary to implement the Plan; and

(B) afforded credit toward the non-Federal share of the cost of carrying out the project in accordance with paragraph (5)(A).

(3) FEDERAL ASSISTANCE.—

(A) IN GENERAL.—The non-Federal sponsor with respect to a project authorized by subsection (b), (c), or (d) may use Federal funds for the purchase of any land, easement, rights-of-way, or relocation that is necessary to carry out the project if any funds so used are credited toward the Federal share of the cost of the project.

(B) AGRICULTURE FUNDS.—Funds provided to the non-Federal sponsor under the Conservation Restoration and Enhancement Program (CREP) and the Wetlands Reserve Program (WRP) for projects in the Plan shall be credited toward the non-Federal share of the cost of the Plan if the Secretary of Agriculture certifies that the funds provided may be used for that purpose. Funds to be credited do not include funds provided under section 390 of the Federal Agriculture Improvement and Reform Act of 1996 (110 Stat. 1022).

(4) OPERATION AND MAINTENANCE.—Notwithstanding section 528(e)(3) of the Water Resources Development Act of 1996 (110 Stat. 3770), the non-Federal sponsor shall be responsible for 50 percent of the cost of operation, maintenance, repair, replacement, and rehabilitation activities authorized under this section.

(5) CREDIT.—

(A) IN GENERAL.—Notwithstanding section 528(e)(4) of the Water Resources Development Act of 1996 (110 Stat. 3770), and regardless of the date of acquisition, the value of lands or interests in lands and incidental costs for land acquired by a non-Federal sponsor in accordance with a project implementation report for any project included in the Plan and authorized by Congress shall be—

(i) included in the total cost of the project; and

(ii) credited toward the non-Federal share of the cost of the project.

(B) WORK.—The Secretary may provide credit, including in-kind credit, toward the non-Federal share for the reasonable cost of any work performed in connection with a study, preconstruction engineering and design, or construction that is necessary for the implementation of the Plan, if—

(i)(I) the credit is provided for work completed during the period of design, as defined in a design agreement between the Secretary and the non-Federal sponsor; or

(II) the credit is provided for work completed during the period of construction, as defined in a project cooperation agreement for an authorized project between the Secretary and the non-Federal sponsor;

(ii) the design agreement or the project cooperation agreement prescribes the terms and conditions of the credit; and

(iii) the Secretary determines that the work performed by the non-Federal sponsor is integral to the project.

(C) TREATMENT OF CREDIT BETWEEN PROJECTS.—Any credit provided under this paragraph may be carried over between authorized projects in accordance with subparagraph (D).

(D) PERIODIC MONITORING.—

(i) IN GENERAL.—To ensure that the contributions of the non-Federal sponsor equal 50 percent proportionate share for projects in the Plan, during each 5-year period, beginning with commencement of design of the Plan, the Secretary shall, for each project—

(I) monitor the non-Federal provision of cash, in-kind services, and land; and

(II) manage, to the maximum extent practicable, the requirement of the non-Federal sponsor to provide cash, in-kind services, and land.

(ii) OTHER MONITORING.—The Secretary shall conduct monitoring under clause (i) separately for—

(I) the preconstruction engineering and design phase; and

(II) the construction phase.

(E) AUDITS.—Credit for land (including land value and incidental costs) or work provided under this subsection shall be subject to audit by the Secretary.

(f) EVALUATION OF PROJECTS.—

(1) IN GENERAL.—Before implementation of a project authorized by subsection (c) or (d) or any of clauses (i) through (x) of subsection (b)(2)(C), the Secretary, in cooperation with the non-Federal sponsor, shall, after notice and opportunity for public comment and in accordance with subsection (h), complete a project implementation report for the project.

(2) PROJECT JUSTIFICATION.—

(A) IN GENERAL.—Notwithstanding section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962–2) or any other provision of law, in carrying out any activity authorized under this section or any other provision of law to restore, preserve, or protect the South Florida ecosystem, the Secretary may determine that—

(i) the activity is justified by the environmental benefits derived by the South Florida ecosystem; and

(ii) no further economic justification for the activity is required, if the Secretary determines that the activity is cost-effective.

(B) APPLICABILITY.—Subparagraph (A) shall not apply to any separable element intended to produce benefits that are predominantly unrelated to the restoration, preservation, and protection of the natural system.

(g) EXCLUSIONS AND LIMITATIONS.—The following Plan components are not approved for implementation:

(1) WATER INCLUDED IN THE PLAN.—

(A) IN GENERAL.—Any project that is designed to implement the capture and use of the approximately 245,000 acre-feet of water described in section 7.7.2 of the Plan shall not be implemented until such time as—

(i) the project-specific feasibility study described in subparagraph (B) on the need for and physical delivery of the approximately 245,000 acre-feet of water, conducted by the Secretary, in cooperation with the non-Federal sponsor, is completed;

(ii) the project is favorably recommended in a final report of the Chief of Engineers; and

(iii) the project is authorized by Act of Congress.

(B) PROJECT-SPECIFIC FEASIBILITY STUDY.—The project-specific feasibility study referred to in subparagraph (A) shall include—

(i) a comprehensive analysis of the structural facilities proposed to deliver the approximately 245,000 acre-feet of water to the natural system;

(ii) an assessment of the requirements to divert and treat the water;

(iii) an assessment of delivery alternatives;

(iv) an assessment of the feasibility of delivering the water downstream while maintaining current levels of flood protection to affected property; and

(v) any other assessments that are determined by the Secretary to be necessary to complete the study.

(2) WASTEWATER REUSE.—

(A) IN GENERAL.—On completion and evaluation of the wastewater reuse pilot project described in subsection (b)(2)(B)(iv), the Secretary, in an appropriately timed 5-year report, shall describe the results of the evaluation of advanced wastewater reuse in meeting, in a cost-effective manner, the requirements of restoration of the natural system.

(B) SUBMISSION.—The Secretary shall submit to Congress the report described in subparagraph (A) before congressional authorization for advanced wastewater reuse is sought.

(3) PROJECTS APPROVED WITH LIMITATIONS.—The following projects in the Plan are approved for implementation with limitations:

(A) LOXAHATCHEE NATIONAL WILDLIFE REFUGE.—The Federal share for land acquisition in the project to enhance existing wetland systems along the Loxahatchee National Wildlife Refuge, including the Stazzulla tract, should be funded through the budget of the Department of the Interior.

(B) SOUTHERN CORKSCREW REGIONAL ECOSYSTEM.—The Southern Corkscrew regional ecosystem watershed addition should be accomplished outside the scope of the Plan.

(h) ASSURANCE OF PROJECT BENEFITS.—

(1) IN GENERAL.—The overarching objective of the Plan is the restoration, preservation, and protection of the South Florida Ecosystem while providing for other water-related needs of the region, including water supply and flood protection. The Plan shall be implemented to ensure the protection of water quality in, the reduction of the loss of fresh water from, the improvement of the environment of the South Florida Ecosystem and to achieve and maintain the benefits to the natural system and human environment described in the Plan, and required pursuant

to this section, for as long as the project is authorized.

(2) AGREEMENT.—

(A) IN GENERAL.—In order to ensure that water generated by the Plan will be made available for the restoration of the natural system, no appropriations, except for any pilot project described in subsection (b)(2)(B), shall be made for the construction of a project contained in the Plan until the President and the Governor enter into a binding agreement under which the State shall ensure, by regulation or other appropriate means, that water made available by each project in the Plan shall not be permitted for a consumptive use or otherwise made unavailable by the State until such time as sufficient reservations of water for the restoration of the natural system are made under State law in accordance with the project implementation report for that project and consistent with the Plan.

(B) ENFORCEMENT.—

(i) IN GENERAL.—Any person or entity that is aggrieved by a failure of the United States or any other Federal Government instrumentality or agency, or the Governor or any other officer of a State instrumentality or agency, to comply with any provision of the agreement entered into under subparagraph (A) may bring a civil action in United States district court for an injunction directing the United States or any other Federal Government instrumentality or agency or the Governor or any other officer of a State instrumentality or agency, as the case may be, to comply with the agreement.

(ii) LIMITATIONS ON COMMENCEMENT OF CIVIL ACTION.—No civil action may be commenced under clause (i)—

(I) before the date that is 60 days after the Secretary receives written notice of a failure to comply with the agreement; or

(II) if the United States has commenced and is diligently prosecuting an action in a court of the United States or a State to redress a failure to comply with the agreement.

(C) TRUST RESPONSIBILITIES.—In carrying out his responsibilities under this subsection with respect to the restoration of the South Florida ecosystem, the Secretary of the Interior shall fulfill his obligations to the Indian tribes in South Florida under the Indian Trust Doctrine as well as other applicable legal obligations.

(3) PROGRAMMATIC REGULATIONS.—

(A) ISSUANCE.—Not later than 2 years after the date of enactment of this Act, the Secretary shall, after notice and opportunity for public comment—

(i) with the concurrence of—

(I) the Governor; and

(II) the Secretary of the Interior; and

(ii) in consultation with—

(I) the Seminole Tribe of Florida;

(II) the Miccosukee Tribe of Indians of Florida;

(III) the Administrator of the Environmental Protection Agency;

(IV) the Secretary of Commerce; and

(V) other Federal, State, and local agencies;

promulgate programmatic regulations to ensure that the goals and purposes of the Plan are achieved.

(B) CONCURRENCY STATEMENT.—The Secretary of the Interior and the Governor shall, not later than 180 days from the end of the public comment period on proposed programmatic regulations, provide the Secretary with a written statement of concurrence or nonconcurrence. A failure to provide a written statement of concurrence or nonconcurrence within such time frame will be deemed as meeting the concurrency requirements of subparagraph (A)(i). A copy of any concurrency or nonconcurrency statements shall be made a part of the administrative record and referenced in the final programmatic regulations. Any nonconcurrency statement shall specifically detail the reason or reasons for the nonconcurrence.

(C) CONTENT OF REGULATIONS.—Programmatic regulations promulgated under this paragraph shall establish a process—

(i) for the development of project implementation reports, project cooperation agreements, and operating manuals that ensure that the goals and objectives of the Plan are achieved;

(ii) to ensure that new information resulting from changed or unforeseen circumstances, new scientific or technical information or information that is developed through the principles of adaptive management contained in the Plan, or future authorized changes to the Plan are integrated into the implementation of the Plan; and

(iii) to ensure the protection of the natural system consistent with the goals and purposes of the Plan, including the establishment of interim goals to provide a means by which the restoration success of the Plan may be evaluated throughout the implementation process.

(D) SCHEDULE AND TRANSITION RULE.—

(i) IN GENERAL.—All project implementation reports approved before the date of promulgation of the programmatic regulations shall be consistent with the Plan.

(ii) PREAMBLE.—The preamble of the programmatic regulations shall include a statement concerning the consistency with the programmatic regulations of any project implementation reports that were approved before the date of promulgation of the regulations.

(E) REVIEW OF PROGRAMMATIC REGULATIONS.—Whenever necessary to attain Plan goals and purposes, but not less often than every 5 years, the Secretary, in accordance with subparagraph (A), shall review the programmatic regulations promulgated under this paragraph.

(4) PROJECT-SPECIFIC ASSURANCES.—

(A) PROJECT IMPLEMENTATION REPORTS.—

(i) IN GENERAL.—The Secretary and the non-Federal sponsor shall develop project implementation reports in accordance with section 10.3.1 of the Plan.

(ii) COORDINATION.—In developing a project implementation report, the Secretary and the non-Federal sponsor shall coordinate with appropriate Federal, State, tribal, and local governments.

(iii) REQUIREMENTS.—A project implementation report shall—

(I) be consistent with the Plan and the programmatic regulations promulgated under paragraph (3);

(II) describe how each of the requirements stated in paragraph (3)(B) is satisfied;

(III) comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(IV) identify the appropriate quantity, timing, and distribution of water dedicated and managed for the natural system;

(V) identify the amount of water to be reserved or allocated for the natural system necessary to implement, under State law, subclauses (IV) and (VI);

(VI) comply with applicable water quality standards and applicable water quality permitting requirements under subsection (b)(2)(A)(ii);

(VII) be based on the best available science; and

(VIII) include an analysis concerning the cost-effectiveness and engineering feasibility of the project.

(B) PROJECT COOPERATION AGREEMENTS.—

(i) IN GENERAL.—The Secretary and the non-Federal sponsor shall execute project cooperation agreements in accordance with section 10 of the Plan.

(ii) CONDITION.—The Secretary shall not execute a project cooperation agreement until any reservation or allocation of water for the natural system identified in the project implementation report is executed under State law.

(C) OPERATING MANUALS.—

(i) IN GENERAL.—The Secretary and the non-Federal sponsor shall develop and issue, for each project or group of projects, an operating manual that is consistent with the water reservation or allocation for the natural system described in the project implementation report and the project cooperation agreement for the project or group of projects.

(ii) MODIFICATIONS.—Any significant modification by the Secretary and the non-Federal sponsor to an operating manual after the operating manual is issued shall only be carried out subject to notice and opportunity for public comment.

(5) SAVINGS CLAUSE.—

(A) NO ELIMINATION OR TRANSFER.—Until a new source of water supply of comparable quantity and quality as that available on the date of enactment of this Act is available to replace the water to be lost as a result of implementation of the Plan, the Secretary and the non-Federal sponsor shall not eliminate or transfer existing legal sources of water, including those for—

(i) an agricultural or urban water supply;

(ii) allocation or entitlement to the Seminole Indian Tribe of Florida under section 7 of the Seminole Indian Land Claims Settlement Act of 1987 (25 U.S.C. 1772e);

(iii) the Miccosukee Tribe of Indians of Florida;

(iv) water supply for Everglades National Park; or

(v) water supply for fish and wildlife.

(B) MAINTENANCE OF FLOOD PROTECTION.—Implementation of the Plan shall not reduce levels of service for flood protection that are—

(i) in existence on the date of enactment of this Act; and

(ii) in accordance with applicable law.

(C) NO EFFECT ON TRIBAL COMPACT.—Nothing in this section amends, alters, prevents, or otherwise abrogates rights of the Seminole Indian Tribe of Florida under the compact among the Seminole Tribe of Florida, the State, and the South Florida Water Management District, defining the scope and use of water rights of the Seminole Tribe of Florida, as codified by section 7 of the Seminole Indian Land Claims Settlement Act of 1987 (25 U.S.C. 1772e).

(i) DISPUTE RESOLUTION.—

(1) IN GENERAL.—The Secretary and the Governor shall within 180 days from the date of enactment of this Act develop an agreement for resolving disputes between the Corps of Engineers and the State associated with the implementation of the Plan. Such agreement shall establish a mechanism for the timely and efficient resolution of disputes, including—

(A) a preference for the resolution of disputes between the Jacksonville District of the Corps of Engineers and the South Florida Water Management District;

(B) a mechanism for the Jacksonville District of the Corps of Engineers or the South Florida Water Management District to initiate the dispute resolution process for unresolved issues;

(C) the establishment of appropriate timeframes and intermediate steps for the elevation of disputes to the Governor and the Secretary; and

(D) a mechanism for the final resolution of disputes, within 180 days from the date that

the dispute resolution process is initiated under subparagraph (B).

(2) CONDITION FOR REPORT APPROVAL.—The Secretary shall not approve a project implementation report under this section until the agreement established under this subsection has been executed.

(3) NO EFFECT ON LAW.—Nothing in the agreement established under this subsection shall alter or amend any existing Federal or State law, or the responsibility of any party to the agreement to comply with any Federal or State law.

(j) INDEPENDENT SCIENTIFIC REVIEW.—

(1) IN GENERAL.—The Secretary, the Secretary of the Interior, and the Governor, in consultation with the South Florida Ecosystem Restoration Task Force, shall establish an independent scientific review panel convened by a body, such as the National Academy of Sciences, to review the Plan's progress toward achieving the natural system restoration goals of the Plan.

(2) REPORT.—The panel described in paragraph (1) shall produce a biennial report to Congress, the Secretary, the Secretary of the Interior, and the Governor that includes an assessment of ecological indicators and other measures of progress in restoring the ecology of the natural system, based on the Plan.

(k) OUTREACH AND ASSISTANCE.—

(1) SMALL BUSINESS CONCERNS OWNED AND OPERATED BY SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—In executing the Plan, the Secretary shall ensure that small business concerns owned and controlled by socially and economically disadvantaged individuals are provided opportunities to participate under section 15(g) of the Small Business Act (15 U.S.C. 644(g)).

(2) COMMUNITY OUTREACH AND EDUCATION.—

(A) IN GENERAL.—The Secretary shall ensure that impacts on socially and economically disadvantaged individuals, including individuals with limited English proficiency, and communities are considered during implementation of the Plan, and that such individuals have opportunities to review and comment on its implementation.

(B) PROVISION OF OPPORTUNITIES.—The Secretary shall ensure, to the maximum extent practicable, that public outreach and educational opportunities are provided, during implementation of the Plan, to the individuals of South Florida, including individuals with limited English proficiency, and in particular for socially and economically disadvantaged communities.

(l) REPORT TO CONGRESS.—Beginning on October 1, 2005, and periodically thereafter until October 1, 2036, the Secretary and the Secretary of the Interior, in consultation with the Environmental Protection Agency, the Department of Commerce, and the State of Florida, shall jointly submit to Congress a report on the implementation of the Plan. Such reports shall be completed not less often than every 5 years. Such reports shall include a description of planning, design, and construction work completed, the amount of funds expended during the period covered by the report (including a detailed analysis of the funds expended for adaptive assessment under subsection (b)(2)(C)(xi)), and the work anticipated over the next 5-year period. In addition, each report shall include—

(1) the determination of each Secretary, and the Administrator of the Environmental Protection Agency, concerning the benefits to the natural system and the human environment achieved as of the date of the report and whether the completed projects of the Plan are being operated in a manner that is consistent with the requirements of subsection (h);

(2) progress toward interim goals established in accordance with subsection (h)(3)(B); and

(3) a review of the activities performed by the Secretary under subsection (k) as they relate to socially and economically disadvantaged individuals and individuals with limited English proficiency.

(m) SEVERABILITY.—If any provision or remedy provided by this section is found to be unconstitutional or unenforceable by any court of competent jurisdiction, any remaining provisions in this section shall remain valid and enforceable.

SEC. 602. SENSE OF THE SENATE CONCERNING HOMESTEAD AIR FORCE BASE.

(a) IN GENERAL.—(1) The Everglades is an American treasure and includes uniquely-important and diverse wildlife resources and recreational opportunities;

(2) the preservation of the pristine and natural character of the South Florida ecosystem is critical to the regional economy;

(3) as this legislation demonstrates, the Senate believes it to be a vital national mission to restore and preserve this ecosystem and accordingly is authorizing a significant Federal investment to do so;

(4) the Senate seeks to have the remaining property at the former Homestead Air Base conveyed and reused as expeditiously as possible, and several options for base reuse are being considered, including as a commercial airport; and

(5) the Senate is aware that the Homestead site is located in a sensitive environmental location, and that Biscayne National Park is only approximately 1.5 miles to the east, Everglades National Park approximately 8 miles to the west, and the Florida Keys National Marine Sanctuary approximately 10 miles to the south.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) development at the Homestead site could potentially cause significant air, water, and noise pollution and result in the degradation of adjacent national parks and other protected Federal resources;

(2) in their decisionmaking, the Federal agencies charged with determining the reuse of the remaining property at the Homestead base should carefully consider and weigh all available information concerning potential environmental impacts of various reuse options;

(3) the redevelopment of the former base should be consistent with restoration goals, provide desirable numbers of jobs and economic redevelopment for the community, and be consistent with other applicable laws;

(4) consistent with applicable laws, the Secretary of the Air Force should proceed as quickly as practicable to issue a final SEIS and Record of Decision so that reuse of the former air base can proceed expeditiously;

(5) following conveyance of the remaining surplus property, the Secretary, as part of his oversight for Everglades restoration, should cooperate with the entities to which the various parcels of surplus property were conveyed so that the planned use of those properties is implemented in such a manner as to remain consistent with the goals of the Everglades restoration plan; and

(6) by August 1, 2002, the Secretary should submit a report to the appropriate committees of Congress on actions taken and make any recommendations for consideration by Congress.

TITLE VII—MISSOURI RIVER PROTECTION AND IMPROVEMENT

SEC. 701. SHORT TITLE.

This title shall be known as the ''Missouri River Protection and Improvement Act of 2000''.

SEC. 702. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Missouri River is—

(A) an invaluable economic, environmental, recreational, and cultural resource to the people of the United States; and

(B) a critical source of water for drinking and irrigation;

(2) millions of people fish, hunt, and camp along the Missouri River each year;

(3) thousands of sites of spiritual importance to Native Americans line the shores of the Missouri River;

(4) the Missouri River provides critical wildlife habitat for threatened and endangered species;

(5) in 1944, Congress approved the Pick-Sloan program—

(A) to promote the general economic development of the United States;

(B) to provide for irrigation above Sioux City, Iowa;

(C) to protect urban and rural areas from devastating floods of the Missouri River; and

(D) for other purposes;

(6) the Garrison Dam was constructed on the Missouri River in North Dakota and the Oahe Dam was constructed in South Dakota under the Pick-Sloan program;

(7) the dams referred to in paragraph (6)—

(A) generate low-cost electricity for millions of people in the United States;

(B) provide revenue to the Treasury; and

(C) provide flood control that has prevented billions of dollars of damage;

(8) the Garrison and Oahe Dams have reduced the ability of the Missouri River to carry sediment downstream, resulting in the accumulation of sediment in the reservoirs known as Lake Sakakawea and Lake Oahe;

(9) the sediment depositions—

(A) cause shoreline flooding;

(B) destroy wildlife habitat;

(C) limit recreational opportunities;

(D) threaten the long-term ability of dams to provide hydropower and flood control under the Pick-Sloan program;

(E) reduce water quality; and

(F) threaten intakes for drinking water and irrigation; and

(10) to meet the objectives established by Congress for the Pick-Sloan program, it is necessary to establish a Missouri River Restoration Program—

(A) to improve conservation;

(B) to reduce the deposition of sediment; and

(C) to take other steps necessary for proper management of the Missouri River.

(b) PURPOSES.—The purposes of this title are—

(1) to reduce the siltation of the Missouri River in the State of North Dakota;

(2) to meet the objectives of the Pick-Sloan program by developing and implementing a long-term strategy—

(A) to improve conservation in the Missouri River watershed;

(B) to protect recreation on the Missouri River from sedimentation;

(C) to improve water quality in the Missouri River;

(D) to improve erosion control along the Missouri River; and

(E) to protect Indian and non-Indian historical and cultural sites along the Missouri River from erosion; and

(3) to meet the objectives described in paragraphs (1) and (2) by developing and financing new programs in accordance with the plan.

SEC. 703. DEFINITIONS.

In this title:

(1) PICK-SLOAN PROGRAM.—The term ''Pick-Sloan program'' means the Pick-Sloan Missouri River Basin Program authorized by section 9 of the Act of December 22, 1944 (58 Stat. 891, chapter 665).

(2) PLAN.—The term ''plan'' means the plan for the use of funds made available by this

title that is required to be prepared under section 705(e).

(3) STATE.—The term ''State'' means the State of North Dakota.

(4) TASK FORCE.—The term ''Task Force'' means the North Dakota Missouri River Task Force established by section 705(a).

(5) TRUST.—The term ''Trust'' means the North Dakota Missouri River Trust established by section 704(a).

SEC. 704. MISSOURI RIVER TRUST.

(a) ESTABLISHMENT.—There is established a committee to be known as the North Dakota Missouri River Trust.

(b) MEMBERSHIP.—The Trust shall be composed of 16 members to be appointed by the Secretary, including—

(1) 12 members recommended by the Governor of North Dakota that—

(A) represent equally the various interests of the public; and

(B) include representatives of—

(i) the North Dakota Department of Health;

(ii) the North Dakota Department of Parks and Recreation;

(iii) the North Dakota Department of Game and Fish;

(iv) the North Dakota State Water Commission;

(v) the North Dakota Indian Affairs Commission;

(vi) agriculture groups;

(vii) environmental or conservation organizations;

(viii) the hydroelectric power industry;

(ix) recreation user groups;

(x) local governments; and

(xi) other appropriate interests;

(2) 4 members representing each of the 4 Indian tribes in the State of North Dakota.

SEC. 705. MISSOURI RIVER TASK FORCE.

(a) ESTABLISHMENT.—There is established the Missouri River Task Force.

(b) MEMBERSHIP.—The Task Force shall be composed of—

(1) the Secretary (or a designee), who shall serve as Chairperson;

(2) the Secretary of Agriculture (or a designee);

(3) the Secretary of Energy (or a designee);

(4) the Secretary of the Interior (or a designee); and

(5) the Trust.

(c) DUTIES.—The Task Force shall—

(1) meet at least twice each year;

(2) vote on approval of the plan, with approval requiring votes in favor of the plan by a majority of the members;

(3) review projects to meet the goals of the plan; and

(4) recommend to the Secretary critical projects for implementation.

(d) ASSESSMENT.—

(1) IN GENERAL.—Not later than 18 months after the date on which funding authorized under this title becomes available, the Secretary shall submit to the other members of the Task Force a report on—

(A) the impact of the siltation of the Missouri River in the State, including the impact on—

(i) the Federal, State, and regional economies;

(ii) recreation;

(iii) hydropower generation;

(iv) fish and wildlife; and

(v) flood control;

(B) the status of Indian and non-Indian historical and cultural sites along the Missouri River;

(C) the extent of erosion along the Missouri River (including tributaries of the Missouri River) in the State; and

(D) other issues, as requested by the Task Force.

(2) CONSULTATION.—In preparing the report under paragraph (1), the Secretary shall consult with—

(A) the Secretary of Energy;

(B) the Secretary of the Interior;

(C) the Secretary of Agriculture;

(D) the State; and

(E) Indian tribes in the State.

(e) PLAN FOR USE OF FUNDS MADE AVAILABLE BY THIS TITLE.—

(1) IN GENERAL.—Not later than 3 years after the date on which funding authorized under this title becomes available, the Task Force shall prepare a plan for the use of funds made available under this title.

(2) CONTENTS OF PLAN.—The plan shall provide for the manner in which the Task Force shall develop and recommend critical restoration projects to promote—

(A) conservation practices in the Missouri River watershed;

(B) the general control and removal of sediment from the Missouri River;

(C) the protection of recreation on the Missouri River from sedimentation;

(D) the protection of Indian and non-Indian historical and cultural sites along the Missouri River from erosion;

(E) erosion control along the Missouri River; or

(F) any combination of the activities described in subparagraphs (A) through (E).

(3) PLAN REVIEW AND REVISION.—

(A) IN GENERAL.—The Task Force shall make a copy of the plan available for public review and comment before the plan becomes final, in accordance with procedures established by the Task Force.

(B) REVISION OF PLAN.—

(i) IN GENERAL.—The Task Force may, on an annual basis, revise the plan.

(ii) PUBLIC REVIEW AND COMMENT.—In revising the plan, the Task Force shall provide the public the opportunity to review and comment on any proposed revision to the plan.

(f) CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—After the plan is approved by the Task Force under subsection (c)(2), the Secretary, in coordination with the Task Force, shall identify critical restoration projects to carry out the plan.

(2) AGREEMENT.—The Secretary may carry out a critical restoration project after entering into an agreement with an appropriate non-Federal interest in accordance with—

(A) section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b); and

(B) this section.

(3) INDIAN PROJECTS.—To the maximum extent practicable, the Secretary shall ensure that not less than 30 percent of the funds made available for critical restoration projects under this title shall be used exclusively for projects that are—

(A) within the boundary of an Indian reservation; or

(B) administered by an Indian tribe.

(g) COST SHARING.—

(1) ASSESSMENT.—

(A) FEDERAL SHARE.—The Federal share of the cost of carrying out the assessment under subsection (d) shall be 75 percent.

(B) NON-FEDERAL SHARE.—The non-Federal share of the cost of carrying out the assessment under subsection (d) may be provided in the form of services, materials, or other in-kind contributions.

(2) PLAN.—

(A) FEDERAL SHARE.—The Federal share of the cost of preparing the plan under subsection (e) shall be 75 percent.

(B) NON-FEDERAL SHARE.—Not more than 50 percent of the non-Federal share of the cost of preparing the plan under subsection (e) may be provided in the form of services, materials, or other in-kind contributions.

(3) CRITICAL RESTORATION PROJECTS.—

(A) IN GENERAL.—A non-Federal cost share shall be required to carry out any critical restoration project under subsection (f) that does not primarily benefit the Federal Government, as determined by the Task Force.

(B) FEDERAL SHARE.—The Federal share of the cost of carrying out a critical restoration project under subsection (f) for which the Task Force requires a non-Federal cost share under subparagraph (A) shall be 65 percent, not to exceed $5,000,000 for any critical restoration project.

(C) NON-FEDERAL SHARE.—

(i) IN GENERAL.—Not more than 50 percent of the non-Federal share of the cost of carrying out a critical restoration project described in subparagraph (B) may be provided in the form of services, materials, or other in-kind contributions.

(ii) REQUIRED NON-FEDERAL CONTRIBUTIONS.—For any critical restoration project described in subparagraph (B), the non-Federal interest shall—

(I) provide all land, easements, rights-of-way, dredged material disposal areas, and relocations;

(II) pay all operation, maintenance, replacement, repair, and rehabilitation costs; and

(III) hold the United States harmless from all claims arising from the construction, operation, and maintenance of the project.

(iii) CREDIT.—The non-Federal interest shall receive credit for all contributions provided under clause (ii)(I).

SEC. 706. ADMINISTRATION.

(a) IN GENERAL.—Nothing in this title diminishes or affects—

(1) any water right of an Indian tribe;

(2) any other right of an Indian tribe, except as specifically provided in another provision of this title;

(3) any treaty right that is in effect on the date of enactment of this Act;

(4) any external boundary of an Indian reservation of an Indian tribe;

(5) any authority of the State that relates to the protection, regulation, or management of fish, terrestrial wildlife, and cultural and archaeological resources, except as specifically provided in this title; or

(6) any authority of the Secretary, the Secretary of the Interior, or the head of any other Federal agency under a law in effect on the date of enactment of this Act, including—

(A) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

(B) the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.);

(C) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(D) the Act entitled ''An Act for the protection of the bald eagle'', approved June 8, 1940 (16 U.S.C. 668 et seq.);

(E) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

(F) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(G) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

(H) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(I) the Safe Drinking Water Act (42 U.S.C. 300f et seq.); and

(J) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) FEDERAL LIABILITY FOR DAMAGE.—Nothing in this title relieves the Federal Government of liability for damage to private property caused by the operation of the Pick-Sloan program.

(c) FLOOD CONTROL.—Notwithstanding any other provision of this title, the Secretary shall retain the authority to operate the Pick-Sloan program for the purposes of

meeting the requirements of the Act of December 22, 1944 (58 Stat. 887, chapter 665; 33 U.S.C. 701–1 et seq.).

(d) USE OF FUNDS.—Funds transferred to the Trust may be used to pay the non-Federal share required under Federal programs.

SEC. 707. AUTHORIZATION OF APPROPRIATIONS.

(a) INITIAL FUNDING.—There is authorized to be appropriated to the Secretary to carry out this title $4,000,000 for each of fiscal years 2001 through 2004, to remain available until expended.

(b) EXISTING PROGRAMS.—The Secretary shall fund programs authorized under the Pick-Sloan program in existence on the date of enactment of this Act at levels that are not less than funding levels for those programs as of that date.

TITLE VIII—WILDLIFE REFUGE ENHANCEMENT

SEC. 801. SHORT TITLE.

This title may be cited as the ''Charles M. Russell National Wildlife Refuge Enhancement Act of 2000''.

SEC. 802. PURPOSE.

The purpose of this title is to direct the Secretary, in consultation with the Secretary of the Interior, to convey cabin sites at Fort Peck Lake, Montana, and to acquire land with greater wildlife and other public value for the Charles M. Russell National Wildlife Refuge, to—

(1) better achieve the wildlife conservation purposes for which the Refuge was established;

(2) protect additional fish and wildlife habitat in and adjacent to the Refuge;

(3) enhance public opportunities for hunting, fishing, and other wildlife-dependent activities;

(4) improve management of the Refuge; and

(5) reduce Federal expenditures associated with the administration of cabin site leases.

SEC. 803. DEFINITIONS.

In this title:

(1) ASSOCIATION.—The term ''Association'' means the Fort Peck Lake Association.

(2) CABIN SITE.—

(A) IN GENERAL.—The term ''cabin site'' means a parcel of property within the Fort Peck, Hell Creek, Pines, or Rock Creek Cabin areas that is—

(i) managed by the Army Corps of Engineers;

(ii) located in or near the eastern portion of Fort Peck Lake, Montana; and

(iii) leased for individual use or occupancy.

(B) INCLUSIONS.—The term ''cabin site'' includes all right, title and interest of the United States in and to the property, including—

(i) any permanent easement that is necessary to provide vehicular access to the cabin site; and

(ii) the right to reconstruct, operate, and maintain an easement described in clause (i).

(3) CABIN SITE AREA.—

(A) IN GENERAL.—The term ''cabin site area'' means a portion of the Fort Peck, Hell Creek, Pines, or Rock Creek Cabin Areas referred to in paragraph (2) that is occupied by 1 or more cabin sites.

(B) INCLUSION.—The term ''cabin site area'' includes such immediately adjacent land, if any, as is needed for the cabin site area to exist as a generally contiguous parcel of land, as determined by the Secretary with the concurrence of the Secretary of the Interior.

(4) LESSEE.—The term ''lessee'' means a person that is leasing a cabin site.

(5) REFUGE.—The term ''Refuge'' means the Charles M. Russell National Wildlife Refuge in Montana.

SEC. 804. CONVEYANCE OF CABIN SITES.

(a) IN GENERAL.—

(1) PROHIBITION.—As soon as practicable after the date of enactment of this Act, the Secretary shall prohibit the issuance of new cabin site leases within the Refuge, except as is necessary to consolidate with, or substitute for, an existing cabin lease site under paragraph (2).

(2) DETERMINATION; NOTICE.—Not later than 1 year after the date of enactment of this Act, and before proceeding with any exchange under this title, the Secretary shall—

(A) with the concurrence of the Secretary of the Interior, determine individual cabin sites that are not suitable for conveyance to a lessee—

(i) because the sites are isolated so that conveyance of 1 or more of the sites would create an inholding that would impair management of the Refuge; or

(ii) for any other reason that adversely impacts the future habitability of the sites; and

(B) provide written notice to each lessee that specifies any requirements concerning the form of a notice of interest in acquiring a cabin site that the lessee may submit under subsection (b)(1)(A) and the portion of administrative costs that would be paid to the Secretary under section 808(b), to—

(i) determine whether the lessee is interested in acquiring the cabin site area of the lessee; and

(ii) inform each lessee of the rights of the lessee under this title.

(3) OFFER OF COMPARABLE CABIN SITE.—If the Secretary determines that a cabin site is not suitable for conveyance to a lessee under paragraph (2)(A), the Secretary, in consultation with the Secretary of the Interior, shall offer to the lessee the opportunity to acquire a comparable cabin site within another cabin site area.

(b) RESPONSE.—

(1) NOTICE OF INTEREST.—

(A) IN GENERAL.—Not later than July 1, 2003, a lessee shall notify the Secretary in writing of an interest in acquiring the cabin site of the lessee.

(B) FORM.—The notice under this paragraph shall be submitted in such form as is required by the Secretary under subsection (a)(2)(B).

(2) UNPURCHASED CABIN SITES.—If the Secretary receives no notice of interest or offer to purchase a cabin site from the lessee under paragraph (1) or the lessee declines an opportunity to purchase a comparable cabin site under subsection (a)(3), the cabin site shall be subject to sections 805 and 806.

(c) PROCESS.—After providing notice to a lessee under subsection (a)(2)(B), the Secretary shall—

(1) determine whether any small parcel of land contiguous to any cabin site (not including shoreline or land needed to provide public access to the shoreline of Fort Peck Lake) should be conveyed as part of the cabin site to—

(A) protect water quality;

(B) eliminate an inholding; or

(C) facilitate administration of the land remaining in Federal ownership;

(2) if the Secretary determines that a conveyance should be completed under paragraph (1), provide notice of the intent of the Secretary to complete the conveyance to the lessee of each affected cabin site;

(3) survey each cabin site to determine the acreage and legal description of the cabin site area, including land identified under paragraph (1);

(4) take such actions as are necessary to ensure compliance with all applicable environmental laws;

(5) with the concurrence of the Secretary of the Interior, determine which covenants or deed restrictions, if any, should be placed on a cabin site before conveyance out of Federal ownership, including any covenant or deed restriction that is required to comply with—

(A) the Act of May 18, 1938 (16 U.S.C. 833 et seq.);

(B) laws (including regulations) applicable to management of the Refuge; and

(C) any other laws (including regulations) for which compliance is necessary to—

(i) ensure the maintenance of existing and adequate public access to and along Fort Peck Lake; and

(ii) limit future uses of a cabin site to—

(I) noncommercial, single-family use; and

(II) the type and intensity of use of the cabin site made on the date of enactment of this Act, as limited by terms of any lease applicable to the cabin site in effect on that date; and

(6) conduct an appraisal of each cabin site (including any expansion of the cabin site under paragraph (1)) that—

(A) is carried out in accordance with the Uniform Appraisal Standards for Federal Land Acquisition;

(B) excludes the value of any private improvement to the cabin sites; and

(C) takes into consideration any covenant or other restriction determined to be necessary under paragraph (5) and subsection (h).

(d) CONSULTATION AND PUBLIC INVOLVEMENT.—The Secretary shall—

(1) carry out subsections (b) and (c) in consultation with—

(A) the Secretary of the Interior;

(B) affected lessees;

(C) affected counties in the State of Montana; and

(D) the Association; and

(2) hold public hearings, and provide all interested parties with notice and an opportunity to comment, on the activities carried out under this section.

(e) CONVEYANCE.—Subject to subsections (h) and (i) and section 808(b), the Secretary shall convey a cabin site by individual patent or deed to the lessee under this title—

(1) if each cabin site complies with Federal, State, and county septic and water quality laws (including regulations);

(2) if the lessee complies with other requirements of this section; and

(3) after receipt of the payment for the cabin site from the lessee in an amount equal to the appraised fair market value of the cabin site as determined in accordance with subsection (c)(6).

(f) VEHICULAR ACCESS.—

(1) IN GENERAL.—Nothing in this title authorizes any addition to or improvement of vehicular access to a cabin site.

(2) CONSTRUCTION.—The Secretary—

(A) shall not construct any road for the sole purpose of providing access to land sold under this section; and

(B) shall be under no obligation to service or maintain any existing road used primarily for access to that land (or to a cabin site).

(3) OFFER TO CONVEY.—The Secretary may offer to convey to the State of Montana, any political subdivision of the State of Montana, or the Association, any road determined by the Secretary to primarily service the land sold under this section.

(g) UTILITIES AND INFRASTRUCTURE.—

(1) IN GENERAL.—The purchaser of a cabin site shall be responsible for the acquisition of all utilities and infrastructure necessary to support the cabin site.

(2) NO FEDERAL ASSISTANCE.—The Secretary shall not provide any utilities or infrastructure to the cabin site.

(h) COVENANTS AND DEED RESTRICTIONS.—

(1) IN GENERAL.—Before conveying any cabin site under subsection (e), the Secretary, in consultation with the Secretary of the Interior, shall ensure that the title to the cabin site includes such covenants and

deed restrictions as are determined, under subsection (c), to be necessary to make binding on all subsequent purchasers of the cabin site any other covenants or deed restrictions in the title to the cabin site.

(2) RESERVATION OF RIGHTS.—The Secretary may reserve the perpetual right, power, privilege, and easement to permanently overflow, flood, submerge, saturate, percolate, or erode a cabin site (or any portion of a cabin site) that the Secretary determines is necessary in the operation of the Fort Peck Dam.

(i) NO CONVEYANCE OF UNSUITABLE CABIN SITES.—A cabin site that is determined to be unsuitable for conveyance under subsection (a)(2) shall not be conveyed by the Secretary under this section.

(j) IDENTIFICATION OF LAND FOR EXCHANGE.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall identify land that may be acquired that meets the purposes of paragraphs (1) through (4) of section 802 and for which a willing seller exists.

(2) APPRAISAL.—On a request by a willing seller, the Secretary of the Interior shall appraise the land identified under paragraph (1).

(3) ACQUISITION.—If the Secretary of the Interior determines that the acquisition of the land would meet the purposes of paragraphs (1) through (4) of section 802, the Secretary of the Interior shall cooperate with the willing seller to facilitate the acquisition of the property in accordance with section 807.

(4) PUBLIC PARTICIPATION.—The Secretary of the Interior shall hold public hearings, and provide all interested parties with notice and an opportunity to comment, on the activities carried out under this section.

SEC. 805. RIGHTS OF NONPARTICIPATING LESSEES.

(a) CONTINUATION OF LEASE.—

(1) IN GENERAL.—A lessee that does not provide the Secretary with an offer to acquire the cabin site of the lessee under section 804 (including a lessee who declines an offer of a comparable cabin site under section 804(a)(3)) may elect to continue to lease the cabin site for the remainder of the current term of the lease, which, except as provided in paragraph (2), shall not be renewed or otherwise extended.

(2) EXPIRATION BEFORE 2010.—If the current term of a lessee described in paragraph (1) expires or is scheduled to expire before 2010, the Secretary shall offer to extend or renew the lease through 2010.

(b) IMPROVEMENTS.—Any improvements and personal property of the lessee that are not removed from the cabin site before the termination of the lease shall be considered property of the United States in accordance with the provisions of the lease.

(c) OPTION TO PURCHASE.—Subject to subsections (d) and (e) and section 808(b), if at any time before termination of the lease, a lessee described in subsection (a)(1)—

(1) notifies the Secretary of the intent of the lessee to purchase the cabin site of the lessee; and

(2) pays for an updated appraisal of the site in accordance with section 804(c)(6);

the Secretary shall convey the cabin site to the lessee, by individual patent or deed, on receipt of payment for the site from the lessee in an amount equal to the appraised fair market value of the cabin site as determined by the updated appraisal.

(d) COVENANTS AND DEED RESTRICTIONS.—Before conveying any cabin site under subsection (c), the Secretary, in consultation with the Secretary of the Interior, shall ensure that the title to the cabin site includes such covenants and deed restrictions as are determined, under section 804(c), to be necessary to make binding on all subsequent purchasers of the cabin site any other covenants or deed restrictions in the title to the cabin site.

(e) NO CONVEYANCE OF UNSUITABLE CABIN SITES.—A cabin site that is determined to be unsuitable for conveyance under subsection 804(a)(2) shall not be conveyed by the Secretary under this section.

(f) REPORT.—Not later than July 1, 2003, the Secretary shall submit to Congress a report that—

(1) describes progress made in implementing this Act; and

(2) identifies cabin owners that have filed a notice of interest under section 804(b) and have declined an opportunity to acquire a comparable cabin site under section 804(a)(3).

SEC. 806. CONVEYANCE TO THIRD PARTIES.

(a) CONVEYANCES TO THIRD PARTIES.—As soon as practicable after the expiration or surrender of a lease, the Secretary, in consultation with the Secretary of the Interior, may offer for sale, by public auction, written invitation, or other competitive sales procedure, and at the fair market value of the cabin site determined under section 804(c)(6), any cabin site that—

(1) is not conveyed to a lessee under this title; and

(2) has not been determined to be unsuitable for conveyance under section 804(a)(2).

(b) COVENANTS AND DEED RESTRICTIONS.—Before conveying any cabin site under subsection (a), the Secretary shall ensure that the title to the cabin site includes such covenants and deed restrictions as are determined, under section 804(c), to be necessary to make binding on all subsequent purchasers of the cabin site any other covenants or deed restrictions contained in the title to the cabin site.

(c) CONVEYANCE TO ASSOCIATION.—On the completion of all individual conveyances of cabin sites under this title (or at such prior time as the Secretary determines would be practicable based on the location of property to be conveyed), the Secretary shall convey to the Association all land within the outer boundaries of cabin site areas that are not conveyed to lessees under this title at fair market value based on an appraisal carried out in accordance with the Uniform Appraisal Standards for Federal Land Acquisition.

SEC. 807. USE OF PROCEEDS.

(a) PROCEEDS.—All payments for the conveyance of cabin sites under this title, except costs collected by the Secretary under section 808(b), shall be deposited in a special fund in the Treasury for use by the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service and without further Act of appropriation, solely for the acquisition from willing sellers of property that—

(1) is within or adjacent to the Refuge;

(2) would be suitable to carry out the purposes of this Act described in paragraphs (1) through (4) of section 802; and

(3) on acquisition by the Secretary of the Interior, would be accessible to the general public for use in conducting activities consistent with approved uses of the Refuge.

(b) LIMITATION.—To the maximum extent practicable, acquisitions under this title shall be of land within the Refuge boundary.

SEC. 808. ADMINISTRATIVE COSTS.

(a) IN GENERAL.—Except as provided in subsection (b), the Secretary shall pay all administrative costs incurred in carrying out this title.

(b) REIMBURSEMENT.—As a condition of the conveyance of any cabin site area under this title, the Secretary—

(1) may require the party to whom the property is conveyed to reimburse the Secretary for a reasonable portion, as determined by the Secretary, of the administrative costs (including survey costs), incurred in carrying out this title, with such portion to be described in the notice provided to the Association and lessees under section 804(a)(2); and

(2) shall require the party to whom the property is conveyed to reimburse the Association for a proportionate share of the costs (including interest) incurred by the Association in carrying out transactions under this Act.

SEC. 809. TERMINATION OF WILDLIFE DESIGNATION.

None of the land conveyed under this title shall be designated, or shall remain designated as, part of the National Wildlife Refuge System.

SEC. 810. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

TITLE IX—MISSOURI RIVER RESTORATION

SEC. 901. SHORT TITLE.

This title shall be known as the ''Missouri River Restoration Act of 2000''.

SEC. 902. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Missouri River is—

(A) an invaluable economic, environmental, recreational, and cultural resource to the people of the United States; and

(B) a critical source of water for drinking and irrigation;

(2) millions of people fish, hunt, and camp along the Missouri River each year;

(3) thousands of sites of spiritual importance to Native Americans line the shores of the Missouri River;

(4) the Missouri River provides critical wildlife habitat for threatened and endangered species;

(5) in 1944, Congress approved the Pick-Sloan program—

(A) to promote the general economic development of the United States;

(B) to provide for irrigation above Sioux City, Iowa;

(C) to protect urban and rural areas from devastating floods of the Missouri River; and

(D) for other purposes;

(6) the Oahe, Big Bend, Fort Randall, and Gavins Point Dams were constructed on the Missouri River in South Dakota under the Pick-Sloan program;

(7) the dams referred to in paragraph (6)—

(A) generate low-cost electricity for millions of people in the United States;

(B) provide revenue to the Treasury; and

(C) provide flood control that has prevented billions of dollars of damage;

(8) the Oahe, Big Bend, Fort Randall, and Gavins Point Dams have reduced the ability of the Missouri River to carry sediment downstream, resulting in the accumulation of sediment in the reservoirs known as Lake Oahe, Lake Sharpe, Lake Francis Case, and Lewis and Clark Lake;

(9) the sediment depositions—

(A) cause shoreline flooding;

(B) destroy wildlife habitat;

(C) limit recreational opportunities;

(D) threaten the long-term ability of dams to provide hydropower and flood control under the Pick-Sloan program;

(E) reduce water quality; and

(F) threaten intakes for drinking water and irrigation; and

(10) to meet the objectives established by Congress for the Pick-Sloan program, it is necessary to establish a Missouri River Restoration Program—

(A) to improve conservation;

(B) to reduce the deposition of sediment; and

(C) to take other steps necessary for proper management of the Missouri River.

(b) PURPOSES.—The purposes of this title are—

(1) to reduce the siltation of the Missouri River in the State of South Dakota;

(2) to meet the objectives of the Pick-Sloan program by developing and implementing a long-term strategy—

(A) to improve conservation in the Missouri River watershed;

(B) to protect recreation on the Missouri River from sedimentation;

(C) to improve water quality in the Missouri River;

(D) to improve erosion control along the Missouri River; and

(E) to protect Indian and non-Indian historical and cultural sites along the Missouri River from erosion; and

(3) to meet the objectives described in paragraphs (1) and (2) by developing and financing new programs in accordance with the plan.

SEC. 903. DEFINITIONS.

In this title:

(1) COMMITTEE.—The term ''Committee'' means the Executive Committee appointed under section 904(d).

(2) PICK-SLOAN PROGRAM.—The term ''Pick-Sloan program'' means the Pick-Sloan Missouri River Basin Program authorized by section 9 of the Act of December 22, 1944 (58 Stat. 891, chapter 665).

(3) PLAN.—The term ''plan'' means the plan for the use of funds made available by this title that is required to be prepared under section 905(e).

(4) STATE.—The term ''State'' means the State of South Dakota.

(5) TASK FORCE.—The term ''Task Force'' means the Missouri River Task Force established by section 905(a).

(6) TRUST.—The term ''Trust'' means the Missouri River Trust established by section 904(a).

SEC. 904. MISSOURI RIVER TRUST.

(a) ESTABLISHMENT.—There is established a committee to be known as the Missouri River Trust.

(b) MEMBERSHIP.—The Trust shall be composed of 25 members to be appointed by the Secretary, including—

(1) 15 members recommended by the Governor of South Dakota that—

(A) represent equally the various interests of the public; and

(B) include representatives of—

(i) the South Dakota Department of Environment and Natural Resources;

(ii) the South Dakota Department of Game, Fish, and Parks;

(iii) environmental groups;

(iv) the hydroelectric power industry;

(v) local governments;

(vi) recreation user groups;

(vii) agricultural groups; and

(viii) other appropriate interests;

(2) 9 members, 1 of each of whom shall be recommended by each of the 9 Indian tribes in the State of South Dakota; and

(3) 1 member recommended by the organization known as the ''Three Affiliated Tribes of North Dakota'' (composed of the Mandan, Hidatsa, and Arikara tribes).

SEC. 905. MISSOURI RIVER TASK FORCE.

(a) ESTABLISHMENT.—There is established the Missouri River Task Force.

(b) MEMBERSHIP.—The Task Force shall be composed of—

(1) the Secretary (or a designee), who shall serve as Chairperson;

(2) the Secretary of Agriculture (or a designee);

(3) the Secretary of Energy (or a designee);

(4) the Secretary of the Interior (or a designee); and

(5) the Trust.

(c) DUTIES.—The Task Force shall—

(1) meet at least twice each year;

(2) vote on approval of the plan, with approval requiring votes in favor of the plan by a majority of the members;

(3) review projects to meet the goals of the plan; and

(4) recommend to the Secretary critical projects for implementation.

(d) ASSESSMENT.—

(1) IN GENERAL.—Not later than 18 months after the date on which funding authorized under this title becomes available, the Secretary shall submit to the other members of the Task Force a report on—

(A) the impact of the siltation of the Missouri River in the State, including the impact on—

(i) the Federal, State, and regional economies;

(ii) recreation;

(iii) hydropower generation;

(iv) fish and wildlife; and

(v) flood control;

(B) the status of Indian and non-Indian historical and cultural sites along the Missouri River;

(C) the extent of erosion along the Missouri River (including tributaries of the Missouri River) in the State; and

(D) other issues, as requested by the Task Force.

(2) CONSULTATION.—In preparing the report under paragraph (1), the Secretary shall consult with—

(A) the Secretary of Energy;

(B) the Secretary of the Interior;

(C) the Secretary of Agriculture;

(D) the State; and

(E) Indian tribes in the State.

(e) PLAN FOR USE OF FUNDS MADE AVAILABLE BY THIS TITLE.—

(1) IN GENERAL.—Not later than 3 years after the date on which funding authorized under this title becomes available, the Task Force shall prepare a plan for the use of funds made available under this title.

(2) CONTENTS OF PLAN.—The plan shall provide for the manner in which the Task Force shall develop and recommend critical restoration projects to promote—

(A) conservation practices in the Missouri River watershed;

(B) the general control and removal of sediment from the Missouri River;

(C) the protection of recreation on the Missouri River from sedimentation;

(D) the protection of Indian and non-Indian historical and cultural sites along the Missouri River from erosion;

(E) erosion control along the Missouri River; or

(F) any combination of the activities described in subparagraphs (A) through (E).

(3) PLAN REVIEW AND REVISION.—

(A) IN GENERAL.—The Task Force shall make a copy of the plan available for public review and comment before the plan becomes final, in accordance with procedures established by the Task Force.

(B) REVISION OF PLAN.—

(i) IN GENERAL.—The Task Force may, on an annual basis, revise the plan.

(ii) PUBLIC REVIEW AND COMMENT.—In revising the plan, the Task Force shall provide the public the opportunity to review and comment on any proposed revision to the plan.

(f) CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—After the plan is approved by the Task Force under subsection (c)(2), the Secretary, in coordination with the Task Force, shall identify critical restoration projects to carry out the plan.

(2) AGREEMENT.—The Secretary may carry out a critical restoration project after entering into an agreement with an appropriate non-Federal interest in accordance with—

(A) section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b); and

(B) this section.

(3) INDIAN PROJECTS.—To the maximum extent practicable, the Secretary shall ensure that not less than 30 percent of the funds made available for critical restoration projects under this title shall be used exclusively for projects that are—

(A) within the boundary of an Indian reservation; or

(B) administered by an Indian tribe.

(g) COST SHARING.—

(1) ASSESSMENT.—

(A) FEDERAL SHARE.—The Federal share of the cost of carrying out the assessment under subsection (d) shall be 75 percent.

(B) NON-FEDERAL SHARE.—The non-Federal share of the cost of carrying out the assessment under subsection (d) may be provided in the form of services, materials, or other in-kind contributions.

(2) PLAN.—

(A) FEDERAL SHARE.—The Federal share of the cost of preparing the plan under subsection (e) shall be 75 percent.

(B) NON-FEDERAL SHARE.—Not more than 50 percent of the non-Federal share of the cost of preparing the plan under subsection (e) may be provided in the form of services, materials, or other in-kind contributions.

(3) CRITICAL RESTORATION PROJECTS.—

(A) IN GENERAL.—A non-Federal cost share shall be required to carry out any critical restoration project under subsection (f) that does not primarily benefit the Federal Government, as determined by the Task Force.

(B) FEDERAL SHARE.—The Federal share of the cost of carrying out a critical restoration project under subsection (f) for which the Task Force requires a non-Federal cost share under subparagraph (A) shall be 65 percent, not to exceed $5,000,000 for any critical restoration project.

(C) NON-FEDERAL SHARE.—

(i) IN GENERAL.—Not more than 50 percent of the non-Federal share of the cost of carrying out a critical restoration project described in subparagraph (B) may be provided in the form of services, materials, or other in-kind contributions.

(ii) REQUIRED NON-FEDERAL CONTRIBUTIONS.—For any critical restoration project described in subparagraph (B), the non-Federal interest shall—

(I) provide all land, easements, rights-of-way, dredged material disposal areas, and relocations;

(II) pay all operation, maintenance, replacement, repair, and rehabilitation costs; and

(III) hold the United States harmless from all claims arising from the construction, operation, and maintenance of the project.

(iii) CREDIT.—The non-Federal interest shall receive credit for all contributions provided under clause (ii)(I).

SEC. 906. ADMINISTRATION.

(a) IN GENERAL.—Nothing in this title diminishes or affects—

(1) any water right of an Indian tribe;

(2) any other right of an Indian tribe, except as specifically provided in another provision of this title;

(3) any treaty right that is in effect on the date of enactment of this Act;

(4) any external boundary of an Indian reservation of an Indian tribe;

(5) any authority of the State that relates to the protection, regulation, or management of fish, terrestrial wildlife, and cultural and archaeological resources, except as specifically provided in this title; or

(6) any authority of the Secretary, the Secretary of the Interior, or the head of any

other Federal agency under a law in effect on the date of enactment of this Act, including—

(A) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

(B) the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.);

(C) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(D) the Act entitled ''An Act for the protection of the bald eagle'', approved June 8, 1940 (16 U.S.C. 668 et seq.);

(E) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

(F) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(G) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

(H) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(I) the Safe Drinking Water Act (42 U.S.C. 300f et seq.); and

(J) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) FEDERAL LIABILITY FOR DAMAGE.—Nothing in this title relieves the Federal Government of liability for damage to private property caused by the operation of the Pick-Sloan program.

(c) FLOOD CONTROL.—Notwithstanding any other provision of this title, the Secretary shall retain the authority to operate the Pick-Sloan program for the purposes of meeting the requirements of the Act of December 22, 1944 (58 Stat. 887, chapter 665; 33 U.S.C. 701–1 et seq.).

(d) USE OF FUNDS.—Funds transferred to the Trust may be used to pay the non-Federal share required under Federal programs.

SEC. 907. AUTHORIZATION OF APPROPRIATIONS.

(a) INITIAL FUNDING.—There is authorized to be appropriated to the Secretary to carry out this title $4,000,000 for each of fiscal years 2001 through 2010, to remain available until expended.

(b) EXISTING PROGRAMS.—The Secretary shall fund programs authorized under the Pick-Sloan program in existence on the date of enactment of this Act at levels that are not less than funding levels for those programs as of that date.

The SPEAKER pro tempore. The amendment printed in the CONGRESSIONAL RECORD and numbered 2 is considered adopted.

The text of S. 2796, as amended pursuant to House Resolution 639, is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Water Resources Development Act of 2000''.

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Definition of Secretary.

TITLE I—WATER RESOURCES PROJECTS

Sec. 101. Project authorization.
Sec. 102. Small projects for flood damage reduction.
Sec. 103. Small project for bank stabilization.
Sec. 104. Small projects for navigation.
Sec. 105. Small project for improvement of the quality of the environment.
Sec. 106. Small projects for aquatic ecosystem restoration.
Sec. 107. Small project for shoreline protection.
Sec. 108. Small project for snagging and sediment removal.
Sec. 109. Petaluma River, Petaluma, California.

TITLE II—GENERAL PROVISIONS

Sec. 201. Cost sharing of certain flood damage reduction projects.
Sec. 202. Harbor cost sharing.
Sec. 203. Nonprofit entities.
Sec. 204. Rehabilitation of Federal flood control levees.
Sec. 205. Flood mitigation and riverine restoration program.
Sec. 206. Tribal partnership program.
Sec. 207. Native American reburial and transfer authority.
Sec. 208. Ability to pay.
Sec. 209. Interagency and international support authority.
Sec. 210. Property protection program.
Sec. 211. Engineering consulting services.
Sec. 212. Beach recreation.
Sec. 213. Performance of specialized or technical services.
Sec. 214. Design-build contracting.
Sec. 215. Independent review pilot program.
Sec. 216. Enhanced public participation.
Sec. 217. Monitoring.
Sec. 218. Reconnaissance studies.
Sec. 219. Fish and wildlife mitigation.
Sec. 220. Wetlands mitigation.
Sec. 221. Credit toward non-Federal share of navigation projects.
Sec. 222. Maximum program expenditures for small flood control projects.
Sec. 223. Feasibility studies and planning, engineering, and design.
Sec. 224. Administrative costs of land conveyances.
Sec. 225. Dam safety.

TITLE III—PROJECT-RELATED PROVISIONS

Sec. 301. Nogales Wash and Tributaries, Nogales, Arizona.
Sec. 302. John Paul Hammerschmidt Visitor Center, Fort Smith, Arkansas.
Sec. 303. Greers Ferry Lake, Arkansas.
Sec. 304. Ten- and Fifteen-Mile Bayous, Arkansas.
Sec. 305. Cache Creek basin, California.
Sec. 306. Larkspur Ferry Channel, Larkspur, California.
Sec. 307. Norco Bluffs, Riverside County, California.
Sec. 308. Sacramento deep water ship channel, California.
Sec. 309. Sacramento River, Glenn-Colusa, California.
Sec. 310. Upper Guadalupe River, California.
Sec. 311. Brevard County, Florida.
Sec. 312. Fernandina Harbor, Florida.
Sec. 313. Tampa Harbor, Florida.
Sec. 314. East Saint Louis and vicinity, Illinois.
Sec. 315. Kaskaskia River, Kaskaskia, Illinois.
Sec. 316. Waukegan Harbor, Illinois.
Sec. 317. Cumberland, Kentucky.
Sec. 318. Lock and Dam 10, Kentucky River, Kentucky.
Sec. 319. Saint Joseph River, South Bend, Indiana.
Sec. 320. Mayfield Creek and tributaries, Kentucky.
Sec. 321. Amite River and tributaries, East Baton Rouge Parish, Louisiana.
Sec. 322. Atchafalaya Basin Floodway System, Louisiana.
Sec. 323. Atchafalaya River, Bayous Chene, Boeuf, and Black Louisiana.
Sec. 324. Red River Waterway, Louisiana.
Sec. 325. Thomaston Harbor, Georges River, Maine.
Sec. 326. Breckenridge, Minnesota.
Sec. 327. Duluth Harbor, Minnesota.
Sec. 328. Little Falls, Minnesota.
Sec. 329. Poplar Island, Maryland.
Sec. 330. Green Brook Sub-Basin, Raritan River basin, New Jersey.
Sec. 331. New York Harbor and adjacent channels, Port Jersey, New Jersey.
Sec. 332. Passaic River basin flood management, New Jersey.
Sec. 333. Times Beach nature preserve, Buffalo, New York.
Sec. 334. Garrison Dam, North Dakota.
Sec. 335. Duck Creek, Ohio.
Sec. 336. Astoria, Columbia River, Oregon.
Sec. 337. Nonconnah Creek, Tennessee and Mississippi.
Sec. 338. Bowie County levee, Texas.
Sec. 339. San Antonio Channel, San Antonio, Texas.
Sec. 340. Buchanan and Dickenson Counties, Virginia.
Sec. 341. Buchanan, Dickenson, and Russell Counties, Virginia.
Sec. 342. Sandbridge Beach, Virginia Beach, Virginia.
Sec. 343. Wallops Island, Virginia.
Sec. 344. Columbia River, Washington.
Sec. 345. Mount St. Helens sediment control, Washington.
Sec. 346. Renton, Washington.
Sec. 347. Greenbrier Basin, West Virginia.
Sec. 348. Lower Mud River, Milton, West Virginia.
Sec. 349. Water quality projects.
Sec. 350. Project reauthorizations.
Sec. 351. Continuation of project authorizations.
Sec. 352. Declaration of nonnavigability for Lake Erie, New York.
Sec. 353. Project deauthorizations.
Sec. 354. Wyoming Valley, Pennsylvania.
Sec. 355. Rehoboth Beach and Dewey Beach, Delaware.

TITLE IV—STUDIES

Sec. 401. Studies of completed projects.
Sec. 402. Watershed and river basin assessments.
Sec. 403. Lower Mississippi River resource assessment.
Sec. 404. Upper Mississippi River basin sediment and nutrient study.
Sec. 405. Upper Mississippi River comprehensive plan.
Sec. 406. Ohio River System.
Sec. 407. Eastern Arkansas.
Sec. 408. Russell, Arkansas.
Sec. 409. Estudillo Canal, San Leandro, California.
Sec. 410. Laguna Creek, Fremont, California.
Sec. 411. Lake Merritt, Oakland, California.
Sec. 412. Lancaster, California.
Sec. 413. Napa County, California.
Sec. 414. Oceanside, California.
Sec. 415. Suisun Marsh, California.
Sec. 416. Lake Allatoona Watershed, Georgia.
Sec. 417. Chicago River, Chicago, Illinois.
Sec. 418. Chicago sanitary and ship canal system, Chicago, Illinois.
Sec. 419. Long Lake, Indiana.
Sec. 420. Brush and Rock Creeks, Mission Hills and Fairway, Kansas.
Sec. 421. Coastal areas of Louisiana.
Sec. 422. Iberia Port, Louisiana.
Sec. 423. Lake Pontchartrain seawall, Louisiana.
Sec. 424. Lower Atchafalaya basin, Louisiana.
Sec. 425. St. John the Baptist Parish, Louisiana.
Sec. 426. Las Vegas Valley, Nevada.
Sec. 427. Southwest Valley, Albuquerque, New Mexico.
Sec. 428. Buffalo Harbor, Buffalo, New York.
Sec. 429. Hudson River, Manhattan, New York.
Sec. 430. Jamesville Reservoir, Onondaga County, New York.
Sec. 431. Steubenviille, Ohio.
Sec. 432. Grand Lake, Oklahoma.
Sec. 433. Columbia Slough, Oregon.
Sec. 434. Reedy River, Greenville, South Carolina.
Sec. 435. Germantown, Tennessee.
Sec. 436. Houston ship channel, Galveston, Texas.

Sec. 437. Park City, Utah.
Sec. 438. Milwaukee, Wisconsin.
Sec. 439. Upper Des Plaines River and tributaries, Illinois and Wisconsin.
Sec. 440. Delaware River watershed.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Bridgeport, Alabama.
Sec. 502. Duck River, Cullman, Alabama.
Sec. 503. Seward, Alaska.
Sec. 504. Augusta and Devalls Bluff, Arkansas.
Sec. 505. Beaver Lake, Arkansas.
Sec. 506. McClellan-Kerr Arkansas River navigation system, Arkansas and Oklahoma.
Sec. 507. Calfed Bay Delta program assistance, California.
Sec. 508. Clear Lake basin, California.
Sec. 509. Contra Costa Canal, Oakley and Knightsen, California.
Sec. 510. Huntington Beach, California.
Sec. 511. Mallard Slough, Pittsburg, California.
Sec. 512. Penn Mine, Calaveras County, California.
Sec. 513. Port of San Francisco, California.
Sec. 514. San Gabriel basin, California.
Sec. 515. Stockton, California.
Sec. 516. Port Everglades, Florida.
Sec. 517. Florida Keys water quality improvements.
Sec. 518. Ballard's Island, La Salle County, Illinois.
Sec. 519. Lake Michigan Diversion, Illinois.
Sec. 520. Koontz Lake, Indiana.
Sec. 521. Campbellsville Lake, Kentucky.
Sec. 522. West View Shores, Cecil County, Maryland.
Sec. 523. Conservation of fish and wildlife, Chesapeake Bay, Maryland and Virginia.
Sec. 524. Muddy River, Brookline and Boston, Massachusetts.
Sec. 525. Soo Locks, Sault Ste. Marie, Michigan.
Sec. 526. Duluth, Minnesota, alternative technology project.
Sec. 527. Minneapolis, Minnesota.
Sec. 528. St. Louis County, Minnesota.
Sec. 529. Wild Rice River, Minnesota.
Sec. 530. Coastal Mississippi wetlands restoration projects.
Sec. 531. Missouri River Valley improvements.
Sec. 532. New Madrid County, Missouri.
Sec. 533. Pemiscot County, Missouri.
Sec. 534. Las Vegas, Nevada.
Sec. 535. Newark, New Jersey.
Sec. 536. Urbanized peak flood management research, New Jersey.
Sec. 537. Black Rock Canal, Buffalo, New York.
Sec. 538. Hamburg, New York.
Sec. 539. Nepperhan River, Yonkers, New York.
Sec. 540. Rochester, New York.
Sec. 541. Upper Mohawk River basin, New York.
Sec. 542. Eastern North Carolina flood protection.
Sec. 543. Cuyahoga River, Ohio.
Sec. 544. Crowder Point, Crowder, Oklahoma.
Sec. 545. Oklahoma-tribal commission.
Sec. 546. Columbia River, Oregon and Washington.
Sec. 547. John Day Pool, Oregon and Washington.
Sec. 548. Lower Columbia River and Tillamook Bay estuary program, Oregon and Washington.
Sec. 549. Skinner Butte Park, Eugene, Oregon.
Sec. 550. Willamette River basin, Oregon.
Sec. 551. Lackawanna River, Pennsylvania.
Sec. 552. Philadelphia, Pennsylvania.
Sec. 553. Access improvements, Raystown Lake, Pennsylvania.
Sec. 554. Upper Susquehanna River basin, Pennsylvania and New York.
Sec. 555. Chickamauga Lock, Chattanooga, Tennessee.
Sec. 556. Joe Pool Lake, Texas.
Sec. 557. Benson Beach, Fort Canby State Park, Washington.
Sec. 558. Puget Sound and adjacent waters restoration, Washington.
Sec. 559. Shoalwater Bay Indian Tribe, Willapa Bay, Washington.
Sec. 560. Wynoochee Lake, Wynoochee River, Washington.
Sec. 561. Snohomish River, Washington.
Sec. 562. Bluestone, West Virginia.
Sec. 563. Lesage/Greenbottom Swamp, West Virginia.
Sec. 564. Tug Fork River, West Virginia.
Sec. 565. Virginia Point Riverfront Park, West Virginia.
Sec. 566. Southern West Virginia.
Sec. 567. Fox River system, Wisconsin.
Sec. 568. Surfside/Sunset and Newport Beach, California.
Sec. 569. Illinois River basin restoration.
Sec. 570. Great Lakes.
Sec. 571. Great Lakes remedial action plans and sediment remediation.
Sec. 572. Great Lakes dredging levels adjustment.
Sec. 573. Dredged material recyling.
Sec. 574. Watershed management, restoration, and development.
Sec. 575. Maintenance of navigation channels.
Sec. 576. Support of Army civil works program.
Sec. 577. National recreation reservation service.
Sec. 578. Hydrographic survey.
Sec. 579. Lakes program.
Sec. 580. Perchlorate.
Sec. 581. Abandoned and inactive noncoal mine restoration.
Sec. 582. Release of use restriction.
Sec. 583. Comprehensive environmental resources protection.
Sec. 584. Modification of authorizations for environmental projects.
Sec. 585. Land transfers.
Sec. 586. Bruce F. Vento Unit of the Boundary Waters Canoe Area Wilderness, Minnesota.
Sec. 587. Waurika Lake, Oklahoma.
Sec. 588. Columbia River Treaty fishing access.
Sec. 589. Devils Lake, North Dakota.

TITLE VI—COMPREHENSIVE EVERGLADES RESTORATION

Sec. 601. Comprehensive Everglades restoration plan.
Sec. 602. Sense of Congress concerning Homestead Air Force Base.

TITLE VIII—MISSOURI RIVER RESTORATION

Sec. 701. Definitions.
Sec. 702. Missouri River Trust.
Sec. 703. Missouri River Task Force.
Sec. 704. Administration.
Sec. 705. Authorization of appropriations.

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term ''Secretary'' means the Secretary of the Army.

TITLE I—WATER RESOURCES PROJECTS

SEC. 101. PROJECT AUTHORIZATION.

(a) PROJECTS WITH CHIEF'S REPORTS.—The following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the respective reports designated in this subsection:

(1) BARNEGAT INLET TO LITTLE EGG INLET, NEW JERSEY.—The project for hurricane and storm damage reduction, Barnegat Inlet to Little Egg Inlet, New Jersey: Report of the Chief of Engineers dated July 26, 2000, at a total cost of $51,203,000, with an estimated Federal cost of $33,282,000 and an estimated non-Federal cost of $17,921,000.

(2) PORT OF NEW YORK AND NEW JERSEY, NEW YORK AND NEW JERSEY.—

(A) IN GENERAL.—The project for navigation, Port of New York and New Jersey, New York and New Jersey: Report of the Chief of Engineers dated May 2, 2000, at a total cost of $1,781,235,000, with an estimated Federal cost of $738,631,000 and an estimated non-Federal cost of $1,042,604,000.

(B) CREDIT.—The Secretary may provide the non-Federal interests credit toward cash contributions required—

(i) before, during, and after construction for planning, engineering and design, and construction management work that is performed by the non-Federal interests and that the Secretary determines is necessary to implement the project; and

(ii) during and after construction for the costs of the construction that the non-Federal interests carry out on behalf of the Secretary and that the Secretary determines is necessary to implement the project.

(b) PROJECTS SUBJECT TO FINAL REPORT.—The following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject the conditions, recommended in a final report of the Chief of Engineers if a favorable report of the Chief is completed not later than December 31, 2000:

(1) FALSE PASS HARBOR, ALASKA.—The project for navigation, False Pass Harbor, Alaska, at a total cost of $15,164,000, with an estimated Federal cost of $8,238,000 and an estimated non-Federal cost of $6,926,000.

(2) UNALASKA HARBOR, ALASKA.—The project for navigation, Unalska Harbor, Alaska, at a total cost of $20,000,000, with an estimated Federal cost of $12,000,000 and an estimated non-Federal cost of $8,000,000.

(3) RIO DE FLAG, FLAGSTAFF, ARIZONA.—The project for flood damage reduction, Rio de Flag, Flagstaff, Arizona, at a total cost of $24,072,000, with an estimated Federal cost of $15,576,000 and an estimated non-Federal cost of $8,496,000.

(4) TRES RIOS, ARIZONA.—The project ecosystem restoration, Tres Rios, Arizona, at a total cost of $99,320,000, with an estimated Federal cost of $62,755,000 and an estimated non-Federal cost of $36,565,000.

(5) LOS ANGELES HARBOR, CALIFORNIA.—The project for navigation, Los Angeles Harbor, California, at a total cost of $153,313,000, with an estimated Federal cost of $43,735,000 and an estimated non-Federal cost of $109,578,000.

(6) MURRIETTA CREEK, CALIFORNIA.—The project for flood damage reduction and ecosystem restoration, Murrietta Creek, California, described as alternative 6, based on the District Engineer's Murrietta Creek feasibility report and environmental impact statement dated October 2000, at a total cost of $89,850,000, with an estimated Federal cost of $57,735,000 and an estimated non-Federal cost of $32,115,000. The locally preferred plan described as alternative 6 shall be treated as a final favorable report of the Chief Engineer's for purposes of this subsection.

(7) SANTA BARBARA STREAMS, LOWER MISSION CREEK, CALIFORNIA.—The project for flood damage reduction, Santa Barbara streams, Lower Mission Creek, California, at a total cost of $18,300,000, with an estimated Federal cost of $9,200,000 and an estimated non-Federal cost of $9,100,000.

(8) UPPER NEWPORT BAY, CALIFORNIA.—The project for ecosystem restoration, Upper Newport Bay, California, at a total cost of $32,475,000, with an estimated Federal cost of

$21,109,000 and an estimated non-Federal cost of $11,366,000.

(9) WHITEWATER RIVER BASIN, CALIFORNIA.—The project for flood damage reduction, Whitewater River basin, California, at a total cost of $27,570,000, with an estimated Federal cost of $17,920,000 and an estimated non-Federal cost of $9,650,000.

(10) DELAWARE COAST FROM CAPE HENLOPEN TO FENWICK ISLAND.—The project for hurricane and storm damage reduction, Delaware Coast from Cape Henlopen to Fenwick Island, at a total cost of $5,633,000, with an estimated Federal cost of $3,661,000 and an estimated non-Federal cost of $1,972,000.

(11) PORT SUTTON, FLORIDA.—The project for navigation, Port Sutton, Florida, at a total cost of $6,000,000, with an estimated Federal cost of $4,000,000 and an estimated non-Federal cost of $2,000,000.

(12) BARBERS POINT HARBOR, HAWAII.—The project for navigation, Barbers Point Harbor, Hawaii, at a total cost of $30,003,000, with an estimated Federal cost of $18,524,000 and an estimated non-Federal cost of $11,479,000.

(13) JOHN MYERS LOCK AND DAM, INDIANA AND KENTUCKY.—The project for navigation, John Myers Lock and Dam, Indiana and Kentucky, at a total cost of $182,000,000. The costs of construction of the project shall be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(14) GREENUP LOCK AND DAM, KENTUCKY AND OHIO.—The project for navigation, Greenup Lock and Dam, Kentucky and Ohio, at a total cost of $175,000,000. The costs of construction of the project shall be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(15) OHIO RIVER MAINSTEM, KENTUCKY, ILLINOIS, INDIANA, OHIO, PENNSYLVANIA, AND WEST VIRGINIA.—Projects for ecosystem restoration, Ohio River Mainstem, Kentucky, Illinois, Indiana, Ohio, Pennsylvania, and West Virginia, at a total cost of $307,700,000, with an estimated Federal cost of $200,000,000 and an estimated non-Federal cost of $107,700,000.

(16) MONARCH-CHESTERFIELD, MISSOURI.—The project for flood damage reduction, Monarch-Chesterfield, Missouri, at a total cost of $67,700,000, with an estimated Federal cost of $44,000,000 and an estimated non-Federal cost of $23,700,000.

(17) ANTELOPE CREEK, LINCOLN, NEBRASKA.—The project for flood damage reduction, Antelope Creek, Lincoln, Nebraska, at a total cost of $49,788,000, with an estimated Federal cost of $24,894,000 and an estimated non-Federal cost of $24,894,000.

(18) SAND CREEK WATERSHED, WAHOO, NEBRASKA.—The project for ecosystem restoration and flood damage reduction, Sand Creek watershed, Wahoo, Nebraska, at a total cost of $29,212,000, with an estimated Federal cost of $17,586,000 and an estimated non-Federal cost of $11,626,000.

(19) WESTERN SARPY AND CLEAR CREEK, NEBRASKA.—The project for flood damage reduction, Western Sarpy and Clear Creek, Nebraska, at a total cost of $20,600,000, with an estimated Federal cost of $13,390,000 and an estimated non-Federal cost of $7,210,000.

(20) RARITAN BAY AND SANDY HOOK BAY, CLIFFWOOD BEACH, NEW JERSEY.—The project for hurricane and storm damage reduction, Raritan Bay and Sandy Hook Bay, Cliffwood Beach, New Jersey, at a total cost of $5,219,000, with an estimated Federal cost of $3,392,000 and an estimated non-Federal cost of $1,827,000.

(21) RARITAN BAY AND SANDY HOOK BAY, PORT MONMOUTH, NEW JERSEY.—The project for hurricane and storm damage reduction, Raritan Bay and Sandy Hook Bay, Port Monmouth, New Jersey, at a total cost of $32,064,000, with an estimated Federal cost of $20,842,000 and an estimated non-Federal cost of $11,222,000.

(22) DARE COUNTY BEACHES, NORTH CAROLINA.—The project for hurricane and storm damage reduction, Dare County beaches, North Carolina, at a total cost of $69,518,000, with an estimated Federal cost of $49,846,000 and an estimated non-Federal cost of $19,672,000.

(23) WOLF RIVER, TENNESSEE.—The project for ecosystem restoration, Wolf River, Tennessee, at a total cost of $10,933,000, with an estimated Federal cost of $7,106,000 and an estimated non-Federal cost of $3,827,000.

(24) DUWAMISH/GREEN, WASHINGTON.—The project for ecosystem restoration, Duwamish/Green, Washington, at a total cost of $115,879,000, with an estimated Federal cost of $75,322,000 and an estimated non-Federal cost of $40,557,000.

(25) STILLAGUMAISH RIVER BASIN, WASHINGTON.—The project for ecosystem restoration, Stillagumaish River basin, Washington, at a total cost of $24,223,000, with an estimated Federal cost of $16,097,000 and an estimated non-Federal cost of $8,126,000.

(26) JACKSON HOLE, WYOMING.—The project for ecosystem restoration, Jackson Hole, Wyoming, at a total cost of $52,242,000, with an estimated Federal cost of $33,957,000 and an estimated non-Federal cost of $18,285,000.

SEC. 102. SMALL PROJECTS FOR FLOOD DAMAGE REDUCTION.

(a) IN GENERAL.—The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s):

(1) BUFFALO ISLAND, ARKANSAS.—Project for flood damage reduction, Buffalo Island, Arkansas.

(2) ANAVERDE CREEK, PALMDALE, CALIFORNIA.—Project for flood damage reduction, Anaverde Creek, Palmdale, California.

(3) CASTAIC CREEK, OLD ROAD BRIDGE, SANTA CLARITA, CALIFORNIA.—Project for flood damage reduction, Castaic Creek, Old Road bridge, Santa Clarita, California.

(4) SANTA CLARA RIVER, OLD ROAD BRIDGE, SANTA CLARITA, CALIFORNIA.—Project for flood damage reduction, Santa Clara River, Old Road bridge, Santa Clarita, California.

(5) COLUMBIA LEVEE, COLUMBIA, ILLINOIS.—Project for flood damage reduction, Columbia Levee, Columbia, Illinois.

(6) EAST-WEST CREEK, RIVERTON, ILLINOIS.—Project for flood damage reduction, East-West Creek, Riverton, Illinois.

(7) PRAIRIE DU PONT, ILLINOIS.—Project for flood damage reduction, Prairie Du Pont, Illinois.

(8) MONROE COUNTY, ILLINOIS.—Project for flood damage reduction, Monroe County, Illinois.

(9) WILLOW CREEK, MEREDOSIA, ILLINOIS.—Project for flood damage reduction, Willow Creek, Meredosia, Illinois.

(10) DYKES BRANCH CHANNEL, LEAWOOD, KANSAS.—Project for flood damage reduction, Dykes Branch channel improvements, Leawood, Kansas.

(11) DYKES BRANCH TRIBUTARIES, LEAWOOD, KANSAS.—Project for flood damage reduction, Dykes Branch tributary improvements, Leawood, Kansas.

(12) KENTUCKY RIVER, FRANKFORT, KENTUCKY.—Project for flood damage reduction, Kentucky River, Frankfort, Kentucky.

(13) LAKES MAUREPAS AND PONTCHARTRAIN CANALS, ST. JOHN THE BAPTIST PARISH, LOUISIANA.—Project for flood damage reduction, Lakes Maurepas and Pontchartrain Canals, St. John the Baptist Parish, Louisiana.

(14) PENNSVILLE TOWNSHIP, SALEM COUNTY, NEW JERSEY.—The project for flood damage reduction, Pennsville Township, Salem County, New Jersey.

(15) HEMPSTEAD, NEW YORK.—Project for flood damage reduction, Hempstead, New York.

(16) HIGHLAND BROOK, HIGHLAND FALLS, NEW YORK.—Project for flood damage reduction, Highland Brook, Highland Falls, New York.

(17) LAFAYETTE TOWNSHIP, OHIO.—Project for flood damage reduction, Lafayette Township, Ohio.

(18) WEST LAFAYETTE, OHIO.—Project for flood damage reduction, West LaFayette, Ohio.

(19) BEAR CREEK AND TRIBUTARIES, MEDFORD, OREGON.—Project for flood damage reduction, Bear Creek and tributaries, Medford, Oregon.

(20) DELAWARE CANAL AND BROCK CREEK, YARDLEY BOROUGH, PENNSYLVANIA.—Project for flood damage reduction, Delaware Canal and Brock Creek, Yardley Borough, Pennsylvania.

(21) FIRST CREEK, FOUNTAIN CITY, KNOXVILLE, TENNESSEE.—Project for flood damage reduction, First Creek, Fountain City, Knoxville, Tennessee.

(22) MISSISSIPPI RIVER, RIDGELY, TENNESSEE.—Project for flood damage reduction, Mississippi River, Ridgely, Tennessee.

(b) MAGPIE CREEK, SACRAMENTO COUNTY, CALIFORNIA.—In formulating the project for Magpie Creek, California, authorized by section 102(a)(4) of the Water Resources Development Act of 1999 (113 Stat. 281) to be carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), the Secretary shall consider benefits from the full utilization of existing improvements at McClellan Air Force Base that would result from the project after conversion of the base to civilian use.

SEC. 103. SMALL PROJECTS FOR BANK STABILIZATION.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r):

(1) MAUMEE RIVER, FORT WAYNE, INDIANA.—Project for bank stabilization, Maumee River, Fort Wayne, Indiana.

(2) BAYOU SORRELL, IBERVILLE PARISH, LOUISIANA.—Project for bank stabilization, Bayou Sorrell, Iberville Parish, Louisiana.

SEC. 104. SMALL PROJECTS FOR NAVIGATION.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577):

(1) WHITTIER, ALASKA.—Project for navigation, Whittier, Alaska.

(2) CAPE CORAL, FLORIDA.—Project for navigation, Cape Coral, Florida.

(3) EAST TWO LAKES, TOWER, MINNESOTA.—Project for navigation, East Two Lakes, Tower, Minnesota.

(4) ERIE BASIN MARINA, BUFFALO, NEW YORK.—Project for navigation, Erie Basin marina, Buffalo, New York.

(5) LAKE MICHIGAN, LAKESHORE STATE PARK, MILWAUKEE, WISCONSIN.—Project for navigation, Lake Michigan, Lakeshore State Park, Milwaukee, Wisconsin.

(6) SAXON HARBOR, FRANCIS, WISCONSIN.—Project for navigation, Saxon Harbor, Francis, Wisconsin.

SEC. 105. SMALL PROJECT FOR IMPROVEMENT OF THE QUALITY OF THE ENVIRONMENT.

The Secretary shall conduct a study for a project for improvement of the quality of the environment, Nahant Marsh, Davenport, Iowa, and, if the Secretary determines that the project is appropriate, may carry out the

project under section 1135(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2309a(a)).

SEC. 106. SMALL PROJECTS FOR AQUATIC ECOSYSTEM RESTORATION.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is appropriate, may carry out the project under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330):

(1) ARKANSAS RIVER, PUEBLO, COLORADO.—Project for aquatic ecosystem restoration, Arkansas River, Pueblo, Colorado.

(2) HAYDEN DIVERSION PROJECT, YAMPA RIVER, COLORADO.—Project for aquatic ecosystem restoration, Hayden Diversion Project, Yampa River, Colorado.

(3) LITTLE ECONLOCKHATCHEE RIVER BASIN, FLORIDA.—Project for aquatic ecosystem restoration, Little Econlockhatchee River basin, Florida.

(4) LOXAHATCHEE SLOUGH, PALM BEACH COUNTY, FLORIDA.—Project for aquatic ecosystem restoration, Loxahatchee Slough, Palm Beach County, Florida.

(5) STEVENSON CREEK ESTUARY, FLORIDA.—Project for aquatic ecosystem restoration, Stevenson Creek estuary, Florida.

(6) CHOUTEAU ISLAND, MADISON COUNTY, ILLINOIS.—Project for aquatic ecosystem restoration, Chouteau Island, Madison County, Illinois.

(7) SAGINAW BAY, BAY CITY, MICHIGAN.—Project for aquatic ecosystem restoration, Saginaw Bay, Bay City, Michigan.

(8) RAINWATER BASIN, NEBRASKA.—Project for aquatic ecosystem restoration, Rainwater Basin, Nebraska.

(9) CAZENOVIA LAKE, MADISON COUNTY, NEW YORK.—Project for aquatic ecosystem restoration, Cazenovia Lake, Madison County, New York, including efforts to address aquatic invasive plant species.

(10) CHENANGO LAKE, CHENANGO COUNTY, NEW YORK.—Project for aquatic ecosystem restoration, Chenango Lake, Chenango County, New York, including efforts to address aquatic invasive plant species.

(11) EAGLE LAKE, NEW YORK.—Project for aquatic ecosystem restoration, Eagle Lake, New York.

(12) OSSINING, NEW YORK.—Project for aquatic ecosystem restoration, Ossining, New York.

(13) SARATOGA LAKE, NEW YORK.—Project for aquatic ecosystem restoration, Saratoga Lake, New York.

(14) SCHROON LAKE, NEW YORK.—Project for aquatic ecosystem restoration, Schroon Lake, New York.

(15) MIDDLE CUYAHOGA RIVER.—Project for aquatic ecosystem restoration, Middle Cuyahoga River, Kent, Ohio.

(16) CENTRAL AMAZON CREEK, EUGENE, OREGON.—Project for aquatic ecosystem restoration, Central Amazon Creek, Eugene, Oregon.

(17) EUGENE MILLRACE, EUGENE, OREGON.—Project for aquatic ecosystem restoration, Eugene Millrace, Eugene, Oregon.

(18) LONE PINE AND LAZY CREEKS, MEDFORD, OREGON.—Project for aquatic ecosystem restoration, Lone Pine and Lazy Creeks, Medford, Oregon.

(19) TULLYTOWN BOROUGH, PENNSYLVANIA.—Project for aquatic ecosystem restoration, Tullytown Borough, Pennsylvania.

SEC. 107. SMALL PROJECT FOR SHORELINE PROTECTION.

The Secretary shall conduct a study for a project for shoreline protection, Hudson River, Dutchess County, New York, and, if the Secretary determines that the project is feasible, may carry out the project under section 3 of the Act entitled ''An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property'', approved August 13, 1946 (33 U.S.C. 426g; 60 Stat. 1056).

SEC. 108. SMALL PROJECT FOR SNAGGING AND SEDIMENT REMOVAL.

The Secretary shall conduct a study for a project for clearing, snagging, and sediment removal, Sangamon River and tributaries, Riverton, Illinois. If the Secretary determines that the project is feasible, the Secretary may carry out the project under section 2 of the Flood Control Act of August 28, 1937 (50 Stat. 177).

SEC. 109. PETALUMA RIVER, PETALUMA, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall carry out the Petaluma River project, at the city of Petaluma, Sonoma County, California, to provide a 100-year level of flood protection to the city in accordance with the detailed project report of the San Francisco District Engineer, dated March 1995, at a total cost of $32,227,000.

(b) COST SHARING.—Cost sharing for the project shall be determined in accordance with section 103(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(a)), as in effect on October 11, 1996.

(c) REIMBURSEMENT.—The Secretary shall reimburse the non-Federal sponsor for any project costs that the non-Federal sponsor has incurred in excess of the non-Federal share of project costs, regardless of the date such costs were incurred.

TITLE II—GENERAL PROVISIONS

SEC. 201. COST SHARING OF CERTAIN FLOOD DAMAGE REDUCTION PROJECTS.

Section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213) is amended by adding at the end the following:

''(n) LEVEL OF FLOOD PROTECTION.—If the Secretary determines that it is technically sound, environmentally acceptable, and economically justified, to construct a flood control project for an area using an alternative that will afford a level of flood protection sufficient for the area not to qualify as an area having special flood hazards for the purposes of the national flood insurance program under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Secretary, at the request of the non-Federal interest, shall recommend the project using the alternative. The non-Federal share of the cost of the project assigned to providing the minimum amount of flood protection required for the area not to qualify as an area having special flood hazards shall be determined under subsections (a) and (b).''.

SEC. 202. HARBOR COST SHARING.

(a) IN GENERAL.—Sections 101 and 214 of the Water Resources Development Act of 1986 (33 U.S.C. 2211 and 2241; 100 Stat. 4082–4084 and 4108–4109) are each amended by striking ''45 feet'' each place it appears and inserting ''53 feet''.

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply only to a project, or separable element of a project, on which a contract for physical construction has not been awarded before the date of enactment of this Act.

SEC. 203. NONPROFIT ENTITIES.

(a) ENVIRONMENTAL DREDGING.—Section 312 of the Water Resources Development Act of 1990 (33 U.S.C. 1272) is amended by adding at the end the following:

''(g) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), a non-Federal sponsor for any project carried out under this section may include a nonprofit entity, with the consent of the affected local government.''.

(b) PROJECT MODIFICATIONS FOR IMPROVEMENT OF ENVIRONMENT.—Section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following:

''(e) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), a non-Federal sponsor for any project carried out under this section may include a nonprofit entity, with the consent of the affected local government.''.

(c) LAKES PROGRAM.—Section 602 of the Water Resources Development Act of 1986 (100 Stat. 4148–4149) is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following:

''(d) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), a non-Federal sponsor for any project carried out under this section may include a nonprofit entity, with the consent of the affected local government.''.

SEC. 204. REHABILITATION OF FEDERAL FLOOD CONTROL LEVEES.

Section 110(e) of the Water Resources Development Act of 1990 (104 Stat. 4622) is amended by striking ''1992,'' and all that follows through ''1996'' and inserting ''2001 through 2005''.

SEC. 205. FLOOD MITIGATION AND RIVERINE RESTORATION PROGRAM.

Section 212(e) of the Water Resources Development Act of 1999 (33 U.S.C. 2332(e)) is amended—

(1) by striking ''and'' at the end of paragraph (22);

(2) by striking the period at end of paragraph (23) and inserting a semicolon;

(3) by adding at the end the following:

''(24) Lester, St. Louis, East Savanna, and Floodwood Rivers, Duluth, Minnesota;

''(25) Lower Hudson River and tributaries, New York;

''(26) Susquehanna River watershed, Bradford County, Pennsylvania; and

''(27) Clear Creek, Harris, Galveston, and Brazoria Counties, Texas.''.

SEC. 206. TRIBAL PARTNERSHIP PROGRAM.

(a) IN GENERAL.—The Secretary is authorized, in cooperation with Indian tribes and other Federal agencies, to study and determine the feasibility of implementing water resources development projects that will substantially benefit Indian tribes, and are located primarily within Indian country (as defined in section 1151 of title 18, United States Code), or in proximity to an Alaska Native village (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)).

(b) CONSULTATION AND COORDINATION.—The Secretary shall consult with the Secretary of the Interior on studies conducted under this section.

(c) CREDITS.—For any study conducted under this section, the Secretary may provide credit to the Indian tribe for services, studies, supplies, and other in-kind consideration where the Secretary determines that such services, studies, supplies, and other in-kind consideration will facilitate completion of the study. In no event shall such credit exceed the Indian tribe's required share of the cost of the study.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2002 through 2006. Not more than $1,000,000 appropriated to carry out this section for a fiscal year may be used to substantially benefit any one Indian tribe.

(e) INDIAN TRIBE DEFINED.—In this section, the term ''Indian tribe'' means any tribe, band, nation, or other organized group or community of Indians, including any Alaska

Native village, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

SEC. 207. NATIVE AMERICAN REBURIAL AND TRANSFER AUTHORITY.

(a) IN GENERAL.—The Secretary, in consultation with appropriate Indian tribes, may identify and set aside land at civil works projects managed by the Secretary for use as a cemetery for the remains of Native Americans that have been discovered on project lands and that have been rightfully claimed by a lineal descendant or Indian tribe in accordance with applicable Federal law. The Secretary, in consultation with and with the consent of the lineal descendant or Indian tribe, may recover and rebury the remains at such cemetery at Federal expense.

(b) TRANSFER AUTHORITY.—Notwithstanding any other provision of law, the Secretary may transfer to an Indian tribe land identified and set aside by the Secretary under subsection (a) for use as a cemetery. The Secretary shall retain any necessary rights-of-way, easements, or other property interests that the Secretary determines necessary to carry out the purpose of the project.

(c) DEFINITIONS.—In this section, the terms ''Indian tribe'' and ''Native American'' have the meaning such terms have under section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001).

SEC. 208. ABILITY TO PAY.

Section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)) is amended—

(1) by striking paragraphs (1) and (2) and inserting the following:

''(1) IN GENERAL.—Any cost-sharing agreement under this section for construction of an environmental protection and restoration, flood control, or agricultural water supply project shall be subject to the ability of a non-Federal interest to pay.

''(2) CRITERIA AND PROCEDURES.—The ability of a non-Federal interest to pay shall be determined by the Secretary in accordance with criteria and procedures in effect under paragraph (3) on the day before the date of enactment of the Water Resources Development Act of 2000; except that such criteria and procedures shall be revised, and new criteria and procedures shall be developed, within 180 days after such date of enactment to reflect the requirements of such paragraph (3).''; and

(2) in paragraph (3)—

(A) by inserting ''and'' after the semicolon at the end of subparagraph (A)(ii);

(B) by striking subparagraph (B); and

(C) by redesignating subparagraph (C) as subparagraph (B).

SEC. 209. INTERAGENCY AND INTERNATIONAL SUPPORT AUTHORITY.

The first sentence of section 234(d) of the Water Resources Development Act of 1996 (33 U.S.C. 2323a(d)) is amended to read as follows: ''There is authorized to be appropriated to carry out this section $250,000 per fiscal year for fiscal years beginning after September 30, 2000.''.

SEC. 210. PROPERTY PROTECTION PROGRAM.

(a) IN GENERAL.—The Secretary is authorized to implement a program to reduce vandalism and destruction of property at water resources development projects under the jurisdiction of the Department of the Army. In carrying out the program, the Secretary may provide rewards to individuals who provide information or evidence leading to the arrest and prosecution of individuals causing damage to Federal property, including the payment of cash rewards.

(b) REPORT.—Not later than 4 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the program.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000 per fiscal year for fiscal years beginning after September 30, 2000.

SEC. 211. ENGINEERING CONSULTING SERVICES.

In conducting a feasibility study for a water resources project, the Secretary, to the maximum extent practicable, should not employ a person for engineering and consulting services if the same person is also employed by the non-Federal interest for such services unless there is only 1 qualified and responsive bidder for such services.

SEC. 212. BEACH RECREATION.

(a) IN GENERAL.—In studying the feasibility of and making recommendations concerning potential beach restoration projects, the Secretary may not implement any policy that has the effect of disadvantaging any such project solely because 50 percent or more of its benefits are recreational in nature.

(b) PROCEDURES FOR CONSIDERATION AND REPORTING OF BENEFITS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop and implement procedures to ensure that all of the benefits of a beach restoration project, including those benefits attributable to recreation, hurricane and storm damage reduction, and environmental protection and restoration, are adequately considered and displayed in reports for such projects.

SEC. 213. PERFORMANCE OF SPECIALIZED OR TECHNICAL SERVICES.

(a) IN GENERAL.—Before entering into an agreement to perform specialized or technical services for a State (including the District of Columbia), a territory, or a local government of a State or territory under section 6505 of title 31, United States Code, the Secretary shall certify that—

(1) the services requested are not reasonably and expeditiously available through ordinary business channels; and

(2) the Corps of Engineers is especially equipped to perform such services.

(b) SUPPORTING MATERIALS.—The Secretary shall develop materials supporting such certification under subsection (a).

(c) ANNUAL REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than December 31 of each calendar year, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the requests described in subsection (a) that the Secretary received during such calendar year.

(2) CONTENTS.—With respect to each request, the report transmitted under paragraph (1) shall include a copy of the certification and supporting materials developed under this section and information on each of the following:

(A) The scope of services requested.

(B) The status of the request.

(C) The estimated and final cost of the requested services.

(D) Each district and division office of the Corps of Engineers that has supplied or will supply the requested services.

(E) The number of personnel of the Corps of Engineers that have performed or will perform any of the requested services.

(F) The status of any reimbursement.

SEC. 214. DESIGN-BUILD CONTRACTING.

(a) PILOT PROGRAM.—The Secretary may conduct a pilot program consisting of not more than 5 projects to test the design-build method of project delivery on various civil engineering projects of the Corps of Engineers, including levees, pumping plants, revetments, dikes, dredging, weirs, dams, retaining walls, generation facilities, mattress laying, recreation facilities, and other water resources facilities.

(b) DESIGN-BUILD DEFINED.—In this section, the term ''design-build'' means an agreement between the Federal Government and a contractor that provides for both the design and construction of a project by a single contract.

(c) REPORT.—Not later than 2 years after the date of enactment of this section, the Secretary shall report on the results of the pilot program.

SEC. 215. INDEPENDENT REVIEW PILOT PROGRAM.

Title IX of the Water Resources Development Act of 1986 (100 Stat. 4183 et seq.) is amended by adding at the end the following:

''SEC. 952. INDEPENDENT REVIEW PILOT PROGRAM.

''(a) PROJECTS SUBJECT TO INDEPENDENT REVIEW.—The Secretary shall undertake a pilot program in fiscal years 2001 through 2003 to determine the practicality and efficacy of having feasibility reports of the Corps of Engineers for eligible projects reviewed by an independent panel of experts. The pilot program shall be limited to the establishment of panels for not to exceed 5 eligible projects.

''(b) ESTABLISHMENT OF PANELS.—

''(1) IN GENERAL.—The Secretary shall establish a panel of experts for an eligible project under this section upon identification of a preferred alternative in the development of the feasibility report.

''(2) MEMBERSHIP.—A panel established under this section shall be composed of not less than 5 and not more than 9 independent experts who represent a balance of areas of expertise, including biologists, engineers, and economists.

''(3) LIMITATION ON APPOINTMENTS.—The Secretary shall not appoint an individual to serve on a panel of experts for a project under this section if the individual has a financial interest in the project or has with any organization a professional relationship that the Secretary determines may constitute a conflict of interest or the appearance of impropriety.

''(4) CONSULTATION.—The Secretary shall consult the National Academy of Sciences in developing lists of individuals to serve on panels of experts under this section.

''(5) COMPENSATION.—An individual serving on a panel of experts under this section may not be compensated but may receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

''(c) DUTIES OF PANELS.—A panel of experts established for a project under this section shall—

''(1) review feasibility reports prepared for the project after the identification of a preferred alternative;

''(2) receive written and oral comments of a technical nature concerning the project from the public; and

''(3) transmit to the Secretary an evaluation containing the panel's economic, engineering, and environmental analyses of the project, including the panel's conclusions on the feasibility report, with particular emphasis on areas of public controversy.

''(d) DURATION OF PROJECT REVIEWS.—A panel of experts shall complete its review of a feasibility report for an eligible project and transmit a report containing its evaluation of the project to the Secretary not later than 180 days after the date of establishment of the panel.

''(e) RECOMMENDATIONS OF PANEL.—After receiving a timely report on a project from a panel of experts under this section, the Secretary shall—

''(1) consider any recommendations contained in the evaluation;

''(2) make the evaluation available for public review; and

''(3) include a copy of the evaluation in any report transmitted to Congress concerning the project.

''(f) COSTS.—The cost of conducting a review of a project under this section shall not exceed $250,000 and shall be a Federal expense.

''(g) REPORT.—Not later than December 31, 2003, the Secretary shall transmit to Congress a report on the results of the pilot program together with the recommendations of the Secretary regarding continuation, expansion, and modification of the pilot program, including an assessment of the impact that a peer review program would have on the overall cost and length of project analyses and reviews associated with feasibility reports and an assessment of the benefits of peer review.

''(h) ELIGIBLE PROJECT DEFINED.—In this section, the term 'eligible project' means—

''(1) a water resources project that has an estimated total cost of more than $25,000,000, including mitigation costs; and

''(2) a water resources project—

''(A) that has an estimated total cost of $25,000,000 or less, including mitigation costs; and

''(B)(i) that the Secretary determines is subject to a substantial degree of public controversy; or

''(ii) to which an affected State objects.''.

SEC. 216. ENHANCED PUBLIC PARTICIPATION.

(a) IN GENERAL.—Section 905 of the Water Resources Development Act of 1986 (33 U.S.C. 2282) is amended by adding at the end the following:

''(e) ENHANCED PUBLIC PARTICIPATION.—

''(1) IN GENERAL.—The Secretary shall establish procedures to enhance public participation in the development of each feasibility study under subsection (a), including, if appropriate, establishment of a stakeholder advisory group to assist the Secretary with the development of the study.

''(2) MEMBERSHIP.—If the Secretary provides for the establishment of a stakeholder advisory group under this subsection, the membership of the advisory group shall include balanced representation of social, economic, and environmental interest groups, and such members shall serve on a voluntary, uncompensated basis.

''(3) LIMITATION.—Procedures established under this subsection shall not delay development of any feasibility study under subsection (a).''.

SEC. 217. MONITORING.

(a) IN GENERAL.—The Secretary shall conduct a monitoring program of the economic and environmental results of up to 5 eligible projects selected by the Secretary.

(b) DURATION.—The monitoring of a project selected by the Secretary under this section shall be for a period of not less than 12 years beginning on the date of its selection.

(c) REPORTS.—The Secretary shall transmit to Congress every 3 years a report on the performance of each project selected under this section.

(d) ELIGIBLE WATER RESOURCES PROJECT DEFINED.—In this section, the term ''eligible project'' means a water resources project, or separable element thereof—

(1) for which a contract for physical construction has not been awarded before the date of enactment of this Act;

(2) that has a total cost of more than $25,000,000; and

(3)(A) that has as a benefit-to-cost ratio of less than 1.5 to 1; or

(B) that has significant environmental benefits or significant environmental mitigation components.

(e) COSTS.—The cost of conducting monitoring under this section shall be a Federal expense.

SEC. 218. RECONNAISSANCE STUDIES.

Section 905(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2282(b)) is amended—

(1) in the second sentence by inserting after ''environmental impacts'' the following: ''(including whether a proposed project is likely to have environmental impacts that cannot be successfully or cost-effectively mitigated)''; and

(2) by inserting after the second sentence the following: ''The Secretary shall not recommend that a feasibility study be conducted for a project based on a reconnaissance study if the Secretary determines that the project is likely to have environmental impacts that cannot be successfully or cost-effectively mitigated.''.

SEC. 219. FISH AND WILDLIFE MITIGATION.

(a) DESIGN OF MITIGATION PROJECTS.—Section 906(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(a)) is amended—

(1) by striking ''(1)'' and inserting ''(A)''; and

(2) by striking ''(2)'' and inserting ''(B)'';

(3) by striking ''(d) After the date'' and inserting the following:

''(d) MITIGATION PLANS AS PART OF PROJECT PROPOSALS.—

''(1) IN GENERAL.—After the date'';

(4) by adding at the end the following:

''(2) DESIGN OF MITIGATION PROJECTS.—The Secretary shall design mitigation projects to reflect contemporary understanding of the science of mitigating the adverse environmental impacts of water resources projects.

''(3) RECOMMENDATION OF PROJECTS.—The Secretary shall not recommend a water resources project unless the Secretary determines that the adverse impacts of the project on aquatic resources and fish and wildlife can be cost-effectively and successfully mitigated.''; and

(5) by aligning the remainder of the text of paragraph (1) (as designated by paragraph (3) of this subsection) with paragraph (2) (as added by paragraph (4) of this subsection).

(b) CONCURRENT MITIGATION.—

(1) INVESTIGATION.—The Comptroller General shall conduct an investigation of the effectiveness of the concurrent mitigation requirements of section 906 of the Water Resources Development Act of 1986 (33 U.S.C. 2283). In conducting the investigation, the Comptroller General shall determine whether or not there are instances in which less than 50 percent of required mitigation is completed before initiation of project construction and the number of such instances.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall transmit to Congress a report on the results of the investigation.

SEC. 220. WETLANDS MITIGATION.

In carrying out a water resources project that involves wetlands mitigation and that has an impact that occurs within the service area of a mitigation bank, the Secretary, to the maximum extent practicable and where appropriate, shall give preference to the use of the mitigation bank if the bank contains sufficient available credits to offset the impact and the bank is approved in accordance with the Federal Guidance for the Establishment, Use and Operation of Mitigation Banks (60 Fed. Reg. 58605 (November 28, 1995)) or other applicable Federal law (including regulations).

SEC. 221. CREDIT TOWARD NON-FEDERAL SHARE OF NAVIGATION PROJECTS.

The second sentence of section 101(a)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(a)(2)) is amended—

(1) by striking ''paragraph (3) and'' and inserting ''paragraph (3),''; and

(2) by striking ''paragraph (4)'' and inserting ''paragraph (4), and the costs borne by the non-Federal interests in providing additional capacity at dredged material disposal areas, providing community access to the project (including such disposal areas), and meeting applicable beautification requirements''.

SEC. 222. MAXIMUM PROGRAM EXPENDITURES FOR SMALL FLOOD CONTROL PROJECTS.

Section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) is amended by striking ''$40,000,000'' and inserting ''$50,000,000''.

SEC. 223. FEASIBILITY STUDIES AND PLANNING, ENGINEERING, AND DESIGN.

Section 105(a)(1)(E) of the Water Resources Development Act of 1986 (33 U.S.C. 2215(a)(1)(E)) is amended by striking ''Not more than ½ of the'' and inserting ''The''.

SEC. 224. ADMINISTRATIVE COSTS OF LAND CONVEYANCES.

(a) IN GENERAL.—Notwithstanding any other provision of law, the administrative costs associated with the conveyance of property to a non-Federal governmental or nonprofit entity shall be limited to not more than 5 percent of the value of the property to be conveyed to such entity if the Secretary determines, based on the entity's ability to pay, that such limitation is necessary to complete the conveyance. The Federal cost associated with such limitation shall not exceed $70,000 for any one conveyance.

(b) SPECIFIC CONVEYANCE.—In carrying out subsection (a), the Secretary shall give priority consideration to the conveyance of 10 acres of Wister Lake project land to the Summerfield Cemetery Association, Wister, Oklahoma, authorized by section 563(f) of the Water Resources Development Act of 1999 (113 Stat. 359–360).

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $150,000 for fiscal years 2001 through 2003.

SEC. 225. DAM SAFETY.

(a) INVENTORY AND ASSESSMENT OF OTHER DAMS.—

(1) INVENTORY.—The Secretary shall establish an inventory of dams constructed by and using funds made available through the Works Progress Administration, the Works Projects Administration, and the Civilian Conservation Corps.

(2) ASSESSMENT OF REHABILITATION NEEDS.—In establishing the inventory required under paragraph (1), the Secretary shall also assess the condition of the dams on such inventory and the need for rehabilitation or modification of the dams.

(b) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report containing the inventory and assessment required by this section.

(c) INTERIM ACTIONS.—

(1) IN GENERAL.—If the Secretary determines that a dam referred to in subsection (a) presents an imminent and substantial risk to public safety, the Secretary is authorized to carry out measures to prevent or mitigate against such risk.

(2) EXCLUSION.—The assistance authorized under paragraph (1) shall not be available to dams under the jurisdiction of the Department of the Interior.

(3) FEDERAL SHARE.—The Federal share of the cost of assistance provided under this subsection shall be 65 percent of such cost.

(d) COORDINATION.—In carrying out this section, the Secretary shall coordinate with the appropriate State dam safety officials and the Director of the Federal Emergency Management Agency.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section a total of $25,000,000 for fiscal years beginning after September 30, 1999, of which not more than $5,000,000 may be expended on any one dam.

TITLE III—PROJECT-RELATED PROVISIONS

SEC. 301. NOGALES WASH AND TRIBUTARIES, NOGALES, ARIZONA.

The project for flood control, Nogales Wash and Tributaries, Nogales, Arizona, authorized by section 101(a)(4) of the Water Resources Development Act of 1990 (104 Stat. 4606), and modified by section 303 of the Water Resources Development Act of 1996 (110 Stat. 3711), is further modified to provide that the Federal share of the costs associated with addressing flood control problems in Nogales, Arizona, arising from floodwater flows originating in Mexico shall be 100 percent.

SEC. 302. JOHN PAUL HAMMERSCHMIDT VISITOR CENTER, FORT SMITH, ARKANSAS.

Section 103(e) of the Water Resources Development Act of 1992 (106 Stat. 4813) is amended—

(1) in the subsection heading by striking ''LAKE'' and inserting ''VISITOR CENTER''; and

(2) in paragraph (1) by striking ''at the John Paul Hammerschmidt Lake, Arkansas River, Arkansas'' and inserting ''on property provided by the city of Fort Smith, Arkansas, in such city''.

SEC. 303. GREERS FERRY LAKE, ARKANSAS.

The project for flood control, Greers Ferry Lake, Arkansas, authorized by the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and other purposes'', approved June 28, 1938 (52 Stat. 1218), is modified to authorize the Secretary to construct water intake facilities for the benefit of Lonoke and White Counties, Arkansas.

SEC. 304. TEN- AND FIFTEEN-MILE BAYOUS, ARKANSAS.

The project for flood control, Saint Francis River Basin, Missouri and Arkansas, authorized by section 204 of the Flood Control Act of 1950 (64 Stat. 172), is modified to expand the boundaries of the project to include Ten- and Fifteen-Mile Bayous near West Memphis, Arkansas. Notwithstanding section 103(f) of the Water Resources Development Act of 1986 (100 Stat. 4086), the flood control work at Ten- and Fifteen-Mile Bayous shall not be considered separable elements of the project.

SEC. 305. CACHE CREEK BASIN, CALIFORNIA.

The project for flood control, Cache Creek Basin, California, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4112), is modified to direct the Secretary to evaluate the impacts of the new south levee of the Cache Creek settling basin on the city of Woodland's storm drainage system and to mitigate such impacts at Federal expense and a total cost of $2,800,000.

SEC. 306. LARKSPUR FERRY CHANNEL, LARKSPUR, CALIFORNIA.

The project for navigation, Larkspur Ferry Channel, Larkspur, California, authorized by section 601(d) of the Water Resources Development Act of 1986 (100 Stat. 4148), is modified to direct the Secretary to prepare a limited reevaluation report to determine whether maintenance of the project is technically sound, environmentally acceptable, and economically justified. If the Secretary determines that maintenance of the project is technically sound, environmentally acceptable, and economically justified, the Secretary shall carry out the maintenance.

SEC. 307. NORCO BLUFFS, RIVERSIDE COUNTY, CALIFORNIA.

Section 101(b)(4) of the Water Resources Development Act of 1996 (110 Stat. 3667) is amended by striking ''$8,600,000'' and all that follows through ''$2,150,000'' and inserting ''$15,000,000, with an estimated Federal cost of $11,250,000 and an estimated non-Federal cost of $3,750,000''.

SEC. 308. SACRAMENTO DEEP WATER SHIP CHANNEL, CALIFORNIA.

The project for navigation, Sacramento Deep Water Ship Channel, California, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4092), is modified to authorize the Secretary to provide credit to the non-Federal interest toward the non-Federal share of the cost of the project for the value of dredged material from the project that is purchased by public agencies or nonprofit entities for environmental restoration or other beneficial uses.

SEC. 309. SACRAMENTO RIVER, GLENN-COLUSA, CALIFORNIA.

The project for flood control, Sacramento River, California, authorized by section 2 of the Act entitled ''An Act to provide for the control of the floods of the Mississippi River and of the Sacramento River, California, and for other purposes'', approved March 1, 1917 (39 Stat. 949), and modified by section 102 of the Energy and Water Development Appropriations Act, 1990 (103 Stat. 649), section 301(b)(3) of the Water Resources Development Act of 1996 (110 Stat. 3110), title I of the Energy and Water Development Appropriations Act, 1999 (112 Stat. 1841), and section 305 of the Water Resources Development Act of 1999 (113 Stat. 299), is further modified to direct the Secretary to provide the non-Federal interest a credit of up to $4,000,000 toward the non-Federal share of the cost of the project for direct and indirect costs incurred by the non-Federal interest in carrying out activities (including the provision of lands, easements, rights-of-way, relocations, and dredged material disposal areas) associated with environmental compliance for the project if the Secretary determines that the activities are integral to the project. If any of such costs were incurred by the non-Federal interests before execution of the project cooperation agreement, the Secretary may reimburse the non-Federal interest for such pre-agreement costs instead of providing a credit for such pre-agreement costs to the extent that the amount of the credit exceeds the remaining non-Federal share of the cost of the project.

SEC. 310. UPPER GUADALUPE RIVER, CALIFORNIA.

The project for flood damage reduction and recreation, Upper Guadalupe River, California, authorized by section 101(a)(9) of the Water Resources Development Act of 1999 (113 Stat. 275), is modified to provide that the non-Federal share of the cost of the project shall be 50 percent, with an estimated Federal cost and non-Federal cost of $70,164,000 each.

SEC. 311. BREVARD COUNTY, FLORIDA.

(a) INCLUSION OF REACH.—The project for shoreline protection, Brevard County, Florida, authorized by section 101(b)(7) of the Water Resources Development Act of 1996 (110 Stat. 3667), is modified to provide that, notwithstanding section 902 of the Water Resources Development Act of 1986, the Secretary may incorporate in the project any or all of the 7.1-mile reach of the project that was deleted from the south reach of the project, as described in paragraph (5) of the Report of the Chief of Engineers, dated December 23, 1996, if the Secretary determines, in coordination with appropriate local, State, and Federal agencies, that the project as modified is technically sound, environmentally acceptable, and economically justified.

(b) CLARIFICATION.—Section 310(a) of the Water Resources Development Act of 1999 (113 Stat. 301) is amended by inserting ''shoreline associated with the'' after ''damage to the''.

SEC. 312. FERNANDINA HARBOR, FLORIDA.

The project for navigation, Fernandina Harbor, Florida, authorized by the first section of the Act entitled ''An Act making appropriations for the construction, repair, completion, and preservation of certain works on rivers and harbors, and for other purposes'', approved June 14, 1880 (21 Stat. 186), is modified to authorize the Secretary to realign the access channel in the vicinity of the Fernandina Beach Municipal Marina 100 feet to the west. The cost of the realignment, including acquisition of lands, easements, rights-of-way, and dredged material disposal areas and relocations, shall be a non-Federal expense.

SEC. 313. TAMPA HARBOR, FLORIDA.

The project for navigation, Tampa Harbor, Florida, authorized by section 4 of the Rivers and Harbors Act of September 22, 1922 (42 Stat. 1042), is modified to authorize the Secretary to deepen and widen the Alafia Channel in accordance with the plans described in the Draft Feasibility Report, Alafia River, Tampa Harbor, Florida, dated May 2000, at a total cost of $61,592,000, with an estimated Federal cost of $39,621,000 and an estimated non-Federal cost of $21,971,000.

SEC. 314. EAST SAINT LOUIS AND VICINITY, ILLINOIS.

The project for flood protection, East Saint Louis and vicinity, Illinois (East Side levee and sanitary district), authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1082), is modified to include ecosystem restoration as a project purpose.

SEC. 315. KASKASKIA RIVER, KASKASKIA, ILLINOIS.

The project for navigation, Kaskaskia River, Kaskaskia, Illinois, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1175), is modified to include recreation as a project purpose.

SEC. 316. WAUKEGAN HARBOR, ILLINOIS.

The project for navigation, Waukegan Harbor, Illinois, authorized by the first section of the Act entitled ''An Act making appropriations for the construction, repair, completion, and preservation of certain works on rivers and harbors, and for other purposes'', approved June 14, 1880 (21 Stat. 192), is modified to authorize the Secretary to extend the upstream limit of the project 275 feet to the north at a width of 375 feet if the Secretary determines that the extension is feasible.

SEC. 317. CUMBERLAND, KENTUCKY.

Using continuing contracts, the Secretary shall initiate construction of the flood control project, Cumberland, Kentucky, authorized by section 202(a) of the Energy and Water Development Appropriations Act, 1981 (94 Stat. 1339), in accordance with option 4 contained in the draft detailed project report of the Nashville District, dated September 1998, to provide flood protection from the 100-year frequency flood event and to share all costs in accordance with section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).

SEC. 318. LOCK AND DAM 10, KENTUCKY RIVER, KENTUCKY.

(a) IN GENERAL.—The Secretary may take all necessary measures to further stabilize and renovate Lock and Dam 10 at Boonesborough, Kentucky, with the purpose of extending the design life of the structure by an additional 50 years, at a total cost of $24,000,000, with an estimated Federal cost of $12,000,000 and an estimated non-Federal cost of $12,000,000.

(b) DEFINITIONS.—For purposes of this section, the term ''stabilize and renovate'' includes the following activities: stabilization

of the main dam, auxiliary dam and lock; renovation of all operational aspects of the lock; and elevation of the main and auxiliary dams.

SEC. 319. SAINT JOSEPH RIVER, SOUTH BEND, INDIANA.

Section 321(a) of the Water Resources Development Act of 1999 (113 Stat. 303) is amended—

(1) in the subsection heading by striking ''TOTAL'' and inserting ''FEDERAL''; and

(2) by striking ''total'' and inserting ''Federal''.

SEC. 320. MAYFIELD CREEK AND TRIBUTARIES, KENTUCKY.

The project for flood control, Mayfield Creek and tributaries, Kentucky, carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), is modified to provide that the non-Federal interest shall not be required to pay the unpaid balance, including interest, of the non-Federal share of the cost of the project.

SEC. 321. AMITE RIVER AND TRIBUTARIES, EAST BATON ROUGE PARISH, LOUISIANA.

The project for flood damage reduction and recreation, Amite River and Tributaries, East Baton Rouge Parish, Louisiana, authorized by section 101(a)(21) of the Water Resources Development Act of 1999 (113 Stat. 277), is modified to provide that cost sharing for the project shall be determined in accordance with section 103(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2213), as in effect on October 11, 1996.

SEC. 322. ATCHAFALAYA BASIN FLOODWAY SYSTEM, LOUISIANA.

The Atchafalaya Basin Floodway System project, authorized by section 601 of the Water Resources Development Act of 1986 (100 Stat. 4142), is modified to authorize the Secretary to construct the visitor center and other recreational features identified in the 1982 project feasibility report of the Corps of Engineers at or near the Lake End Park in Morgan City, Louisiana.

SEC. 323. ATCHAFALAYA RIVER, BAYOUS CHENE, BOEUF, AND BLACK, LOUISIANA.

The project for navigation Atchafalaya River and Bayous Chene, Boeuf, and Black, Louisiana, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731), is modified to direct the Secretary to investigate the problems associated with the mixture of freshwater, saltwater, and fine river silt in the channel and to develop and carry out a solution to the problem if the Secretary determines that the work is technically sound, environmentally acceptable, and economically justified.

SEC. 324. RED RIVER WATERWAY, LOUISIANA.

The project for mitigation of fish and wildlife loses, Red River Waterway, Louisiana, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142) and modified by section 4(h) of the Water Resources Development Act of 1988 (102 Stat. 4016), section 102(p) of the Water Resources Development Act of 1990 (104 Stat. 4613), and section 301(b)(7) of the Water Resources Development Act of 1996 (110 Stat. 3710), is further modified to authorize the Secretary to purchase mitigation lands in any of the 7 parishes that make up the Red River Waterway District, including the parishes of Caddo, Bossier, Red River, Natchitoches, Grant, Rapides, and Avoyelles.

SEC. 325. THOMASTON HARBOR, GEORGES RIVER, MAINE.

The project for navigation, Georges River, Maine (Thomaston Harbor), authorized by the first section of the Act entitled ''An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved June 3, 1896 (29 Stat. 215), is modified to redesignate the following portion of the project as an anchorage area: The portion lying northwesterly of a line commencing at point N86,946.770, E321,303.830 thence running northeasterly about 203.67 feet to a point N86,994.750, E321,501.770.

SEC. 326. BRECKENRIDGE, MINNESOTA.

(a) MAXIMUM FEDERAL EXPENDITURE.—The maximum amount of Federal funds that may be expended for the project for flood control, Breckenridge, Minnesota, carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), shall be $10,500,000.

(b) REVISION OF PROJECT COOPERATION AGREEMENT.—The Secretary shall revise the project cooperation agreement for the project described in subsection (a) to take into account the change in the Federal participation in the project in accordance with this section.

SEC. 327. DULUTH HARBOR, MINNESOTA.

The project for navigation, Duluth Harbor, Minnesota, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), is modified to include the relocation of Scenic Highway 61, including any required bridge construction.

SEC. 328. LITTLE FALLS, MINNESOTA.

The project for clearing, snagging, and sediment removal, East Bank of the Mississippi River, Little Falls, Minnesota, authorized under section 3 of the Act entitled ''An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved March 2, 1945 (33 U.S.C. 603a), is modified to direct the Secretary to construct the project substantially in accordance with the plans contained in the feasibility report of the District Engineer, dated June 2000.

SEC. 329. POPLAR ISLAND, MARYLAND.

(a) IN GENERAL.—The project for beneficial use of dredged material at Poplar Island, Maryland, authorized by section 537 of the Water Resources Development Act of 1996 (110 Stat. 3776), is modified to authorize the Secretary to provide the non-Federal interest credit toward cash contributions required—

(1) before and during construction of the project, for the costs of planning, engineering, and design and for construction management work that is performed by the non-Federal interest and that the Secretary determines is necessary to implement the project; and

(2) during construction of the project, for the costs of the construction that the non-Federal interest carries out on behalf of the Secretary and that the Secretary determines is necessary to carry out the project.

(b) REDUCTION.—The private sector performance goals for engineering work of the Baltimore District of the Corps of Engineers shall be reduced by the amount of the credit under paragraph (1).

SEC. 330. GREEN BROOK SUB-BASIN, RARITAN RIVER BASIN, NEW JERSEY.

The project for flood control, Green Brook Sub-Basin, Raritan River Basin, New Jersey, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4119), is modified to direct the Secretary to prepare a limited reevaluation report to determine the feasibility of carrying out a nonstructural flood damage reduction project at the Green Brook Sub-Basin. If the Secretary determines that the nonstructural project is feasible, the Secretary may carry out the nonstructural project.

SEC. 331. NEW YORK HARBOR AND ADJACENT CHANNELS, PORT JERSEY, NEW JERSEY.

The project for navigation, New York Harbor and adjacent channels, Port Jersey, New Jersey, authorized by section 202(b) of the Water Resources Development Act of 1986 (100 Stat. 4098) and modified by section 337 of the Water Resources Development Act of 1999 (113 Stat. 306–307), is further modified to authorize the Secretary to provide the non-Federal interests credit toward cash contributions required—

(1) before, during, and after construction for planning, engineering and design, and construction management work that is performed by the non-Federal interests and that the Secretary determines is necessary to implement the project; and

(2) during and after construction for the costs of construction that the non-Federal interests carry out on behalf of the Secretary and that the Secretary determines is necessary to implement the project.

SEC. 332. PASSAIC RIVER BASIN FLOOD MANAGEMENT, NEW JERSEY.

(a) REEVALUATION OF FLOODWAY STUDY.—The Secretary shall review the Passaic River Floodway Buyout Study, dated October 1995, conducted as part of the project for flood control, Passaic River Main Stem, New Jersey and New York, authorized by section 101(a)(18) of the Water Resources Development Act of 1990 (104 Stat. 4607–4610), to calculate the benefits of a buyout and environmental restoration using the method used to calculate the benefits of structural projects under section 308(b) of the Water Resources Development Act of 1990 (33 U.S.C. 2318(b)).

(b) REEVALUATION OF 10-YEAR FLOODPLAIN STUDY.—The Secretary shall review the Passaic River Buyout Study of the 10-year floodplain beyond the floodway of the Central Passaic River Basin, dated September 1995, conducted as part of the Passaic River Main Stem project to calculate the benefits of a buyout and environmental restoration using the method used to calculate the benefits of structural projects under section 308(b) of the Water Resources Development Act of 1990 (33 U.S.C. 2318(b)).

(c) PRESERVATION OF NATURAL STORAGE AREAS.—

(1) IN GENERAL.—The Secretary shall reevaluate the acquisition of wetlands in the Central Passaic River Basin for flood protection purposes to supplement the wetland acquisition authorized by section 101(a)(18)(C)(vi) of the Water Resources Development Act of 1990 (104 Stat. 4609).

(2) PURCHASE.—If the Secretary determines that the acquisition of wetlands evaluated under paragraph (1) is cost-effective, the Secretary shall purchase the wetlands, with the goal of purchasing not more than 8,200 acres.

(d) STREAMBANK EROSION CONTROL STUDY.—The Secretary shall review relevant reports and conduct a study to determine the feasibility of carrying out a project for environmental restoration, erosion control, and streambank restoration along the Passaic River, from Dundee Dam to Kearny Point, New Jersey.

(e) PASSAIC RIVER FLOOD MANAGEMENT TASK FORCE.—

(1) ESTABLISHMENT.—The Secretary, in cooperation with the non-Federal interest, shall establish a task force, to be known as the ''Passaic River Flood Management Task Force'', to provide advice to the Secretary concerning reevaluation of the Passaic River Main Stem project.

(2) MEMBERSHIP.—The task force shall be composed of 22 members, appointed as follows:

(A) APPOINTMENT BY SECRETARY.—The Secretary shall appoint 1 member to represent the Corps of Engineers and to provide technical advice to the task force.

(B) APPOINTMENTS BY GOVERNOR OF NEW JERSEY.—The Governor of New Jersey shall appoint 20 members to the task force, as follows:

(i) 2 representatives of the New Jersey legislature who are members of different political parties.

(ii) 3 representatives of the State of New Jersey.

(iii) 1 representative of each of Bergen, Essex, Morris, and Passaic Counties, New Jersey.

(iv) 6 representatives of governments of municipalities affected by flooding within the Passaic River Basin.

(v) 1 representative of the Palisades Interstate Park Commission.

(vi) 1 representative of the North Jersey District Water Supply Commission.

(vii) 1 representative of each of—

(I) the Association of New Jersey Environmental Commissions;

(II) the Passaic River Coalition; and

(III) the Sierra Club.

(C) APPOINTMENT BY GOVERNOR OF NEW YORK.—The Governor of New York shall appoint 1 representative of the State of New York to the task force.

(3) MEETINGS.—

(A) REGULAR MEETINGS.—The task force shall hold regular meetings.

(B) OPEN MEETINGS.—The meetings of the task force shall be open to the public.

(4) ANNUAL REPORT.—The task force shall submit annually to the Secretary and to the non-Federal interest a report describing the achievements of the Passaic River flood management project in preventing flooding and any impediments to completion of the project.

(5) EXPENDITURE OF FUNDS.—The Secretary may use funds made available to carry out the Passaic River Basin flood management project to pay the administrative expenses of the task force.

(6) TERMINATION.—The task force shall terminate on the date on which the Passaic River flood management project is completed.

(f) ACQUISITION OF LANDS IN THE FLOODWAY.—Section 1148 of the Water Resources Development Act of 1986 (100 Stat. 4254; 110 Stat. 3718–3719), is amended by adding at the end the following:

''(e) CONSISTENCY WITH NEW JERSEY BLUE ACRES PROGRAM.—The Secretary shall carry out this section in a manner that is consistent with the Blue Acres Program of the State of New Jersey.''.

(g) STUDY OF HIGHLANDS LAND CONSERVATION.—The Secretary, in cooperation with the Secretary of Agriculture and the State of New Jersey, may study the feasibility of conserving land in the Highlands region of New Jersey and New York to provide additional flood protection for residents of the Passaic River Basin in accordance with section 212 of the Water Resources Development Act of 1999 (33 U.S.C. 2332).

(h) RESTRICTION ON USE OF FUNDS.—The Secretary shall not obligate any funds to carry out design or construction of the tunnel element of the Passaic River Main Stem project.

SEC. 333. TIMES BEACH NATURE PRESERVE, BUFFALO, NEW YORK.

The project for improving the quality of the environment, Times Beach Nature Preserve, Buffalo, New York, carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), is modified to include recreation as a project purpose.

SEC. 334. GARRISON DAM, NORTH DAKOTA.

The Garrison Dam, North Dakota, feature of the project for flood control, Missouri River Basin, authorized by section 9(a) of the Flood Control Act of December 22, 1944 (58 Stat. 891), is modified to direct the Secretary to mitigate damage to the water transmission line for Williston, North Dakota, at Federal expense and a total cost of $3,900,000.

SEC. 335. DUCK CREEK, OHIO.

The project for flood control, Duck Creek, Ohio, authorized by section 101(a)(24) of the Water Resources Development Act of 1996 (110 Stat. 3665), is modified to authorize the Secretary carry out the project at a total cost of $36,323,000, with an estimated Federal cost of $27,242,000 and an estimated non-Federal cost of $9,081,000.

SEC. 336. ASTORIA, OREGON.

The project for navigation, Columbia River, Astoria, Oregon, authorized by the first section of the Act entitled ''An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved July 24, 1946 (60 Stat. 637), is modified to provide that the Federal share of the cost of relocating causeway and mooring facilities located at the Astoria East Boat Basin shall be 100 percent but shall not exceed $500,000.

SEC. 337. NONCONNAH CREEK, TENNESSEE AND MISSISSIPPI.

The project for flood control, Nonconnah Creek, Tennessee and Mississippi, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4124), is modified to authorize the Secretary, if the Secretary determines that it is feasible—

(1) to extend the area protected by the flood control element of the project upstream approximately 5 miles to Reynolds Road; and

(2) to extend the hiking and biking trails of the recreational element of the project from 8.8 to 27 miles.

SEC. 338. BOWIE COUNTY LEVEE, TEXAS.

The project for flood control, Red River below Denison Dam, Texas and Oklahoma, authorized by section 10 of the Flood Control Act of 1946 (60 Stat. 647), is modified to direct the Secretary to implement the Bowie County levee feature of the project in accordance with the plan described as Alternative B in the draft document entitled ''Bowie County Local Flood Protection, Red River, Texas Project Design Memorandum No. 1, Bowie County Levee'', dated April 1997. In evaluating and implementing the modification, the Secretary shall allow the non-Federal interest to participate in the financing of the project in accordance with section 903(c) of the Water Resources Development Act of 1986 (100 Stat. 4184) to the extent that the Secretary's evaluation of the modification indicates that applying such section is necessary to implement the modification.

SEC. 339. SAN ANTONIO CHANNEL, SAN ANTONIO, TEXAS.

The project for flood control, San Antonio channel, Texas, authorized by section 203 of the Flood Control Act of 1954 (68 Stat. 1259) as part of the comprehensive plan for flood protection on the Guadalupe and San Antonio Rivers in Texas, and modified by section 103 of the Water Resources Development Act of 1976 (90 Stat. 2921), is further modified to include environmental restoration and recreation as project purposes.

SEC. 340. BUCHANAN AND DICKENSON COUNTIES, VIRGINIA.

The project for flood control, Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River, authorized by section 202 of the Energy and Water Development Appropriations Act, 1981 (94 Stat. 1339), and modified by section 352 of the Water Resources Development Act of 1996 (110 Stat. 3724–3725), is further modified to direct the Secretary to determine the ability of Buchanan and Dickenson Counties, Virginia, to pay the non-Federal share of the cost of the project based solely on the criteria specified in section 103(m)(3)(A)(i) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)(3)(A)(i)).

SEC. 341. BUCHANAN, DICKENSON, AND RUSSELL COUNTIES, VIRGINIA.

At the request of the John Flannagan Water Authority, Dickenson County, Virginia, the Secretary may reallocate, under section 322 of the Water Resources Development Act of 1990 (104 Stat. 4643–4644), water supply storage space in the John Flannagan Reservoir, Dickenson County, Virginia, sufficient to yield water withdrawals in amounts not to exceed 3,000,000 gallons per day in order to provide water for the communities in Buchanan, Dickenson, and Russell Counties, Virginia, notwithstanding the limitation in section 322(b) of such Act.

SEC. 342. SANDBRIDGE BEACH, VIRGINIA BEACH, VIRGINIA.

The project for beach erosion control and hurricane protection, Sandbridge Beach, Virginia Beach, Virginia, authorized by section 101(22) of the Water Resources Development Act of 1992 (106 Stat. 4804), is modified to direct the Secretary to provide 50 years of periodic beach nourishment beginning on the date on which construction of the project was initiated in 1998.

SEC. 343. WALLOPS ISLAND, VIRGINIA.

Section 567(c) of the Water Resources Development Act of 1999 (113 Stat. 367) is amended by striking ''$8,000,000'' and inserting ''$20,000,000''.

SEC. 344. COLUMBIA RIVER, WASHINGTON.

(a) IN GENERAL.—The project for navigation, Columbia River, Washington, authorized by the first section of the Act entitled ''An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved June 13, 1902 (32 Stat. 369), is modified to direct the Secretary, in the operation and maintenance of the project, to mitigate damages to the shoreline of Puget Island, at a total cost of $1,000,000.

(b) ALLOCATION.—The cost of the mitigation shall be allocated as an operation and maintenance cost of the Federal navigation project.

SEC. 345. MOUNT ST. HELENS, WASHINGTON.

The project for sediment control, Mount St. Helens, Washington, authorized by chapter IV of title I of the Supplemental Appropriations Act, 1985 (99 Stat. 318–319), is modified to authorize the Secretary to provide such cost-effective, environmentally acceptable measures as are necessary to maintain the flood protection levels for Longview, Kelso, Lexington, and Castle Rock on the Cowlitz River, Washington, identified in the October 1985 report of the Chief of Engineers entitled ''Mount St. Helens, Washington, Decision Document (Toutle, Cowlitz, and Columbia Rivers)'', printed as House Document number 99–135.

SEC. 346. RENTON, WASHINGTON.

(a) MAXIMUM FEDERAL EXPENDITURE.—The maximum amount of Federal funds that may be expended for the project for flood control, Renton, Washington, carried out under section 205 of the Flood Control Act of 1948, shall be $5,300,000.

(b) REVISION OF PROJECT COOPERATION AGREEMENT.—The Secretary shall revise the project cooperation agreement for the project described in subsection (a) to take into account the change in the Federal participation in the project in accordance with this section.

(c) REIMBURSEMENT.—The Secretary may reimburse the non-Federal interest for the project described in subsection (a) for costs incurred to mitigate overdredging.

SEC. 347. GREENBRIER BASIN, WEST VIRGINIA.

Section 579(c) of the Water Resources Development Act of 1996 (110 Stat. 3790) is amended by striking ''$12,000,000'' and inserting ''$73,000,000''.

SEC. 348. LOWER MUD RIVER, MILTON, WEST VIRGINIA.

The project for flood damage reduction, Lower Mud River, Milton, West Virginia, authorized by section 580 of the Water Resources Development Act of 1996 (110 Stat.

3790), is modified to direct the Secretary to carry out the project substantially in accordance with the plans, and subject to the conditions, described in the watershed plan prepared by the Natural Resources Conservation Service for the project, dated 1992.

SEC. 349. WATER QUALITY PROJECTS.

Section 307(a) of the Water Resources Development Act of 1992 (106 Stat. 4841) is amended by striking ''Jefferson and Orleans Parishes'' and inserting ''Jefferson, Orleans, and St. Tammany Parishes''.

SEC. 350. PROJECT REAUTHORIZATIONS.

(a) IN GENERAL.—Each of the following projects may be carried out by the Secretary, and no construction on any such project may be initiated until the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified, as appropriate:

(1) NARRAGUAGUS RIVER, MILBRIDGE, MAINE.—Only for the purpose of maintenance as anchorage, those portions of the project for navigation, Narraguagus River, Milbridge, Maine, authorized by section 2 of the Act entitled ''An Act making appropriations for the construction, repair, completion, and preservation of certain works on rivers and harbors, and for other purposes'', approved June 14, 1880 (21 Stat. 195), and deauthorized under section 101 of the River and Harbor Act of 1962 (75 Stat. 1173), lying adjacent to and outside the limits of the 11-foot and 9-foot channel authorized as part of the project for navigation, authorized by such section 101, as follows:

(A) An area located east of the 11-foot channel starting at a point with coordinates N248,060.52, E668,236.56, thence running south 36 degrees 20 minutes 52.3 seconds east 1567.242 feet to a point N246,798.21, E669,165.44, thence running north 51 degrees 30 minutes 06.2 seconds west 839.855 feet to a point N247,321.01, E668,508.15, thence running north 20 degrees 09 minutes 58.1 seconds west 787.801 feet to the point of origin.

(B) An area located west of the 9-foot channel starting at a point with coordinates N249,673.29, E667,537.73, thence running south 20 degrees 09 minutes 57.8 seconds east 1341.616 feet to a point N248,413.92, E668,000.24, thence running south 01 degrees 04 minutes 26.8 seconds east 371.688 feet to a point N248,042.30, E668,007.21, thence running north 22 degrees 21 minutes 20.8 seconds west 474.096 feet to a point N248,480.76, E667,826.88, thence running north 79 degrees 09 minutes 31.6 seconds east 100.872 feet to a point N248,499.73, E667,925.95, thence running north 13 degrees 47 minutes 27.6 seconds west 95.126 feet to a point N248,592.12, E667,903.28, thence running south 79 degrees 09 minutes 31.6 seconds west 115.330 feet to a point N248,570.42, E667,790.01, thence running north 22 degrees 21 minutes 20.8 seconds west 816.885 feet to a point N249,325.91, E667,479.30, thence running north 07 degrees 03 minutes 00.3 seconds west 305.680 feet to a point N249,629.28, E667,441.78, thence running north 65 degrees 21 minutes 33.8 seconds east 105.561 feet to the point of origin.

(2) CEDAR BAYOU, TEXAS.—The project for navigation, Cedar Bayou, Texas, authorized by the first section of the Act entitled ''An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved September 19, 1890 (26 Stat. 444), and modified by the first section of the Act entitled ''An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved July 3, 1930 (46 Stat. 926), and deauthorized by section 1002 of the Water Resources Development Act of 1986 (100 Stat. 4219), except that the project is authorized only for construction of a navigation channel 12 feet deep by 125 feet wide from mile −2.5 (at the junction with the Houston Ship Channel) to mile 11.0 on Cedar Bayou.

(b) REDESIGNATION.—The following portion of the 11-foot channel of the project for navigation, Narraguagus River, Milbridge, Maine, referred to in subsection (a)(1) is redesignated as anchorage: starting at a point with coordinates N248,413.92, E668,000.24, thence running south 20 degrees 09 minutes 57.8 seconds east 1325.205 feet to a point N247,169.95, E668,457.09, thence running north 51 degrees 30 minutes 05.7 seconds west 562.33 feet to a point N247,520.00, E668,017.00, thence running north 01 degrees 04 minutes 26.8 seconds west 894.077 feet to the point of origin.

SEC. 351. CONTINUATION OF PROJECT AUTHORIZATIONS.

(a) IN GENERAL.—Notwithstanding section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)), the following projects shall remain authorized to be carried out by the Secretary:

(1) The projects for flood control, Sacramento River, California, modified by section 10 of the Flood Control Act of December 22, 1944 (58 Stat. 900–901).

(2) The project for flood protection, Sacramento River from Chico Landing to Red Bluff, California, authorized by section 203 of the Flood Control Act of 1958 (72 Stat. 314).

(b) LIMITATION.—A project described in subsection (a) shall not be authorized for construction after the last day of the 7-year period beginning on the date of enactment of this Act, unless, during such period, funds have been obligated for the construction (including planning and design) of the project.

SEC. 352. DECLARATION OF NONNAVIGABILITY FOR LAKE ERIE, NEW YORK.

(a) AREA TO BE DECLARED NONNAVIGABLE; PUBLIC INTEREST.—Unless the Secretary finds, after consultation with local and regional public officials (including local and regional public planning organizations), that the proposed projects to be undertaken within the boundaries in the portions of Erie County, New York, described in subsection (b), are not in the public interest then, subject to subsection (c), those portions of such county that were once part of Lake Erie and are now filled are declared to be nonnavigable waters of the United States.

(b) BOUNDARIES.—The portion of Erie County, New York, referred to in subsection (a) are all that tract or parcel of land, situate in the Town of Hamburg and the City of Lackawanna, County of Erie, State of New York, being part of Lots 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, and 25 of the Ogden Gore Tract and part of Lots 23, 24, and 36 of the Buffalo Creek Reservation, Township 10, Range 8 of the Holland Land Company's Survey and more particularly bounded and described as follows:

Beginning at a point on the westerly highway boundary of Hamburg Turnpike (66.0 feet wide), said point being 547.89 feet South 19°36′46″ East from the intersection of the westerly highway boundary of Hamburg Turnpike (66.0 feet wide) and the northerly line of the City of Lackawanna (also being the southerly line of the City of Buffalo); thence South 19°36′46″ East along the westerly highway boundary of Hamburg Turnpike (66.0 feet wide) a distance of 628.41 feet; thence along the westerly highway boundary of Hamburg Turnpike as appropriated by the New York State Department of Public Works as shown on Map No. 40–R2, Parcel No. 44 the following 20 courses and distances:

(1) South 10°00′07″ East a distance of 164.30 feet;

(2) South 18°40′45″ East a distance of 355.00 feet;

(3) South 71°23′35″ West a distance of 2.00 feet;

(4) South 18°40′45″ East a distance of 223.00 feet;

(5) South 22°29′36″ East a distance of 150.35 feet;

(6) South 18°40′45″ East a distance of 512.00 feet;

(7) South 16°49′53″ East a distance of 260.12 feet;

(8) South 18°34′20″ East a distance of 793.00 feet;

(9) South 71°23′35″ West a distance of 4.00 feet;

(10) South 18°13′24″ East a distance of 132.00 feet;

(11) North 71°23′35″ East a distance of 4.67 feet;

(12) South 18°30′00″ East a distance of 38.00 feet;

(13) South 71°23′35″ West a distance of 4.86 feet;

(14) South 18°13′24″ East a distance of 160.00 feet;

(15) South 71°23′35″ East a distance of 9.80 feet;

(16) South 18°36′25″ East a distance of 159.00 feet;

(17) South 71°23′35″ West a distance of 3.89 feet;

(18) South 18°34′20″ East a distance of 180.00 feet;

(19) South 20°56′05″ East a distance of 138.11 feet;

(20) South 22°53′55″ East a distance of 272.45 feet to a point on the westerly highway boundary of Hamburg Turnpike.

Thence southerly along the westerly highway boundary of Hamburg Turnpike, South 18°36′25″ East, a distance of 2228.31 feet; thence along the westerly highway boundary of Hamburg Turnpike as appropriated by the New York State Department of Public Works as shown on Map No. 27 Parcel No. 31 the following 2 courses and distances:

(1) South 16°17′25″ East a distance of 74.93 feet;

(2) along a curve to the right having a radius of 1004.74 feet; a chord distance of 228.48 feet along a chord bearing of South 08°12′16″ East, a distance of 228.97 feet to a point on the westerly highway boundary of Hamburg Turnpike.

Thence southerly along the westerly highway boundary of Hamburg Turnpike, South 4°35′35″ West a distance of 940.87 feet; thence along the westerly highway boundary of Hamburg Turnpike as appropriated by the New York State Department of Public Works as shown on Map No. 1 Parcel No. 1 and Map No. 5 Parcel No. 7 the following 18 courses and distances:

(1) North 85°24′25″ West a distance of 1.00 feet;

(2) South 7°01′17″ West a distance of 170.15 feet;

(3) South 5°02′54″ West a distance of 180.00 feet;

(4) North 85°24′25″ West a distance of 3.00 feet;

(5) South 5°02′54″ West a distance of 260.00 feet;

(6) South 5°09′11″ West a distance of 110.00 feet;

(7) South 0°34′35″ West a distance of 110.27 feet;

(8) South 4°50′37″ West a distance of 220.00 feet;

(9) South 4°50′37″ West a distance of 365.00 feet;

(10) South 85°24′25″ East a distance of 5.00 feet;

(11) South 4°06′20″ West a distance of 67.00 feet;

(12) South 6°04′35″ West a distance of 248.08 feet;

(13) South 3°18′27″ West a distance of 52.01 feet;

(14) South 4°55′58″ West a distance of 133.00 feet;

(15) North 85°24′25″ West a distance of 1.00 feet;

(16) South 4°55′58″ West a distance of 45.00 feet;

(17) North 85°24′25″ West a distance of 7.00 feet;

(18) South 4°56′12″ West a distance of 90.00 feet.

Thence continuing along the westerly highway boundary of Lake Shore Road as appropriated by the New York State Department of Public Works as shown on Map No. 7, Parcel No. 7 the following 2 courses and distances:

(1) South 4°55′58″ West a distance of 127.00 feet;

(2) South 2°29′25″ East a distance of 151.15 feet to a point on the westerly former highway boundary of Lake Shore Road.

Thence southerly along the westerly formerly highway boundary of Lake Shore Road, South 4°35′35″ West a distance of 148.90 feet; thence along the westerly highway boundary of Lake Shore Road as appropriated by the New York State Department of Public Works as shown on Map No. 7, Parcel No. 8 the following 3 courses and distances:

(1) South 55°34′35″ West a distance of 12.55 feet;

(2) South 4°35′35″ West a distance of 118.50 feet;

(3) South 3°04′00″ West a distance of 62.95 feet to a point on the south line of the lands of South Buffalo Railway Company.

Thence southerly and easterly along the lands of South Buffalo Railway Company the following 5 courses and distances:

(1) North 89°25′14″ West a distance of 697.64 feet;

(2) along a curve to the left having a radius of 645.0 feet; a chord distance of 214.38 feet along a chord bearing of South 40°16′48″ West, a distance of 215.38 feet;

(3) South 30°42′49″ West a distance of 76.96 feet;

(4) South 22°06′03″ West a distance of 689.43 feet;

(5) South 36°09′23″ West a distance of 30.93 feet to the northerly line of the lands of Buffalo Crushed Stone, Inc.

Thence North 87°13′38″ West a distance of 2452.08 feet to the shore line of Lake Erie; thence northerly along the shore of Lake Erie the following 43 courses and distances:

(1) North 16°29′53″ West a distance of 267.84 feet;

(2) North 24°25′00″ West a distance of 195.01 feet;

(3) North 26°45′00″ West a distance of 250.00 feet;

(4) North 31°15′00″ West a distance of 205.00 feet;

(5) North 21°35′00″ West a distance of 110.00 feet;

(6) North 44°00′53″ West a distance of 26.38 feet;

(7) North 33°49′18″ West a distance of 74.86 feet;

(8) North 34°26′26″ West a distance of 12.00 feet;

(9) North 31°06′16″ West a distance of 72.06 feet;

(10) North 22°35′00″ West a distance of 150.00 feet;

(11) North 16°35′00″ West a distance of 420.00 feet;

(12) North 21°10′00″ West a distance of 440.00 feet;

(13) North 17°55′00″ West a distance of 340.00 feet;

(14) North 28°05′00″ West a distance of 375.00 feet;

(15) North 16°25′00″ West a distance of 585.00 feet;

(16) North 22°10′00″ West a distance of 160.00 feet;

(17) North 2°46′36″ West a distance of 65.54 feet;

(18) North 16°01′08″ West a distance of 70.04 feet;

(19) North 49°07′00″ West a distance of 79.00 feet;

(20) North 19°16′00″ West a distance of 425.00 feet;

(21) North 16°37′00″ West a distance of 285.00 feet;

(22) North 25°20′00″ West a distance of 360.00 feet;

(23) North 33°00′00″ West a distance of 230.00 feet;

(24) North 32°40′00″ West a distance of 310.00 feet;

(25) North 27°10′00″ West a distance of 130.00 feet;

(26) North 23°20′00″ West a distance of 315.00 feet;

(27) North 18°20′04″ West a distance of 302.92 feet;

(28) North 20°15′48″ West a distance of 387.18 feet;

(29) North 14°20′00″ West a distance of 530.00 feet;

(30) North 16°40′00″ West a distance of 260.00 feet;

(31) North 28°35′00″ West a distance of 195.00 feet;

(32) North 18°30′00″ West a distance of 170.00 feet;

(33) North 26°30′00″ West a distance of 340.00 feet;

(34) North 32°07′52″ West a distance of 232.38 feet;

(35) North 30°04′26″ West a distance of 17.96 feet;

(36) North 23°19′13″ West a distance of 111.23 feet;

(37) North 7°07′58″ West a distance of 63.90 feet;

(38) North 8°11′02″ West a distance of 378.90 feet;

(39) North 15°01′02″ West a distance of 190.64 feet;

(40) North 2°55′00″ West a distance of 170.00 feet;

(41) North 6°45′00″ West a distance of 240.00 feet;

(42) North 0°10′00″ East a distance of 465.00 feet;

(43) North 2°00′38″ West a distance of 378.58 feet to the northerly line of Letters Patent dated February 21, 1968 and recorded in the Erie County Clerk's Office under Liber 7453 of Deeds at Page 45.

Thence North 71°23′35″ East along the north line of the aforementioned Letters Patent a distance of 154.95 feet to the shore line; thence along the shore line the following 6 courses and distances:

(1) South 80°14′01″ East a distance of 119.30 feet;

(2) North 46°15′13″ East a distance of 47.83 feet;

(3) North 59°53′02″ East a distance of 53.32 feet;

(4) North 38°20′43″ East a distance of 27.31 feet;

(5) North 68°12′46″ East a distance of 48.67 feet;

(6) North 26°11′47″ East a distance of 11.48 feet to the northerly line of the aforementioned Letters Patent.

Thence along the northerly line of said Letters Patent, North 71°23′35″ East a distance of 1755.19 feet; thence South 35°27′25″ East a distance of 35.83 feet to a point on the U.S. Harbor Line; thence, North 54°02′35″ East along the U.S. Harbor Line a distance of 200.00 feet; thence continuing along the U.S. Harbor Line, North 50°01′45″ East a distance of 379.54 feet to the westerly line of the lands of Gateway Trade Center, Inc.; thence along the lands of Gateway Trade Center, Inc. the following 27 courses and distances:

(1) South 18°44′53″ East a distance of 623.56 feet;

(2) South 34°33′00″ East a distance of 200.00 feet;

(3) South 26°18′55″ East a distance of 500.00 feet;

(4) South 19°06′40″ East a distance of 1074.29 feet;

(5) South 28°03′18″ East a distance of 242.44 feet;

(6) South 18°38′50″ East a distance of 1010.95 feet;

(7) North 71°20′51″ East a distance of 90.42 feet;

(8) South 18°49′20″ East a distance of 158.61 feet;

(9) South 80°55′10″ East a distance of 45.14 feet;

(10) South 18°04′45″ East a distance of 52.13 feet;

(11) North 71°07′23″ East a distance of 102.59 feet;

(12) South 18°41′40″ East a distance of 63.00 feet;

(13) South 71°07′23″ West a distance of 240.62 feet;

(14) South 18°38′50″ East a distance of 668.13 feet;

(15) North 71°28′46″ East a distance of 958.68 feet;

(16) North 18°42′31″ West a distance of 1001.28 feet;

(17) South 71°17′29″ West a distance of 168.48 feet;

(18) North 18°42′31″ West a distance of 642.00 feet;

(19) North 71°17′37″ East a distance of 17.30 feet;

(20) North 18°42′31″ West a distance of 574.67 feet;

(21) North 71°17′29″ East a distance of 151.18 feet;

(22) North 18°42′31″West a distance of 1156.43 feet;

(23) North 71°29′21″ East a distance of 569.24 feet;

(24) North 18°30′39″ West a distance of 314.71 feet;

(25) North 70°59′36″ East a distance of 386.47 feet;

(26) North 18°30′39″ West a distance of 70.00 feet;

(27) North 70°59′36″ East a distance of 400.00 feet to the place or point of beginning.

Containing 1,142.958 acres.

(c) LIMITS ON APPLICABILITY; REGULATORY REQUIREMENTS.—The declaration under subsection (a) shall apply to those parts of the areas described in subsection (b) which are filled portions of Lake Erie. Any work on these filled portions is subject to all applicable Federal statutes and regulations, including sections 9 and 10 of the Act of March 3, 1899 (30 Stat. 1151; 33 U.S.C. 401 and 403), commonly known as the River and Harbors Appropriation Act of 1899, section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344), and the National Environmental Policy Act of 1969.

(d) EXPIRATION DATE.—If, 20 years from the date of enactment of this Act, any area or part thereof described in subsection (a) of this section is not occupied by permanent structures in accordance with the requirements set out in subsection (c) of this section, or if work in connection with any activity permitted in subsection (c) is not commenced within 5 years after issuance of such permits, then the declaration of nonnavigability for such area or part thereof shall expire.

SEC. 353. PROJECT DEAUTHORIZATIONS.

(a) IN GENERAL.—The following projects or portions of projects are not authorized after the date of enactment of this Act:

(1) BLACK WARRIOR AND TOMBIGBEE RIVERS, JACKSON, ALABAMA.—The project for navigation, Black Warrior and Tombigbee Rivers,

vicinity of Jackson, Alabama, authorized by section 106 of the Energy and Water Development Appropriations Act, 1987 (100 Stat. 3341–199).

(2) SACRAMENTO DEEP WATER SHIP CHANNEL, CALIFORNIA.—The portion of the project for navigation, Sacramento Deep Water Ship Channel, California, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4092), beginning from the confluence of the Sacramento River and the Barge Canal to a point 3,300 feet west of the William G. Stone Lock western gate (including the William G. Stone Lock and the Bascule Bridge and Barge Canal). All waters within such portion of the project are declared to be nonnavigable waters of the United States solely for purposes of the General Bridge Act of 1946 (33 U.S.C. 525 et seq.) and section 9 of the Act of March 3, 1899 (33 U.S.C. 401), commonly known as the Rivers and Harbors Appropriation Act of 1899.

(3) BAY ISLAND CHANNEL, QUINCY, ILLINOIS.—The access channel across Bay Island into Quincy Bay at Quincy, Illinois, constructed under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577).

(4) WARSAW BOAT HARBOR, ILLINOIS.—The portion of the project for navigation, Illinois Waterway, Illinois and Indiana, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1175), known as the Warsaw Boat Harbor, Illinois.

(5) ROCKPORT HARBOR, ROCKPORT, MASSACHUSETTS.—The following portions of the project for navigation, Rockport Harbor, Massachusetts, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577):

(A) The portion of the 10-foot harbor channel the boundaries of which begin at a point with coordinates N605,741.948, E838,031.378, thence running north 36 degrees 04 minutes 40.9 seconds east 123.386 feet to a point N605,642.226, E838,104.039, thence running south 05 degrees 08 minutes 35.1 seconds east 24.223 feet to a point N605,618.100, E838,106.210, thence running north 41 degrees 05 minutes 10.9 seconds west 141.830 feet to a point N605,725.000, E838,013.000, thence running north 47 degrees 19 minutes 04.1 seconds east 25.000 feet to the point of origin.

(B) The portion of the 8-foot north basin entrance channel the boundaries of which begin at a point with coordinates N605,742.699, E837,977.129, thence running south 89 degrees 12 minutes 27.1 seconds east 54.255 feet to a point N605,741.948, E838,031.378, thence running south 47 degrees 19 minutes 04.1 seconds west 25.000 feet to a point N605,725.000, E838,013.000, thence running north 63 degrees 44 minutes 19.0 seconds west 40.000 feet to the point of origin.

(C) The portion of the 8-foot south basin anchorage the boundaries of which begin at a point with coordinates N605,563.770, E838,111.100, thence running south 05 degrees 08 minutes 35.1 seconds east 53.460 feet to a point N605,510.525, E838,115.892, thence running south 52 degrees 10 minutes 55.5 seconds west 145.000 feet to a point N605,421.618, E838,001.348, thence running north 37 degrees 49 minutes 04.5 seconds west feet to a point N605,480.960, E837,955.287, thence running south 64 degrees 52 minutes 33.9 seconds east 33.823 feet to a point N605,466.600, E837,985.910, thence running north 52 degrees 10 minutes 55.5 seconds east 158.476 feet to the point of origin.

(6) SCITUATE HARBOR, MASSACHUSETTS.—The portion of the project for navigation, Scituate Harbor, Massachusetts, authorized by section 101 of the River and Harbor Act of 1954 (68 Stat. 1249), consisting of an 8-foot anchorage basin and described as follows: Beginning at a point with coordinates N438,739.53, E810,354.75, thence running northwesterly about 200.00 feet to coordinates N438,874.02, E810,206.72, thence running northeasterly about 400.00 feet to coordinates N439,170.07, E810,475,70, thence running southwesterly about 447.21 feet to the point of origin.

(7) DULUTH-SUPERIOR HARBOR, MINNESOTA AND WISCONSIN.—The portion of the project for navigation, Duluth-Superior Harbor, Minnesota and Wisconsin, authorized by the first section of the Act entitled ''An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved June 3, 1896 (29 Stat. 212), known as the 21st Avenue West Channel, beginning at the most southeasterly point of the channel N423074.09, E2871635.43 thence running north-northwest about 1854.83 feet along the easterly limit of the project to a point N424706.69, E2870755.48, thence running northwesterly about 111.07 feet to a point on the northerly limit of the project N424777.27, E2870669.46, thence west-southwest 157.88 feet along the north limit of the project to a point N424703.04, E2870530.38, thence southsoutheast 1978.27 feet to the most southwesterly point N422961.45, E2871469.07, thence northeasterly 201.00 feet along the southern limit of the project to the point of origin.

(8) TREMLEY POINT, NEW JERSEY.—The portion of the Federal navigation channel, New York and New Jersey Channels, New York and New Jersey, authorized by the first section of the Act entitled ''An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved August 30, 1935 (49 Stat. 1028), and modified by section 101 of the River and Harbor Act of 1950 (64 Stat. 164), that consists of a 35-foot deep channel beginning at a point along the western limit of the authorized project, N644100.411, E129256.91, thence running southeasterly about 38.25 feet to a point N644068.885, E129278.565, thence running southerly about 1,163.86 feet to a point N642912.127, E129150.209, thence running southwesterly about 56.89 feet to a point N642864.09, E2129119.725, thence running northerly along the existing western limit of the existing project to the point of origin.

(9) ANGOLA, NEW YORK.—The project for erosion protection, Angola Water Treatment Plant, Angola, New York, constructed under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r).

(10) WALLABOUT CHANNEL, BROOKLYN, NEW YORK.—The portion of the project for navigation, Wallabout Channel, Brooklyn, New York, authorized by the first section of the Act entitled ''An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved March 3, 1899 (30 Stat. 1124), that is located at the northeast corner of the project and is described as follows:

Beginning at a point forming the northeast corner of the project and designated with the coordinate of North N 682,307.40; East 638,918.10; thence along the following 6 courses and distances:

(A) South 85 degrees, 44 minutes, 13 seconds East 87.94 feet (coordinate: N 682,300.86 E 639,005.80).

(B) North 74 degrees, 41 minutes, 30 seconds East 271.54 feet (coordinate: N 682,372.55 E 639,267.71).

(C) South 4 degrees, 46 minutes, 02 seconds West 170.95 feet (coordinate: N 682,202.20 E 639,253.50).

(D) South 4 degrees, 46 minutes, 02 seconds West 239.97 feet (coordinate: N 681,963.06 E 639,233.56).

(E) North 50 degrees, 48 minutes, 26 seconds West 305.48 feet (coordinate: N 682,156.10 E 638,996.80).

(F) North 3 degrees, 33 minutes, 25 seconds East 145.04 feet (coordinate: N 682,300.86 E 639,005.80).

(b) ROCKPORT HARBOR, MASSACHUSETTS.—The project for navigation, Rockport Harbor, Massachusetts, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), is modified—

(1) to redesignate a portion of the 8-foot north outer anchorage as part of the 8-foot approach channel to the north inner basin described as follows: the perimeter of the area starts at a point with coordinates N605,792.110, E838,020.009, thence running south 89 degrees 12 minutes 27.1 seconds east 64.794 feet to a point N605,791.214, E838,084.797, thence running south 47 degrees 18 minutes 54.0 seconds west 40.495 feet to a point N605,763.760, E838,055.030, thence running north 68 degrees 26 minutes 49.0 seconds west 43.533 feet to a point N605,779.750, E838,014.540, thence running north 23 degrees 52 minutes 08.4 seconds east 13.514 feet to the point of origin; and

(2) to realign a portion of the 8-foot north inner basin approach channel by adding an area described as follows: the perimeter of the area starts at a point with coordinates N605,792.637, E837,981.920, thence running south 89 degrees 12 minutes 27.1 seconds east 38.093 feet to a point N605,792.110, E838,020.009, thence running south 23 degrees 52 minutes 08.4 seconds west 13.514 feet to a point N605,779.752, E838,014.541, thence running north 68 degrees 26 minutes 49.0 seconds west 35.074 feet to the point of origin.

SEC. 354. WYOMING VALLEY, PENNSYLVANIA.

(a) IN GENERAL.—The project for flood control, Wyoming Valley, Pennsylvania, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4124) is modified as provided in this section.

(b) ADDITIONAL PROJECT ELEMENTS.—The Secretary shall construct each of the following additional elements of the project to the extent that the Secretary determines that the element is technically feasible, environmentally acceptable, and economically justified:

(1) The River Commons plan developed by the non-Federal sponsor for both sides of the Susquehanna River beside historic downtown Wilkes-Barre.

(2) Necessary portal modifications to the project to allow at grade access from Wilkes-Barre to the Susquehanna River to facilitate operation, maintenance, replacement, repair, and rehabilitation of the project and to restore access to the Susquehanna River for the public.

(3) A concrete capped sheet pile wall in lieu of raising an earthen embankment to reduce the disturbance to the Historic River Commons area.

(4) All necessary modifications to the Stormwater Pump Stations in Wyoming Valley.

(5) All necessary evaluations and modifications to all elements of the existing flood control projects to include Coal Creek, Toby Creek, Abrahams Creek, and various relief culverts and penetrations through the levee.

(c) CREDIT.—The Secretary shall credit the Luzerne County Flood Protection Authority toward the non-Federal share of the cost of the project for the value of the Forty-Fort ponding basin area purchased after June 1, 1972, by Luzerne County, Pennsylvania, for an estimated cost of $500,000 under section 102(w) of the Water Resources Development Act of 1992 (102 Stat. 508) to the extent that the Secretary determines that the area purchased is integral to the project.

(d) MODIFICATION OF MITIGATION PLAN AND PROJECT COOPERATION AGREEMENT.—

(1) MODIFICATION OF MITIGATION PLAN.—The Secretary shall provide for the deletion,

from the Mitigation Plan for the Wyoming Valley Levees, approved by the Secretary on February 15, 1996, the proposal to remove the abandoned Bloomsburg Railroad Bridge.

(2) MODIFICATION OF PROJECT COOPERATION AGREEMENT.—The Secretary shall modify the project cooperation agreement, executed in October 1996, to reflect removal of the railroad bridge and its $1,800,000 total cost from the mitigation plan under paragraph (1).

(e) MAXIMUM PROJECT COST.—The total cost of the project, as modified by this section, shall not exceed the amount authorized in section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4124), with increases authorized by section 902 of the Water Resources Development Act of 1986 (100 Stat. 4183).

SEC. 355. REHOBOTH BEACH AND DEWEY BEACH, DELAWARE.

The project for storm damage reduction and shoreline protection, Rehoboth Beach and Dewey Beach, Delaware, authorized by section 101(b)(6) of the Water Resources development Act of 1996, is modified to authorize the project at a total cost of $13,997,000, with an estimated Federal cost of $9,098,000 and an estimated non-Federal cost of $4,899,000, and an estimated average annual cost of $1,320,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of $858,000 and an estimated annual non-Federal cost of $462,000.

TITLE IV—STUDIES

SEC. 401. STUDIES OF COMPLETED PROJECTS.

The Secretary shall conduct a study under section 216 of the Flood Control Act of 1970 (84 Stat. 1830) of each of the following completed projects:

(1) ESCAMBIA BAY AND RIVER, FLORIDA.—Project for navigation, Escambia Bay and River, Florida.

(2) ILLINOIS RIVER, HAVANA, ILLINOIS.—Project for flood control, Illinois River, Havana, Illinois, authorized by section 5 of the Flood Control Act of June 22, 1936 (49 Stat. 1583).

(3) SPRING LAKE, ILLINOIS.—Project for flood control, Spring Lake, Illinois, authorized by section 5 of the Flood Control Act of June 22, 1936 (49 Stat. 1584).

(4) PORT ORFORD, OREGON.—Project for flood control, Port Orford, Oregon, authorized by section 301 of River and Harbor Act of 1965 (79 Stat. 1092).

SEC. 402. WATERSHED AND RIVER BASIN ASSESSMENTS.

Section 729 of the Water Resources Development Act of 1986 (100 Stat. 4164) is amended to read as follows:

"SEC. 729. WATERSHED AND RIVER BASIN ASSESSMENTS.

''(a) IN GENERAL.—The Secretary may assess the water resources needs of interstate river basins and watersheds of the United States. The assessments shall be undertaken in cooperation and coordination with the Departments of the Interior, Agriculture, and Commerce, the Environmental Protection Agency, and other appropriate agencies, and may include an evaluation of ecosystem protection and restoration, flood damage reduction, navigation and port needs, watershed protection, water supply, and drought preparedness.

''(b) CONSULTATION.—The Secretary shall consult with Federal, tribal, State, interstate, and local governmental entities in carrying out the assessments authorized by this section. In conducting the assessments, the Secretary may accept contributions of services, materials, supplies and cash from Federal, tribal, State, interstate, and local governmental entities where the Secretary determines that such contributions will facilitate completion of the assessments.

''(c) PRIORITY CONSIDERATION.—The Secretary shall give priority consideration to the following interstate river basins and watersheds:

''(1) Delaware River.

''(2) Potomac River.

''(3) Susquehanna River.

''(4) Kentucky River.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000.''.

SEC. 403. LOWER MISSISSIPPI RIVER RESOURCE ASSESSMENT.

(a) ASSESSMENTS.—The Secretary, in cooperation with the Secretary of the Interior and the States of Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee, shall undertake, at Federal expense, for the Lower Mississippi River system—

(1) an assessment of information needed for river-related management;

(2) an assessment of natural resource habitat needs; and

(3) an assessment of the need for river-related recreation and access.

(b) PERIOD.—Each assessment referred to in subsection (a) shall be carried out for 2 years.

(c) REPORTS.—Before the last day of the second year of an assessment under subsection (a), the Secretary, in cooperation with the Secretary of the Interior and the States of Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee, shall transmit to Congress a report on the results of the assessment to Congress. The report shall contain recommendations for—

(1) the collection, availability, and use of information needed for river-related management;

(2) the planning, construction, and evaluation of potential restoration, protection, and enhancement measures to meet identified habitat needs; and

(3) potential projects to meet identified river access and recreation needs.

(d) LOWER MISSISSIPPI RIVER SYSTEM DEFINED.—In this section, the term ''Lower Mississippi River system'' means those river reaches and adjacent floodplains within the Lower Mississippi River alluvial valley having commercial navigation channels on the Mississippi mainstem and tributaries south of Cairo, Illinois, and the Atchafalaya basin floodway system.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $1,750,000 to carry out this section.

SEC. 404. UPPER MISSISSIPPI RIVER BASIN SEDIMENT AND NUTRIENT STUDY.

(a) IN GENERAL.—The Secretary shall conduct, at Federal expense, a study—

(1) to identify significant sources of sediment and nutrients in the Upper Mississippi River basin; and

(2) to describe and evaluate the processes by which the sediments and nutrients move, on land and in water, from their sources to the Upper Mississippi River and its tributaries.

(b) CONSULTATION.—In conducting the study, the Secretary shall consult the Departments of Agriculture and the Interior.

(c) COMPONENTS OF THE STUDY.—

(1) COMPUTER MODELING.—As part of the study, the Secretary shall develop computer models at the subwatershed and basin level to identify and quantify the sources of sediment and nutrients and to examine the effectiveness of alternative management measures.

(2) RESEARCH.—As part of the study, the Secretary shall conduct research to improve understanding of—

(A) the processes affecting sediment and nutrient (with emphasis on nitrogen and phosphorus) movement;

(B) the influences of soil type, slope, climate, vegetation cover, and modifications to the stream drainage network on sediment and nutrient losses; and

(C) river hydrodynamics in relation to sediment and nutrient transformations, retention, and movement.

(d) USE OF INFORMATION.—Upon request of a Federal agency, the Secretary may provide information to the agency for use in sediment and nutrient reduction programs associated with land use and land management practices.

(e) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study, including findings and recommendations.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000.

SEC. 405. UPPER MISSISSIPPI RIVER COMPREHENSIVE PLAN.

Section 459(e) of the Water Resources Development Act of 1999 (113 Stat. 333) is amended by striking ''date of enactment of this Act'' and inserting ''first date on which funds are appropriated to carry out this section.''.

SEC. 406. OHIO RIVER SYSTEM.

The Secretary may conduct a study of commodity flows on the Ohio River system at Federal expense. The study shall include an analysis of the commodities transported on the Ohio River system, including information on the origins and destinations of these commodities and market trends, both national and international.

SEC. 407. EASTERN ARKANSAS.

(a) IN GENERAL.—The Secretary shall reevaluate the recommendations in the Eastern Arkansas Region Comprehensive Study of the Memphis District Engineer, dated August 1990, to determine whether the plans outlined in the study for agricultural water supply from the Little Red River, Arkansas, are feasible and in the Federal interest.

(b) REPORT.—Not later than September 30, 2001, the Secretary shall transmit to Congress a report on the results of the reevaluation.

SEC. 408. RUSSELL, ARKANSAS.

(a) IN GENERAL.—The Secretary shall evaluate the preliminary investigation report for agricultural water supply, Russell, Arkansas, entitled ''Preliminary Investigation: Lone Star Management Project'', prepared for the Lone Star Water Irrigation District, to determine whether the plans contained in the report are feasible and in the Federal interest.

(b) REPORT.—Not later than September 30, 2001, the Secretary shall transmit to Congress a report on the results of the evaluation.

SEC. 409. ESTUDILLO CANAL, SAN LEANDRO, CALIFORNIA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction along the Estudillo Canal, San Leandro, California.

SEC. 410. LAGUNA CREEK, FREMONT, CALIFORNIA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction in the Laguna Creek watershed, Fremont, California.

SEC. 411. LAKE MERRITT, OAKLAND, CALIFORNIA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for ecosystem restoration, flood damage reduction, and recreation at Lake Merritt, Oakland, California.

SEC. 412. LANCASTER, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall evaluate the report of the city of Lancaster,

California, entitled ''Master Plan of Drainage'', to determine whether the plans contained in the report are feasible and in the Federal interest, including plans relating to drainage corridors located at 52nd Street West, 35th Street West, North Armargosa, and 20th Street East.

(b) REPORT.—Not later than September 30, 2001, the Secretary shall transmit to Congress a report on the results of the evaluation.

SEC. 413. NAPA COUNTY, CALIFORNIA.

(a) STUDY.—The Secretary shall conduct a study to determine the feasibility of carrying out a project to address water supply, water quality, and groundwater problems at Miliken, Sarco, and Tulocay Creeks in Napa County, California.

(b) USE OF EXISTING DATA.—In conducting the study, the Secretary shall use data and information developed by the United States Geological Survey in the report entitled ''Geohydrologic Framework and Hydrologic Budget of the Lower Miliken-Sarco-Tulocay Creeks Area of Napa, California''.

SEC. 414. OCEANSIDE, CALIFORNIA.

The Secretary shall conduct a study, at Federal expense, to determine the feasibility of carrying out a project for shoreline protection at Oceanside, California. In conducting the study, the Secretary shall determine the portion of beach erosion that is the result of a Navy navigation project at Camp Pendleton Harbor, California.

SEC. 415. SUISUN MARSH, CALIFORNIA.

The investigation for Suisun Marsh, California, authorized under the Energy and Water Development Appropriations Act, 2000 (Public Law 106–60), shall be limited to evaluating the feasibility of the levee enhancement and managed wetlands protection program for Suisun Marsh, California.

SEC. 416. LAKE ALLATOONA WATERSHED, GEORGIA.

Section 413 of the Water Resources Development Act of 1999 (113 Stat. 324) is amended to read as follows:

''SEC. 413. LAKE ALLATOONA WATERSHED, GEORGIA.

''(a) IN GENERAL.—The Secretary shall conduct a comprehensive study of the Lake Allatoona watershed, Georgia, to determine the feasibility of undertaking ecosystem restoration and resource protection measures.

''(b) MATTERS TO BE ADDRESSED.—The study shall address streambank and shoreline erosion, sedimentation, water quality, fish and wildlife habitat degradation and other problems relating to ecosystem restoration and resource protection in the Lake Allatoona watershed.''.

SEC. 417. CHICAGO RIVER, CHICAGO, ILLINOIS.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of carrying out a project for shoreline protection along the Chicago River, Chicago, Illinois.

(b) CONSULTATION.—In conducting the study, the Secretary shall consult, and incorporate information available from, appropriate Federal, State, and local government agencies.

SEC. 418. CHICAGO SANITARY AND SHIP CANAL SYSTEM, CHICAGO, ILLINOIS.

The Secretary shall conduct a study to determine the advisability of reducing the use of the waters of Lake Michigan to support navigation in the Chicago sanitary and ship canal system, Chicago, Illinois.

SEC. 419. LONG LAKE, INDIANA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for environmental restoration and protection, Long Lake, Indiana.

SEC. 420. BRUSH AND ROCK CREEKS, MISSION HILLS AND FAIRWAY, KANSAS.

(a) IN GENERAL.—The Secretary shall evaluate the preliminary engineering report for the project for flood control, Mission Hills and Fairway, Kansas, entitled ''Preliminary Engineering Report: Brush Creek/Rock Creek Drainage Improvements, 66th Street to State Line Road'', to determine whether the plans contained in the report are feasible and in the Federal interest.

(b) REPORT.—Not later than September 30, 2001, the Secretary shall transmit to Congress a report on the results of the evaluation.

SEC. 421. COASTAL AREAS OF LOUISIANA.

The Secretary shall conduct a study to determine the feasibility of developing measures to floodproof major hurricane evacuation routes in the coastal areas of Louisiana.

SEC. 422. IBERIA PORT, LOUISIANA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for navigation, Iberia Port, Louisiana.

SEC. 423. LAKE PONTCHARTRAIN SEAWALL, LOUISIANA.

Not later than 180 days after the date of enactment of this Act, the Secretary shall complete a post-authorization change report on the project for hurricane-flood protection, Lake Pontchartrain, Louisiana, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1077), to incorporate and accomplish structural modifications to the seawall providing protection along the south shore of Lake Pontchartrain from the New Basin Canal on the west to the Inner Harbor Navigation Canal on the east.

SEC. 424. LOWER ATCHAFALAYA BASIN, LOUISIANA.

As part of the Lower Atchafalaya basin reevaluation study, the Secretary shall determine the feasibility of carrying out a project for flood damage reduction, Stephensville, Louisiana.

SEC. 425. ST. JOHN THE BAPTIST PARISH, LOUISIANA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction on the east bank of the Mississippi River in St. John the Baptist Parish, Louisiana.

SEC. 426. LAS VEGAS VALLEY, NEVADA.

Section 432(b) of the Water Resources Development Act of 1999 (113 Stat. 327) is amended by inserting ''recreation,'' after ''runoff),''.

SEC. 427. SOUTHWEST VALLEY, ALBUQUERQUE, NEW MEXICO.

Section 433 of the Water Resources Development Act of 1999 (113 Stat. 327) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''The''; and

(2) by adding at the end the following:

''(b) EVALUATION OF FLOOD DAMAGE REDUCTION MEASURES.—In conducting the study, the Secretary shall evaluate flood damage reduction measures that would otherwise be excluded from the feasibility analysis based on policies of the Corps of Engineers concerning the frequency of flooding, the drainage area, and the amount of runoff.''.

SEC. 428. BUFFALO HARBOR, BUFFALO, NEW YORK.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the advisability and potential impacts of declaring as nonnavigable a portion of the channel at Control Point Draw, Buffalo Harbor, Buffalo New York.

(b) CONTENTS.—The study conducted under this section shall include an examination of other options to meet intermodal transportation needs in the area.

SEC. 429. HUDSON RIVER, MANHATTAN, NEW YORK.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of establishing a Hudson River Park in Manhattan, New York City, New York. The study shall address the issues of shoreline protection, environmental protection and restoration, recreation, waterfront access, and open space for the area between Battery Place and West 59th Street.

(b) CONSULTATION.—In conducting the study under subsection (a), the Secretary shall consult the Hudson River Park Trust.

(c) REPORT.—Not later than 1 year after the date of enactment of this section, the Secretary shall transmit to Congress a report on the result of the study, including a master plan for the park.

SEC. 430. JAMESVILLE RESERVOIR, ONONDAGA COUNTY, NEW YORK.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for aquatic ecosystem restoration, flood damage reduction, and water quality, Jamesville Reservoir, Onondaga County, New York.

SEC. 431. STEUBENVIILLE, OHIO.

The Secretary shall conduct a study to determine the feasibility of developing a public port along the Ohio River in the vicinity of Steubenville, Ohio.

SEC. 432. GRAND LAKE, OKLAHOMA.

Section 560(a) of the Water Resources Development Act of 1996 (110 Stat. 3783) is amended—

(1) by striking ''date of enactment of this Act'' and inserting ''date of enactment of the Water Resources Development Act of 2000''; and

(2) by inserting ''and Miami'' after ''Pensacola Dam''.

SEC. 433. COLUMBIA SLOUGH, OREGON.

Not later than 180 days after the date of enactment of this Act, the Secretary shall complete under section 1135 of the Water Resource Development Act of 1986 (33 U.S.C. 2309a) a feasiblility study for the ecosystem restoration project at Columbia Slough, Oregon. If the Secretary determines that the project is feasible, the Secretary may carry out the project on an expedited basis under such section.

SEC. 434. REEDY RIVER, GREENVILLE, SOUTH CAROLINA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for aquatic ecosystem restoration, flood damage reduction, and streambank stabilization on the Reedy River, Cleveland Park West, Greenville, South Carolina.

SEC. 435. GERMANTOWN, TENNESSEE.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood control and related purposes along Miller Farms Ditch, Howard Road Drainage, and Wolf River Lateral D, Germantown, Tennessee.

(b) COST SHARING.—The Secretary—

(1) shall credit toward the non-Federal share of the costs of the feasibility study the value of the in-kind services provided by the non-Federal interests relating to the planning, engineering, and design of the project, whether carried out before or after execution of the feasibility study cost-sharing agreement if the Secretary determines the work is necessary for completion of the study; and

(2) for the purposes of paragraph (1), shall consider the feasibility study to be conducted as part of the Memphis Metro Tennessee and Mississippi study authorized by resolution of the Committee on Transportation and Infrastructure, dated March 7, 1996.

(c) LIMITATION.—The Secretary may not reject the project under the feasibility study based solely on a minimum amount of stream runoff.

SEC. 436. HOUSTON SHIP CHANNEL, GALVESTON, TEXAS.

The Secretary shall conduct a study to determine the feasibility of constructing barge

lanes adjacent to the Houston Ship Channel from Redfish Reef to Morgan Point in Galveston, Texas.

SEC. 437. PARK CITY, UTAH.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply, Park City, Utah.

SEC. 438. MILWAUKEE, WISCONSIN.

(a) IN GENERAL.—The Secretary shall evaluate the report for the project for flood damage reduction and environmental restoration, Milwaukee, Wisconsin, entitled ''Interim Executive Summary: Menominee River Flood Management Plan'', dated September 1999, to determine whether the plans contained in the report are cost-effective, technically sound, environmentally acceptable, and in the Federal interest.

(b) REPORT.—Not later than September 30, 2001, the Secretary shall transmit to Congress a report on the results of the evaluation.

SEC. 439. UPPER DES PLAINES RIVER AND TRIBUTARIES, ILLINOIS AND WISCONSIN.

Section 419 of the Water Resources Development Act of 1999 (113 Stat. 324–325) is amended by adding at the end the following:

''(d) CREDIT.—The Secretary shall provide the non-Federal interest credit toward the non-Federal share of the cost of the study for work performed by the non-Federal interest before the date of the study's feasibility cost-share agreement if the Secretary determines that the work is integral to the study.''.

SEC. 440. DELAWARE RIVER WATERSHED.

(a) STUDY.—The Secretary shall conduct studies and assessments to analyze the sources and impacts of sediment contamination in the Delaware River watershed.

(b) ACTIVITIES.—Activities authorized under this section shall be conducted by a university with expertise in research in contaminated sediment sciences.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $5,000,000. Such sums shall remain available until expended.

(2) CORPS OF ENGINEERS EXPENSES.—10 percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer and implement studies and assessments under this section.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. BRIDGEPORT, ALABAMA.

(a) DETERMINATION.—The Secretary shall review the construction of a channel performed by the non-Federal interest at the project for navigation, Tennessee River, Bridgeport, Alabama, to determine the Federal navigation interest in such work.

(b) REIMBURSEMENT.—If the Secretary determines under subsection (a) that the work performed by the non-Federal interest is consistent with the Federal navigation interest, the Secretary shall reimburse the non-Federal interest an amount equal to the Federal share of the cost of construction of the channel.

SEC. 502. DUCK RIVER, CULLMAN, ALABAMA.

The Secretary shall provide technical assistance to the city of Cullman, Alabama, in the management of construction contracts for the reservoir project on the Duck River.

SEC. 503. SEWARD, ALASKA.

The Secretary shall carry out, on an emergency one-time basis, necessary repairs of the Lowell Creek Tunnel in Seward, Alaska, at Federal expense and a total cost of $3,000,000.

SEC. 504. AUGUSTA AND DEVALLS BLUFF, ARKANSAS.

(a) IN GENERAL.—The Secretary may operate, maintain, and rehabilitate 37 miles of levees in and around Augusta and Devalls Bluff, Arkansas.

(b) REIMBURSEMENT.—After incurring any cost for operation, maintenance, or rehabilitation under subsection (a), the Secretary may seek reimbursement from the Secretary of the Interior of an amount equal to the portion of such cost that the Secretary determines is a benefit to a Federal wildlife refuge.

SEC. 505. BEAVER LAKE, ARKANSAS.

The contract price for additional storage for the Carroll-Boone Water District beyond that which is provided for in section 521 of the Water Resources Development Act of 1999 (113 Stat. 345) shall be based on the original construction cost of Beaver Lake and adjusted to the 2000 price level net of inflation between the date of initiation of construction and the date of enactment of this Act.

SEC. 506. McCLELLAN-KERR ARKANSAS RIVER NAVIGATION SYSTEM, ARKANSAS AND OKLAHOMA.

Taking into account the need to realize the total economic potential of the McClellan-Kerr Arkansas River navigation system, the Secretary shall expedite completion of the Arkansas River navigation study, including the feasibility of increasing the authorized channel from 9 feet to 12 feet and, if justified, proceed directly to project preconstruction engineering and design.±

SEC. 507. CALFED BAY DELTA PROGRAM ASSISTANCE, CALIFORNIA.

(a) IN GENERAL.—The Secretary may participate with appropriate Federal and State agencies in planning and management activities associated with the CALFED Bay Delta Program (in this section referred to as the ''Program'') and shall, to the maximum extent practicable and in accordance with all applicable laws, integrate the activities of the Corps of Engineers in the San Joaquin and Sacramento River basins with the long-term goals of the Program.

(b) COOPERATIVE ACTIVITIES.—In carrying out this section, the Secretary—

(1) may accept and expend funds from other Federal agencies and from public, private, and non-profit entities to carry out ecosystem restoration projects and activities associated with the Program; and

(2) may enter into contracts, cooperative research and development agreements, and cooperative agreements, with Federal and public, private, and non-profit entities to carry out such projects and activities.

(c) GEOGRAPHIC SCOPE.—For the purposes of the participation of the Secretary under this section, the geographic scope of the Program shall be the San Francisco Bay and the Sacramento-San Joaquin Delta Estuary and their watershed (also known as the ''Bay-Delta Estuary''), as identified in the agreement entitled the ''Framework Agreement Between the Governor's Water Policy Council of the State of California and the Federal Ecosystem Directorate''.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for fiscal years 2002 through 2005.

SEC. 508. CLEAR LAKE BASIN, CALIFORNIA.

Amounts made available to the Secretary by the Energy and Water Appropriations Act, 2000 (113 Stat. 483 et seq.) for the project for aquatic ecosystem restoration, Clear Lake basin, California, to be carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), may only be used for the wetlands restoration and creation elements of the project.

SEC. 509. CONTRA COSTA CANAL, OAKLEY AND KNIGHTSEN, CALIFORNIA.

The Secretary shall carry out a project for flood damage reduction under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) at the Contra Costa Canal, Oakley and Knightsen, California, if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified.

SEC. 510. HUNTINGTON BEACH, CALIFORNIA.

The Secretary shall carry out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) a project for flood damage reduction in Huntington Beach, California, if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified.

SEC. 511. MALLARD SLOUGH, PITTSBURG, CALIFORNIA.

The Secretary shall carry out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) a project for flood damage reduction in Mallard Slough, Pittsburg, California, if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified.

SEC. 512. PENN MINE, CALAVERAS COUNTY, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall reimburse the non-Federal interest for the project for aquatic ecosystem restoration, Penn Mine, Calaveras County, California, carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), $4,100,000 for the Federal share of costs incurred by the non-Federal interest for work carried out by the non-Federal interest for the project.

(b) SOURCE OF FUNDING.—Reimbursement under subsection (a) shall be from amounts appropriated before the date of enactment of this Act for the project described in subsection (a).

SEC. 513. PORT OF SAN FRANCISCO, CALIFORNIA.

(a) EMERGENCY MEASURES.—The Secretary shall carry out, on an emergency basis, measures to address health, safety, and environmental risks posed by floatables and floating debris originating from Piers 24 and 64 in the Port of San Francisco, California, by removing such floatables and debris.

(b) STUDY.—The Secretary shall conduct a study to determine the risk to navigation posed by floatables and floating debris originating from Piers 24 and 64 in the Port of San Francisco, California, and the cost of removing such floatables and debris.

(c) FUNDING.—There is authorized to be appropriated $3,000,000 to carry out this section.

SEC. 514. SAN GABRIEL BASIN, CALIFORNIA.

(a) SAN GABRIEL BASIN RESTORATION.—

(1) ESTABLISHMENT OF FUND.—There shall be established within the Treasury of the United States an interest bearing account to be known as the San Gabriel Basin Restoration Fund (in this section referred to as the ''Restoration Fund'').

(2) ADMINISTRATION OF FUND.—The Restoration Fund shall be administered by the Secretary, in cooperation with the San Gabriel Basin Water Quality Authority or its successor agency.

(3) PURPOSES OF FUND.—

(A) IN GENERAL.—Subject to subparagraph (B), the amounts in the Restoration Fund, including interest accrued, shall be utilized by the Secretary—

(i) to design and construct water quality projects to be administered by the San Gabriel Basin Water Quality Authority and the Central Basin Water Quality Project to be administered by the Central Basin Municipal Water District; and

(ii) to operate and maintain any project constructed under this section for such period as the Secretary determines, but not to exceed 10 years, following the initial date of operation of the project.

(B) COST-SHARING LIMITATION.—The Secretary may not obligate any funds appropriated to the Restoration Fund in a fiscal

year until the Secretary has deposited in the Fund an amount provided by non-Federal interests sufficient to ensure that at least 35 percent of any funds obligated by the Secretary are from funds provided to the Secretary by the non-Federal interests. The San Gabriel Basin Water Quality Authority shall be responsible for providing the non-Federal amount required by the preceding sentence. The State of California, local government agencies, and private entities may provide all or any portion of such amount.

(b) COMPLIANCE WITH APPLICABLE LAW.—In carrying out the activities described in this section, the Secretary shall comply with any applicable Federal and State laws.

(c) RELATIONSHIP TO OTHER ACTIVITIES.—Nothing in this section shall be construed to affect other Federal or State authorities that are being used or may be used to facilitate the cleanup and protection of the San Gabriel and Central groundwater basins. In carrying out the activities described in this section, the Secretary shall integrate such activities with ongoing Federal and State projects and activities. None of the funds made available for such activities pursuant to this section shall be counted against any Federal authorization ceiling established for any previously authorized Federal projects or activities.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Restoration Fund established under subsection (a) $85,000,000. Such funds shall remain available until expended.

(2) SET-ASIDE.—Of the amounts appropriated under paragraph (1), no more than $10,000,000 shall be available to carry out the Central Basin Water Quality Project.

(e) ADJUSTMENT.—Of the $25,000,000 made available for San Gabriel Basin Groundwater Restoration, California, under the heading ''Construction, General'' in title I of the Energy and Water Development Appropriations Act, 2001—

(1) $2,000,000 shall be available only for studies and other investigative activities and planning and design of projects determined by the Secretary to offer a long-term solution to the problem of groundwater contamination caused by perchlorates at sites located in the city of Santa Clarita, California; and

(2) $23,000,000 shall be deposited in the Restoration Fund, of which $4,000,000 shall be used for remediation in the Central Basin, California.

SEC. 515. STOCKTON, CALIFORNIA.

The Secretary shall evaluate the feasibility of the Lower Mosher Slough element and the levee extensions on the Upper Calaveras River element of the project for flood control, Stockton Metropolitan Area, California, carried out under section 211(f)(3) of the Water Resources Development Act of 1996 (110 Stat. 3683), to determine the eligibility of such elements for reimbursement under section 211 of such Act (33 U.S.C. 701b–13). If the Secretary determines that such elements are technically sound, environmentally acceptable, and economically justified, the Secretary shall reimburse under section 211 of such Act the non-Federal interest for the Federal share of the cost of such elements.

SEC. 516. PORT EVERGLADES, FLORIDA.

Notwithstanding the absence of a project cooperation agreement, the Secretary shall reimburse the non-Federal interest for the project for navigation, Port Everglades Harbor, Florida, $15,003,000 for the Federal share of costs incurred by the non-Federal interest in carrying out the project and determined by the Secretary to be eligible for reimbursement under the limited reevaluation report of the Corps of Engineers, dated April 1998.

SEC. 517. FLORIDA KEYS WATER QUALITY IMPROVEMENTS.

(a) IN GENERAL.—In coordination with the Florida Keys Aqueduct Authority, appropriate agencies of municipalities of Monroe County, Florida, and other appropriate public agencies of the State of Florida or Monroe County, the Secretary may provide technical and financial assistance to carry out projects for the planning, design, and construction of treatment works to improve water quality in the Florida Keys National Marine Sanctuary.

(b) CRITERIA FOR PROJECTS.—Before entering into a cooperation agreement to provide assistance with respect to a project under this section, the Secretary shall ensure that—

(1) the non-Federal sponsor has completed adequate planning and design activities, as applicable;

(2) the non-Federal sponsor has completed a financial plan identifying sources of non-Federal funding for the project;

(3) the project complies with—

(A) applicable growth management ordinances of Monroe County, Florida;

(B) applicable agreements between Monroe County, Florida, and the State of Florida to manage growth in Monroe County, Florida; and

(C) applicable water quality standards; and

(4) the project is consistent with the master wastewater and stormwater plans for Monroe County, Florida.

(c) CONSIDERATION.—In selecting projects under subsection (a), the Secretary shall consider whether a project will have substantial water quality benefits relative to other projects under consideration.

(d) CONSULTATION.—In carrying out this section, the Secretary shall consult with—

(1) the Water Quality Steering Committee established under section 8(d)(2)(A) of the Florida Keys National Marine Sanctuary and Protection Act (106 Stat. 5054);

(2) the South Florida Ecosystem Restoration Task Force established by section 528(f) of the Water Resources Development Act of 1996 (110 Stat. 3771–3773);

(3) the Commission on the Everglades established by executive order of the Governor of the State of Florida; and

(4) other appropriate State and local government officials.

(e) NON-FEDERAL SHARE.—

(1) IN GENERAL.—The non-Federal share of the cost of a project carried out under this section shall be 35 percent.

(2) CREDIT.—

(A) IN GENERAL.—The Secretary may provide the non-Federal interest credit toward cash contributions required—

(i) before and during the construction of the project, for the costs of planning, engineering, and design, and for the construction management work that is performed by the non-Federal interest and that the Secretary determines is necessary to implement the project; and

(ii) during the construction of the project, for the construction that the non-Federal interest carries out on behalf of the Secretary and that the Secretary determines is necessary to carry out the project.

(B) TREATMENT OF CREDIT BETWEEN PROJECTS.—Any credit provided under this paragraph may be carried over between authorized projects.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $100,000,000. Such sums shall remain available until expended.

SEC. 518. BALLARD'S ISLAND, LASALLE COUNTY, ILLINOIS.

The Secretary may provide the non-Federal interest for the project for the improvement of the quality of the environment, Ballard's Island, LaSalle County, Illinois, carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C 2309a), credit toward the non-Federal share of the cost of the project for work performed by the non-Federal interest after July 1, 1999, if the Secretary determines that the work is integral to the project.

SEC. 519. LAKE MICHIGAN DIVERSION, ILLINOIS.

Section 1142(b) of the Water Resources Development Act of 1986 (110 Stat. 4253; 113 Stat. 339) is amended by inserting after ''2003'' the following: ''and $800,000 for each fiscal year beginning after September 30, 2003,''.

SEC. 520. KOONTZ LAKE, INDIANA.

The Secretary shall provide the non-Federal interest for the project for aquatic ecosystem restoration, Koontz Lake, Indiana, carried out under section 206 of the Water Resources Development Act of 1996 (22 U.S.C. 2330), credit toward the non-Federal share of the cost of the project for work performed by the non-Federal interest before the date of execution of the project cooperation agreement if the Secretary determines that the work is integral to the project.

SEC. 521. CAMPBELLSVILLE LAKE, KENTUCKY.

The Secretary shall repair the retaining wall and dam at Campbellsville Lake, Kentucky, to protect the public road on top of the dam at Federal expense and a total cost of $200,000.

SEC. 522. WEST VIEW SHORES, CECIL COUNTY, MARYLAND.

Not later than 1 year after the date of enactment of this Act, the Secretary shall carry out an investigation of the contamination of the well system in West View Shores, Cecil County, Maryland. If the Secretary determines that a disposal site for a Federal navigation project has contributed to the contamination of the well system, the Secretary may provide alternative water supplies, including replacement of wells, at Federal expense.

SEC. 523. CONSERVATION OF FISH AND WILDLIFE, CHESAPEAKE BAY, MARYLAND AND VIRGINIA.

Section 704(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2263(b)) is amended by adding at the end the following: ''In addition, there is authorized to be appropriated $20,000,000 to carry out paragraph (4).''.

SEC. 524. MUDDY RIVER, BROOKLINE AND BOSTON, MASSACHUSETTS.

The Secretary shall carry out the project for flood damage reduction and environmental restoration, Muddy River, Brookline and Boston, Massachusetts, substantially in accordance with the plans, and subject to the conditions, described in the draft evaluation report of the New England District Engineer entitled ''Phase I Muddy River Master Plan'', dated June 2000.

SEC. 525. SOO LOCKS, SAULT STE. MARIE, MICHIGAN.

The Secretary may not require a cargo vessel equipped with bow thrusters and friction winches that is transiting the Soo Locks in Sault Ste. Marie, Michigan, to provide more than 2 crew members to serve as line handlers on the pier of a lock, except in adverse weather conditions or if there is a mechanical failure on the vessel.

SEC. 526. DULUTH, MINNESOTA, ALTERNATIVE TECHNOLOGY PROJECT.

(a) PROJECT AUTHORIZATION.—Section 541(a) of the Water Resources Development Act of 1996 (110 Stat. 3777) is amended—

(1) by striking ''implement'' and inserting ''conduct full scale demonstrations of''; and

(2) by inserting before the period the following: '', including technologies evaluated for the New York/New Jersey Harbor under

section 405 of the Water Resources Development Act of 1992 (33 U.S.C. 2239 note; 106 Stat. 4863)''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 541(b) of such Act is amended by striking ''$1,000,000'' and inserting ''$3,000,000''.

SEC. 527. MINNEAPOLIS, MINNESOTA.

(a) IN GENERAL.—The Secretary, in cooperation with the State of Minnesota, shall design and construct the project for environmental restoration and recreation, Minneapolis, Minnesota, substantially in accordance with the plans described in the report entitled ''Feasibility Study for Mississippi Whitewater Park, Minneapolis, Minnesota'', prepared for the Minnesota department of natural resources, dated June 30, 1999.

(b) COST SHARING.—

(1) IN GENERAL.—The non-Federal share of the cost of the project shall be determined in accordance with title I of the Water Resources Development Act of 1986 (33 U.S.C. 2211 et seq.).

(2) LANDS, EASEMENTS, AND RIGHTS-OF-WAY.—The non-Federal interest shall provide all lands, easements, rights-of-way, relocations, and dredged material disposal areas necessary for construction of the project and shall receive credit for the cost of providing such lands, easements, rights-of-way, relocations, and dredged material disposal areas toward the non-Federal share of the cost of the project.

(3) OPERATION, MAINTENANCE, REPAIR, REHABILITATION, AND REPLACEMENT.—The operation, maintenance, repair, rehabilitation, and replacement of the project shall be a non-Federal responsibility.

(4) CREDIT FOR NON-FEDERAL WORK.—The non-Federal interest shall receive credit toward the non-Federal share of the cost of the project for work performed by the non-Federal interest before the date of execution of the project cooperation agreement if the Secretary determines that the work is integral to the project.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $10,000,000 to carry out this section.

SEC. 528. ST. LOUIS COUNTY, MINNESOTA.

The Secretary shall carry out under section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) a project in St. Louis County, Minnesota, by making beneficial use of dredged material from a Federal navigation project.

SEC. 529. WILD RICE RIVER, MINNESOTA.

The Secretary shall prepare a general reevaluation report on the project for flood control, Wild Rice River, Minnesota, authorized by section 201 of the Flood Control Act of 1970 (84 Stat. 1825), and, if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified, shall carry out the project. In carrying out the reevaluation, the Secretary shall include river dredging as a component of the study.

SEC. 530. COASTAL MISSISSIPPI WETLANDS RESTORATION PROJECTS.

(a) IN GENERAL.—In order to further the purposes of section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) and section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), the Secretary shall participate in restoration projects for critical coastal wetlands and coastal barrier islands in the State of Mississippi that will produce, consistent with existing Federal programs, projects, and activities, immediate and substantial restoration, preservation, and ecosystem protection benefits, including the beneficial use of dredged material if such use is a cost-effective means of disposal of such material.

(b) PROJECT SELECTION.—The Secretary, in coordination with other Federal, tribal, State, and local agencies, may identify and implement projects described in subsection (a) after entering into an agreement with an appropriate non-Federal interest in accordance with this section.

(c) COST SHARING.—Before implementing any project under this section, the Secretary shall enter into a binding agreement with the non-Federal interests. The agreement shall provide that the non-Federal responsibility for the project shall be as follows:

(1) To acquire any lands, easements, rights-of-way, relocations, and dredged material disposal areas necessary for implementation of the project.

(2) To hold and save harmless the United States free from claims or damages due to implementation of the project, except for the negligence of the Federal Government or its contractors.

(3) To pay 35 percent of project costs.

(d) NONPROFIT ENTITY.—For any project undertaken under this section, a non-Federal interest may include a nonprofit entity with the consent of the affected local government.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000.

SEC. 531. MISSOURI RIVER VALLEY IMPROVEMENTS.

(a) MISSOURI RIVER MITIGATION PROJECT.—The project for mitigation of fish and wildlife losses, Missouri River Bank Stabilization and Navigation Project, Missouri, Kansas, Iowa, and Nebraska authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4143) and modified by section 334 of the Water Resources Development Act of 1999 (113 Stat. 306), is further modified to authorize $200,000,000 for fiscal years 2001 through 2010 to be appropriated to the Secretary for acquisition of 118,650 acres of land and interests in land for the project.

(b) UPPER MISSOURI RIVER AQUATIC AND RIPARIAN HABITAT MITIGATION PROGRAM.—

(1) IN GENERAL.—

(A) STUDY.—The Secretary shall complete a study that analyzes the need for additional measures for mitigation of losses of aquatic and terrestrial habitat from Fort Peck Dam to Sioux City, Iowa, resulting from the operation of the Missouri River Mainstem Reservoir project in the States of Nebraska, South Dakota, North Dakota, and Montana.

(B) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report describing the results of the study.

(2) PILOT PROGRAM.—The Secretary, in consultation with the Director of the United States Fish and Wildlife Service and the affected State fish and wildlife agencies, shall develop and administer a pilot mitigation program that—

(A) involves the experimental releases of warm water from the spillways at Fort Peck Dam during the appropriate spawning periods for native fish;

(B) involves the monitoring of the response of fish to, and the effectiveness toward the preservation of native fish and wildlife habitat as a result of, such releases; and

(C) requires the Secretary to provide compensation for any loss of hydropower at Fort Peck Dam resulting from implementation of the pilot program; and

(D) does not effect a change in the Missouri River Master Water Control Manual.

(3) RESERVOIR FISH LOSS STUDY.—

(A) IN GENERAL.—The Secretary, in consultation with the North Dakota Game and Fish Department and the South Dakota Department of Game, Fish and Parks, shall complete a study to analyze and recommend measures to avoid or reduce the loss of fish, including rainbow smelt, through Garrison Dam in North Dakota and Oahe Dam in South Dakota.

(B) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report describing the results of the study.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated—

(A) to complete the study under paragraph (3) $200,000; and

(B) to carry out the other provisions of this subsection $1,000,000 for each of fiscal years 2001 through 2010.

(c) MISSOURI AND MIDDLE MISSISSIPPI RIVERS ENHANCEMENT PROJECT.—Section 514(g) of the Water Resources Development Act of 1999 (113 Stat. 342) is amended to read as follows:

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to pay the Federal share of the cost of carrying out activities under this section $5,000,000 for each of fiscal years 2001 through 2010.''.

SEC. 532. NEW MADRID COUNTY, MISSOURI.

For purposes of determining the non-Federal share for the project for navigation, New Madrid County Harbor, Missouri, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), the Secretary shall consider Phases 1 and 2 as described in the report of the District Engineer, dated February 2000, as one project and provide credit to the non-Federal interest toward the non-Federal share of the combined project for work performed by the non-Federal interest on Phase 1 of the project.

SEC. 533. PEMISCOT COUNTY, MISSOURI.

The Secretary shall provide the non-Federal interest for the project for navigation, Caruthersville Harbor, Pemiscot County, Missouri, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), credit toward the non-Federal share of the cost of the project for in-kind work performed by the non-Federal interest after December 1, 1997, if the Secretary determines that the work is integral to the project.

SEC. 534. LAS VEGAS, NEVADA.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) COMMITTEE.—The term ''Committee'' means the Las Vegas Wash Coordinating Committee.

(2) PLAN.—The term ''Plan'' means the Las Vegas Wash comprehensive adaptive management plan, developed by the Committee and dated January 20, 2000.

(3) PROJECT.—The term ''Project'' means the Las Vegas Wash wetlands restoration and Lake Mead water quality improvement project and includes the programs, features, components, projects, and activities identified in the Plan.

(b) PARTICIPATION IN PROJECT.—

(1) IN GENERAL.—The Secretary, in conjunction with the Administrator of the Environmental Protection Agency, the Secretary of Agriculture, and the Secretary of the Interior and in partnership with the Committee, shall participate in the implementation of the Project to restore wetlands at Las Vegas Wash and to improve water quality in Lake Mead in accordance with the Plan.

(2) COST SHARING REQUIREMENTS.—

(A) IN GENERAL.—The non-Federal interests shall pay 35 percent of the cost of any project carried out under this section.

(B) OPERATION AND MAINTENANCE.—The non-Federal interests shall be responsible for all costs associated with operating, maintaining, replacing, repairing, and rehabilitating all projects carried out under this section.

(C) FEDERAL LANDS.—Notwithstanding any other provision of this subsection, the Federal share of the cost of a project carried out under this section on Federal lands shall be 100 percent, including the costs of operation and maintenance.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $10,000,000 to carry out this section.

SEC. 535. NEWARK, NEW JERSEY.

(a) IN GENERAL.—Using authorities under law in effect on the date of enactment of this Act, the Secretary, the Director of the Federal Emergency Management Agency, the Administrator of the Environmental Protection Agency, and the heads of other appropriate Federal agencies shall assist the State of New Jersey in developing and implementing a comprehensive basinwide strategy in the Passaic, Hackensack, Raritan, and Atlantic Coast floodplain areas for coordinated and integrated management of land and water resources to improve water quality, reduce flood hazards, and ensure sustainable economic activity.

(b) TECHNICAL ASSISTANCE, STAFF, AND FINANCIAL SUPPORT.—The heads of the Federal agencies referred to in subsection (a) may provide technical assistance, staff, and financial support for the development of the floodplain management strategy.

(c) FLEXIBILITY.—The heads of the Federal agencies referred to in subsection (a) shall exercise flexibility to reduce barriers to efficient and effective implementation of the floodplain management strategy.

(d) RESEARCH.—In coordination with academic and research institutions for support, the Secretary may conduct a study to carry out this section.

SEC. 536. URBANIZED PEAK FLOOD MANAGEMENT RESEARCH, NEW JERSEY.

(a) IN GENERAL.—The Secretary shall develop and implement a research program to evaluate opportunities to manage peak flood flows in urbanized watersheds located in the State of New Jersey.

(b) SCOPE OF RESEARCH.—The research program authorized by subsection (a) shall be accomplished through the New York District of Corps of Engineers. The research shall include the following:

(1) Identification of key factors in the development of an urbanized watershed that affect peak flows in the watershed and downstream.

(2) Development of peak flow management models for 4 to 6 watersheds in urbanized areas with widely differing geology, shapes, and soil types that can be used to determine optimal flow reduction factors for individual watersheds.

(c) LOCATION.—The activities authorized by this section shall be carried out at the facility authorized by section 103(d) of the Water Resources Development Act of 1992 106 Stat. 4812–4813, which may be located on the campus of the New Jersey Institute of Technology.

(d) REPORT TO CONGRESS.—The Secretary shall evaluate policy changes in the planning process for flood damage reduction projects based on the results of the research under this section and transmit to Congress a report on such results not later than 3 years after the date of enactment of this Act.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $11,000,000 for fiscal years beginning after September 30, 2000.

SEC. 537. BLACK ROCK CANAL, BUFFALO, NEW YORK.

The Secretary shall provide technical assistance in support of activities of non-Federal interests related to the dredging of Black Rock Canal in the area between the Ferry Street Overpass and the Peace Bridge Overpass in Buffalo, New York.

SEC. 538. HAMBURG, NEW YORK.

The Secretary shall complete the study of a project for shoreline erosion, Old Lake Shore Road, Hamburg, New York, and, if the Secretary determines that the project is feasible, the Secretary shall carry out the project.

SEC. 539. NEPPERHAN RIVER, YONKERS, NEW YORK.

The Secretary shall provide technical assistance to the city of Yonkers, New York, in support of activities relating to the dredging of the Nepperhan River outlet, New York.

SEC. 540. ROCHESTER, NEW YORK.

The Secretary shall complete the study of a project for navigation, Rochester Harbor, Rochester, New York, and, if the Secretary determines that the project is feasible, the Secretary shall carry out the project.

SEC. 541. UPPER MOHAWK RIVER BASIN, NEW YORK.

(a) IN GENERAL.—The Secretary, in cooperation with the Secretary of Agriculture and the State of New York, shall conduct a study, develop a strategy, and implement a project to reduce flood damages, improve water quality, and create wildlife habitat through wetlands restoration, soil and water conservation practices, nonstructural measures, and other appropriate means in the Upper Mohawk River Basin, at an estimated Federal cost of $10,000,000.

(b) IMPLEMENTATION OF STRATEGY.—The Secretary shall implement the strategy under this section in cooperation with local landowners and local government. Projects to implement the strategy shall be designed to take advantage of ongoing or planned actions by other agencies, local municipalities, or nonprofit, nongovernmental organizations with expertise in wetlands restoration that would increase the effectiveness or decrease the overall cost of implementing recommended projects and may include the acquisition of wetlands, from willing sellers, that contribute to the Upper Mohawk River basin ecosystem.

(c) COOPERATION AGREEMENTS.—In carrying out activities under this section, the Secretary shall enter into cooperation agreements to provide financial assistance to appropriate Federal, State, and local government agencies as well as appropriate nonprofit, nongovernmental organizations with expertise in wetlands restoration, with the consent of the affected local government. Financial assistance provided may include activities for the implementation of wetlands restoration projects and soil and water conservation measures.

(d) NON-FEDERAL SHARE.—The non-Federal share of the cost of activities carried out under this section shall be 25 percent and may be provided through in-kind services and materials.

(e) UPPER MOHAWK RIVER BASIN DEFINED.—In this section, the term ''Upper Mohawk River basin'' means the Mohawk River, its tributaries, and associated lands upstream of the confluence of the Mohawk River and Canajoharie Creek, and including Canajoharie Creek, New York.

SEC. 542. EASTERN NORTH CAROLINA FLOOD PROTECTION.

(a) IN GENERAL.—In order to assist the State of North Carolina and local governments in mitigating damages resulting from a major disaster, the Secretary shall carry out flood damage reduction projects in eastern North Carolina by protecting, clearing, and restoring channel dimensions (including removing accumulated snags and other debris) in the following rivers and tributaries:

(1) New River and tributaries.

(2) White Oak River and tributaries.

(3) Neuse River and tributaries.

(4) Pamlico River and tributaries.

(b) COST SHARE.—The non-Federal interest for a project under this section shall—

(1) pay 35 percent of the cost of the project; and

(2) provide any lands, easements, rights-of-way, relocations, and material disposal areas necessary for implementation of the project.

(c) CONDITIONS.—The Secretary may not reject a project based solely on a minimum amount of stream runoff.

(d) MAJOR DISASTER DEFINED.—In this section, the term ''major disaster'' means a major disaster declared under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.) and includes any major disaster declared before the date of enactment of this Act.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,000,000 for fiscal years 2001 through 2003.

SEC. 543. CUYAHOGA RIVER, OHIO.

(a) IN GENERAL.—The Secretary shall provide technical assistance to non-Federal interests for an evaluation of the structural integrity of the bulkhead system located along the Cuyahoga River in the vicinity of Cleveland, Ohio, at a total cost of $500,000.

(b) EVALUATION.—The evaluation described in subsection (a) shall include design analysis, plans and specifications, and cost estimates for repair or replacement of the bulkhead system.

SEC. 544. CROWDER POINT, CROWDER, OKLAHOMA.

At the request of the city of Crowder, Oklahoma, the Secretary shall enter into a long-term lease, not to exceed 99 years, with the city under which the city may develop, operate, and maintain as a public park all or a portion of approximately 260 acres of land known as Crowder Point on Lake Eufaula, Oklahoma. The lease shall include such terms and conditions as the Secretary determines are necessary to protect the interest of the United States and project purposes and shall be made without consideration to the United States.

SEC. 545. OKLAHOMA-TRIBAL COMMISSION.

(a) FINDINGS.—The House of Representatives makes the following findings:

(1) The unemployment rate in southeastern Oklahoma is 23 percent greater than the national average.

(2) The per capita income in southeastern Oklahoma is 62 percent of the national average.

(3) Reflecting the inadequate job opportunities and dwindling resources in poor rural communities, southeastern Oklahoma is experiencing an out-migration of people.

(4) Water represents a vitally important resource in southeastern Oklahoma. Its abundance offers an opportunity for the residents to benefit from their natural resources.

(5) Trends as described in paragraphs (1), (2), and (3) are not conducive to local economic development, and efforts to improve the management of water in the region would have a positive outside influence on the local economy, help reverse these trends, and improve the lives of local residents.

(b) SENSE OF HOUSE OF REPRESENTATIVES.—In view of the findings described in subsection (a), and in order to assist communities in southeastern Oklahoma in benefiting from their local resources, it is the sense of the House of Representatives that—

(1) the State of Oklahoma and the Choctaw Nation of Oklahoma and the Chickasaw Nation, Oklahoma, should establish a State-tribal commission composed equally of representatives of such Nations and residents of the water basins within the boundaries of such Nations for the purpose of administering and distributing from the sale of water any benefits and net revenues to the tribes and local entities within the respective basins;

(2) any sale of water to entities outside the basins should be consistent with the procedures and requirements established by the commission; and

(3) if requested, the Secretary should provide technical assistance, as appropriate, to facilitate the efforts of the commission.

SEC. 546. COLUMBIA RIVER, OREGON AND WASHINGTON.

(a) MODELING AND FORECASTING SYSTEM.—The Secretary shall develop and implement a modeling and forecasting system for the Columbia River estuary, Oregon and Washington, to provide real-time information on existing and future wave, current, tide, and wind conditions.

(b) USE OF CONTRACTS AND GRANTS.—In carrying out this section, the Secretary is encouraged to use contracts, cooperative agreements, and grants with colleges and universities and other non-Federal entities.

SEC. 547. JOHN DAY POOL, OREGON AND WASHINGTON.

(a) EXTINGUISHMENT OF REVERSIONARY INTERESTS AND USE RESTRICTIONS.—With respect to the lands described in each deed listed in subsection (b)—

(1) the reversionary interests and the use restrictions relating to port or industrial purposes are extinguished;

(2) the human habitation or other building structure use restriction is extinguished in each area where the elevation is above the standard project flood elevation; and

(3) the use of fill material to raise areas above the standard project flood elevation, without increasing the risk of flooding in or outside of the floodplain, is authorized, except in any area constituting wetland for which a permit under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) would be required.

(b) AFFECTED DEEDS.—The following deeds are referred to in subsection (a):

(1) The deeds executed by the United States and bearing Morrow County, Oregon, Auditor's Microfilm Numbers 229 and 16226.

(2) The deed executed by the United States and bearing Benton County, Washington, Auditor's File Number 601766, but only as that deed applies to the following portion of lands conveyed by that deed:

A tract of land lying in Section 7, Township 5 north, Range 28 east of the Willamette meridian, Benton County, Washington, said tract being more particularly described as follows:

Commencing at the point of intersection of the centerlines of Plymouth Street and Third Avenue in the First Addition to the Town of Plymouth (according to the duly recorded Plat thereof);

thence westerly along the said centerline of Third Avenue, a distance of 565 feet;

thence south 54° 10′ west, to a point on the west line of Tract 18 of said Addition and the true point of beginning;

thence north, parallel with the west line of said Section 7, to a point on the north line of said Section 7;

thence west along the north line thereof to the northwest corner of said Section 7;

thence south along the west line of said Section 7 to a point on the ordinary high water line of the Columbia River;

thence northeasterly along said high water line to a point on the north and south coordinate line of the Oregon Coordinate System, North Zone, said coordinate line being east 2,291,000 feet;

thence north along said line to a point on the south line of First Avenue of said Addition;

thence westerly along First Avenue to a point on southerly extension of the west line of Tract 18;

thence northerly along said west line of Tract 18 to the point of beginning.

(3) The deed recorded October 17, 1967, in book 291, page 148, Deed of Records of Umatilla County, Oregon, executed by the United States.

(c) NO EFFECT ON OTHER NEEDS.—Nothing in this section affects the remaining rights and interests of the Corps of Engineers for authorized project purposes.

SEC. 548. LOWER COLUMBIA RIVER AND TILLAMOOK BAY ESTUARY PROGRAM, OREGON AND WASHINGTON.

(a) IN GENERAL.—The Secretary shall conduct studies and ecosystem restoration projects for the lower Columbia River and Tillamook Bay estuaries, Oregon and Washington.

(b) USE OF MANAGEMENT PLANS.—

(1) LOWER COLUMBIA RIVER ESTUARY.—

(A) IN GENERAL.—In carrying out ecosystem restoration projects under this section, the Secretary shall use as a guide the Lower Columbia River estuary program's comprehensive conservation and management plan developed under section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330).

(B) CONSULTATION.—The Secretary shall carry out ecosystem restoration projects under this section for the lower Columbia River estuary in consultation with the States of Oregon and Washington, the Environmental Protection Agency, the United States Fish and Wildlife Service, the National Marine Fisheries Service, and the Forest Service.

(2) TILLAMOOK BAY ESTUARY.—

(A) IN GENERAL.—In carrying out ecosystem restoration projects under this section, the Secretary shall use as a guide the Tillamook Bay national estuary project's comprehensive conservation and management plan developed under section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330).

(B) CONSULTATION.—The Secretary shall carry out ecosystem restoration projects under this section for the Tillamook Bay estuary in consultation with the State of Oregon, the Environmental Protection Agency, the United States Fish and Wildlife Service, the National Marine Fisheries Service, and the Forest Service.

(c) AUTHORIZED ACTIVITIES.—

(1) IN GENERAL.—In carrying out ecosystem restoration projects under this section, the Secretary shall undertake activities necessary to protect, monitor, and restore fish and wildlife habitat.

(2) LIMITATIONS.—The Secretary may not carry out any activity under this section that adversely affects—

(A) the water-related needs of the lower Columbia River estuary or the Tillamook Bay estuary, including navigation, recreation, and water supply needs; or

(B) private property rights.

(d) PRIORITY.—In determining the priority of projects to be carried out under this section, the Secretary shall consult with the Implementation Committee of the Lower Columbia River Estuary Program and the Performance Partnership Council of the Tillamook Bay National Estuary Project, and shall consider the recommendations of such entities.

(e) COST-SHARING REQUIREMENTS.—

(1) STUDIES.—Studies conducted under this section shall be subject to cost sharing in accordance with section 105 of the Water Resources Development Act of 1986 (33 U.S.C. 2215).

(2) ECOSYSTEM RESTORATION PROJECTS.—

(A) IN GENERAL.—Non-Federal interests shall pay 35 percent of the cost of any ecosystem restoration project carried out under this section.

(B) ITEMS PROVIDED BY NON-FEDERAL INTERESTS.—Non-Federal interests shall provide all land, easements, rights-of-way, dredged material disposal areas, and relocations necessary for ecosystem restoration projects to be carried out under this section. The value of such land, easements, rights-of-way, dredged material disposal areas, and relocations shall be credited toward the payment required under this paragraph.

(C) IN-KIND CONTRIBUTIONS.—Not more than 50 percent of the non-Federal share required under this subsection may be satisfied by the provision of in-kind services.

(3) OPERATION AND MAINTENANCE.—Non-Federal interests shall be responsible for all costs associated with operating, maintaining, replacing, repairing, and rehabilitating all projects carried out under this section.

(4) FEDERAL LANDS.—Notwithstanding any other provision of this subsection, the Federal share of the cost of a project carried out under this section on Federal lands shall be 100 percent, including costs of operation and maintenance.

(f) DEFINITIONS.—In this section, the following definitions apply:

(1) LOWER COLUMBIA RIVER ESTUARY.—The term ''lower Columbia River estuary'' means those river reaches having navigation channels on the mainstem of the Columbia River in Oregon and Washington west of Bonneville Dam, and the tributaries of such reaches to the extent such tributaries are tidally influenced.

(2) TILLAMOOK BAY ESTUARY.—The term ''Tillamook Bay estuary'' means those waters of Tillamook Bay in Oregon and its tributaries that are tidally influenced.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $40,000,000.

SEC. 549. SKINNER BUTTE PARK, EUGENE, OREGON.

Section 546(b) of the Water Resources Development Act of 1999 (113 Stat. 351) is amended by adding at the end the following: ''If the Secretary participates in the project, the Secretary shall carry out a monitoring program for 3 years after construction to evaluate the ecological and engineering effectiveness of the project and its applicability to other sites in the Willamette Valley.''

SEC. 550. WILLAMETTE RIVER BASIN, OREGON.

Section 547 of the Water Resources Development Act of 1999 (113 Stat. 351–352) is amended by adding at the end the following:

''(d) RESEARCH.—In coordination with academic and research institutions for support, the Secretary may conduct a study to carry out this section.''.

SEC. 551. LACKAWANNA RIVER, PENNSYLVANIA.

(a) IN GENERAL.—Section 539(a) of the Water Resources Development Act of 1996 (110 Stat. 3776) is amended—

(1) by striking ''and'' at the end of paragraph (1)(A);

(2) by striking the period at the end of paragraph (1)(B) and inserting ''; and''; and

(3) by adding at the end the following:

''(C) the Lackawanna River, Pennsylvania.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 539(d) of such Act (110 Stat. 3776–3777) is amended—

(1) by striking ''(a)(1)(A) and'' and inserting ''(a)(1)(A),''; and

(2) by inserting '', and $5,000,000 for projects undertaken under subsection (a)(1)(C)'' before the period at the end.

SEC. 552. PHILADELPHIA, PENNSYLVANIA.

(a) IN GENERAL.—The Secretary shall provide assistance to the Delaware River Port Authority to deepen the Delaware River at Pier 122 in Philadelphia, Pennsylvania.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $1,000,000 to carry out this section.

SEC. 553. ACCESS IMPROVEMENTS, RAYSTOWN LAKE, PENNSYLVANIA.

The Commonwealth of Pennsylvania may transfer any unobligated funds made available to the Commonwealth for item number 1278 of the table contained in section 1602 of Public Law 105–178, to the Secretary for access improvements at the Raystown Lake project, Pennsylvania.

SEC. 554. UPPER SUSQUEHANNA RIVER BASIN, PENNSYLVANIA AND NEW YORK.

Section 567 of the Water Resources Development Act of 1996 (110 Stat. 3787–3788) is amended—

(1) by striking subsection (a)(2) and inserting the following:

''(2) The Susquehanna River watershed upstream of the Chemung River, New York, at an estimated Federal cost of $10,000,000.''; and

(2) by striking subsections (c) and (d) and inserting the following:

''(c) COOPERATION AGREEMENTS.—In conducting the study and developing the strategy under this section, the Secretary shall enter into cooperation agreements to provide financial assistance to appropriate Federal, State, and local government agencies as well as appropriate nonprofit, nongovernmental organizations with expertise in wetlands restoration, with the consent of the affected local government. Financial assistance provided may include activities for the implementation of wetlands restoration projects and soil and water conservation measures.

''(d) IMPLEMENTATION OF STRATEGY.—The Secretary shall undertake development and implementation of the strategy under this section in cooperation with local landowners and local government officials. Projects to implement the strategy shall be designed to take advantage of ongoing or planned actions by other agencies, local municipalities, or nonprofit, nongovernmental organizations with expertise in wetlands restoration that would increase the effectiveness or decrease the overall cost of implementing recommended projects and may include the acquisition of wetlands, from willing sellers, that contribute to the Upper Susquehanna River basin ecosystem.''.

SEC. 555. CHICKAMAUGA LOCK, CHATTANOOGA, TENNESSEE.

(a) TRANSFER FROM TVA.—The Tennessee Valley Authority shall transfer $200,000 to the Secretary for the preparation of a report of the Chief of Engineers for a replacement lock at Chickamauga Lock and Dam, Chattanooga, Tennessee.

(b) REPORT.—The Secretary shall accept and use the funds transferred under subsection (a) to prepare the report referred to in subsection (a).

SEC. 556. JOE POOL LAKE, TEXAS.

If the city of Grand Prairie, Texas, enters into a binding agreement with the Secretary under which—

(1) the city agrees to assume all of the responsibilities (other than financial responsibilities) of the Trinity River Authority of Texas under Corps of Engineers contract #DACW63–76–C–0166, including operation and maintenance of the recreation facilities included in the contract; and

(2) to pay the Federal Government a total of $4,290,000 in 2 installments, 1 in the amount of $2,150,000, which shall be due and payable no later than December 1, 2000, and 1 in the amount of $2,140,000, which shall be due and payable no later than December 1, 2003,

the Trinity River Authority shall be relieved of all of its financial responsibilities under the contract as of the date the Secretary enters into the agreement with the city.

SEC. 557. BENSON BEACH, FORT CANBY STATE PARK, WASHINGTON.

The Secretary shall place dredged material at Benson Beach, Fort Canby State Park, Washington, in accordance with section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326).

SEC. 558. PUGET SOUND AND ADJACENT WATERS RESTORATION, WASHINGTON.

(a) IN GENERAL.—The Secretary may participate in critical restoration projects in the area of the Puget Sound and its adjacent waters, including the watersheds that drain directly into Puget Sound, Admiralty Inlet, Hood Canal, Rosario Strait, and the eastern portion of the Strait of Juan de Fuca.

(b) PROJECT SELECTION.—The Secretary, in consultation with appropriate Federal, tribal, State, and local agencies, (including the Salmon Recovery Funding Board, Northwest Straits Commission, Hood Canal Coordinating Council, county watershed planning councils, and salmon enhancement groups) may identify critical restoration projects and may implement those projects after entering into an agreement with an appropriate non-Federal interest in accordance with the requirements of section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) and this section.

(c) PROJECT COST LIMITATION.—Of amounts appropriated to carry out this section, not more than $2,500,000 may be allocated to carry out any project.

(d) COST SHARING.—

(1) IN GENERAL.—The non-Federal interest for a critical restoration project under this section shall—

(A) pay 35 percent of the cost of the project;

(B) provide any lands, easements, rights-of-way, relocations, and dredged material disposal areas necessary for implementation of the project;

(C) pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs associated with the project; and

(D) hold the United States harmless from liability due to implementation of the project, except for the negligence of the Federal Government or its contractors.

(2) CREDIT.—The Secretary shall provide credit to the non-Federal interest for a critical restoration project under this section for the value of any lands, easements, rights-of-way, relocations, and dredged material disposal areas provided by the non-Federal interest for the project.

(3) MEETING NON-FEDERAL COST SHARE.—The non-Federal interest may provide up to 50 percent of the non-Federal share of the cost of a project under this section through the provision of services, materials, supplies, or other in-kind services.

(e) CRITICAL RESTORATION PROJECT DEFINED.—In this section, the term ''critical restoration project'' means a water resource project that will produce, consistent with existing Federal programs, projects, and activities, immediate and substantial environmental protection and restoration benefits.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $40,000,000.

SEC. 559. SHOALWATER BAY INDIAN TRIBE, WILLAPA BAY, WASHINGTON.

(a) PLACEMENT OF DREDGED MATERIAL ON SHORE.—For the purpose of addressing coastal erosion, the Secretary shall place, on an emergency one-time basis, dredged material from a Federal navigation project on the shore of the tribal reservation of the Shoalwater Bay Indian Tribe, Willapa Bay, Washington, at Federal expense.

(b) PLACEMENT OF DREDGED MATERIAL ON PROTECTIVE DUNES.—The Secretary shall place dredged material from Willapa Bay on the remaining protective dunes on the tribal reservation of the Shoalwater Bay Indian Tribe, at Federal expense.

(c) STUDY OF COASTAL EROSION.—The Secretary shall conduct a study to develop long-term solutions to coastal erosion problems at the tribal reservation of the Shoalwater Bay Indian Tribe at Federal expense.

SEC. 560. WYNOOCHEE LAKE, WYNOOCHEE RIVER, WASHINGTON.

(a) IN GENERAL.—The city of Aberdeen, Washington, may transfer its rights, interests, and title in the land transferred to the city under section 203 of the Water Resources Development Act of 1990 (104 Stat. 4632) to the city of Tacoma, Washington.

(b) CONDITIONS.—The transfer under this section shall be subject to the conditions set forth in section 203(b) of the Water Resources Development Act of 1990 (104 Stat. 4632); except that the condition set forth in paragraph (1) of such section shall apply to the city of Tacoma only for so long as the city of Tacoma has a valid license with the Federal Energy Regulatory Commission relating to operation of the Wynoochee Dam, Washington.

(c) LIMITATION.—The transfer under subsection (a) may be made only after the Secretary determines that the city of Tacoma will be able to operate, maintain, repair, replace, and rehabilitate the project for Wynoochee Lake, Wynoochee River, Washington, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1193), in accordance with such regulations as the Secretary may issue to ensure that such operation, maintenance, repair, replacement, and rehabilitation is consistent with project purposes.

(d) WATER SUPPLY CONTRACT.—The water supply contract designated as DACWD 67–68–C–0024 shall be null and void if the Secretary exercises the reversionary right set forth in section 203(b)(3) of the Water Resources Development Act of 1990 (104 Stat. 4632).

SEC. 561. SNOHOMISH RIVER, WASHINGTON.

In coordination with appropriate Federal, tribal, and State agencies, the Secretary may carry out a project to address data needs regarding the outmigration of juvenile chinook salmon in the Snohomish River, Washington.

SEC. 562. BLUESTONE, WEST VIRGINIA.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Tri-Cities Power Authority of West Virginia is authorized to design and construct hydroelectric generating facilities at the Bluestone Lake facility, West Virginia, under the terms and conditions of the agreement referred to in subsection (b).

(b) AGREEMENT.—

(1) AGREEMENT TERMS.—Conditioned upon the parties agreeing to mutually acceptable terms and conditions, the Secretary and the Secretary of Energy, acting through the Southeastern Power Administration, may enter into a binding agreement with the Tri-Cities Power Authority under which the Tri-Cities Power Authority agrees to each of the following:

(A) To design and construct the generating facilities referred to in subsection (a) within 4 years after the date of such agreement.

(B) To reimburse the Secretary for—

(i) the cost of approving such design and inspecting such construction;

(ii) the cost of providing any assistance authorized under subsection (c)(2); and

(iii) the redistributed costs associated with the original construction of the dam and dam safety if all parties agree with the method of the development of the chargeable amounts associated with hydropower at the facility.

(C) To release and indemnify the United States from any claims, causes of action, or liabilities which may arise from such design and construction of the facilities referred to in subsection (a), including any liability that may arise out of the removal of the facility if directed by the Secretary.

(2) ADDITIONAL TERMS.—The agreement shall also specify each of the following:

(A) The procedures and requirements for approval and acceptance of design, construction, and operation and maintenance of the facilities referred in subsection (a).

(B) The rights, responsibilities, and liabilities of each party to the agreement.

(C) The amount of the payments under subsection (f) of this section and the procedures under which such payments are to be made.

(c) OTHER REQUIREMENTS.—

(1) PROHIBITION.—No Federal funds may be expended for the design, construction, and operation and maintenance of the facilities referred to in subsection (a) prior to the date on which such facilities are accepted by the Secretary under subsection (d).

(2) REIMBURSEMENT.—Notwithstanding any other provision of law, if requested by the Tri-Cities Power Authority, the Secretary may provide, on a reimbursable basis, assistance in connection with the design and construction of the generating facilities referred to in subsection (a).

(d) COMPLETION OF CONSTRUCTION.—

(1) TRANSFER OF FACILITIES.—Notwithstanding any other provision of law, upon completion of the construction of the facilities referred to in subsection (a) and final approval of such facility by the Secretary, the Tri-Cities Power Authority shall transfer without consideration title to such facilities to the United States, and the Secretary shall—

(A) accept the transfer of title to such facilities on behalf of the United States; and

(B) operate and maintain the facilities referred to in subsection (a).

(2) CERTIFICATION.—The Secretary is authorized to accept title to the facilities pursuant to paragraph (1) only after certifying that the quality of the construction meets all standards established for similar facilities constructed by the Secretary.

(3) AUTHORIZED PROJECT PURPOSES.—The operation and maintenance of the facilities shall be conducted in a manner that is consistent with other authorized project purposes of the Bluestone Lake facility.

(e) EXCESS POWER.—Pursuant to any agreement under subsection (b), the Southeastern Power Administration shall market the excess power produced by the facilities referred to in subsection (a) in accordance with section 5 of the Rivers and Harbors Act of December 22, 1944 (16 U.S.C. 825s; 58 Stat. 890).

(f) PAYMENTS.—Notwithstanding any other provision of law, the Secretary of Energy, acting through the Southeastern Power Administration, is authorized to pay in accordance with the terms of the agreement entered into under subsection (b) out of the revenues from the sale of power produced by the generating facility of the interconnected systems of reservoirs operated by the Secretary and marketed by the Southeastern Power Administration—

(1) to the Tri-Cities Power Authority all reasonable costs incurred by the Tri-Cities Power Authority in the design and construction of the facilities referred to in subsection (a), including the capital investment in such facilities and a reasonable rate of return on such capital investment; and

(2) to the Secretary, in accordance with the terms of the agreement entered into under subsection (b) out of the revenues from the sale of power produced by the generating facility of the interconnected systems of reservoirs operated by the Secretary and marketed by the Southeastern Power Administration, all reasonable costs incurred by the Secretary in the operation and maintenance of facilities referred to in subsection (a).

(g) AUTHORITY OF SECRETARY OF ENERGY.—Notwithstanding any other provision of law, the Secretary of Energy, acting through the Southeastern Power Administration, is authorized—

(1) to construct such transmission facilities as necessary to market the power produced at the facilities referred to in subsection (a) with funds contributed by the Tri-Cities Power Authority; and

(2) to repay those funds, including interest and any administrative expenses, directly from the revenues from the sale of power produced by such facilities of the interconnected systems of reservoirs operated by the Secretary and marketed by the Southeastern Power Administration.

(h) SAVINGS CLAUSE.—Nothing in this section affects any requirement under Federal or State environmental law relating to the licensing or operation of such facilities.

SEC. 563. LESAGE/GREENBOTTOM SWAMP, WEST VIRGINIA.

Section 30 of the Water Resources Development Act of 1988 (102 Stat. 4030) is amended by adding at the end the following:

''(d) HISTORIC STRUCTURE.—The Secretary shall ensure the stabilization and preservation of the structure known as the Jenkins House located within the Lesage/Greenbottom Swamp in accordance with standards for sites listed on the National Register of Historic Places.''.

SEC. 564. TUG FORK RIVER, WEST VIRGINIA.

(a) IN GENERAL.—The Secretary may provide planning, design, and construction assistance to non-Federal interests for projects located along the Tug Fork River in West Virginia and identified by the master plan developed pursuant to section 114(t) of the Water Resources Development Act of 1992 (106 Stat. 4820).

(b) PRIORITIES.—In providing assistance under this section, the Secretary shall give priority to the primary development demonstration sites in West Virginia identified by the master plan referred to in subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000.

SEC. 565. VIRGINIA POINT RIVERFRONT PARK, WEST VIRGINIA.

(a) IN GENERAL.—The Secretary may provide planning, design, and construction assistance to non-Federal interests for the project at Virginia Point, located at the confluence of the Ohio and Big Sandy Rivers in West Virginia, identified by the preferred plan set forth in the feasibility study dated September 1999, and carried out under the West Virginia-Ohio River Comprehensive Study authorized by a resolution dated September 8, 1988, by the Committee on Public Works and Transportation of the House of Representatives.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,100,000.

SEC. 566. SOUTHERN WEST VIRGINIA.

Section 340(a) of the Water Resources Development Act of 1992 (106 Stat. 4856) is amended by inserting ''environmental restoration,'' after ''distribution facilities,''.

SEC. 567. FOX RIVER SYSTEM, WISCONSIN.

Section 332(a) of the Water Resources Development Act of 1992 (106 Stat. 4852) is amended by adding at the end the following: ''Such terms and conditions may include a payment or payments to the State of Wisconsin to be used toward the repair and rehabilitation of the locks and appurtenant features to be transferred.''.

SEC. 568. SURFSIDE/SUNSET AND NEWPORT BEACH, CALIFORNIA.

The Secretary shall treat the Surfside/Sunset Newport Beach element of the project for beach erosion, Orange County, California, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1177), as continuing construction.

SEC. 569. ILLINOIS RIVER BASIN RESTORATION.

(a) ILLINOIS RIVER BASIN DEFINED.—In this section, the term ''Illinois River basin'' means the Illinois River, Illinois, its backwaters, side channels, and all tributaries, including their watersheds, draining into the Illinois River.

(b) COMPREHENSIVE PLAN.—

(1) DEVELOPMENT.—The Secretary shall develop, as expeditiously as practicable, a proposed comprehensive plan for the purpose of restoring, preserving, and protecting the Illinois River basin.

(2) TECHNOLOGIES AND INNOVATIVE APPROACHES.—The comprehensive plan shall provide for the development of new technologies and innovative approaches—

(A) to enhance the Illinois River as a vital transportation corridor;

(B) to improve water quality within the entire Illinois River basin;

(C) to restore, enhance, and preserve habitat for plants and wildlife; and

(D) to increase economic opportunity for agriculture and business communities.

(3) SPECIFIC COMPONENTS.—The comprehensive plan shall include such features as are necessary to provide for—

(A) the development and implementation of a program for sediment removal technology, sediment characterization, sediment transport, and beneficial uses of sediment;

(B) the development and implementation of a program for the planning, conservation, evaluation, and construction of measures for fish and wildlife habitat conservation and rehabilitation, and stabilization and enhancement of land and water resources in the basin;

(C) the development and implementation of a long-term resource monitoring program; and

(D) the development and implementation of a computerized inventory and analysis system.

(4) CONSULTATION.—The comprehensive plan shall be developed by the Secretary in consultation with appropriate Federal agencies, the State of Illinois, and the Illinois River Coordinating Council.

(5) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report containing the comprehensive plan.

(6) ADDITIONAL STUDIES AND ANALYSES.—After transmission of a report under paragraph (5), the Secretary shall continue to conduct such studies and analyses related to the comprehensive plan as are necessary, consistent with this subsection.

(c) CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—If the Secretary, in cooperation with appropriate Federal agencies and the State of Illinois, determines that a restoration project for the Illinois River basin will produce independent, immediate, and substantial restoration, preservation, and protection benefits, the Secretary shall proceed expeditiously with the implementation of the project.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out projects under this subsection $100,000,000 for fiscal years 2001 through 2004.

(3) FEDERAL SHARE.—The Federal share of the cost of carrying out any project under this subsection shall not exceed $5,000,000.

(d) GENERAL PROVISIONS.—

(1) WATER QUALITY.—In carrying out projects and activities under this section, the Secretary shall take into account the protection of water quality by considering applicable State water quality standards.

(2) PUBLIC PARTICIPATION.—In developing the comprehensive plan under subsection (b) and carrying out projects under subsection (c), the Secretary shall implement procedures to facilitate public participation, including providing advance notice of meetings, providing adequate opportunity for public input and comment, maintaining appropriate records, and making a record of

the proceedings of meetings available for public inspection.

(e) COORDINATION.—The Secretary shall integrate and coordinate projects and activities carried out under this section with ongoing Federal and State programs, projects, and activities, including the following:

(1) Upper Mississippi River System-Environmental Management Program authorized under section 1103 of the Water Resources Development Act of 1986 (33 U.S.C. 652).

(2) Upper Mississippi River Illinois Waterway System Study.

(3) Kankakee River Basin General Investigation.

(4) Peoria Riverfront Development General Investigation.

(5) Illinois River Ecosystem Restoration General Investigation.

(6) Conservation Reserve Program and other farm programs of the Department of Agriculture.

(7) Conservation Reserve Enhancement Program (State) and Conservation 2000, Ecosystem Program of the Illinois Department of Natural Resources.

(8) Conservation 2000 Conservation Practices Program and the Livestock Management Facilities Act administered by the Illinois Department of Agriculture.

(9) National Buffer Initiative of the Natural Resources Conservation Service.

(10) Nonpoint source grant program administered by the Illinois Environmental Protection Agency.

(f) JUSTIFICATION.—

(1) IN GENERAL.—Notwithstanding section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962–2) or any other provision of law, in carrying out activities to restore, preserve, and protect the Illinois River basin under this section, the Secretary may determine that the activities—

(A) are justified by the environmental benefits derived by the Illinois River basin; and

(B) shall not need further economic justification if the Secretary determines that the activities are cost-effective.

(2) APPLICABILITY.—Paragraph (1) shall not apply to any separable element intended to produce benefits that are predominantly unrelated to the restoration, preservation, and protection of the Illinois River basin.

(g) COST SHARING.—

(1) IN GENERAL.—The non-Federal share of the cost of projects and activities carried out under this section shall be 35 percent.

(2) OPERATION, MAINTENANCE, REHABILITATION, AND REPLACEMENT.—The operation, maintenance, rehabilitation, and replacement of projects carried out under this section shall be a non-Federal responsibility.

(3) IN-KIND SERVICES.—The value of in-kind services provided by the non-Federal interest for a project or activity carried out under this section may be credited toward not more than 80 percent of the non-Federal share of the cost of the project or activity. In-kind services shall include all State funds expended on programs and projects which accomplish the goals of this section, as determined by the Secretary. Such programs and projects may include the Illinois River Conservation Reserve Program, the Illinois Conservation 2000 Program, the Open Lands Trust Fund, and other appropriate programs carried out in the Illinois River basin.

(4) CREDIT.—

(A) VALUE OF LANDS.—If the Secretary determines that lands or interests in land acquired by a non-Federal interest, regardless of the date of acquisition, are integral to a project or activity carried out under this section, the Secretary may credit the value of the lands or interests in land toward the non-Federal share of the cost of the project or activity. Such value shall be determined by the Secretary.

(B) WORK.—If the Secretary determines that any work completed by a non-Federal interest, regardless of the date of completion, is integral to a project or activity carried out under this section, the Secretary may credit the value of the work toward the non-Federal share of the cost of the project or activity. Such value shall be determined by the Secretary.

SEC. 570. GREAT LAKES.

(a) GREAT LAKES TRIBUTARY MODEL.—Section 516 of the Water Resources Development Act of 1996 (33 U.S.C. 2326b) is amended—

(1) by adding at the end of subsection (e) the following:

''(3) REPORT.—Not later than December 31, 2003, the Secretary shall transmit to Congress a report on the Secretary's activities under this subsection.''; and

(2) in subsection (g)—

(A) by striking ''There is authorized'' and inserting the following:

''(1) IN GENERAL.—There is authorized'';

(B) by adding at the end the following:

''(2) GREAT LAKES TRIBUTARY MODEL.—In addition to amounts made available under paragraph (1), there is authorized to be appropriated to carry out subsection (e) $5,000,000 for each of fiscal years 2002 through 2006.''; and

(C) by aligning the remainder of the text of paragraph (1) (as designated by subparagraph (A) of this paragraph) with paragraph (2) (as added by subparagraph (B) of this paragraph).

(b) ALTERNATIVE ENGINEERING TECHNOLOGIES.—

(1) DEVELOPMENT OF PLAN.—The Secretary shall develop and transmit to Congress a plan to enhance the application of ecological principles and practices to traditional engineering problems at Great Lakes shores.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $200,000. Activities under this subsection shall be carried out at Federal expense.

(c) FISHERIES AND ECOSYSTEM RESTORATION.—

(1) DEVELOPMENT OF PLAN.—The Secretary shall develop and transmit to Congress a plan for implementing Corps of Engineers activities, including ecosystem restoration, to enhance the management of Great Lakes fisheries.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $300,000. Activities under this subsection shall be carried out at Federal expense.

SEC. 571. GREAT LAKES REMEDIAL ACTION PLANS AND SEDIMENT REMEDIATION.

Section 401 of the Water Resources Development Act of 1990 (33 U.S.C. 1268 note; 110 Stat. 3763; 113 Stat. 338) is amended—

(1) in subsection (a)(2)(A) by striking ''50 percent'' and inserting ''35 percent'';

(2) in subsection (b)—

(A) by striking paragraph (3);

(B) in the first sentence of paragraph (4) by striking ''50 percent'' and inserting ''35 percent''; and

(C) by redesignating paragraph (4) as paragraph (3); and

(3) in subsection (c) by striking ''$5,000,000 for each of fiscal years 1998 through 2000.'' and inserting ''$10,000,000 for each of fiscal years 2001 through 2005.''.

SEC. 572. GREAT LAKES DREDGING LEVELS ADJUSTMENT.

(a) DEFINITION OF GREAT LAKE.—In this section, the term ''Great Lake'' means Lake Superior, Lake Michigan, Lake Huron (including Lake St. Clair), Lake Erie, and Lake Ontario (including the St. Lawrence River to the 45th parallel of latitude).

(b) DREDGING LEVELS.—In operating and maintaining Federal channels and harbors of, and the connecting channels between, the Great Lakes, the Secretary shall conduct such dredging as is necessary to ensure minimal operation depths consistent with the original authorized depths of the channels and harbors when water levels in the Great Lakes are, or are forecast to be, below the International Great Lakes Datum of 1985.

SEC. 573. DREDGED MATERIAL RECYCLING.

(a) PILOT PROGRAM.—The Secretary shall conduct a pilot program to provide incentives for the removal of dredged material from a confined disposal facility associated with a harbor on the Great Lakes or the Saint Lawrence River and a harbor on the Delaware River in Pennsylvania for the purpose of recycling the dredged material and extending the life of the confined disposal facility.

(b) REPORT.—Not later than 90 days after the date of completion of the pilot program, the Secretary shall transmit to Congress a report on the results of the program.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,000,000.

SEC. 574. WATERSHED MANAGEMENT, RESTORATION, AND DEVELOPMENT.

Section 503(d) of the Water Resources Development Act of 1996 (110 Stat. 3756–3757; 113 Stat. 288) is amended by adding at the end the following:

''(28) Tomales Bay watershed, California.

''(29) Kaskaskia River watershed, Illinois.

''(30) Sangamon River watershed, Illinois.

''(31) Lackawanna River watershed, Pennsylvania.

''(32) Upper Charles River watershed, Massachusetts.

''(33) Brazos River watershed, Texas.''.

SEC. 575. MAINTENANCE OF NAVIGATION CHANNELS.

Section 509(a) of the Water Resources Development Act of 1996 (110 Stat. 3759; 113 Stat. 339) is amended by adding at the end the following:

''(16) Cameron Loop, Louisiana, as part of the Calcasieu River and Pass Ship Channel.

''(17) Morehead City Harbor, North Carolina.''.

SEC. 576. SUPPORT OF ARMY CIVIL WORKS PROGRAM.

The requirements of section 2361 of title 10, United States Code, shall not apply to any contract, cooperative research and development agreement, cooperative agreement, or grant entered into under section 229 of the Water Resources Development Act of 1996 (110 Stat. 3703) between the Secretary and Marshall University or entered into under section 350 of the Water Resources Development Act of 1999 (113 Stat. 310) between the Secretary and Juniata College.

SEC. 577. NATIONAL RECREATION RESERVATION SERVICE.

Notwithstanding section 611 of the Treasury and General Government Appropriations Act, 1999 (112 Stat. 2861–515), the Secretary may participate in the National Recreation Reservation Service on an interagency basis and fund the Department of the Army's share of the cost of activities required for implementing, operating, and maintaining the Service.

SEC. 578. HYDROGRAPHIC SURVEY.

The Secretary shall enter into an agreement with the Administrator of the National Oceanographic and Atmospheric Administration to require the Secretary, not later than 60 days after the Corps of Engineers completes a project involving dredging of a channel, to provide data to the Administration in a standard digital format on the results of a hydrographic survey of the channel conducted by the Corps of Engineers.

SEC. 579. PERCHLORATE.

(a) IN GENERAL.—The Secretary, in cooperation with Federal, State, and local government agencies, may participate in studies and other investigative activities and in the planning and design of projects determined by the Secretary to offer a long-term solution to the problem of groundwater contamination caused by perchlorates.

(b) INVESTIGATIONS AND PROJECTS.—

(1) BOSQUE AND LEON RIVERS.—The Secretary, in coordination with other Federal agencies and the Brazos River Authority, shall participate under subsection (a) in investigations and projects in the Bosque and Leon River watersheds in Texas to assess the impact of the perchlorate associated with the former Naval ''Weapons Industrial Reserve Plant'' at McGregor, Texas.

(2) CADDO LAKE.—The Secretary, in coordination with other Federal agencies and the Northeast Texas Municipal Water District, shall participate under subsection (a) in investigations and projects relating to perchlorate contamination in Caddo Lake, Texas.

(3) EASTERN SANTA CLARA BASIN.—The Secretary, in coordination with other Federal, State, and local government agencies, shall participate under subsection (a) in investigations and projects related to sites that are sources of perchlorates and that are located in the city of Santa Clarita, California.

(c) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of carrying out this section, there is authorized to be appropriated to the Secretary $25,000,000, of which not to exceed $8,000,000 shall be available to carry out subsection (b)(1), not to exceed $3,000,000 shall be available to carry out subsection (b)(2), and not to exceed $7,000,000 shall be available to carry out subsection (b)(3).

SEC. 580. ABANDONED AND INACTIVE NONCOAL MINE RESTORATION.

Section 560 of the Water Resources Development Act of 1999 (33 USC 2336; 113 Stat. 354–355) is amended—

(1) in subsection (a) by striking ''and design'' and inserting ''design, and construction'';

(2) in subsection (c) by striking ''50'' and inserting ''35'';

(3) in subsection (e) by inserting ''and colleges and universities, including the members of the Western Universities Mine-Land Reclamation and Restoration Consortium, for the purposes of assisting in the reclamation of abandoned noncoal mines and'' after ''entities''; and

(4) by striking subsection (f) and inserting the following:

''(f) NON-FEDERAL INTERESTS.—In this section, the term 'non-Federal interests' includes, with the consent of the affected local government, nonprofit entities, notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b).

''(g) OPERATION AND MAINTENANCE.—The non-Federal share of the costs of operation and maintenance for a project carried out under this section shall be 100 percent.

''(h) CREDIT.—A non-Federal interest shall receive credit toward the non-Federal share of the cost of a project under this section for design and construction services and other in-kind consideration provided by the non-Federal interest if the Secretary determines that such design and construction services and other in-kind consideration are integral to the project.

''(i) COST LIMITATION.—Not more than $10,000,000 of the amounts appropriated to carry out this section may be allotted for projects in a single locality, but the Secretary may accept funds voluntarily contributed by a non-Federal or Federal entity for the purpose of expanding the scope of the services requested by the non-Federal or Federal entity.

''(j) NO EFFECT ON LIABILITY.—The provision of assistance under this section shall not relieve from liability any person that would otherwise be liable under Federal or State law for damages, response costs, natural resource damages, restitution, equitable relief, or any other relief.

''(k) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $45,000,000. Such sums shall remain available until expended.''.

SEC. 581. LAKES PROGRAM.

Section 602 of the Water Resources Development Act of 1986 (100 Stat. 4148–4149) is further amended—

(1) in subsection (b) by inserting ''and activity'' after ''project'';

(2) in subsection (c) by inserting ''and activities under subsection (f)'' before the comma; and

(3) by adding at the end the following:

''(f) CENTER FOR LAKE EDUCATION AND RESEARCH, OTSEGO LAKE, NEW YORK.—

''(1) IN GENERAL.—The Secretary shall construct an environmental education and research facility at Otsego Lake, New York. The purpose of the Center shall be to—

''(A) conduct nationwide research on the impacts of water quality and water quantity on lake hydrology and the hydrologic cycle;

''(B) develop technologies and strategies for monitoring and improving water quality in the Nation's lakes; and

''(C) provide public education regarding the biological, economic, recreational, and aesthetic value of the Nation's lakes.

''(2) USE OF RESEARCH.—The results of research and education activities carried out at the Center shall be applied to the program under subsection (a) and to other Federal programs, projects, and activities that are intended to improve or otherwise affect lakes.

''(3) BIOLOGICAL MONITORING STATION.—A central function of the Center shall be to research, develop, test, and evaluate biological monitoring technologies and techniques for potential use at lakes listed in subsection (a) and throughout the Nation.

''(4) CREDIT.—The non-Federal sponsor shall receive credit for lands, easements, rights-of-way, and relocations toward its share of project costs.

''(5) AUTHORIZATION OF APPROPRIATIONS.—In addition to sums authorized by subsection (d), there is authorized to be appropriated to carry out this subsection $6,000,000. Such sums shall remain available until expended.''.

SEC. 582. RELEASE OF USE RESTRICTION.

(a) RELEASE.—Notwithstanding any other provision of law, the Tennessee Valley Authority shall grant a release or releases, without monetary consideration, from the restriction covenant which requires that property described in subsection (b) shall at all times be used solely for the purpose of erecting docks and buildings for shipbuilding purposes or for the manufacture or storage of products for the purpose of trading or shipping in transportation.

(b) DESCRIPTION OF PROPERTY.—This section shall apply only to those lands situated in the city of Decatur, Morgan County, Alabama, and running along the easterly boundary of a tract of land described in an indenture conveying such lands to the Ingalls Shipbuilding Corporation dated July 29, 1954, and recorded in deed book 535 at page 6 in the office of the Probate Judge of Morgan County, Alabama, which are owned or may hereafter be acquired by the Alabama Farmers Cooperative, Inc.

SEC. 583. COMPREHENSIVE ENVIRONMENTAL RESOURCES PROTECTION.

(a) IN GENERAL.—Under section 219(a) of the Water Resources Development Act of 1992 (106 Stat. 4835), the Secretary may provide technical, planning, and design assistance to non-Federal interests to carry out water-related projects described in this section.

(b) NON-FEDERAL SHARE.—Notwithstanding section 219(b) of the Water Resources Development Act of 1992 (106 Stat. 4835), the non-Federal share of the cost of each project assisted in accordance with this section shall be 25 percent.

(c) PROJECT DESCRIPTIONS.—The Secretary may provide assistance in accordance with subsection (a) to each of the following projects:

(1) MARANA, ARIZONA.—Wastewater treatment and distribution infrastructure, Marana, Arizona.

(2) EASTERN ARKANSAS ENTERPRISE COMMUNITY, ARKANSAS.—Water-related infrastructure, Eastern Arkansas Enterprise Community, Cross, Lee, Monroe, and St. Francis Counties, Arkansas.

(3) CHINO HILLS, CALIFORNIA.—Storm water and sewage collection infrastructure, Chino Hills, California.

(4) CLEAR LAKE BASIN, CALIFORNIA.—Water-related infrastructure and resource protection, Clear Lake Basin, California.

(5) DESERT HOT SPRINGS, CALIFORNIA.—Resource protection and wastewater infrastructure, Desert Hot Springs, California.

(6) EASTERN MUNICIPAL WATER DISTRICT, CALIFORNIA.—Regional water-related infrastructure, Eastern Municipal Water District, California.

(7) HUNTINGTON BEACH, CALIFORNIA.—Water supply and wastewater infrastructure, Huntington Beach, California.

(8) INGLEWOOD, CALIFORNIA.—Water infrastructure, Inglewood, California.

(9) LOS OSOS COMMUNITY SERVICE DISTRICT, CALIFORNIA.—Wastewater infrastructure, Los Osos Community Service District, California.

(10) NORWALK, CALIFORNIA.—Water-related infrastructure, Norwalk, California.

(11) KEY BISCAYNE, FLORIDA.—Sanitary sewer infrastructure, Key Biscayne, Florida.

(12) SOUTH TAMPA, FLORIDA.—Water supply and aquifer storage and recovery infrastructure, South Tampa, Florida.

(13) FORT WAYNE, INDIANA.—Combined sewer overflow infrastructure and wetlands protection, Fort Wayne, Indiana.

(14) INDIANAPOLIS, INDIANA.—Combined sewer overflow infrastructure, Indianapolis, Indiana.

(15) ST. CHARLES, ST. BERNARD, AND PLAQUEMINES PARISHES, LOUISIANA.—Water and wastewater infrastructure, St. Charles, St. Bernard, and Plaquemines Parishes, Louisiana.

(16) ST. JOHN THE BAPTIST AND ST. JAMES PARISHES, LOUISIANA.—Water and sewer improvements, St. John the Baptist and St. James Parishes, Louisiana.

(17) UNION COUNTY, NORTH CAROLINA.—Water infrastructure, Union County, North Carolina.

(18) HOOD RIVER, OREGON.—Water transmission infrastructure, Hood River, Oregon.

(19) MEDFORD, OREGON.—Sewer collection infrastructure, Medford, Oregon.

(20) PORTLAND, OREGON.—Water infrastructure and resource protection, Portland, Oregon.

(21) COUDERSPORT, PENNSYLVANIA.—Sewer system extensions and improvements, Coudersport, Pennsylvania.

(22) PARK CITY, UTAH.—Water supply infrastructure, Park City, Utah.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $25,000,000 for providing assistance in accordance with subsection (a) to the projects described in subsection (c).

(2) AVAILABILITY.—Sums authorized to be appropriated under this subsection shall remain available until expended.

(e) ADDITIONAL ASSISTANCE FOR CRITICAL RESOURCE PROJECTS.—The Secretary may provide assistance in accordance with subsection (a) and assistance for construction for each the following projects:

(1) DUCK RIVER, CULLMAN, ALABAMA.—$5,000,000 for water supply infrastructure, Duck River, Cullman, Alabama.

(2) UNION COUNTY, ARKANSAS.—$52,000,000 for water supply infrastructure, including facilities for withdrawal, treatment, and distribution, Union County, Arkansas.

(3) CAMBRIA, CALIFORNIA.—$10,300,000 for desalination infrastructure, Cambria, California.

(4) LOS ANGELES HARBOR/TERMINAL ISLAND, CALIFORNIA.—$6,500,000 for wastewater recycling infrastructure, Los Angeles Harbor/Terminal Island, California.

(5) NORTH VALLEY REGION, LANCASTER, CALIFORNIA.—$14,500,000 for water infrastructure, North Valley Region, Lancaster, California.

(6) SAN DIEGO COUNTY, CALIFORNIA.—$10,000,000 for water-related infrastructure, San Diego County, California.

(7) SOUTH PERRIS, CALIFORNIA.—$25,000,000 for water supply desalination infrastructure, South Perris, California.

(8) AURORA, ILLINOIS.—$8,000,000 for wastewater infrastructure to reduce or eliminate combined sewer overflows, Aurora, Illinois.

(9) COOK COUNTY, ILLINOIS.—$35,000,000 for water-related infrastructure and resource protection and development, Cook County, Illinois.

(10) MADISON AND ST. CLAIR COUNTIES, ILLINOIS.—$10,000,000 for water and wastewater assistance, Madison and St. Clair Counties, Illinois.

(11) IBERIA PARISH, LOUISIANA.—$5,000,000 for water and wastewater infrastructure, Iberia Parish, Louisiana.

(12) KENNER, LOUISIANA.—$5,000,000 for wastewater infrastructure, Kenner, Louisiana.

(13) GARRISON AND KATHIO TOWNSHIP, MINNESOTA.—$11,000,000 for a wastewater infrastructure project for the city of Garrison and Kathio Township, Minnesota.

(14) NEWTON, NEW JERSEY.—$7,000,000 for water filtration infrastructure, Newton, New Jersey.

(15) LIVERPOOL, NEW YORK.—$2,000,000 for water infrastructure, including a pump station, Liverpool, New York.

(16) STANLY COUNTY, NORTH CAROLINA.—$8,900,000 for wastewater infrastructure, Stanly County, North Carolina.

(17) YUKON, OKLAHOMA.—$5,500,000 for water-related infrastructure, including wells, booster stations, storage tanks, and transmission lines, Yukon, Oklahoma.

(18) ALLEGHENY COUNTY, PENNSYLVANIA.—$20,000,000 for water-related environmental infrastructure, Allegheny County, Pennsylvania.

(19) MOUNT JOY TOWNSHIP AND CONEWAGO TOWNSHIP, PENNSYLVANIA.—$8,300,000 for water and wastewater infrastructure, Mount Joy Township and Conewago Township, Pennsylvania.

(20) PHOENIXVILLE BOROUGH, CHESTER COUNTY, PENNSYLVANIA.—$2,400,000 for water and sewer infrastructure, Phoenixville Borough, Chester County, Pennsylvania.

(21) TITUSVILLE, PENNSYLVANIA.—$7,300,000 for storm water separation and treatment plant upgrades, Titusville, Pennsylvania.

(22) WASHINGTON, GREENE, WESTMORELAND, AND FAYETTE COUNTIES, PENNSYLVANIA.—$8,000,000 for water and wastewater infrastructure, Washington, Greene, Westmoreland, and Fayette Counties, Pennsylvania.

SEC. 584. MODIFICATION OF AUTHORIZATIONS FOR ENVIRONMENTAL PROJECTS.

Section 219 of the Water Resources Development Act of 1992 (106 Stat. 4835, 4836) is amended—

(1) in subsection (e)(6) by striking ''$20,000,000'' and inserting ''$30,000,000'';

(2) in subsection (f)(4) by striking ''$15,000,000'' and inserting ''$35,000,000'';

(3) in subsection (f)(21) by striking ''$10,000,000'' and inserting ''$20,000,000'';

(4) in subsection (f)(25) by striking ''$5,000,000'' and inserting ''$15,000,000'';

(5) in subsection (f)(30) by striking ''$10,000,000'' and inserting ''$20,000,000'';

(6) in subsection (f)(43) by striking ''$15,000,000'' and inserting ''$35,000,000''; and

(7) in subsection (f) by adding at the end the following new paragraph:

''(44) WASHINGTON, D.C., AND MARYLAND.—$15,000,000 for the project described in subsection (c)(1), modified to include measures to eliminate or control combined sewer overflows in the Anacostia River watershed.''.

SEC. 585. LAND CONVEYANCES.

(a) THOMPSON, CONNECTICUT.—

(1) IN GENERAL.—The Secretary shall convey by quitclaim deed without consideration to the town of Thompson, Connecticut, all right, title, and interest of the United States in and to the approximately 1.36-acre parcel of land described in paragraph (2) for public ownership and use by the town for fire fighting and related emergency services purposes.

(2) LAND DESCRIPTION.—The parcel of land referred to in paragraph (1) is in the town of Thompson, county of Windham, State of Connecticut, on the northerly side of West Thompson Road owned by the United States and shown as Parcel A on a plan by Provost, Rovero, Fitzback entitled ''Property Survey Prepared for West Thompson Independent Firemen Association #1'' dated August 24, 1998, bounded and described as follows:

Beginning at a bound labeled WT–276 on the northerly side line of West Thompson Road, so called, at the most south corner of the Parcel herein described and at land now or formerly of West Thompson Independent Firemen Association No. 1;

Thence in a generally westerly direction by said northerly side line of West Thompson Road, by a curve to the left, having a radius of 640.00 feet a distance of 169.30 feet to a point;

Thence North 13 degrees, 08 minutes, 37 seconds East by the side line of said West Thompson Road a distance of 10.00 feet to a point;

Thence in a generally westerly direction by the northerly side line of said West Thompson Road, by a curve to the left having a radius of 650.00 feet a distance of 109.88 feet to a bound labeled WT–123, at land now or formerly of the United States of America;

Thence North 44 degrees, 43 minutes, 07 seconds East by said land now or formerly of the United States of America a distance of 185.00 feet to a point;

Thence North 67 degrees, 34 minutes, 13 seconds East by said land now or formerly of the United States of America a distance of 200.19 feet to a point in a stonewall;

Thence South 20 degrees, 49 minutes, 17 seconds East by a stonewall and by said land now or formerly of the United States of America a distance of 253.10 feet to a point at land now or formerly of West Thompson Independent Firemen Association No. 1;

Thence North 57 degrees, 45 minutes, 25 seconds West by land now or formerly of said West Thompson Independent Firemen Association No. 1 a distance of 89.04 feet to a bound labeled WT–277;

Thence South 32 degrees, 14 minutes, 35 seconds West by land now or formerly of said West Thompson Independent Firemen Association No. 1 a distance of 123.06 feet to the point of beginning.

(3) REVERSION.—If the Secretary determines that the parcel described in paragraph (2) ceases to be held in public ownership or used for fire fighting and related emergency services, all right, title, and interest in and to the parcel shall revert to the United States.

(b) SIBLEY MEMORIAL HOSPITAL, WASHINGTON, DISTRICT OF COLUMBIA.—

(1) IN GENERAL.—The Secretary shall convey to the Lucy Webb Hayes National Training School for Deaconesses and Missionaries Conducting Sibley Memorial Hospital (in this subsection referred to as the ''Hospital'') by quitclaim deed under the terms of a negotiated sale, all right, title, and interest of the United States in and to the 8.864-acre parcel of land described in paragraph (2) for medical care and parking purposes. The consideration paid under such negotiated sale shall reflect the value of the parcel, taking into consideration the terms and conditions of the conveyance imposed under this subsection.

(2) LAND DESCRIPTION.—The parcel of land referred to in paragraph (1) is the parcel described as follows: Beginning at a point on the westerly right-of-way line of Dalecarlia Parkway, said point also being on the southerly division line of part of Square N1448, A&T Lot 801 as recorded in A&T 2387 and part of the property of the United States Government, thence with said southerly division line now described:

(A) North 35° 05′ 40″ West—436.31 feet to a point, thence

(B) South 89° 59′ 30″ West—550 feet to a point, thence

(C) South 53° 48′ 00″ West—361.08 feet to a point, thence

(D) South 89° 59′ 30″ West—466.76 feet to a point at the southwesterly corner of the aforesaid A&T Lot 801, said point also being on the easterly right-of-way line of MacArthur Boulevard, thence with a portion of the westerly division line of said A&T Lot 801 and the easterly right-of-way line of MacArthur Boulevard, as now described.

(E) 78.62 feet along the arc of a curve to the right having a radius of 650.98 feet, chord bearing and distance of North 06° 17′ 20″ West—78.57 feet to a point, thence crossing to include a portion of aforesaid A&T Lot 801 and a portion of the aforesaid Dalecarlia Reservoir Grounds, as now described

(F) North 87° 18′ 21″ East—258.85 feet to a point, thence

(G) North 02° 49′ 16″ West—214.18 feet to a point, thence

(H) South 87° 09′ 00″ West—238.95 feet to a point on the aforesaid easterly right-of-way line of MacArthur Boulevard, thence with said easterly right-of-way line, as now described

(I) North 08° 41′ 30″ East—30.62 feet to a point, thence crossing to include a portion of aforesaid A&T Lot 801 and a portion of the aforesaid Dalecarlia Reservoir Grounds, as now described

(J) North 87° 09′ 00″ East—373.96 feet to a point, thence

(K) North 88° 42′ 48″ East—374.92 feet to a point, thence

(L) North 56° 53′ 40″ East—53.16 feet to a point, thence

(M) North 86° 00′ 15″ East—26.17 feet to a point, thence

(N) South 87° 24′ 50″ East—464.01 feet to a point, thence

(O) North 83° 34′ 31″ East—212.62 feet to a point, thence

(P) South 30° 16′ 12″ East—108.97 feet to a point, thence

(Q) South 38° 30′ 23″ East—287.46 feet to a point, thence

(R) South 09° 03′ 38″ West—92.74 feet to the point on the aforesaid westerly right-of-way line of Dalecarlia Parkway, thence with said westerly right-of-way line, as now described

(S) 197.74 feet along the arc of a curve to the right having a radius of 916.00 feet, chord bearing and distance of South 53° 54′ 43″ West—197.35 feet to the place of beginning.

(3) TERMS AND CONDITIONS.—The conveyance under this subsection shall be subject to the following terms and conditions:

(A) LIMITATION ON THE USE OF CERTAIN PORTIONS OF THE PARCEL.—The Secretary shall include in any deed conveying the parcel under this section a restriction to prevent the Hospital, and its successors and assigns, from constructing any structure, other than a structure used exclusively for the parking of motor vehicles, on the portion of the parcel that lies between the Washington Aqueduct and Little Falls Road.

(B) LIMITATION ON CERTAIN LEGAL CHALLENGES.—The Secretary shall require the Hospital, and its successors and assigns, to refrain from raising any legal challenge to the operations of the Washington Aqueduct arising from any impact such operations may have on the activities conducted by the Hospital on the parcel.

(C) EASEMENT.—The Secretary shall require that the conveyance be subject to the retention of an easement permitting the United States, and its successors and assigns, to use and maintain the portion of the parcel described as follows: Beginning at a point on the easterly or South 35° 05′ 40″ East—436.31 foot plat line of Lot 25 as shown on a subdivision plat recorded in book 175 page 102 among the records of the Office of the Surveyor of the District of Columbia, said point also being on the northerly right-of-way line of Dalecarlia Parkway, thence running with said easterly line of Lot 25 and crossing to include a portion of the aforsaid Dalecarlia Reservoir Grounds as now described:

(i) North 35° 05′ 40″ West—495.13 feet to a point, thence

(ii) North 87° 24′ 50″ West—414.43 feet to a point, thence

(iii) South 81° 08′ 00″ West—69.56 feet to a point, thence

(iv) South 88° 42′ 48″ West—367.50 feet to a point, thence

(v) South 87° 09′ 00″ West—379.68 feet to a point on the easterly right-of-way line of MacArthur Boulevard, thence with said easterly right-of-way line, as now described

(vi) North 08° 41′ 30″ East—30.62 feet to a point, thence crossing to include a portion of the aforesaid Dalecarlia Reservoir Grounds, as now described

(vii) North 87° 09′ 00″ East—373.96 feet to a point, thence

(viii) North 88° 42′ 48″ East—374.92 feet to a point, thence

(ix) North 56° 53′ 40″ East—53.16 feet to a point, thence

(x) North 86° 00′ 15″ East—26.17 feet to a point, thence

(xi) South 87° 24′ 50″ East—464.01 feet to a point, thence

(xii) North 83° 34′ 31″ East—50.62 feet to a point, thence

(xiii) South 02° 35′ 10″ West—46.46 feet to a point, thence

(xiv) South 13° 38′ 12″ East—107.83 feet to a point, thence

(xv) South 35° 05′ 40″ East—347.97 feet to a point on the aforesaid northerly right-of-way line of Dalecarlia Parkway, thence with said right-of-way line, as now described

(xvi) 44.12 feet along the arc of a curve to the right having a radius of 855.00 feet, chord bearing and distance of South 58° 59′ 22″ West—44.11 feet to the place of beginning containing 1.7157 acres of land more or less as now described by Maddox Engineers and Surveyors, Inc., June 2000, Job #00015.

(4) APPRAISAL.—Before conveying any right, title, or interest under this subsection, the Secretary shall obtain an appraisal of the fair market value of the parcel.

(c) ONTONAGON, MICHIGAN.—

(1) IN GENERAL.—The Secretary shall convey by quitclaim deed without consideration to the Ontonagon County Historical Society all right, title, and interest of the United States in and to the parcel of land underlying and immediately surrounding the lighthouse at Ontonagon, Michigan, consisting of approximately 1.8 acres, together with any improvements thereon, for public ownership and for public purposes.

(2) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The exact acreage and the legal description of the real property described in paragraph (1) shall be determined by a survey that is satisfactory to the Secretary.

(3) REVERSION.—If the Secretary determines that the real property described in paragraph (1) ceases to be held in public ownership or used for public purposes, all right, title, and interest in and to the property shall revert to the United States.

(d) PIKE COUNTY, MISSOURI.—

(1) LAND EXCHANGE.—Subject to paragraphs (3) and (4), at such time as S.S.S., Inc. conveys all right, title, and interest in and to the parcel of land described in paragraph (2)(A) to the United States, the Secretary shall convey by quitclaim deed all right, title, and interest in the parcel of land described in paragraph (2)(B) to S.S.S., Inc.

(2) LAND DESCRIPTION.—The parcels of land referred to in paragraph (1) are the following:

(A) NON-FEDERAL LAND.—8.99 acres with existing flowage easements situated in Pike County, Missouri, adjacent to land being acquired from Holnam, Inc. by the Corps of Engineers.

(B) FEDERAL LAND.—8.99 acres situated in Pike County, Missouri, known as Government Tract Numbers FM–46 and FM–47, administered by the Corps of Engineers.

(3) CONDITIONS.—The exchange of land under paragraph (1) shall be subject to the following conditions:

(A) DEEDS.—

(i) NON-FEDERAL LAND.—The conveyance of the land described in paragraph (2)(A) to the Secretary shall be by a quitclaim deed acceptable to the Secretary.

(ii) FEDERAL LAND.—The instrument of conveyance used to convey the land described in paragraph (2)(B) to S.S.S., Inc. shall contain such reservations, terms, and conditions as the Secretary considers necessary to allow the United States to operate and maintain the Mississippi River 9-Foot Navigation Project.

(B) REMOVAL OF IMPROVEMENTS.—S.S.S., Inc. may remove any improvements on the land described in paragraph (2)(A). The Secretary may require S.S.S., Inc. to remove any improvements on the land described in paragraph (2)(A). In either case, S.S.S., Inc. shall hold the United States harmless from liability, and the United States shall not incur costs associated with the removal or relocation of any of the improvements.

(C) TIME LIMIT FOR EXCHANGE.—The land exchange under paragraph (1) shall be completed not later than 2 years after the date of enactment of this Act.

(D) LEGAL DESCRIPTION.—The Secretary shall provide the legal description of the lands described in paragraph (2). The legal description shall be used in the instruments of conveyance of the lands.

(4) VALUE OF PROPERTIES.—If the appraised fair market value, as determined by the Secretary, of the land conveyed to S.S.S., Inc. by the Secretary under paragraph (1) exceeds the appraised fair market value, as determined by the Secretary, of the land conveyed to the United States by S.S.S., Inc. under paragraph (1), S.S.S., Inc. shall make a payment equal to the excess in cash or a cash equivalent to the United States.

(e) CANDY LAKE PROJECT, OSAGE COUNTY, OKLAHOMA.—Section 563(c)(1)(B) of the Water Resources Development Act of 1999 (113 Stat. 357) is amended by striking ''a deceased individual'' and inserting ''an individual''.

(f) MANOR TOWNSHIP, PENNSYLVANIA.—

(1) IN GENERAL.—In accordance with this subsection, the Secretary shall convey by quitclaim deed to the township of Manor, Pennsylvania, all right, title, and interest of the United States in and to the approximately 113 acres of real property located at Crooked Creek Lake, together with any improvements on the land.

(2) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The exact acreage and the legal description of the real property described in paragraph (1) shall be determined by a survey that is satisfactory to the Secretary.

(3) CONSIDERATION.—The Secretary may convey under this subsection without consideration any portion of the real property described in paragraph (1) if the portion is to be retained in public ownership and be used for public park and recreation or other public purposes.

(4) REVERSION.—If the Secretary determines that any portion of the property conveyed under paragraph (3) ceases to be held in public ownership or to be used for public park and recreation or other public purposes, all right, title, and interest in and to such portion of property shall revert to the Secretary.

(5) PAYMENT OF COSTS.—The township of Manor, Pennsylvania shall be responsible for all costs associated with a conveyance under this subsection, including the cost of conducting the survey referred to in paragraph (2).

(g) NEW SAVANNAH BLUFF LOCK AND DAM, SAVANNAH RIVER, SOUTH CAROLINA, BELOW AUGUSTA.—

(1) IN GENERAL.—The Secretary shall convey by quitclaim deed to the city of North Augusta and Aiken County, South Carolina, the lock, dam, and appurtenant features at New Savannah Bluff, including the adjacent approximately 50-acre park and recreation area with improvements of the navigation project, Savannah River Below Augusta, Georgia, authorized by the first section of the River and Harbor Act of July 3, 1930 (46 Stat. 924), subject to the execution of an agreement by the Secretary and the city of North Augusta and Aiken County, South Carolina, that specifies the terms and conditions for such conveyance.

(2) TREATMENT OF LOCK, DAM, APPURTENANT FEATURES, AND PARK AND RECREATION AREA.—The lock, dam, appurtenant features, adjacent park and recreation area, and other project lands, to be conveyed under paragraph (1) shall not be treated as part of any Federal water resources project after the effective date of the transfer.

(3) OPERATION AND MAINTENANCE.—Operation and maintenance of all features of the navigation project, other than the lock, dam, appurtenant features, adjacent park and recreation area, and other project lands to be conveyed under paragraph (1), shall continue to be a Federal responsibility after the effective date of the transfer under paragraph (1).

(h) TRI-CITIES AREA, WASHINGTON.—Section 501(i) of the Water Resources Development Act of 1996 (110 Stat. 3752–3753) is amended—

(1) by inserting before the period at the end of paragraph (1) the following: ''; except that any of such local governments, with the agreement of the appropriate district engineer, may exempt from the conveyance to the local government all or any part of the

lands to be conveyed to the local government''; and

(2) by inserting before the period at the end of paragraph (2)(C) the following: ''; except that approximately 7.4 acres in Columbia Park, Kennewick, Washington, consisting of the historic site located in the Park and known and referred to as the Kennewick Man Site and such adjacent wooded areas as the Secretary determines are necessary to protect the historic site, shall remain in Federal ownership''.

(i) BAYOU TECHE, LOUISIANA.—

(1) IN GENERAL.—After renovations of the Keystone Lock facility have been completed, the Secretary may convey by quitclaim deed without consideration to St. Martin Parish, Louisiana, all rights, interests, and title of the United States in the approximately 12.03 acres of land under the administrative jurisdiction of the Secretary in Bayou Teche, Louisiana, together with improvements thereon. The dam and the authority to retain upstream pool elevations shall remain under the jurisdiction of the Secretary. The Secretary shall relinquish all operations and maintenance of the lock to St. Martin Parish.

(2) CONDITIONS.—The following conditions apply to the transfer under paragraph (1):

(A) St. Martin Parish shall operate, maintain, repair, replace, and rehabilitate the lock in accordance with regulations prescribed by the Secretary which are consistent with the project's authorized purposes.

(B) The Parish shall provide the Secretary access to the dam whenever the Secretary notifies the Parish of a need for access to the dam.

(C) If the Parish fails to comply with subparagraph (A), the Secretary shall notify the Parish of such failure. If the parish does not correct such failure during the 1-year period beginning on the date of such notification, the Secretary shall have a right of reverter to reclaim possession and title to the land and improvements conveyed under this section or, in the case of a failure to make necessary repairs, the Secretary may effect the repairs and require payment from the Parish for the repairs made by the Secretary.

(j) JOLIET, ILLINOIS.—

(1) IN GENERAL.—The Secretary shall convey by quitclaim deed without consideration to the Joliet Park District in Joliet, Illinois, all right, title, and interest of the United States in and to the parcel of real property located at 622 Railroad Street in the city of Joliet, consisting of approximately 2 acres, together with any improvements thereon, for public ownership and use as the site of the headquarters of the park district.

(2) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The exact acreage and the legal description of the real property described in paragraph (1) shall be determined by a survey that is satisfactory to the Secretary.

(3) REVERSION.—If the Secretary determines that the property conveyed under paragraph (1) ceases to be held in public ownership or to be used as headquarters of the park district or for other purposes, all right, title, and interest in and to such property shall revert to the United States.

(k) OTTAWA, ILLINOIS.—

(1) CONVEYANCE OF PROPERTY.—Subject to the terms, conditions, and reservations of paragraph (2), the Secretary shall convey by quitclaim deed to the Young Men's Christian Association of Ottawa, Illinois (in this subsection referred to as the ''YMCA''), all right, title, and interest of the United States in and to a portion of the easements acquired for the improvement of the Illinois Waterway project over a parcel of real property owned by the YMCA, known as the ''Ottawa, Illinois YMCA Site'', and located at 201 E. Jackson Street, Ottawa, La Salle County, Illinois (portion of NE ¼, S11, T33N, R3E 3PM), except that portion lying below the elevation of 461 feet National Geodetic Vertical Datum.

(2) CONDITIONS.—The following conditions apply to the conveyance under paragraph (1):

(A) The exact acreage and the legal description of the real property described in paragraph (1) shall be determined by a survey that is satisfactory to the Secretary.

(B) The YMCA shall agree to hold and save the United States harmless from liability associated with the operation and maintenance of the Illinois Waterway project on the property desscribed in paragraph (1).

(C) If the Secretary determines that any portion of the property that is the subject of the easement conveyed under paragraph (1) ceases to be used as the YMCA, all right, title, and interest in and to such easement shall revert to the Secretary.

(l) ST. CLAIR AND BENTON COUNTIES, MISSOURI.—

(1) IN GENERAL.—The Secretary shall convey to the Iconium Fire Protection District, St. Clair and Benton counties, Missouri, by quitclaim deed and without consideration, all right, title, and interest of the United States in and to the parcel of land described in paragraph (2).

(2) LAND DESCRIPTION.—The parcel of land to be conveyed under paragraph (1) is the tract of land located in the Southeast ¼ of Section 13, Township 39 North, Range 25 West, of the Fifth Principal Meridian, St. Clair County, Missouri, more particularly described as follows: Commencing at the Southwest corner of Section 18, as designated by Corps survey marker AP 18–1, thence northerly 11.22 feet to the southeast corner of Section 13, thence 657.22 feet north along the east line of Section 13 to Corps monument 18 1–C lying within the right-of-way of State Highway C, being the point of beginning of the tract of land herein described; thence westerly approximately 210 feet, thence northerly 150 feet, thence easterly approximately 210 feet to the east line of Section 13, thence southerly along said east line, 150 feet to the point of beginning, containing 0.723 acres, more or less.

(3) REVERSION.—If the Secretary determines that the property conveyed under paragraph (1) ceases to be held in public ownership or to be used as a site for a fire station, all right, title, and interest in and to such property shall revert to the United States.

(m) GENERALLY APPLICABLE PROVISIONS.—

(1) APPLICABILITY OF PROPERTY SCREENING PROVISIONS.—Section 2696 of title 10, United States Code, shall not apply to any conveyance under this section.

(2) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require that any conveyance under this section be subject to such additional terms and conditions as the Secretary considers appropriate and necessary to protect the interests of the United States.

(3) COSTS OF CONVEYANCE.—An entity to which a conveyance is made under this section shall be responsible for all reasonable and necessary costs, including real estate transaction and environmental compliance costs, associated with the conveyance.

(4) LIABILITY.—An entity to which a conveyance is made under this section shall hold the United States harmless from any liability with respect to activities carried out, on or after the date of the conveyance, on the real property conveyed. The United States shall remain responsible for any liability with respect to activities carried out, before such date, on the real property conveyed.

SEC. 586. BRUCE F. VENTO UNIT OF THE BOUNDARY WATERS CANOE AREA WILDERNESS, MINNESOTA.

(a) DESIGNATION.—The portion of the Boundary Waters Canoe Area Wilderness, Minnesota, situated north and cast of the Gunflint Corridor and that is bounded by the United States border with Canada to the north shall be known and designated as the ''Bruce F. Vento Unit of the Boundary Waters Canoe Area Wilderness''.

(b) LEGAL REFERENCE.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the area referred to in paragraph (1) shall be deemed to be a reference to the ''Bruce F. Vento Unit of the Boundary Waters Canoe Area Wilderness''.

SEC. 587. WAURIKA LAKE, OKLAHOMA.

The remaining obligation of the Waurika Project Master Conservancy District payable to the United States Government in the amounts, rates of interest, and payment schedules is set at the amounts, rates of interest, and payment schedules that existed, and that both parties agreed to, on June 3, 1986, and may not be adjusted, altered, or changed without a specific, separate, and written agreement between the District and the United States Government.

SEC. 588. COLUMBIA RIVER TREATY FISHING ACCESS.

Section 401(d) of the Act entitled ''An Act to establish procedures for review of tribal constitutions and bylaws or amendments thereto pursuant to the Act of June 18, 1934 (48 Stat. 987)'', approved November 1, 1988 (102 Stat. 2944), is amended by striking ''$2,000,000'' and inserting ''$4,000,000''.

SEC. 589. DEVILS LAKE, NORTH DAKOTA.

No appropriation shall be made to construct an emergency outlet from Devils Lake, North Dakota, to the Sheyenne River if the final plans for the emergency outlet have not been approved by resolutions adopted by the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

TITLE VI—COMPREHENSIVE EVERGLADES RESTORATION

SEC. 601. COMPREHENSIVE EVERGLADES RESTORATION PLAN.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) CENTRAL AND SOUTHERN FLORIDA PROJECT.—

(A) IN GENERAL.—The term ''Central and Southern Florida Project'' means the project for Central and Southern Florida authorized under the heading ''CENTRAL AND SOUTHERN FLORIDA'' in section 203 of the Flood Control Act of 1948 (62 Stat. 1176).

(B) INCLUSION.—The term ''Central and Southern Florida Project'' includes any modification to the project authorized by this section or any other provision of law.

(2) GOVERNOR.—The term ''Governor'' means the Governor of the State of Florida.

(3) NATURAL SYSTEM.—

(A) IN GENERAL.—The term ''natural system'' means all land and water managed by the Federal Government or the State within the South Florida ecosystem.

(B) INCLUSIONS.—The term ''natural system'' includes—

(i) water conservation areas;

(ii) sovereign submerged land;

(iii) Everglades National Park;

(iv) Biscayne National Park;

(v) Big Cypress National Preserve;

(vi) other Federal or State (including a political subdivision of a State) land that is designated and managed for conservation purposes; and

(vii) any tribal land that is designated and managed for conservation purposes, as approved by the tribe.

(4) PLAN.—The term ''Plan'' means the Comprehensive Everglades Restoration Plan contained in the ''Final Integrated Feasibility Report and Programmatic Environmental Impact Statement'', dated April 1, 1999, as modified by this section.

(5) SOUTH FLORIDA ECOSYSTEM.—

(A) IN GENERAL.—The term ''South Florida ecosystem'' means the area consisting of the land and water within the boundary of the South Florida Water Management District in effect on July 1, 1999.

(B) INCLUSIONS.—The term ''South Florida ecosystem'' includes—

(i) the Everglades;

(ii) the Florida Keys; and

(iii) the contiguous near-shore coastal water of South Florida.

(6) STATE.—The term ''State'' means the State of Florida.

(b) COMPREHENSIVE EVERGLADES RESTORATION PLAN.—

(1) APPROVAL.—

(A) IN GENERAL.—Except as modified by this section, the Plan is approved as a framework for modifications and operational changes to the Central and Southern Florida Project that are needed to restore, preserve, and protect the South Florida ecosystem while providing for other water-related needs of the region, including water supply and flood protection. The Plan shall be implemented to ensure the protection of water quality in, the reduction of the loss of fresh water from, and the improvement of the environment of the South Florida ecosystem and to achieve and maintain the benefits to the natural system and human environment described in the Plan, and required pursuant to this section, for as long as the project is authorized.

(B) INTEGRATION.—In carrying out the Plan, the Secretary shall integrate the activities described in subparagraph (A) with ongoing Federal and State projects and activities in accordance with section 528(c) of the Water Resources Development Act of 1996 (110 Stat. 3769). Unless specifically provided herein, nothing in this section shall be construed to modify any existing cost share or responsibility for projects as listed in subsection (c) or (e) of section 528 of the Water Resources Development Act of 1996 (110 Stat. 3769).

(2) SPECIFIC AUTHORIZATIONS.—

(A) IN GENERAL.—

(i) PROJECTS.—The Secretary shall carry out the projects included in the Plan in accordance with subparagraphs (B), (C), (D), and (E).

(ii) CONSIDERATIONS.—In carrying out activities described in the Plan, the Secretary shall—

(I) take into account the protection of water quality by considering applicable State water quality standards; and

(II) include such features as the Secretary determines are necessary to ensure that all ground water and surface water discharges from any project feature authorized by this subsection will meet all applicable water quality standards and applicable water quality permitting requirements.

(iii) REVIEW AND COMMENT.—In developing the projects authorized under subparagraph (B), the Secretary shall provide for public review and comment in accordance with applicable Federal law.

(B) PILOT PROJECTS.—The following pilot projects are authorized for implementation, after review and approval by the Secretary, at a total cost of $69,000,000, with an estimated Federal cost of $34,500,000 and an estimated non-Federal cost of $34,500,000:

(i) Caloosahatchee River (C–43) Basin ASR, at a total cost of $6,000,000, with an estimated Federal cost of $3,000,000 and an estimated non-Federal cost of $3,000,000.

(ii) Lake Belt In-Ground Reservoir Technology, at a total cost of $23,000,000, with an estimated Federal cost of $11,500,000 and an estimated non-Federal cost of $11,500,000.

(iii) L–31N Seepage Management, at a total cost of $10,000,000, with an estimated Federal cost of $5,000,000 and an estimated non-Federal cost of $5,000,000.

(iv) Wastewater Reuse Technology, at a total cost of $30,000,000, with an estimated Federal cost of $15,000,000 and an estimated non-Federal cost of $15,000,000.

(C) INITIAL PROJECTS.—The following projects are authorized for implementation, after review and approval by the Secretary, subject to the conditions stated in subparagraph (D), at a total cost of $1,100,918,000, with an estimated Federal cost of $550,459,000 and an estimated non-Federal cost of $550,459,000:

(i) C–44 Basin Storage Reservoir, at a total cost of $112,562,000, with an estimated Federal cost of $56,281,000 and an estimated non-Federal cost of $56,281,000.

(ii) Everglades Agricultural Area Storage Reservoirs—Phase I, at a total cost of $233,408,000, with an estimated Federal cost of $116,704,000 and an estimated non-Federal cost of $116,704,000.

(iii) Site 1 Impoundment, at a total cost of $38,535,000, with an estimated Federal cost of $19,267,500 and an estimated non-Federal cost of $19,267,500.

(iv) Water Conservation Areas 3A/3B Levee Seepage Management, at a total cost of $100,335,000, with an estimated Federal cost of $50,167,500 and an estimated non-Federal cost of $50,167,500.

(v) C–11 Impoundment and Stormwater Treatment Area, at a total cost of $124,837,000, with an estimated Federal cost of $62,418,500 and an estimated non-Federal cost of $62,418,500.

(vi) C–9 Impoundment and Stormwater Treatment Area, at a total cost of $89,146,000, with an estimated Federal cost of $44,573,000 and an estimated non-Federal cost of $44,573,000.

(vii) Taylor Creek/Nubbin Slough Storage and Treatment Area, at a total cost of $104,027,000, with an estimated Federal cost of $52,013,500 and an estimated non-Federal cost of $52,013,500.

(viii) Raise and Bridge East Portion of Tamiami Trail and Fill Miami Canal within Water Conservation Area 3, at a total cost of $26,946,000, with an estimated Federal cost of $13,473,000 and an estimated non-Federal cost of $13,473,000.

(ix) North New River Improvements, at a total cost of $77,087,000, with an estimated Federal cost of $38,543,500 and an estimated non-Federal cost of $38,543,500.

(x) C–111 Spreader Canal, at a total cost of $94,035,000, with an estimated Federal cost of $47,017,500 and an estimated non-Federal cost of $47,017,500.

(xi) Adaptive Assessment and Monitoring Program, at a total cost of $100,000,000, with an estimated Federal cost of $50,000,000 and an estimated non-Federal cost of $50,000,000.

(D) CONDITIONS.—

(i) PROJECT IMPLEMENTATION REPORTS.—Before implementation of a project described in any of clauses (i) through (x) of subparagraph (C), the Secretary shall review and approve for the project a project implementation report prepared in accordance with subsections (f) and (h).

(ii) SUBMISSION OF REPORT.—The Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate the project implementation report required by subsections (f) and (h) for each project under this paragraph (including all relevant data and information on all costs).

(iii) FUNDING CONTINGENT ON APPROVAL.—No appropriation shall be made to construct any project under this paragraph if the project implementation report for the project has not been approved by resolutions adopted by the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(iv) MODIFIED WATER DELIVERY.—No appropriation shall be made to construct the Water Conservation Area 3 Decompartmentalization and Sheetflow Enhancement Project (including component AA, Additional S–345 Structures; component QQ Phase 1, Raise and Bridge East Portion of Tamiami Trail and Fill Miami Canal within WCA 3; component QQ Phase 2, WCA 3 Decompartmentalization and Sheetflow Enhancement; and component SS, North New River Improvements) or the Central Lakebelt Storage Project (including components S and EEE, Central Lake Belt Storage Area) until the completion of the project to improve water deliveries to Everglades National Park authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r–8).

(E) MAXIMUM COST OF PROJECTS.—Section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280) shall apply to each project feature authorized under this subsection.

(c) ADDITIONAL PROGRAM AUTHORITY.—

(1) IN GENERAL.—To expedite implementation of the Plan, the Secretary may implement modifications to the Central and Southern Florida Project that—

(A) are described in the Plan; and

(B) will produce a substantial benefit to the restoration, preservation and protection of the South Florida ecosystem.

(2) PROJECT IMPLEMENTATION REPORTS.—Before implementation of any project feature authorized under this subsection, the Secretary shall review and approve for the project feature a project implementation report prepared in accordance with subsections (f) and (h).

(3) FUNDING.—

(A) INDIVIDUAL PROJECT FUNDING.—

(i) FEDERAL COST.—The total Federal cost of each project carried out under this subsection shall not exceed $12,500,000.

(ii) OVERALL COST.—The total cost of each project carried out under this subsection shall not exceed $25,000,000.

(B) AGGREGATE COST.—The total cost of all projects carried out under this subsection shall not exceed $206,000,000, with an estimated Federal cost of $103,000,000 and an estimated non-Federal cost of $103,000,000.

(d) AUTHORIZATION OF FUTURE PROJECTS.—

(1) IN GENERAL.—Except for a project authorized by subsection (b) or (c), any project included in the Plan shall require a specific authorization by Congress.

(2) SUBMISSION OF REPORT.—Before seeking congressional authorization for a project under paragraph (1), the Secretary shall submit to Congress—

(A) a description of the project; and

(B) a project implementation report for the project prepared in accordance with subsections (f) and (h).

(e) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the cost of carrying out a project authorized by subsection (b), (c), or (d) shall be 50 percent.

(2) NON-FEDERAL RESPONSIBILITIES.—The non-Federal sponsor with respect to a project described in subsection (b), (c), or (d), shall be—

(A) responsible for all land, easements, rights-of-way, and relocations necessary to implement the Plan; and

(B) afforded credit toward the non-Federal share of the cost of carrying out the project in accordance with paragraph (5)(A).

(3) FEDERAL ASSISTANCE.—

(A) IN GENERAL.—The non-Federal sponsor with respect to a project authorized by subsection (b), (c), or (d) may use Federal funds for the purchase of any land, easement, rights-of-way, or relocation that is necessary to carry out the project if any funds so used are credited toward the Federal share of the cost of the project.

(B) AGRICULTURE FUNDS.—Funds provided to the non-Federal sponsor under the Conservation Restoration and Enhancement Program (CREP) and the Wetlands Reserve Program (WRP) for projects in the Plan shall be credited toward the non-Federal share of the cost of the Plan if the Secretary of Agriculture certifies that the funds provided may be used for that purpose. Funds to be credited do not include funds provided under section 390 of the Federal Agriculture Improvement and Reform Act of 1996 (110 Stat. 1022).

(4) OPERATION AND MAINTENANCE.—Notwithstanding section 528(e)(3) of the Water Resources Development Act of 1996 (110 Stat. 3770), the non-Federal sponsor shall be responsible for 50 percent of the cost of operation, maintenance, repair, replacement, and rehabilitation activities authorized under this section. Furthermore, the Seminole Tribe of Florida shall be responsible for 50 percent of the cost of operation, maintenance, repair, replacement, and rehabilitation activities for the Big Cypress Seminole Reservation Water Conservation Plan Project.

(5) CREDIT.—

(A) IN GENERAL.—Notwithstanding section 528(e)(4) of the Water Resources Development Act of 1996 (110 Stat. 3770) and regardless of the date of acquisition, the value of lands or interests in lands and incidental costs for land acquired by a non-Federal sponsor in accordance with a project implementation report for any project included in the Plan and authorized by Congress shall be—

(i) included in the total cost of the project; and

(ii) credited toward the non-Federal share of the cost of the project.

(B) WORK.—The Secretary may provide credit, including in-kind credit, toward the non-Federal share for the reasonable cost of any work performed in connection with a study, preconstruction engineering and design, or construction that is necessary for the implementation of the Plan if—

(i)(I) the credit is provided for work completed during the period of design, as defined in a design agreement between the Secretary and the non-Federal sponsor; or

(II) the credit is provided for work completed during the period of construction, as defined in a project cooperation agreement for an authorized project between the Secretary and the non-Federal sponsor;

(ii) the design agreement or the project cooperation agreement prescribes the terms and conditions of the credit; and

(iii) the Secretary determines that the work performed by the non-Federal sponsor is integral to the project.

(C) TREATMENT OF CREDIT BETWEEN PROJECTS.—Any credit provided under this paragraph may be carried over between authorized projects in accordance with subparagraph (D).

(D) PERIODIC MONITORING.—

(i) IN GENERAL.—To ensure that the contributions of the non-Federal sponsor equal 50 percent proportionate share for projects in the Plan, during each 5-year period, beginning with commencement of design of the Plan, the Secretary shall, for each project—

(I) monitor the non-Federal provision of cash, in-kind services, and land; and

(II) manage, to the maximum extent practicable, the requirement of the non-Federal sponsor to provide cash, in-kind services, and land.

(ii) OTHER MONITORING.—The Secretary shall conduct monitoring under clause (i) separately for the preconstruction engineering and design phase and the construction phase.

(E) AUDITS.—Credit for land (including land value and incidental costs) or work provided under this subsection shall be subject to audit by the Secretary.

(f) EVALUATION OF PROJECTS.—

(1) IN GENERAL.—Before implementation of a project authorized by subsection (c) or (d) or any of clauses (i) through (x) of subsection (b)(2)(C), the Secretary, in cooperation with the non-Federal sponsor, shall complete, after notice and opportunity for public comment and in accordance with subsection (h), a project implementation report for the project.

(2) PROJECT JUSTIFICATION.—

(A) IN GENERAL.—Notwithstanding section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962–2) or any other provision of law, in carrying out any activity authorized under this section or any other provision of law to restore, preserve, or protect the South Florida ecosystem, the Secretary may determine that—

(i) the activity is justified by the environmental benefits derived by the South Florida ecosystem; and

(ii) no further economic justification for the activity is required, if the Secretary determines that the activity is cost-effective.

(B) APPLICABILITY.—Subparagraph (A) shall not apply to any separable element intended to produce benefits that are predominantly unrelated to the restoration, preservation, and protection of the natural system.

(g) EXCLUSIONS AND LIMITATIONS.—The following Plan components are not approved for implementation:

(1) WATER INCLUDED IN THE PLAN.—

(A) IN GENERAL.—Any project that is designed to implement the capture and use of the approximately 245,000 acre-feet of water described in section 7.7.2 of the Plan shall not be implemented until such time as—

(i) the project-specific feasibility study described in subparagraph (B) on the need for and physical delivery of the approximately 245,000 acre-feet of water, conducted by the Secretary, in cooperation with the non-Federal sponsor, is completed;

(ii) the project is favorably recommended in a final report of the Chief of Engineers; and

(iii) the project is authorized by Act of Congress.

(B) PROJECT-SPECIFIC FEASIBILITY STUDY.—The project-specific feasibility study referred to in subparagraph (A) shall include—

(i) a comprehensive analysis of the structural facilities proposed to deliver the approximately 245,000 acre-feet of water to the natural system;

(ii) an assessment of the requirements to divert and treat the water;

(iii) an assessment of delivery alternatives;

(iv) an assessment of the feasibility of delivering the water downstream while maintaining current levels of flood protection to affected property; and

(v) any other assessments that are determined by the Secretary to be necessary to complete the study.

(2) WASTEWATER REUSE.—

(A) IN GENERAL.—On completion and evaluation of the wastewater reuse pilot project described in subsection (b)(2)(B)(iv), the Secretary, in an appropriately timed 5-year report, shall describe the results of the evaluation of advanced wastewater reuse in meeting, in a cost-effective manner, the requirements of restoration of the natural system.

(B) SUBMISSION.—The Secretary shall submit to Congress the report described in subparagraph (A) before congressional authorization for advanced wastewater reuse is sought.

(3) PROJECTS APPROVED WITH LIMITATIONS.—The following projects in the Plan are approved for implementation with limitations:

(A) LOXAHATCHEE NATIONAL WILDLIFE REFUGE.—The Federal share for land acquisition in the project to enhance existing wetland systems along the Loxahatchee National Wildlife Refuge, including the Stazzulla tract, should be funded through the budget of the Department of the Interior.

(B) SOUTHERN CORKSCREW REGIONAL ECOSYSTEM.—The Southern Corkscrew regional ecosystem watershed addition should be accomplished outside the scope of the Plan.

(h) ASSURANCE OF PROJECT BENEFITS.—

(1) IN GENERAL.—The overarching objective of the Plan is the restoration, preservation, and protection of the South Florida Ecosystem while providing for other water-related needs of the region, including water supply and flood protection. The Plan shall be implemented to ensure the protection of water quality in, the reduction of the loss of fresh water from, the improvement of the environment of the South Florida Ecosystem and to achieve and maintain the benefits to the natural system and human environment described in the Plan, and required pursuant to this section, for as long as the project is authorized.

(2) AGREEMENT.—

(A) IN GENERAL.—In order to ensure that water generated by the Plan will be made available for the restoration of the natural system, no appropriations, except for any pilot project described in subsection (b)(2)(B), shall be made for the construction of a project contained in the Plan until the President and the Governor enter into a binding agreement under which the State shall ensure, by regulation or other appropriate means, that water made available by each project in the Plan shall not be permitted for a consumptive use or otherwise made unavailable by the State until such time as sufficient reservations of water for the restoration of the natural system are made under State law in accordance with the project implementation report for that project and consistent with the Plan.

(B) ENFORCEMENT.—

(i) IN GENERAL.—Any person or entity that is aggrieved by a failure of the United States or any other Federal Government instrumentality or agency, or the Governor or any other officer of a State instrumentality or agency, to comply with any provision of the agreement entered into under subparagraph (A) may bring a civil action in United States district court for an injunction directing the United States or any other Federal Government instrumentality or agency or the Governor or any other officer of a State instrumentality or agency, as the case may be, to comply with the agreement.

(ii) LIMITATIONS ON COMMENCEMENT OF CIVIL ACTION.—No civil action may be commenced under clause (i)—

(I) before the date that is 60 days after the Secretary and the Governor receive written notice of a failure to comply with the agreement; or

(II) if the United States has commenced and is diligently prosecuting an action in a court of the United States or a State to redress a failure to comply with the agreement.

(C) TRUST RESPONSIBILITIES.—In carrying out his responsibilities under this subsection with respect to the restoration of the South

Florida ecosystem, the Secretary of the Interior shall fulfill his obligations to the Indian tribes in South Florida under the Indian trust doctrine as well as other applicable legal obligations.

(3) PROGRAMMATIC REGULATIONS.—

(A) ISSUANCE.—Not later than 2 years after the date of enactment of this Act, the Secretary shall, after notice and opportunity for public comment, with the concurrence of the Governor and the Secretary of the Interior, and in consultation with the Seminole Tribe of Florida, the Miccosukee Tribe of Indians of Florida, the Administrator of the Environmental Protection Agency, the Secretary of Commerce, and other Federal, State, and local agencies, promulgate programmatic regulations to ensure that the goals and purposes of the Plan are achieved.

(B) CONCURRENCY STATEMENT.—The Secretary of the Interior and the Governor shall, not later than 180 days from the end of the public comment period on proposed programmatic regulations, provide the Secretary with a written statement of concurrence or nonconcurrence. A failure to provide a written statement of concurrence or nonconcurrence within such time frame will be deemed as meeting the concurrency requirements of subparagraph (A)(i). A copy of any concurrency or nonconcurrency statements shall be made a part of the administrative record and referenced in the final programmatic regulations. Any nonconcurrency statement shall specifically detail the reason or reasons for the nonconcurrence.

(C) CONTENT OF REGULATIONS.—

(i) IN GENERAL.—Programmatic regulations promulgated under this paragraph shall establish a process—

(I) for the development of project implementation reports, project cooperation agreements, and operating manuals that ensure that the goals and objectives of the Plan are achieved;

(II) to ensure that new information resulting from changed or unforeseen circumstances, new scientific or technical information or information that is developed through the principles of adaptive management contained in the Plan, or future authorized changes to the Plan are integrated into the implementation of the Plan; and

(III) to ensure the protection of the natural system consistent with the goals and purposes of the Plan, including the establishment of interim goals to provide a means by which the restoration success of the Plan may be evaluated throughout the implementation process.

(ii) LIMITATION ON APPLICABILITY OF PROGRAMMATIC REGULATIONS.—Programmatic regulations promulgated under this paragraph shall expressly prohibit the requirement for concurrence by the Secretary of the Interior or the Governor on project implementation reports, project cooperation agreements, operating manuals for individual projects undertaken in the Plan, and any other documents relating to the development, implementation, and management of individual features of the Plan, unless such concurrence is provided for in other Federal or State laws.

(D) SCHEDULE AND TRANSITION RULE.—

(i) IN GENERAL.—All project implementation reports approved before the date of promulgation of the programmatic regulations shall be consistent with the Plan.

(ii) PREAMBLE.—The preamble of the programmatic regulations shall include a statement concerning the consistency with the programmatic regulations of any project implementation reports that were approved before the date of promulgation of the regulations.

(E) REVIEW OF PROGRAMMATIC REGULATIONS.—Whenever necessary to attain Plan goals and purposes, but not less often than every 5 years, the Secretary, in accordance with subparagraph (A), shall review the programmatic regulations promulgated under this paragraph.

(4) PROJECT-SPECIFIC ASSURANCES.—

(A) PROJECT IMPLEMENTATION REPORTS.—

(i) IN GENERAL.—The Secretary and the non-Federal sponsor shall develop project implementation reports in accordance with section 10.3.1 of the Plan.

(ii) COORDINATION.—In developing a project implementation report, the Secretary and the non-Federal sponsor shall coordinate with appropriate Federal, State, tribal, and local governments.

(iii) REQUIREMENTS.—A project implementation report shall—

(I) be consistent with the Plan and the programmatic regulations promulgated under paragraph (3);

(II) describe how each of the requirements stated in paragraph (3)(B) is satisfied;

(III) comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(IV) identify the appropriate quantity, timing, and distribution of water dedicated and managed for the natural system;

(V) identify the amount of water to be reserved or allocated for the natural system necessary to implement, under State law, subclauses (IV) and (VI);

(VI) comply with applicable water quality standards and applicable water quality permitting requirements under subsection (b)(2)(A)(ii);

(VII) be based on the best available science; and

(VIII) include an analysis concerning the cost-effectiveness and engineering feasibility of the project.

(B) PROJECT COOPERATION AGREEMENTS.—

(i) IN GENERAL.—The Secretary and the non-Federal sponsor shall execute project cooperation agreements in accordance with section 10 of the Plan.

(ii) CONDITION.—The Secretary shall not execute a project cooperation agreement until any reservation or allocation of water for the natural system identified in the project implementation report is executed under State law.

(C) OPERATING MANUALS.—

(i) IN GENERAL.—The Secretary and the non-Federal sponsor shall develop and issue, for each project or group of projects, an operating manual that is consistent with the water reservation or allocation for the natural system described in the project implementation report and the project cooperation agreement for the project or group of projects.

(ii) MODIFICATIONS.—Any significant modification by the Secretary and the non-Federal sponsor to an operating manual after the operating manual is issued shall only be carried out subject to notice and opportunity for public comment.

(5) SAVINGS CLAUSE.—

(A) NO ELIMINATION OR TRANSFER.—Until a new source of water supply of comparable quantity and quality as that available on the date of enactment of this Act is available to replace the water to be lost as a result of implementation of the Plan, the Secretary and the non-Federal sponsor shall not eliminate or transfer existing legal sources of water, including those for—

(i) an agricultural or urban water supply;

(ii) allocation or entitlement to the Seminole Indian Tribe of Florida under section 7 of the Seminole Indian Land Claims Settlement Act of 1987 (25 U.S.C. 1772e);

(iii) the Miccosukee Tribe of Indians of Florida;

(iv) water supply for Everglades National Park; or

(v) water supply for fish and wildlife.

(B) MAINTENANCE OF FLOOD PROTECTION.—Implementation of the Plan shall not reduce levels of service for flood protection that are—

(i) in existence on the date of enactment of this Act; and

(ii) in accordance with applicable law.

(C) NO EFFECT ON TRIBAL COMPACT.—Nothing in this section amends, alters, prevents, or otherwise abrogates rights of the Seminole Indian Tribe of Florida under the compact among the Seminole Tribe of Florida, the State, and the South Florida Water Management District, defining the scope and use of water rights of the Seminole Tribe of Florida, as codified by section 7 of the Seminole Indian Land Claims Settlement Act of 1987 (25 U.S.C. 1772e).

(i) DISPUTE RESOLUTION.—

(1) IN GENERAL.—The Secretary and the Governor shall within 180 days from the date of enactment of this Act develop an agreement for resolving disputes between the Corps of Engineers and the State associated with the implementation of the Plan. Such agreement shall establish a mechanism for the timely and efficient resolution of disputes, including—

(A) a preference for the resolution of disputes between the Jacksonville District of the Corps of Engineers and the South Florida Water Management District;

(B) a mechanism for the Jacksonville District of the Corps of Engineers or the South Florida Water Management District to initiate the dispute resolution process for unresolved issues;

(C) the establishment of appropriate timeframes and intermediate steps for the elevation of disputes to the Governor and the Secretary; and

(D) a mechanism for the final resolution of disputes, within 180 days from the date that the dispute resolution process is initiated under subparagraph (B).

(2) CONDITION FOR REPORT APPROVAL.—The Secretary shall not approve a project implementation report under this section until the agreement established under this subsection has been executed.

(3) NO EFFECT ON LAW.—Nothing in the agreement established under this subsection shall alter or amend any existing Federal or State law, or the responsibility of any party to the agreement to comply with any Federal or State law.

(j) INDEPENDENT SCIENTIFIC REVIEW.—

(1) IN GENERAL.—The Secretary, the Secretary of the Interior, and the Governor, in consultation with the South Florida Ecosystem Restoration Task Force, shall establish an independent scientific review panel convened by a body, such as the National Academy of Sciences, to review the Plan's progress toward achieving the natural system restoration goals of the Plan.

(2) REPORT.—The panel described in paragraph (1) shall produce a biennial report to Congress, the Secretary, the Secretary of the Interior, and the Governor that includes an assessment of ecological indicators and other measures of progress in restoring the ecology of the natural system, based on the Plan.

(k) OUTREACH AND ASSISTANCE.—

(1) SMALL BUSINESS CONCERNS OWNED AND OPERATED BY SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—In executing the Plan, the Secretary shall ensure that small business concerns owned and controlled by socially and economically disadvantaged individuals are provided opportunities to participate under section 15(g) of the Small Business Act (15 U.S.C. 644(g)).

(2) COMMUNITY OUTREACH AND EDUCATION.—

(A) IN GENERAL.—The Secretary shall ensure that impacts on socially and economically disadvantaged individuals, including individuals with limited English proficiency, and communities are considered during implementation of the Plan, and that such individuals have opportunities to review and comment on its implementation.

(B) PROVISION OF OPPORTUNITIES.—The Secretary shall ensure, to the maximum extent practicable, that public outreach and educational opportunities are provided, during implementation of the Plan, to the individuals of South Florida, including individuals with limited English proficiency, and in particular for socially and economically disadvantaged communities.

(l) REPORT TO CONGRESS.—Beginning on October 1, 2005, and periodically thereafter until October 1, 2036, the Secretary and the Secretary of the Interior, in consultation with the Environmental Protection Agency, the Department of Commerce, and the State of Florida, shall jointly submit to Congress a report on the implementation of the Plan. Such reports shall be completed not less often than every 5 years. Such reports shall include a description of planning, design, and construction work completed, the amount of funds expended during the period covered by the report (including a detailed analysis of the funds expended for adaptive assessment under subsection (b)(2)(C)(xi)), and the work anticipated over the next 5-year period. In addition, each report shall include—

(1) the determination of each Secretary, and the Administrator of the Environmental Protection Agency, concerning the benefits to the natural system and the human environment achieved as of the date of the report and whether the completed projects of the Plan are being operated in a manner that is consistent with the requirements of subsection (h);

(2) progress toward interim goals established in accordance with subsection (h)(3)(B); and

(3) a review of the activities performed by the Secretary under subsection (k) as they relate to socially and economically disadvantaged individuals and individuals with limited English proficiency.

(m) REPORT ON AQUIFER STORAGE AND RECOVERY PROJECT.—Not later than 180 after the date of enactment of this Act, the Secretary shall transmit to Congress a report containing a determination as to whether the ongoing Biscayne Aquifer Storage and Recovery Program located in Miami-Dade County has a substantial benefit to the restoration, preservation, and protection of the South Florida ecosystem.

(n) FULL DISCLOSURE OF PROPOSED FUNDING.—

(1) FUNDING FROM ALL SOURCES.—The President, as part of the annual budget of the United States Government, shall display under the heading ''Everglades Restoration'' all proposed funding for the Plan for all agency programs.

(2) FUNDING FROM CORPS OF ENGINEERS CIVIL WORKS PROGRAM.—The President, as part of the annual budget of the United States Government, shall display under the accounts ''Construction, General'' and ''Operation and Maintenance, General'' of the title ''Department of Defense—Civil, Department of the Army, Corps of Engineers—Civil'', the total proposed funding level for each account for the Plan and the percentage such level represents of the overall levels in such accounts. The President shall also include an assessment of the impact such funding levels for the Plan would have on the budget year and long-term funding levels for the overall Corps of Engineers civil works program.

(o) SURPLUS FEDERAL LANDS.—Section 390(f)(2)(A)(i) of the Federal Agriculture Improvement and Reform Act of 1996 (110 Stat. 1023) is amended by inserting after ''on or after the date of enactment of this Act'' the following: ''and before the date of enactment of the Water Resource Development Act of 2000''.

(p) SEVERABILITY.—If any provision or remedy provided by this section is found to be unconstitutional or unenforceable by any court of competent jurisdiction, any remaining provisions in this section shall remain valid and enforceable.

SEC. 602. SENSE OF CONGRESS CONCERNING HOMESTEAD AIR FORCE BASE.

(a) FINDINGS.—Congress finds that—

(1) the Everglades is an American treasure and includes uniquely-important and diverse wildlife resources and recreational opportunities;

(2) the preservation of the pristine and natural character of the South Florida ecosystem is critical to the regional economy;

(3) as this legislation demonstrates, Congress believes it to be a vital national mission to restore and preserve this ecosystem and accordingly is authorizing a significant Federal investment to do so;

(4) Congress seeks to have the remaining property at the former Homestead Air Base conveyed and reused as expeditiously as possible, and several options for base reuse are being considered, including as a commercial airport; and

(5) Congress is aware that the Homestead site is located in a sensitive environmental location, and that Biscayne National Park is only approximately 1.5 miles to the east, Everglades National Park approximately 8 miles to the west, and the Florida Keys National Marine Sanctuary approximately 10 miles to the south.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) development at the Homestead site could potentially cause significant air, water, and noise pollution and result in the degradation of adjacent national parks and other protected Federal resources;

(2) in their decisionmaking, the Federal agencies charged with determining the reuse of the remaining property at the Homestead base should carefully consider and weigh all available information concerning potential environmental impacts of various reuse options;

(3) the redevelopment of the former base should be consistent with restoration goals, provide desirable numbers of jobs and economic redevelopment for the community, and be consistent with other applicable laws;

(4) consistent with applicable laws, the Secretary of the Air Force should proceed as quickly as practicable to issue a final SEIS and Record of Decision so that reuse of the former air base can proceed expeditiously;

(5) following conveyance of the remaining surplus property, the Secretary, as part of his oversight for Everglades restoration, should cooperate with the entities to which the various parcels of surplus property were conveyed so that the planned use of those properties is implemented in such a manner as to remain consistent with the goals of the Everglades restoration plan; and

(6) by August 1, 2002, the Secretary should submit a report to the appropriate committees of Congress on actions taken and make any recommendations for consideration by Congress.

TITLE VII—MISSOURI RIVER RESTORATION

SEC. 701. DEFINITIONS.

In this title, the following definitions apply:

(1) PICK-SLOAN PROGRAM.—The term ''Pick-Sloan program'' means the Pick-Sloan Missouri River Basin Program authorized by section 9 of the Act of December 22, 1944 (58 Stat. 891).

(2) PLAN.—The term ''plan'' means the plan for the use of funds made available by this title that is required to be prepared under section 705(e).

(3) STATE.—The term ''State'' means the State of South Dakota.

(4) TASK FORCE.—The term ''Task Force'' means the Missouri River Task Force established by section 705(a).

(6) TRUST.—The term ''Trust'' means the Missouri River Trust established by section 704(a).

SEC. 702. MISSOURI RIVER TRUST.

(a) ESTABLISHMENT.—There is established a committee to be known as the Missouri River Trust.

(b) MEMBERSHIP.—The Trust shall be composed of 25 members to be appointed by the Secretary, including—

(1) 15 members recommended by the Governor of South Dakota that—

(A) represent equally the various interests of the public; and

(B) include representatives of—

(i) the South Dakota Department of Environment and Natural Resources;

(ii) the South Dakota Department of Game, Fish, and Parks;

(iii) environmental groups;

(iv) the hydroelectric power industry;

(v) local governments;

(vi) recreation user groups;

(vii) agricultural groups; and

(viii) other appropriate interests;

(2) 9 members, 1 of each of whom shall be recommended by each of the 9 Indian tribes in the State of South Dakota; and

(3) 1 member recommended by the organization known as the ''Three Affiliated Tribes of North Dakota'' (composed of the Mandan, Hidatsa, and Arikara tribes).

SEC. 703. MISSOURI RIVER TASK FORCE.

(a) ESTABLISHMENT.—There is established the Missouri River Task Force.

(b) MEMBERSHIP.—The Task Force shall be composed of—

(1) the Secretary (or a designee), who shall serve as Chairperson;

(2) the Secretary of Agriculture (or a designee);

(3) the Secretary of Energy (or a designee);

(4) the Secretary of the Interior (or a designee); and

(5) the Trust.

(c) DUTIES.—The Task Force shall—

(1) meet at least twice each year;

(2) vote on approval of the plan, with approval requiring votes in favor of the plan by a majority of the members;

(3) review projects to meet the goals of the plan; and

(4) recommend to the Secretary critical projects for implementation.

(d) ASSESSMENT.—

(1) IN GENERAL.—Not later than 1 year after the date on which funding authorized under this title becomes available, the Secretary shall submit to the other members of the Task Force a report on—

(A) the impact of the siltation of the Missouri River in the State, including the impact on the Federal, State, and regional economies, recreation, hydropower generation, fish and wildlife, and flood control;

(B) the status of Indian and non-Indian historical and cultural sites along the Missouri River;

(C) the extent of erosion along the Missouri River (including tributaries of the Missouri River) in the State; and

(D) other issues, as requested by the Task Force.

(2) CONSULTATION.—In preparing the report under paragraph (1), the Secretary shall consult with the Secretary of Energy, the Secretary of the Interior, the Secretary of Agriculture, the State, and Indian tribes in the State.

(e) PLAN FOR USE OF FUNDS MADE AVAILABLE BY THIS TITLE.—

(1) IN GENERAL.—Not later than 2 years after the date on which funding authorized under this title becomes available, the Task Force shall prepare a plan for the use of funds made available under this title.

(2) CONTENTS OF PLAN.—The plan shall provide for the manner in which the Task Force shall develop and recommend critical restoration projects to promote—

(A) conservation practices in the Missouri River watershed;

(B) the general control and removal of sediment from the Missouri River;

(C) the protection of recreation on the Missouri River from sedimentation;

(D) the protection of Indian and non-Indian historical and cultural sites along the Missouri River from erosion;

(E) erosion control along the Missouri River; or

(F) any combination of the activities described in subparagraphs (A) through (E).

(3) PLAN REVIEW AND REVISION.—

(A) IN GENERAL.—The Task Force shall make a copy of the plan available for public review and comment before the plan becomes final, in accordance with procedures established by the Task Force.

(B) REVISION OF PLAN.—

(i) IN GENERAL.—The Task Force may, on an annual basis, revise the plan.

(ii) PUBLIC REVIEW AND COMMENT.—In revising the plan, the Task Force shall provide the public the opportunity to review and comment on any proposed revision to the plan.

(f) CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—After the plan is approved by the Task Force under subsection (c)(2), the Secretary, in coordination with the Task Force, shall identify critical restoration projects to carry out the plan.

(2) AGREEMENT.—The Secretary may carry out a critical restoration project after entering into an agreement with an appropriate non-Federal interest in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b).

(3) INDIAN PROJECTS.—To the maximum extent practicable, the Secretary shall ensure that not less than 30 percent of the funds made available for critical restoration projects under this title shall be used exclusively for projects that are—

(A) within the boundary of an Indian reservation; or

(B) administered by an Indian tribe.

(g) COST SHARING.—

(1) ASSESSMENT.—

(A) FEDERAL SHARE.—The Federal share of the cost of carrying out the assessment under subsection (d) shall be 50 percent.

(B) NON-FEDERAL SHARE.—The non-Federal share of the cost of carrying out the assessment under subsection (d) may be provided in the form of services, materials, or other in-kind contributions.

(2) PLAN.—

(A) FEDERAL SHARE.—The Federal share of the cost of preparing the plan under subsection (e) shall be 50 percent.

(B) NON-FEDERAL SHARE.—Not more than 50 percent of the non-Federal share of the cost of preparing the plan under subsection (e) may be provided in the form of services, materials, or other in-kind contributions.

(3) CRITICAL RESTORATION PROJECTS.—

(A) IN GENERAL.—A non-Federal cost share shall be required to carry out any critical restoration project under subsection (f) that does not primarily benefit the Federal Government, as determined by the Task Force.

(B) FEDERAL SHARE.—The Federal share of the cost of carrying out a critical restoration project under subsection (f) for which the Task Force requires a non-Federal cost share under subparagraph (A) shall be 65 percent, not to exceed $5,000,000 for any critical restoration project.

(C) NON-FEDERAL SHARE.—

(i) IN GENERAL.—Not more than 50 percent of the non-Federal share of the cost of carrying out a critical restoration project described in subparagraph (B) may be provided in the form of services, materials, or other in-kind contributions.

(ii) REQUIRED NON-FEDERAL CONTRIBUTIONS.—For any critical restoration project described in subparagraph (B), the non-Federal interest shall—

(I) provide all land, easements, rights-of-way, dredged material disposal areas, and relocations;

(II) pay all operation, maintenance, replacement, repair, and rehabilitation costs; and

(III) hold the United States harmless from all claims arising from the construction, operation, and maintenance of the project.

(iii) CREDIT.—The non-Federal interest shall receive credit for all contributions provided under clause (ii)(I).

SEC. 704. ADMINISTRATION.

(a) IN GENERAL.—Nothing in this title diminishes or affects—

(1) any water right of an Indian tribe;

(2) any other right of an Indian tribe, except as specifically provided in another provision of this title;

(3) any treaty right that is in effect on the date of enactment of this Act;

(4) any external boundary of an Indian reservation of an Indian tribe;

(5) any authority of the State that relates to the protection, regulation, or management of fish, terrestrial wildlife, and cultural and archaeological resources, except as specifically provided in this title; or

(6) any authority of the Secretary, the Secretary of the Interior, or the head of any other Federal agency under a law in effect on the date of enactment of this Act, including—

(A) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

(B) the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.);

(C) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(D) the Act entitled ''An Act for the protection of the bald eagle'', approved June 8, 1940 (16 U.S.C. 668 et seq.);

(E) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

(F) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(G) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

(H) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(I) the Safe Drinking Water Act (42 U.S.C. 300f et seq.); and

(J) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) FEDERAL LIABILITY FOR DAMAGE.—Nothing in this title relieves the Federal Government of liability for damage to private property caused by the operation of the Pick-Sloan program.

(c) FLOOD CONTROL.—Notwithstanding any other provision of this title, the Secretary shall retain the authority to operate the Pick-Sloan program for the purposes of meeting the requirements of the Act of December 22, 1944 (58 Stat. 887, 33 U.S.C. 701–1 et seq.).

SEC. 705. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary to carry out this title $4,000,000 for each of fiscal years 2001 through 2005, $5,000,000 for each of fiscal years 2006 through 2009, and $10,000,000 in fiscal year 2010. Such funds shall remain available until expended.

The SPEAKER pro tempore. Pursuant to House Resolution 639, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

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

The Water Resources Development Act of 2000, as amended, addresses the civil works program of the United States Army Corps of Engineers, providing water-related engineering services to the Nation. It authorizes new water resource projects that are receiving favorable review by the Army Corps of Engineers. It modifies existing water resources projects to reflect changed conditions. It directs that new studies be conducted to determine the feasibility and the Federal interest in addressing water-related issues at various locations.

WRDA 2000 approves and authorizes the first increment of the comprehensive Everglades restoration plan. The text is based on the Senate-passed Everglades provision, with minor amendments which have been made and which are acceptable to the Senate, to the Florida Members of Congress, to the State of Florida, and to the administration.

The bill modifies authorities and directives of the Army Corps of Engineers to reform existing policies and procedures enhancing public participation in feasibility studies, monitoring of completed projects, and mitigation of environmental impacts.

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The bill authorizes and modifies environmental restoration and environmental infrastructure projects and programs that address national needs at several locations, including the lower Columbia River Estuary, Puget Sound, San Gabriel Basin, as well as the Illinois, Missouri, Mississippi and Ohio Rivers. The estimated Federal cost of these provisions is $5 billion.

Mr. Speaker, this is a fair, balanced, bipartisan bill. It addresses the water resources needs across the Nation. I certainly want to thank my colleague, the gentleman from Minnesota (Mr. OBERSTAR), for his cooperation and leadership in developing this amendment. I also want to thank the subcommittee chairman, the gentleman from New York (Mr. BOEHLERT), and the gentleman from Pennsylvania (Mr. BORSKI), the ranking member of the Subcommittee on Water Resources and Environment, for their leadership in this legislation.

I urge my colleagues to support this important bill, which invests in America's environmental future.

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

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

Mr. Speaker, at the outset I want to express my great appreciation to the gentleman from Pennsylvania (Chairman SHUSTER) for the cooperation that we have had and the close working relationship again on this legislation, as on all the other bills that we have moved through this body. It again shows that at a time when there is dispute and rancor in the body politic in the broad public that in this body, where there is respect and mutual understanding and openness, the Congress can work and do the work of the public.

This committee has demonstrated time and again that we can do the work of the public because of the mutual respect, the understanding, cooperation and the consensus that the work that we do is for the greater good of the country. And that is what this Water Resources Development Act is all about.

It is among the best things we do in our committee and in this Congress: invest in the well-being of our fellow citizens and future growth and development of this country.

Since the landmark Water Resources Development Act of 1986, the former Committee on Public Works and Transportation, now renamed the Committee on Transportation and Infrastructure, has worked to maintain a 2-year authorization schedule for the Corps. In fact, that has been the history since the reorganization of the Congress in 1946, to maintain a 2-year cycle, to provide continuity for the program and certainty to the non-Federal and local sponsors for these Corps projects.

It also gives us in the Congress the opportunity to conduct oversight over the Corps programs, to make fine-tuning adjustments as necessary on individual projects, and to revisit major issues in a periodic fashion.

This bill authorizes projects for the entirety of the Corps' civil works program: navigation, flood control, shoreline protection, environmental restoration and protection, and authorizations to restore the Nation's environmental infrastructure, especially for smaller and, in many cases, economically disadvantaged communities.

It builds and rebuilds the Nation's infrastructure. It allows us to expand international trade through projects to improve our coastal ports and our inland river navigation system. Through flood control and hurricane and storm damage reduction measures, this legislation and the general work of the Corps will again help to meet critical needs to protect lives and property.

Mr. Speaker, I yield such time as he may consume to the able gentleman from Pennsylvania (Mr. BORSKI), the ranking member of the Subcommittee on Water Resources and Environment, who has my great admiration for the splendid, scholarly way in which he approaches these issues, thorough grasp of the subject matter, and painstaking work to bring us to this point.

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

Mr. Speaker, I rise in strong support of this bill. This bill represents what we do best in the Committee on Transportation and Infrastructure. We invest in America's future by providing critical infrastructure while working to restore and enhance and protect the environment.

Mr. Speaker, I am particularly honored that we are considering this bill today under the leadership of the gentleman from Pennsylvania (Chairman SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR), the ranking member. This may be the last opportunity that many of us have to pay tribute to the strong bipartisan leadership that the chairman and ranking member have demonstrated over the past 6 years.

As a committee colleague and a fellow Pennsylvanian, I have often sought the chairman's advice and counsel. Even on those few occasions when we have disagreed, I have always been treated fair and with a mutual respect for doing what each of us believes is right.

Even though the gentleman from Pennsylvania (Chairman SHUSTER) must step down as chairman, I know that he will continue to be a leader on the issues related to the Committee on Transportation and Infrastructure, and I look forward to continuing to work closely with him doing what is best for the Nation and for our great Commonwealth of Pennsylvania.

I would also like to acknowledge my close relationship with our subcommittee chairman, the gentleman from New York (Mr. BOEHLERT). We have worked closely together for the past 6 years in the great tradition of this committee. We have had a few tough disputes, but we always managed to retain the proper decorum and respect for each other. I have greatly enjoyed working with the gentleman from New York (Mr. BOEHLERT).

Many of the speakers today will describe the various projects that are at the heart of this bill. I represent one of the Nation's great seaports on the East Coast. The Corps is currently working to allow the Port of Philadelphia to compete in the 21st century. Other Members benefit from the efficient transportation system that allows barges to move on the inland waters.

These projects form the water-based infrastructure that is such a key component of the Nation's transportation system. The projects in this and previous water resources bills protect lives and property from floods and hurricanes, and they provide drinking water and electricity to our cities and factories.

These projects are the more visible aspect of the bill, but there are more important provisions of this bill that will improve the way in which the Corps implements its program.

The bill will require the Corps to be more aware earlier in the study process of whether adverse environmental effects can be successfully and cost-effectively mitigated. Too often we can see the caution signs before us, but we fail to heed their warning. While the Corps is generally successful at mitigating potential environmental harm, it cannot always be successful. And we can be aware of this early in the study process.

This is why I support language in the bill that will require the Corps to determine whether mitigation is likely to be successful and, if it cannot be successful, to stop the Corps from recommending a project for further study or authorization.

Additional areas of the bill that I would like to emphasize are two pilot programs addressing independent review of proposed projects and monitoring of completed projects.

On independent review, the bill requires the Secretary of the Army to establish a 3-year program of independent peer review of up to five projects. This review would apply to projects over $25 million and projects with a substantial degree of public controversy. While some have argued for a permanent peer review program, I believe that this pilot program will allow the Committee on Transportation and Infrastructure and the House to evaluate its effectiveness and to make it permanent if it is warranted.

I also strongly support the requirement to monitor the performance of up to five projects for 12 years. This will allow for the economic and environmental results of projects to be evaluated following their completion. Today, we authorize and construct projects, but we do not adequately follow up on whether the expected benefits are ever realized. The monitoring will be an important tool in helping the Corps and the Congress produce a more effective civil works program.

Finally, Mr. Speaker, I want to mention that this bill requires the Corps to establish procedures to enhance public participation in the development of feasibility studies. While the Corps already engages in public meetings and public notice concerning its proposed projects, I believe there is always room for improvement. By examining its current procedures and making improvements where possible, the role of the public will be enhanced; and I believe the Corps will recommend better, more acceptable projects to the Congress.

Without a doubt, the program to restore the Everglades is the centerpiece of this year's legislation. Responding to severe flooding that devastated Florida, Congress in 1948 authorized the Corps to carry out the Central and Southern Florida Project, with the aim of controlling floods and providing water supply for urban and agricultural uses. The project was a spectacular success in achieving its purpose.

Along the way, however, the fragile ecosystem of the historic Everglades was seriously damaged.

During the 1990's, the State of Florida and the Federal Government have undertaken a number of projects designed to mitigate some of the adverse environmental impacts. The Water Resources Development Act of 1996 directed development of a comprehensive Everglades restoration plan. It is an ambitious plan supported by an unlikely coalition of stakeholders that includes Federal, State, regional and local agencies, sugar and agricultural interests, Indian tribes, environment groups, utilities, developers, and homeowners, and, I may add, from the entire bipartisan Florida delegation.

The plan approved by the Chief of Engineers would cost at least $7.8 billion and take 36 years to construct.

The bill will approve the Comprehensive Everglades Restoration Plan as a framework for modification and operational changes to the Central and South Florida Project to restore, reserve, and protect the Everglades ecosystem. It would also authorize the first installment of the plan.

Since 1986, Congress has tried to maintain a 2-year cycle to enact water resources legislation. Such a cycle is important to providing certainty and stability to the programs. This bill is a continuation of that process and should receive strong bipartisan support today in the House.

I ask my colleagues to join me in support of the bill.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield 5½ minutes to the distinguished gentleman from New York (Mr. BOEHLERT), the chairman of our Subcommittee on Water Resources and Environment.

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

Mr. Speaker, I rise in strong support of the amendment to S. 2796, the Water Resources Development Act of 2000.

This comprehensive, bipartisan legislation will help save the Everglades, restore rivers and watersheds throughout the country, keep communities safe from floods and hurricanes, and repair and improve America's water transportation infrastructure, the lifeblood of our domestic and global economy.

First let me commend the chairman of the Committee on Transportation and Infrastructure, the gentleman from Pennsylvania (Mr. SHUSTER); the ranking Democrat, the gentleman from Minnesota (Mr. OBERSTAR); and the gentleman from Pennsylvania (Mr. BORSKI), the ranking Democrat on the Subcommittee on Water Resources and Environment. Through their leadership, and I might say inspired leadership and cooperation, we are able to bring this broadly supported package to the House floor today.

As chairman of the subcommittee, I can tell my colleagues this legislation has been long in the making. The subcommittee held hearings throughout the year, as well as last year, on this bill's key issues and provisions. We have, on a bipartisan basis, reviewed hundreds of project requests and scores of important and timely water policies.

While no one is ever perfectly happy with every provision, I think the committee leadership has done a good job balancing competing interests and treating Members and their constituents fairly.

Mr. Speaker, this is truly landmark legislation. It is our best hope to save the Everglades, to protect the egrets and alligators, and to restore the balance between the human environment and the natural system in south Florida.

The world is watching, and I am proud of what this institution has produced at this critical moment.

Senator BOB SMITH and his colleagues on and off the Committee on Environment and Public Works on the other side and the gentleman from Florida (Mr. SHAW) and his colleagues in the House are to be congratulated. They have provided leadership where leadership has been needed. Through their efforts, we are able to move forward with a consensus package that gives overall approval to the 36-year, $7.8 billion plan and specifically authorizes $1.4 billion in projects to get the water right. That is very important.

I want to emphasize, as the bill itself does, that the primary purpose of this landmark, unprecedented activity in the Everglades is to restore the natural system.

□ 1045

We are going to have to monitor this project closely and continue to review the science to ensure that it accomplishes this fundamental goal. Indeed, as the project moves forward, more legislative safeguards may be necessary to ensure that the intent of this bill is met, safeguards such as requiring explicitly that 50 percent of the restoration benefits are achieved by the time that 50 percent of the funds are spent.

For now, this bill sets us on the right path, sets clear goals, gives needed authority to the Department of Interior and allows for continuing scientific review. It is our best chance of reversing the havoc which was inadvertently wreaked on the Everglades without damaging the prosperity of Florida.

Mr. Speaker, this bill is about more than saving the Everglades. It authorizes and directs the Army Corps of Engineers to restore and protect scores of rivers throughout the country from the Upper Susquehanna and the Ohio to the Mississippi and the Missouri and the Columbia. The bill also restores watersheds and wetlands, cleans up acid mine drainage, and remediates contaminated settlement in the Great Lakes and groundwater in California. In short, it is environmentally friendly, as it should be.

This bill is also about saving lives, protecting property, and opening the gateways of commerce. New flood control and navigation projects are authorized and existing projects are modified and improved. For example, this legislation authorizes a critically important project for the Ports of New York and New Jersey.

Mr. Speaker, this bill also takes the first important steps toward reforming the Corps of Engineers. Our committee, particularly my subcommittee, has looked into the various allegations leveled at the Corps over the last year. These are serious allegations with serious repercussions for the Nation's largest water resources program. This legislation takes an important step in responding to those concerns.

For example, the bill authorizes an important pilot program for independent peer review of proposed projects. I strongly support this concept. The Corps needs to take this process seriously and to submit to peer review of significant controversial projects that will truly test this concept. I look forward to reviewing the results and working with my colleagues to further improve the procedures and methodologies for project development and selection.

This is a good bill put together by a good bipartisan team, and I thank the gentleman from Pennsylvania (Mr. BORSKI) for his great work for these past 6 years. I thank the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Pennsylvania (Mr. SHUSTER). This is an effective team that produces for America.

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

Mr. Speaker, I want to extend my great appreciation to the very diligent, thoughtful, hard-working, energetic, forward, progressive Member, chairman of the Subcommittee on Water Resources and Environment, who has led that subcommittee through some very, very difficult issues in the past several years, especially in the past 2 years, in Superfund and now on the Water Resources Development Act. The gentleman has been very cooperative. We really appreciate the bipartisanship that he has always demonstrated.

Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. DEUTSCH).

Mr. DEUTSCH. Mr. Speaker, I too want to just thank the chairman of the committee and the ranking member and the chairman of the subcommittee and the ranking member. This is a great day, not just for the Everglades in South Florida but really for Florida and America and truly the entire country. This is Congress at its best, really doing the work of the American people in creating legislation that really is protecting our future for ourselves, our children, and our grandchildren.

I am going to focus on what this bill does for the Florida Everglades. This bill is truly historic. This is one of the historic days over the 200-year history of this country and of this Congress. We are about to pass the largest ecosystem restoration project in the history of the world, in the history of the

world. It is a $7.8 billion restoration project for the Florida Everglades. It is doing what needs to be done.

There is only one Everglades in the world. It happens to be in South Florida. It is the Everglades; it is the River of Grass. It is a 100-mile wide river that is only about a foot deep that flows, that is just absolutely spectacular. I urge all of my colleagues to try to spend not just an hour, not just a day but maybe a week traveling through the Everglades to really appreciate the unique place on the planet Earth that it is.

Unfortunately, sometimes people make mistakes, and the truth is the United States, through Corps projects, made mistakes, and other projects. The State of Florida made mistakes in terms of doing things that have done damage to the Everglades over a long period of time. We have shifted that around over the last couple of years, but this is the bill that is putting into paper literally about a 30-year restoration project and it is being done smart, it is being done right; it is bipartisan without exception.

I also want to thank my colleague, who is in the chair now, the gentleman from Florida (Mr. SHAW), in a neighboring district of mine. He and I have worked very closely in terms of this, and both Republican and governors of the State of Florida have worked very closely. Governor Bush, Governor Graham before him, Governor Chiles, Governor Martinez as well.

Again, I urge my colleagues to support it. I look forward to working with them every year into the future to make sure the implementation is done correctly.

Mr. SHUSTER. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Maryland (Mr. GILCHREST).

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

Mr. Speaker, I appreciate the chairman engaging me in a colloquy with an issue in my district that has been ongoing for a number of years, and many of us that live in the First Congressional District of Maryland, which is the main stem of the Chesapeake watershed, for discussing this issue. The previous speaker talked about the Corps of Engineers restoring a rather unique body of water on the planet called the Everglades, and the effort that our committee and this Congress has done to restore the waters and the ecosystem for that magnificent place.

What we are trying to do in the Chesapeake Bay is very similar. The Chesapeake Bay has had a program to restore this estuary for about 20 years now, and we continue to make pretty good progress.

The Corps of Engineers, to a large extent, has been very helpful in that effort. One of the problems in our area is, however, that there are bits and pieces of human activity that continues to degrade our watershed, our estuary, that marine ecosystem. One of those pieces that will have an adverse effect on the Chesapeake Bay is the deepening activity by the Corps of Engineers to an area called the Chesapeake and Delaware Canal, or the northern approach to the Port of Baltimore. The Corps of Engineers has conducted a feasibility study on whether or not this will benefit the taxpayers, or even the port, since 1988.

From 1996 to this point, the Corps of Engineers has, through its own numbers, recognized that the benefit to cost ratio or the benefit to the taxpayers is not there; the financial justification for deepening this canal has not met the Federal criteria, which means that there will be no increase in commerce due to the deepening of the C&D Canal.

So, in my judgment, since there is some adverse environmental degradation because of the deepening, there is no increase in commerce based on the Corps' own numbers, we should not spend $100 million, and that is the actual cost of this project to go forward. If we are going to spend $100 million, it should have some justification or we should have some value to that amount of money.

So I appreciate the chairman's concern over this issue, and we will continue to work on this.

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

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

Mr. SHUSTER. Mr. Speaker, I thank the gentleman from Maryland (Mr. GILCHREST) for yielding.

Mr. Speaker, I would say he has indeed shed some light on these issues, and while I have concerns with some of the legislative proposals that have been offered, I do, I believe, appreciate the underlying concerns; and I look forward to working with the gentleman to deal with this issue.

Mr. OBERSTAR. Mr. Speaker, I yield 3½ minutes to the very distinguished gentlewoman from Florida (Mrs. MEEK).

(Mrs. MEEK of Florida asked and was given permission to revise and extend her remarks.)

Mrs. MEEK of Florida. Mr. Speaker, I am very grateful and privileged to rise in strong support of the Water Resources Development Act, in particular the section on the Everglades. Those of us in Florida, and those of us throughout this country who cherish what we have in natural resources, we owe a debt of gratitude to the gentleman from Pennsylvania (Mr. SHUSTER) and the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), for their hard and diligent work in bringing this important legislation to the floor and their strong support for Everglades restoration.

The gentleman from Florida (Mr. SHAW), my chairman, has inspired each member of the delegation to see the worth of this project and we are very happy that the Congress has seen fit to include the Everglades in their plans.

Mr. Speaker, the Everglades are dying and all of us know that we must act now. We lose what is left of the Everglades within a year. We have a lot of people to be thankful for it that worked on this, that we have heard about this morning, including the administration, the State of Florida administration, Senators GRAHAM and SMITH and others, and all of the environmental community throughout this country.

We owe a great deal to the late Marjorie Stoneham Douglas as she mentioned the Everglades as a ''river of grass,'' and now we have sought to have it the way Marjorie would have liked it to be with water.

No one disputes that the Federal Government was pretty much responsible for what has happened in the Everglades. Fifty years ago, the government decided it would establish the Everglades National Park, but simultaneously they also set up a series of canals. I used to run around those canals over in South Bay and Belle Glade and Immokalee and all of those counties over there that they call on the muck, but as a series of these levees and other flood control methods were put in, it kind of disrupted the lifeblood of the Everglades.

So as a result of these 50 years of neglect, we now have to look at the State of Florida that we have lost 46 percent of its wetlands and 50 percent of its historic Everglades ecosystem. If we look at this chart here, we will see the Federal Government has a very clear interest in restoring the ecosystem. Since a large part of the portions of the lands are owned or managed by the Federal Government, they will receive the benefits of the restoration. There are four national parks, as we see here, belonging to the Federal Government; 16 national wildlife refuges, which make up half of the remaining Everglades. So this is an Everglades system that is pretty much in Florida, but the interest of the Nation is here on the restoration of the Everglades. The need for action is very clear. The legislation before us today, thanks to this excellent committee, they present an unprecedented compromise supported by the administration, State of Florida, environmental groups and, thanks to the Congress, a bipartisan Congress. They represent every major constituency, and here we will see the departments of the agencies in Florida that are responsible. The State of Florida has committed $2 billion to the restoration plan. Now it is our turn to respond.

We need this bill, Mr. Speaker, and I know that they are monitoring very closely what we do here. It is extremely important, and I urge all of my colleagues to join me to preserve America's Everglades and ensure that one of the world's most endangered ecosystems is not lost. We do not need to lose the Everglades, because it is stability for the people of Florida and for the Nation.

Mr. SHUSTER. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Speaker, this morning we are really going to pass what I consider the most significant environmental legislation of a generation. This is really a historic occasion because we have replaced talk with action. We have replaced rhetoric with hard cash. In 1976, I was elected to the Florida legislature and they talked about restoring the Everglades; and I heard talk for more than 2 decades but finally we are taking action to restore the Everglades.

I want to thank personally a gentleman who is not in Congress, a former majority leader, Bob Dole, who just down the hall from here helped to make a decision that launched this effort. I want to thank the gentleman from Pennsylvania (Mr. SHUSTER) and also the gentleman from Florida (Mr. SHAW), the gentleman who is presiding now, who helped make this legislation possible; and also Governor Bush, who made a State commitment, replaced talk with action.

□ 1100

I was raised in south Florida, and I saw what they did to the Everglades. This is my district. It is to the north of the Everglades, north of Orlando.

Just for the record, I am pleased that we have a balance, that areas like the St. John's River, like north Florida, central Florida and the Keys will also be protected and preserved, and also restored, so we do not make the same mistakes we made in south Florida.

This bill has a balance. It is a great piece of legislation. I thank those involved again for this historic occasion and also for listening to our concerns in the north part of Florida, the central part of Florida, the south part of Florida and the rest of the country; and I urge passage of this historic measure.

Mr. OBERSTAR. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from Wisconsin (Mr. KIND).

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

Mr. KIND. I want to thank my ranking member for yielding me this time.

Mr. Speaker, I rise today in support of S. 2796, WRDA 2000. I especially want to commend the gentleman from Pennsylvania (Chairman SHUSTER), the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from New York (Mr. BOEHLERT), and the gentleman from Pennsylvania (Mr. BORSKI) and their entire staffs for taking a step to address the serious issue of reforming the Corps of Engineers in this legislation.

Despite its historic reputation for professionalism and integrity, the Corps of Engineers is at present an embattled agency. Frequent litigation and investigations into claims that Corps projects lack sound economic justification or contain inadequate environmental provisions point to deficiencies in the Corps process for planning and approving water resources projects.

I am particularly pleased that this legislation takes the first step in providing for an independent review of large or controversial water development projects.

The language in the House version of WRDA 2000 is modeled after legislation that I introduced earlier this year, H.R. 4879. The central provision of that legislation was to create an independent panel of water resource experts to review projects that would cost in excess of $25 million or are subject to a substantial degree of public controversy.

The House-worded bill creates a 3-year pilot program of the independent review process. It was my hope that stronger provisions than the pilot program would have been included in the bill before the House today. However, due to the closed rule, an amendment that was offered by the gentleman from Oregon (Mr. BLUMENAUER) and myself obviously was not made in order.

But the central purpose of the independent review is to lift the cloud currently hanging over the Corps and to enable the Corps to get on with its important work on our Nation's rivers, lakes, coastlines, and harbors. The best way to achieve this goal is to increase the level of transparency and accountability in the Corps planning process and to establish guidelines that strike a genuine balance between economic development and other social and environmental priorities. I cannot help but think if this pilot project or my legislation had been included in the Corps' authorizing language 50 years ago, we may not be here today talking about a big Florida Everglades restoration project.

I also want to thank Members and the committee staff for working with me to include in this legislation a scientific modeling program for the Upper Mississippi River Basin, so we can do a better job of protecting and preserving one of America's greatest natural resources, the Mississippi River. It is a small provision, but it is a very important provision if we are to maintain the multiple uses of the Mississippi River, recreation, tourism and commercial.

So, again, I want to thank the ranking members on the committee, the staff for the assistance we received; and I would urge my colleagues to support the House version of WRDA, given the important language and the important pilot project that is included to reform the Corps of Engineers.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Speaker, I rise in strong support of this legislation.

I want to thank the gentleman from Pennsylvania (Chairman SHUSTER); the gentleman from New York (Chairman BOEHLERT); the ranking member, the gentleman from Minnesota (Mr. OBERSTAR); and the ranking member, the gentleman from Pennsylvania (Mr. BORSKI), for their excellent work.

Mr. Speaker, as a first term Member of this committee, I am impressed with the efficiency and the bipartisan cooperation and the outstanding staff.

I want to thank the members for considering and authorizing on a contingent basis the Antelope Creek Project, for the four-state Missouri River Mitigation Project, and particularly for helping the taxpayer by the coordination of flood control and highway construction related to the Sand Creek Reservoir. It is an outstanding opportunity to coordinate this. It was time-urgent, and, therefore, very much appreciated that this legislation was moved forward.

I urge my colleagues to strongly support this legislation.

This Member is especially appreciative that he has had the opportunity in the 106th Congress to serve on the Transportation Committee and the Water Resources and Environment Subcommittee. Clearly, it has been one of the highlights of the 106th Congress for this Member.

This important legislation presents a tremendous opportunity to improve flood control, navigation, shore protection and environmental protection. This Member is pleased that the bill we are considering today includes contingent approval for the Sand Creek watershed project in Saunders County, Nebraska. This proposed project, which is a result of the Lower Platte River and Tributaries Flood Control Study, is designed to meet Federal environmental restoration goals, help provide state recreation needs, solve local flooding problems and preserve water quality. It is sponsored jointly by the Lower Platte North NRD, the City of Wahoo and Saunders County.

The plans for the project include a nearly 640-acre reservoir, known as Lake Wanahoo, wetlands restoration and seven upstream sediment nutrient traps. The Sand Creek watershed project would result in important environmental and recreational benefits for the area and has attracted widespread support. It is especially crucial that the Sand Creek project is included in WRDA this year as the Nebraska Department of Roads is ready to begin design of a freeway in that area that will be routed across the top of a dam if the project is approved. If the Sand Creek project is not included in WRDA, a new bridge will have to be planned and built, which would make the project not economically feasible. With this authorization, contingent because of facts yet to be checked and planning study elements yet to be resolved, the way is clear to save the taxpayers funds, secure mutual project benefits in highway construction and flood control.

This Member is also very pleased that contingent authorization of the Antelope Creek project is included in WRDA 2000. Antelope Creek runs through the heart of Nebraska's capital city of Lincoln. The purpose of the project is to solve multi-faceted problems involving the flood control and drainage problems in Antelope Creek as well as existing transportation and safety problems all within the context of broad land use issues. This Member continues to have a strong interest in

this project since he was responsible for stimulating the city of Lincoln, the Lower Platte South Natural Resources District, and the University of Nebraska-Lincoln to work jointly and cooperatively with the Army Corps of Engineers to identify an effective flood control system for Antelope Creek in the downtown area of Lincoln.

Antelope Creek, which was originally a small meandering stream, became a straightened urban drainage channel as Lincoln grew and urbanized. Resulting erosion has deepened and widened the channel and created an unstable situation. A ten-foot-by-twenty-foot (height and width) closed underground conduit that was constructed between 1911 and 1916 now requires significant maintenance and major rehabilitation. A dangerous flood threat to adjacent public and private facilities exists.

The goals of the project are to construct a flood overflow conveyance channel which would narrow the flood plain from up to seven blocks wide to the 150-foot wide channel. The project will include trails and bridges and improve bikeway and pedestrian systems.

Another Nebraska project was included on the contingent authorization list is for Western Sarpy and Clear Creek for flood damage reduction. Frankly, this Member must say he has substantial reservations about the Clear Creek project in light of concerns expressed by constituents in adjacent Saunders County and the lack of enthusiasm by relevant State officials. This Member reserves judgment whether the benefits outweigh costs and dislocation of property owners in the area.

This Member is pleased that at least part of the language regarding the Missouri River Valley Improvement Act that he originally prepared to be offered as an amendment during Subcommittee consideration of WRDA is included in today's bill. Last year's WRDA legislation included a provision this Member promoted which helps to ensure that the Missouri River Mitigation Project can be implemented as envisioned. In 1986, Congress authorized over $50 million (more than $79 million in today's dollars if adjusted for inflation) to fund the Missouri River Mitigation Project to restore fish and wildlife habitat that were lost due to the construction of structures to implement the Pick-Sloan plan. At that time the Corps did not choose to include funding requests for implementing that Act in their budgeting process. That is why this Member, with assistance from other Members who represent the four states bordering the channelized Missouri River (Nebraska, Iowa, Kansas and Missouri), has taken the lead in providing funding to implement the Missouri River Mitigation Project which has just begun to become a reality during the last few years.

This project is specifically needed to restore fish and wildlife habitat lost due to the Federally sponsored channelization and stabilization projects of the Pick-Sloan era. The islands, wetlands, and flat floodplains that are needed to support the wildlife and waterfowl that once lived along the river are dramatically reduced. An estimated 475,000 acres of habitat in Iowa, Nebraska, Missouri and Kansas have been lost because of Federal action in creating the flood control projects and channelization of the Missouri River. Today's fishery resources are estimated to be only one-fifth of those which existed in pre-development days.

The success of the project has resulted in a concern related to the original study that outlined habitat needs. Under this study, acreage goals for each state were listed and these goals are generally considered to be an acreage limitation for each state. Nebraska and Kansas have already reached their acreage limits and Missouri is fast approaching its ceiling. Before long, Iowa will also reach its acreage limit.

To correct this problem, the WRDA legislation enacted last year authorized provisions initiated by this Member to increase mitigation lands in the four states of 25% of the lands lost, or 118,650 acres. In addition, the Corps of Engineers—in conjunction with the four states—was directed to study the amount of funds that would need to be authorized to achieve that acreage goal.

The study has been completed and it appears that cost estimates for restoring the acreage authorized in last year's WRDA will amount to more than $700 million over the next 30–35 years. This Member greatly appreciates the inclusion of an increased authorization level of funding for the Missouri River Mitigation Project of $20,000,000 for each fiscal year from FY2001 through FY2010.

This increase would allow the project to better balance the needs of nature, recreation and navigation. It will also benefit communities preparing for the bicentennial of the Lewis and Clark Expedition beginning in 2003. Until funding authorization is increased, the Corps and the states cannot finalize plans to add habitat restoration, identify and prioritize sites for restoration, respond to willing sellers, or engage in construction or maintenance activities. It is important to note that many frequently flooded landowners along the Missouri River have asked the Corps to buy their land to avoid annual flood losses. However, in most years, the Corps has had insufficient funds to meet the needs of these struggling landowners.

Finally, the WRDA bill also includes legislative language initiated by this Member to authorize a pilot program to test the design-build method of project delivery on a maximum of five civil engineering projects. Such a program will provide significant benefits and yield useful information.

In closing, Mr. Speaker, this Member urges his colleagues to support this important bill. In the short time left in the 106th Congress, we must work to ensure WRDA becomes law this year.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from California (Mr. DREIER), distinguished chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding. I should state for the record that he was willing to offer me 1 minute during this debate, until I told him I was going to extend compliments to him, and that is how I got the 2 minutes of time here.

Mr. Speaker, I would like to say how much I appreciate the great work of the chairman of the committee, the chairman of the subcommittee and, of course, the ranking members of both the full committee and the subcommittee on this issue. As we look at the wide range of issues that have been discussed over the last few minutes, reform of the Corps, this important work in the Everglades, I am even more enthusiastic in my support of this legislation.

But I rise to again extend compliments for the fact that this committee chose to take and include the authorization on a very important piece of legislation that is impacting not just the area which I am privileged to represent in Los Angeles, but in fact the entire country. In the middle part of the last decade, the discovery of perchlorate in the groundwater was something that came to the forefront in Southern California. Mr. Speaker, this came from the fact that during the 1950s and 1960s, during the Cold War buildup, that companies were in fact disposing of spent rocket fuel, legally, I should underscore.

Well, since that time, some of the companies that were involved in that buildup during the Cold War are still in existence, but many of them are not in existence. I believe that those companies that are responsible, obviously, should shoulder the burden of this. But we obviously have potential legal problems, and this could be drawn out in the courts for many, many years. During that period of time, perchlorate will continues to seep into the groundwater.

That is why this legislation is so important to move forward, because cleaning up the groundwater that has the potential of impacting 7 million people in Southern California, but also trying to figure out how we will effectively address this in the future and for other parts of country, is an important part of this measure.

So I again compliment my colleagues for their vision and for including this very important measure, and I urge all to vote in favor of this very important legislation.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from South Carolina (Mr. SANFORD).

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

Mr. Speaker, I would simply say that no bill is all good or all bad, and we have certainly heard about the attributes of this bill. But I come down on the side of this being a bad bill, for the simple reason that if you care about Corps reform, or if you care about reform to the agencies basically underlying this bill, this bill is a very bad bill.

I say that, first of all, if you look at the bill itself, we have in place a somewhat bizarre process, and that is for weeks now we have been sort of in the military mode of ''hurry up and wait'' and ''hurry up and wait'' as we have been waiting for conference reports. Yet, when this bill comes along, it basically speeds through the process with a closed rule, despite the fact it has not been marked up in committee, and the question is why? Why does this speed through this way? Why do we not deal with reform right now? I think the answer, very clearly, is in the way that this bill has spiralled out of control. It spiralled from basically being a $2 billion bill to a $6 billion bill.

To me, this bill is similarly nothing more than a feeding frenzy. Sharks are supposedly the ones that feed; but this is a piggy feeding frenzy, when I think about this bill.

I will give an example of that. There is a long list of projects that I have here on several sheets. But an example of one would be a $15 million navigation project in False Pass Harbor, Alaska, that would serve a grand total of 86 boats; $15 million for 86 boats.

The other thing that I think is wrong with this bill from the standpoint of reform is that it is dessert before dinner. Consistently in the legislative process what we try and do is couple good with bad; and if we can get enough of that together, we send the bill forward, because reform is hard. Passing appropriations, passing $6 billion worth of spending in terms of authorization, is very easy; but we need to couple that with reform. That is not done in this bill.

There have been a number of very interesting articles within the Washington Post talking about how the Corps of Engineers desperately needs to be reformed, and we basically skip that, talking about how there is, for lack of a better term, waste, fraud and abuse in the Corps, and how the Corps has become something akin to or nothing more than a ''water boy'' for the U.S. Congress.

This bill had in it the chance to deal with the Corps, and, unfortunately, it does not. I would give an example of this. Right now if you look at the benefit-to-cost ratio with Corps projects, it is simply one-to-one. If you pass that threshold, it is something that can be authorized. To me, that does not make sense, because what that means fundamentally is if you put $10 into a project, you will get $10 back out. You may get more. That is the minimum threshold. That is the minimum threshold, one-to-one.

What that means to the United States taxpayer is he gets no return on his investment on a one-to-one ratio. It may be good, if it is in South Carolina, if it is in Alaska, if it is in California, for the Congressman or the Senator in that local district or in that local State; but it is not at all good for the United States taxpayer as a whole.

If you look on the back of any penny, what you see are the words ''E Pluribus Unum,'' from the many, one. This bill, unfortunately, does not incorporate that.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes 40 seconds to the very distinguished gentleman from Minnesota (Mr. MINGE).

Mr. MINGE. Mr. Speaker, I would like to thank the ranking member for yielding me time. I would also like to expression my appreciation to the members of the committee and the chairman and the ranking member for their work on this and other legislation.

I would like to associate myself with the remarks of the gentleman from Wisconsin (Mr. KIND) with respect to the scientific modeling that is necessary with respect to the Upper Mississippi. We certainly need to better understand our rivers and ensure that as we proceed with projects and initiatives that affect these rivers, we implement policies and the Corps implements legislation in a way that is beneficial in the long term. We do have major proposals that are facing us here in Congress with respect to the Upper Mississippi lock and dam system.

The topic that I would like to address for the balance of my time has to do with the Corps' administration of section 404 of the Clean Water Act. I recognize that it is not in this bill, but I hope that before long we are able to take this up and modernize the work of our Federal agencies.

One of the most embarrassing experiences that I have had as a Member of Congress occurred last summer when I hosted a meeting between the Natural Resources and Conservation Service and the Army Corps of Engineers at a location within my congressional district to explore ways that we could better cooperate so that we could administer Federal programs in a coordinated way, rather than having an adversarial relationship between two Federal agencies.

I found, to my amazement and my embarrassment, that the Army Corps of Engineers in particular was cavalier and was hostile to the concept of trying to work with another agency. This, in my opinion, is unacceptable; and it is unbecoming to the Federal Government, to have a clash of agencies and a lack of interest in trying to identify a way to work this clash out.

Mr. Speaker, whether this problem occurs at the national level or at the St. Paul office of the Army Corps of Engineers, I do not know; but I believe it is absolutely critical that we get to the bottom of it, and that we end this type of bickering between Federal agencies.

We have hundreds of farmers that are being told, ''Our agency has decided this. We have another agency, and we do not know what they will do or when they will do it.'' This is what leads to cries for an abolition, whether it is of the Corps or a variety of other programs.

I would like to simply ask my colleagues, the Chair of the committee and the ranking member, if we could work together in the next year to try to identify a way to solve this type of problem.

Mr. OBERSTAR. Mr. Speaker, I yield myself 10 seconds to say it is a matter of concern to me that the gentleman brings this matter to the floor. Certainly that should not have occurred, and we will work with the gentleman in the future to address that matter and bring about comity between the Corps and sister Federal agencies.

□ 1115

Yes, we did have a memorandum of agreement earlier between these agencies. I thought this had been worked out and, unfortunately, that memorandum of agreement is now treated as if it is irrelevant.

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

Mr. Speaker, I want to tell the gentleman from Minnesota (Mr. MINGE) that I certainly want to work with him as well.

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

Mr. OSE. Mr. Speaker, I thank the gentleman from Pennsylvania (Chairman SHUSTER) for yielding me the time.

Mr. Speaker, I rise to thank the gentleman from Pennsylvania for his leadership in bringing this bill to the floor and the hard work put in by the gentleman and his staff to include the many projects needed to provide critical flood control for so many.

Mr. Speaker, the Sacramento Area Flood Control Agency has been working with the Army Corps of Engineers to implement the historic flood control project for the Sacramento region known as the Common Elements. The Common Elements Project was authorized in the Water Resources Development Act of 1999, and I thank the gentleman for his work on that bill as well.

Unfortunately, recent analysis of the geology along the East Levee of the Sacramento River has shown an extremely porous condition exists. This condition can lead to seepage under the levee which will degrade the levee foundation and weaken the levee's structural integrity.

In order to compensate for this serious problem, the Corps of Engineers will need to significantly alter the design and construction along this portion of the East Levee than was originally anticipated, thus leading to significantly higher costs than authorized in WRDA in 1999.

I understand the reluctance of the gentleman from Pennsylvania (Chairman SHUSTER) to increase the authorized spending levels by $80 million. This is a significant cost increase, and Congress is entitled to have specific information that justifies such a large additional expenditure. While this additional cost may very well be justified, the information given to date by both the Sacramento Area Flood Control Agency and the Corps of Engineers to Congress is very minimal, and it did not come until the committee was almost ready to bring the bill to the floor.

In fact, the Corps of Engineers Sacramento District did not release the increased cost estimate until August 16 of this year. The report makes no mention of how the money would be spent, nor does it give any specifics on the necessary changes. I look forward to working with the gentleman from Pennsylvania (Chairman SHUSTER) on getting more specific information and accountability from the Sacramento

Area Flood Control Agency and the Corps of Engineers Sacramento Division office on how this money will be spent before Congress approves the increased costs. I thank the gentleman for his consideration and cooperation.

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

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

Mr. SHUSTER. Mr. Speaker, I would say to the gentleman he certainly is correct that we have had little time to review this proposal. Indeed, we still do not have enough information to make a sound judgment on it; and hopefully over the coming days, the local sponsor and the Corps will provide additional information which will be helpful in evaluating the proposal.

I certainly agree that we should take every reasonable action to assure that the water resources needs of the area are addressed.

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

Mr. OSE. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Speaker, I concur in the gentleman's concern. I make many visits to the Sacramento area to see my family there, my son and daughter-in-law.

Mr. OSE. The gentleman is always welcome.

Mr. OBERSTAR. Mr. Speaker, I have bicycled over those levies and talked to the orchardmen on the other side, who can testify to the seepage under those levies, and that is a matter that we need to address and the Corps should be working on. And I concur in the gentleman's concern and look forward to working with him on this matter.

Mr. OSE. Mr. Speaker, reclaiming my time, I would tell the gentleman from Minnesota he is always welcome in Sacramento.

Mr. OBERSTAR. There is great bicycling out there.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. BROWN), our distinguished colleague on the Committee on Transportation.

Ms. BROWN of Florida. Mr. Speaker, first of all, I want to thank very much the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) for bringing this bill to the floor.

The Everglades project is very important to the State of Florida and, in fact, to the entire country. But I do have a concern, and I thank the gentleman from Minnesota (Mr. OBERSTAR) for working with me on my concerns.

This is the largest project in the history of the United States, and it is important that this project is one of inclusion and that there is minority and female participation, not only in contracting, but in employment and in training. So I am very concerned that we have a policy statement, the same kind of policy statement that we had when we did the transportation TEA21.

Florida does not have a great history of inclusion and, in fact, with our Governor Jeb Bush and his one Florida plan, we have gotten rid of affirmative action, so there will not be opportunities to participate in this project with taxpayers' dollars unless the policy is stated from the Federal Government status.

This is very important. This is taxpayers' money. This project is over 20 years, and we must have a public policy statement in this bill as to how these taxpayers' dollars are going to be used.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Arkansas (Mr. BERRY).

Mr. BERRY. Mr. Speaker, I want to thank the gentleman from Minnesota (Mr. OBERSTAR), our distinguished ranking member, and the gentleman from Pennsylvania (Mr. SHUSTER), our distinguished chairman, not only for their leadership in this matter but all other matters that come before the Committee on Transportation and Infrastructure and the great job that they do.

Mr. Speaker, I rise to engage the gentleman from Pennsylvania (Mr. SHUSTER), as well as the gentlewoman from Missouri (Mrs. EMERSON) for the purpose of a colloquy. I also rise to ask for the gentleman's consideration in including the authorization language in this legislation to benefit the lower Mississippi valley region.

As the gentleman may know, I have introduced bipartisan legislation, H.R. 2911, that would create the Delta Regional Authority, an economic development tool similar to the Appalachian Regional Authority.

Mr. Speaker, I am pleased to call the Arkansas portion of the Delta my home, but the Delta region consistently ranks as one of the poorest and most underdeveloped areas in the country.

This legislation would provide funds and resources specifically to this region.

Due to the efforts of the representatives of this region, we have been fortunate to receive $20 million in energy and water development appropriations.

We simply wish to include the necessary authorization language in this bill so we may begin to provide substantial assistance to the Delta region.

As the bill before the House today, WRDA 2000, continues through the legislative process, I hope the gentleman from Pennsylvania (Mr. SHUSTER) will consider including the authorizing language for the Delta Regional Authority in this bill.

Mrs. EMERSON. Mr. Speaker, will the gentleman yield?

Mr. BERRY. I yield to the gentlewoman from Missouri.

Mrs. EMERSON. Mr. Speaker, I want to thank the gentleman from Arkansas for his yielding to me.

Mr. Speaker, I want to thank the gentleman from Pennsylvania (Chairman SHUSTER) for the hard work and leadership the gentleman has provided on this important piece of legislation and ask, along with the gentleman from Arkansas (Mr. BERRY), for the gentleman's consideration of including authorizing language for the Delta Regional Authority as WRDA 2000 moves towards a conference committee with the Senate.

As the gentleman knows, the Mississippi Delta is home to remarkable history, culture and natural resources, and I am sure proud to represent the wonderful people of this region; however, our Delta communities have not shared in America's prospering economy of the last few years and have historically faced unique economic challenges.

Mr. SHUSTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Missouri (Mrs. EMERSON).

Mrs. EMERSON. Mr. Speaker, the gentleman from Arkansas (Mr. BERRY) has led a bipartisan effort to establish the Delta Regional Authority and refocus our efforts on promoting jobs and economic development in the region. His bipartisan proposal is contained in H.R. 2911 and is supported by 21 Republicans and Democrats in the region, including our colleagues, the gentleman from Arkansas (Mr. DICKEY) and the gentleman from Missouri (Mr. GEPHARDT), among others.

As WRDA 2000 continues through the legislative process, I hope the gentleman will consider including the urgently needed authorizing language for the Delta Regional Authority.

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

Mr. Speaker, I, of course, have greatly sympathized with the concerns of the Mississippi Delta Region counties and the area's Members of Congress who are working on ways to address the economic distress this area has experienced far beyond that of Appalachia.

President Clinton, while he was Governor of Arkansas, served as chair of the Lower Mississippi Development Commission to study the needs of the economically distressed area. There are some ways that we can help establish the Mississippi Delta Commission in the course of further work on this WRDA legislation as it moves through conference.

I know that the gentleman from Pennsylvania (Chairman SHUSTER) is sympathetic and I certainly am and we will see what we can do.

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

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

Mr. SHUSTER. Mr. Speaker, I would say to the gentlewoman from Missouri (Mrs. EMERSON) that representing part of Appalachia myself in Pennsylvania, I sometimes feel as if I know more about the need for economic development and the problems with lack of economic development than I wish I knew. It is a terrible problem, and so I want to be very helpful as we move forward. I hope we can do something.

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

Mr. Speaker, we have no further speakers, but I will close for our side.

Mr. Speaker, it has been widely reported that the issue or one of the issues certainly that delayed this bill from floor consideration was the applicability of the Davis-Bacon Act to the non-Federal contributions to Corps projects. It has always been my belief and experience that Davis-Bacon applies to all aspects of Federal public works projects, regardless of whether the Corps is doing the work, or a non-Federal sponsor is contributing to the work. These are Federal public works projects. Davis-Bacon should apply.

The Corps was not consistently applying Davis-Bacon wage protections to the non-Federal contribution for Corps projects, and I was prepared to offer legislative language to remedy the situation. Such action is not necessary now that the Corps, the Department of the Army, the Department of Labor and the White House itself got together, reviewed the matter in a meeting in my office and have come to an agreement that Davis-Bacon does apply.

The wage provisions apply to non-Federal contributions to Corps of Engineer projects and an appropriate statement of policy on this matter is being formulated to make this matter very clear.

Mr. Speaker, the Corps of Engineers even in some debate here on the floor, but also in news accounts widely distributed across the country has come under assault. I would like to pay tribute to the Corps of Engineers as they celebrate their 225th anniversary. During that 2¼ centuries, it has established itself as the Nation's oldest, largest, most experienced government organization in water and related land engineering matters, extraordinary, competent, life-saving, economic-development enhancing service has been provided to this country and its people by the Corps of Engineers during these 2¼ centuries.

Few people know that the Corps of Engineers once had jurisdiction over Yellowstone Park and over Yosemite and Sequoia National Parks, until the National Park Service was established in 1916. Lieutenant Dan Kingman of the Corps in 1883, and later Kingman would become the Chief of Engineers, wrote of the corps' work on Yellowstone, quote, ''The plan of development which I have submitted is given upon the supposition and in the earnest hope that it will preserve as nearly as may be as the hand of nature left it, a source of pleasure to all who visit and a source of wealth to none.''

A few years later, John Muir, the founder of the Sierra Club said, quote, ''The best service in forest protection, almost the only efficient service, is that rendered by the military. For many years, they have guarded the great Yellowstone Park, and now they are guarding Yosemite. They found it a desert, as far as underbrush, grass and flowers are concerned. But in 2 years, the skin of the mountains is healthy again; blessings on Uncle Sam's soldiers, as they have done the job well, and every pine tree is waving its arms for joy.''

□ 1130

Another great American said, ''The military engineers are taking upon their shoulders the job of making the Mississippi River over again, a job transcended in size only by the original job of creating it.'' That was Mark Twain.

Together, those statements say a lot about the Corps of Engineers and pay tribute to its work, to its legacy for all Americans: protecting people, protecting cities against flood, enhancing river navigation, America's most efficient means of transportation of goods; and, for me, protection of the Great Lakes, one-fifth of all the fresh water on the entire face of the Earth.

The Corps of Engineers deserves recognition, which it does not sufficiently receive, for all of these works and the great contribution it makes to the economic well-being, to the environmental enhancement of this country.

Finally, Mr. Speaker, I would like to mention that there is a provision in here that names a unit of the Boundary Waters Canoe Area Wilderness in my district as the Bruce F. Vento Unit of the Boundary Waters Canoe Area Wilderness.

Bruce Vento understood the great oration of Chief Seattle at the signing of the treaty of 1854 when he said, ''The Earth does not belong to man, man belongs to the Earth.'' Bruce Vento dedicated his career to man's responsibility to the earth, to environmental protection. Cicero, the great Roman orator and Senator said, ''Gratitude is not only the greatest virtue, it is the parent of all others.'' In gratitude for Bruce Vento's service to the enhancement of our environment, I am very pleased that we are able to include this provision in this legislation.

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

Mr. Speaker, this indeed is historic environmental legislation, not only because it provides for water resource protection and development throughout these United States, but most particularly because this is the largest ecosystem restoration project in the history of the world.

Mr. Speaker, I am pleased to yield the balance of my time to the gentleman from Florida (Mr. SHAW), who deserves so much credit for that, along with so many others around the country.

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

Mr. SHAW. Mr. Speaker, I thank the gentleman for yielding time to me, and I thank the chairman for giving me this privilege of being able to close debate.

Mr. Speaker, we here in this Chamber are only the voices speaking out for the millions of Americans who do care about the environment, and leading that in this House, of course, we have our great chairman, the gentleman from Pennsylvania (Mr. SHUSTER).

I had the privilege of working with the gentleman from Minnesota (Mr. OBERSTAR) both in the Committee on Transportation and Infrastructure and the Committee on Public Works; and the gentleman from Pennsylvania (Mr. BORSKI), the gentleman from New York (Mr. BOEHLERT), who I think thinks he is representing Florida for the great work he has done for the restoration of the Everglades. Of course, we have many of the gentleman's New Yorkers in Florida, so I am sure that has been a great effort of his.

Also, thanks to the gentlemen from Florida (Chairman YOUNG) and the ranking member, the gentleman from California (Mr. MILLER), for the work they have done in their committees with regard to the Everglades.

Secretary Babbitt, whose name has been missing from this debate, he I think has given us an extraordinary amount of attention in the Everglades, and his name should certainly be referenced in our discussion.

And in the other body we have our two great Senators from Florida, Senator CONNIE MACK, who we are going to miss after this year, and Senator BOB GRAHAM, who has really gotten deeply involved in matters pertaining to the Everglades.

This has truly been a great moment of great bipartisan effort. I think the gentleman from Minnesota (Mr. OBERSTAR) may have stated it best in his closing remarks when he said that the Earth does not belong to man, that man belongs to the Earth. This is certainly a recognition.

Many roads are paved with great intentions that go in the wrong direction. This certainly is the case and has been the case with regard to the ecosystem of south Florida. Starting from just south of Orlando and going south to Lake Okeechobee, many years ago it was thought to be a great idea to get rid of the flooding, straighten the Kissimmee River, and have it dump directly into Lake Okeechobee.

It worked, but it worked too well, because it brought all of the agricultural runoff down into the bottom, which has really changed the very nature of Lake Okeechobee. Some of the oldtimers down there will tell us that in the old days we could read the date off of a dime that was laying on the bottom of Lake Okeechobee. Now we cannot find the dime. It has changed considerably.

But we are addressing that issue, and thanks to this great committee that this bill is coming out of, that restoration project is underway.

Now it is time to change the nature of the rest of the sheet flow, the runoff that runs south over that great river of grass. It was once thought that this ecosystem was indestructible, that we could do anything and get away with it. Mother Nature had different ideas.

We cannot. The very water that now shoots down in by ways of canals into the Florida Bay has greatly changed the salinity of the Florida Bay itself. The natural grasses that grew on the floor of Florida Bay have been damaged because of the salinity and how it varies.

There are many other things that need to be studied, but we have a great blueprint. That blueprint is the Everglades to be restored before man changed it. We need to go back as close as we can.

But when we see the great cooperation that we have received not only from this body, but we have to go to my own State of Florida and talk about my Florida legislature that has stood up, stepped up to the plate and has put the money up, the matching funds required in order to make this happen; and all of the interests involved, the agricultural interests that wanted to go one way, the environmental interests that wanted to go the other way, the developers, the Miccosukee and Seminole Indian tribes, we had a coming together that was absolutely incredible. It was almost a magic moment.

It is very important on this bill that we not only vote it in today by the great bipartisan vote that I am confident of, but that we conference it promptly and get it passed into law and get it to the President's desk for signature. This is tremendously important because of that fragile balance that we have, the fragile balance of State and all of the interests that I have mentioned.

I can tell the Members, this is really a wonderful, wonderful moment in this institution and in the history of the country. It is not just a Florida issue. I would like to say, and I would want to absolutely recognize the greatness of our Florida delegation in working together, with interest in north Florida as well as south Florida, in bringing together what is going to happen here in just a minute or so; that is, the passage of this great bill.

Mr. Speaker, this Congress, this 106th Congress, it can look back and say that we put forth the greatest, largest environmental restoration project in the history of this globe. It is a wonderful moment for this institution. It is a wonderful moment for our country. I urge a yes vote.

Mr. Speaker, it is remarkable to have this broad a cross-section of Americans supporting legislation on any single issue. But protection of the Everglades is a national priority, because most Americans speak of this national treasure in the same breath as the Redwood Forests, the Mississippi River, Old Faithful, the Appalachian Trail, or the Grand Canyon.

Most Americans also understand the basic concepts of clean water and the delicate balance that nature requires. Everglades restoration is about restoring the balance that was disturbed by man-made structures as we pursued the noble goal of flood protection in decades past.

That is why so many diverse interests have come together, in historic fashion, to support enactment of a Comprehensive Everglades Restoration Plan, as outlined by the Comprehensive Review Study undertaken by the Central & Southern Florida Project, led by the U.S. Corps of Engineers and the South Florida Water Management District. (A list of participating organizations is submitted herein for the RECORD, with much applause for their work.)

That is why our underlying Everglades restoration bill, H.R. 5121 and S. 2796/2797, as modified by today's manager's amendment and the stellar work undertaken in the other Chamber, has been endorsed by numerous organizations, from environmental groups to agricultural groups to home builders and other businesses, to utility districts and other local governmental bodies, to recreational users and Native American Indian tribes. (A list of organizations supporting the legislation is also submitted for the RECORD.)

This legislation is as much about a process to make future decisions affecting the ecology of South Florida as it is about specific projects authorized by this bill. I am pleased that Members from other parts of the country have respected our State's right to determine what is correct within the context of our own State water laws. While recognizing that Florida has come to the table as a full and equal partner in this restoration effort, for the good of all Americans.

The State of Florida has already taken the extraordinary step of putting up 50 percent of the up-front construction costs, which Governor Jeb Bush has shepherded through the State legislature as a commitment in anticipation of the federal response. We at the federal level can no longer delay answering the call.

I thank Chairmen BUD SHUSTER, DON YOUNG, and SHERRY BOEHLERT, along with the Ranking Members OBERSTAR, MILLER, and BORSKI, my Florida colleagues and co-sponsors from other states for their leadership and support of doing the right thing.

Citizens from all over the country understand that this is not a local issue affecting only South Florida—although not simply because our state boasts tourists and future residents from all 50 states and many foreign countries.

What is good for the environment is good for us all, and with a vote to pass Everglades restoration in the House, we can truly lay claim to a legacy for the 106th Congress:

We will have worked in bipartisan, bicameral fashion to deliver a huge victory for the American people and a huge victory for the environment, with the largest and most significant environmental restoration project in the history of the United States, if not the history of the world.

Let me discuss a little about the Everglades. There is no other ecosystem like it anywhere in the world. It is home to 68 individual endangered or threatened species of plants and animals, which are threatened with extinction unless we act. The Everglades has also been shown to play a significant role in global weather patterns.

Several years of research by state and federal scientists, private environmental and agricultural experts and the Corps of Engineers produced the Comprehensive Everglades Restoration Plan (CERP), which includes 68 individual projects to be completed by the Corps of Engineers over the next 36 years. The total cost of the plan is $7.8 billion, to be shared 50/50 with the state of Florida.

The CERP will restore more than 1.7 billion gallons of freshwater per day to the natural system, which is currently lost to sea via the St. John and Caloosahatchee rivers. Flood control projects constructed by the Corps of Engineers in the 1940s destroyed the original freshwater sheet flow through the natural system, and more than 50% of the original ecosystem has been lost. This plan will restore the Everglades to almost 80% of its original condition.

In its natural state, the Everglades covered over 18,000 square miles and was connected by the flow of water from the Lake Okeechobee through the vast freshwater marshes to Florida Bay and on to the coral reefs of the Florida Keys.

The Everglades is the largest remaining tropical and subtropical wilderness remaining in the United States. Its wonders include unique habitats of sawgrass prairies, tree islands, estuaries and the vast waters of Florida Bay.

The lands owned and managed by the Federal government—4 national parks and 16 national wildlife refugees and 1 national marine sanctuary which comprise half of the remaining Everglades—will receive the benefits of the restoration.

But this legislation is designed to restore the entire ecosystem of the Everglades, not just the national parks and federally owned lands. This should be of comfort to those who enjoy the recreational benefits of such wilderness areas, as well as those living in communities on the periphery of the Everglades who are affected by the water flows of the system. I have heard from local property owners, sportsmen's chapters, airboat associations and Safari Club chapters and understand how important this is to to them.

The compelling Federal interest has been matched by the State of Florida, which has already stepped up and committed $2 billion to the effort. Florida's Fish & Wildlife Agency will maintain its strong role. Congress needs to respond to that pledge.

Finally, there are additional opportunities for community involvement contemplated or even called for by this legislation. One area is in the scientific verification procedures. Our Everglades legislation includes a provision for independent scientific review, contemplating that the National Academy of Sciences or some other qualified body or bodies will convene a panel to review the Plan's progress towards achieving the stated natural restoration goals. I believe it is appropriate to point out that, in South Florida, we have a number of institutions that could contribute significantly to such scientific research because of their demonstrated competency in such areas.

For example, Florida international University, one of the leading research universities in my State, has done a remarkable job in fostering an ecosystem approach to meeting the challenges created by population growth in one of the most environmentally sensitive regions on Earth—the greater Everglades ecosystem. Spearheading this effort is the Southeast Environmental Research Center (FIU–SERC) with its experienced scientific staff and established network of collaboration with university, federal, state, local, and private organizations. FIU–SERC has extensive expertise in conducting monitoring assessments for the Everglades that can contribute to the Adaptive Monitoring and Assessment Program in

WRDA. The Corps of Engineers can greatly benefit from utilizing FIU–SERC's existing resources to conduct future monitoring activities in the Everglades.

In addition, the Museum of Discovery and Science in Fort Lauderdale, Florida, is uniquely situated to provide an interpretive site to carry out public outreach and educational opportunities pertaining to the restoration of the Everglades. In August, 1999, the Museum signed an agreement with the South Florida Ecosystem Restoration Task Force to provide public education outreach in conjunction with the restoration effort. The Museum has a 25-year history of providing environmental science education to the public in innovative ways. It currently hosts more than 500,000 visitors annually and plans to build a dynamic, interactive facility called the Florida Environmental Education Center, as well as expanding its Florida Ecoscapes Exhibition. I hope that such activity would be looked upon favorably by the Corps of Engineers in developing an interpretive site partnership initiative for community outreach and assistance.

Mr. Speaker, I include the following material on this legislation:

The Central and Southern Florida Project Comprehensive Review Study was led by the US Army Corps of Engineers, Jacksonville District and the South Florida Water Management District, located in West Palm Beach, Florida. Many other federal, state, tribal and local agencies were active partners in developing the Comprehensive Plan and that partnership will continue through the implementation of the Plan. Those agencies are listed below.

US Department of the Army:
US Army Corps of Engineers;
Office of the Assistant Secretary of the Army for Civil Works.
US Department of Agriculture:
Agricultural Research Service;
Natural Resources Conservation Service.
US Department of the Interior:
US Fish and Wildlife Service;
US Geological Survey/Biological Resources Division;
Everglades National Park;
Everglades Research and Education Center;
Biscayne National Park;
Big Cypress National Preserve.
US Department of Commerce:
National Oceanic and Atmospheric Administration;
National Marine Fisheries Service;
National Ocean Service;
Office of Oceanic and Atmospheric Research.
US Environmental Protection Agency.
Miccosukee Tribe of Indians of Florida.
Seminole Tribe of Florida.
State of Florida:
Department of Agriculture and Consumer Services;
Department of Environmental Protection;
Game and Fresh Water Fish Commission;
Governors Commission for a Sustainable South Florida;
Governor's Office;
South Florida Water Management District.
Local Agencies:
Broward County Department of Natural Resource Protection;
Broward County Office of Environmental Services;
Lee County Utility Department;
Martin County;
Miami-Dade Department of Environmental Resource Management;
Miami-Dade Water and Sewer Department;
Palm Beach County Environmental Resource Management;
Palm Beach County Water Utilities.
Academic Institutions:
Florida International University;
University of Miami;
University of Tennessee.

SUPPORTERS OF THE EVERGLADES RESTORATION BILL

The Clinton-Gore Administration
Governor Jeb Bush
Seminole Tribe of Florida
Miccosukee Tribe of Indians
National Audubon Society
National Wildlife Federation
Florida Wildlife Federation
World Wildlife Fund
Center for Marine Conservation
Defenders of Wildlife
National Parks and Conservation Association
The Everglades Foundation
The Everglades Trust
Audubon of Florida
1000 Friends of Florida
Natural Resources Defense Council
Environmental Defense
Florida Citrus Mutual
Florida Farm Bureau
Florida Home Builders
American Water Works Association
Florida Chamber of Commerce
Florida Fruit and Vegetable Association
Southeastern Florida Utility Council
Gulf Citrus Growers Association
Florida Sugar Cane League
Florida Water Environmental Utility Council
Sugar Cane Growers Cooperative of America
Florida Fertilizer and Agrichemical Association
League of Women Voters of Florida
League of Women Voters of Dade County
Chamber South

Mr. Speaker, I would like to thank and praise the leadership and hard work of the following people, on behalf of those they represented in creating a consensus product, legislation to restore the American Everglades, as embodied in this bill:

Governor Jeb Bush and his staff, especially Nina Oviedo and Clarke Cooper of the Governor's Washington office, Secretary David Struhs and Leslie Palmer of the Department of Environmental Protection, and Kathy Copeland of the South Florida Water Management District;

Senator BOB GRAHAM and Catharine Cyr-Randsom of his staff;

Senator CONNIE MACK and C.K. Lee of his staff;

Mike Strachn and Ben Grumbles of the Transportation & Infrastructure Committee;

Deputy Assistant Secretary of the Army for Civil Works Michael Davis;

Acting Assistant Secretary Mary Doyle and Peter Umhofer of the Department of the Interior;

Tom Adams of the Audubon Society;

Bob Dawson, representing the coalition of agriculture, home builders, and utility districts;

Mary Barley, Bill Riley, and Fowler West of the Everglades Trust;

Col. Terry Rice of Florida International University;

Dexter Lehtinen, The Honorable Jimmy Hayes, and Lee Forsgren, representing the Miccosukee Tribe of Indians; and finally, my own staff, especially Donna Boyer, Mike Sewell, and Bob Castro.

Mr. REGULA. Mr. Speaker, I rise today in support of S. 2796, the Water Resources Development Act of 2000 and would like to emphasize my support specifically for the Everglades language contained in it.

As many of my colleagues have already stated during this debate, the Everglades provisions represent a major step toward restoration of this unique ecosystem. As Chairman of the Interior Appropriations Subcommittee, I have become involved in this restoration effort, as it directly impacts the natural areas in federal ownership including Everglades National Park, Big Cypress Natural Preserve and several national wildlife refuges. Their future and that of the numerous species who make the Everglades their home, depend upon the success of this effort. Only if the Corps of Engineers carried out the restoration initiative properly will they survive.

I commend the Chairman of the House Transportation and Infrastructure Committee for recognizing that the environment must be the primary beneficiary of the water made available through the Comprehensive Plan for the restoration. The object of the plan is to restore, preserve and protect the natural system while also meeting the water supply, flood protection and agricultural needs of the region.

As we make our way through this massive ecosystem restoration, I intend to work with my colleagues on both sides of the aisle to ensure that we remain focused on the restoration of the natural areas. I commend the Members on their bipartisan work in bringing this legislation to the floor today and urge the support of the House in passing it.

Mr. WELLER. Mr. Speaker, I rise today to express my strong support for S. 2796, the Water Resources development act of 2000. This historic legislation will provide funding for valuable projects across our nation and the 11th Congressional District of Illinois.

Mr. Speaker, I am very pleased that three projects that are very important to my constituents were included in the Water Resources Development Act of 2000 (WRDA). Legislative language was included in the bill which will ensure the continuation of valuable work by the Army Corps of Engineers at Ballard's Island in the Illinois River; the Ottawa YMCA will have land transferred to it from the Army Corps of Engineers for expansion of its facilities; and the Joliet Park district will have land transferred to it for use as their regional headquarters.

Ballard's Island is a natural and historic treasure located in the Illinois River. However, the side channel around Ballard's Island has become severely clogged with sand and silt due to the Army Corps of Engineers erection of a closure structure at the end of the side channel of Ballard's Island in the 1940s. This side channel has since become increasingly clogged with sand and silt, the problem becoming severe over the past three decades. The original depth of the side channel was 19 feet but today it has been reduced to two feet, making the channel completely unusable. This channel was once a thriving and vibrant aquatic ecosystem, but it is now so choked with mud and sediment that it no longer supports the plants and animals it used to and it is no longer productive for local citizens.

To solve these problems, the Army Corps is prepared to begin a Section 1135 Preliminary Restoration Plan for solving the river's woes. The Illinois Department of Natural Resources will be the 25% non-federal sponsor for this project. However, the Illinois Department of Natural Resources has already begun work on removing sediment from the channel through a $250,000 state appropriation. The legislative

language included in this bill will ensure that the valuable work already begun on the river will continue and its habitat and ecosystem restored. This is a victory for the people who live on and love this river who have watched it slowly die—their river will be returned to them.

Two other projects in this bill will help the people of Ottawa and Joliet, Illinois. The Ottawa YMCA is an outstanding community organization which already provides health and recreational services to hundreds of Illinois Valley families. In fact, because of the growing demand for these services, the Ottawa YMCA has launched a capital campaign to raise funds to expand its current facilities.

Earlier this year, with construction about to begin on the $1.3 million expansion project, YMCA officials learned that the U.S. Government was granted an easement in 1933 on the very piece of property intended as the site for the YMCA's expansion project. This easement, although never utilized, was intended for use in conjunction with the Army Corps of Engineers Illinois Waterway Project. On September 19, 2000 with legislative language provided to me by the Rock Island Army Corps district, I introduced H.R. 5216, a bill to convey the Army Corps easement back to the YMCA, ensuring that there will be no further questions about the land used by the YMCA for its expansion. I am pleased that H.R. 5216 was included in the Water Resources Development Act and that the good work of the Ottawa YMCA will be able to continue.

WRDA also provides a new home for the Joliet Park District. The Army Corps of Engineers currently owns property located at 622 Railroad Street in Joliet, Illinois. The property has served several functions in its official use but has recently been vacated. This property is no longer used or needed by the Army Corps of Engineers and is in the process of being deemed ''excess.''

The Joliet Park District has requested use of the land and buildings for its new location for its headquarters. The Park District currently has its headquarters and maintenance facilities in two separate, small locations on opposite sides of the City of Joliet. The approval of this property transfer will allow the Park District to increase its efficiency and save time and funds which can be much better used to the improvement of parks and recreation facilities. I am pleased that the Water Resources Development Act included H.R. 5389, legislation I introduced that conveys the land from the Army Corps of Engineers to the Joliet Park District.

Mr. Speaker, this is good legislation and I commend Chairmen BOEHLERT and SHUSTER for their work and efforts on this legislation. I urge passage of the Water Resources Development Act of 2000 by my colleagues.

Mrs. FOWLER. Mr. Speaker, today we take an historic step to restoring one of our nation's natural treasures, the Everglades. This will be the largest environmental project the Corps of Engineers has ever undertaken and Democrats and Republicans have come together to accomplish this great task.

My friend and colleague CLAY SHAW, the dean of our delegation, successfully guided this legislation through the House. Also, our Governor, Jeb Bush, has not wavered on his commitment to the Everglades. His tireless efforts guarantee state funding for the project over the next ten years.

This bipartisan plan will restore, preserve and protect the South Florida ecosystem while saving generations from inheriting an environmental nightmare. Over a million Americans visit the Everglades system each year—enjoying the natural wonders of this remarkable spot. Though we should be alarmed that this important ecosystem is now half its original size. But today, we start to reverse that dangerous trend and begin undoing the mistakes of the past. I know our children and grandchildren will benefit from a stronger Everglades.

Mr. DIAZ-BALART. Mr. Speaker, I wish to echo the sentiments of the gentleman from Florida, Mr. SHAW, about the FIU Southeast Environmental Research Center and reinforce the important contributions that the Center has made in the area of monitoring assessments in the Everglades. I would encourage the Corps of Engineers to explore ways to collaborate with FIU–SERC and utilize the Center's expertise in monitoring assessments. SERC has extensive expertise in Everglades restoration and can provide research and monitoring, technical assistance and infrastructure to support the Corps. FIU–SERC can also serve to coordinate technology transfer and apply the techniques and methodologies learned from CERP to other sustainable ecosystems.

Mr. TANCREDO. Mr. Speaker, I rise in opposition to S. 2796, the Water Resources Development Act. The communities in my district have learned first hand that the Army Corps of Engineers has become a large, bloated and intransigent bureaucracy. Now is the time for reform, and while I commend the Transportation Committee for their efforts to bring about some reform in the area of peer-review for projects in S. 2796, I believe more work must be done, and more efforts to shrink the size and power of the Corps of Engineers should be made.

To illustrate the point, I am enclosing for the RECORD the following Op-Ed I recently submitted to the Aurora Sentinel regarding the need for reform in the Army Corps of Engineers.

On a related topic, I believe that the public image and reputation of the Corps of Engineers might be improved tremendously if it would adopt some of the recommended policy changes suggested by the 1999 National Recreation Lakes Study Commission.

Specifically, I believe it is time for the Corps to reverse its long-standing opposition to cost-share proposals that would rehabilitate facilities on the recreational properties it leases to non-federal entities such as the State of Colorado.

Over the last year and a half, I have worked with the interested parties to encourage the Corps to enter into a cost-share agreement with the state of Colorado to improve the recreational facilities of Cherry Creek Reservoir, Chatfield Reservoir, and Trinidad Reservoir State Parks.

Cherry Creek, Chatfield, and Trinidad Reservoirs are each operated and maintained by the Corps, while the State manages all parks and recreation facilities on the surrounding federally-owned land. These reservoir-parks are the most valued sources of water recreation in Colorado, a state where virtually no natural large body of water exists. The three parks combined host almost 3.5 million visitors annually.

Most recreational facilities in these parks were constructed over 25 years ago. Entrance gates, trails, campsites, and outhouses are near states of disrepair. Worse, public safety is at risk if water, sewer, and Americans with Disabilities Act compliance improvements are not addressed. The State is not financially capable of meeting the repair and renovation needs without matching federal assistance.

In a recent meeting with Assistant Secretary of the Army for Civil Works, Dr. Joseph Westphal, I was assured by Secretary Westphal that the Corps is committed to beginning this cost share agreement as a pilot project. Governor Bill Owens has also committed the State of Colorado to meeting its financial obligation for the cost share program. Unfortunately, the project has not progressed as planned.

As was demonstrated by previous recreational facility cost share agreements with the Bureau of Reclamation, these agreements are a tremendously efficient way to leverage federal dollars and to help preserve Colorado's quality of life. In addition, the facilities provided through the cost shares enable the Corps to meet their legal obligation to provide recreation on these three reservoirs.

Because of the lack of an agreement, I proposed a policy reform in the form of an amendment to S. 2796 that instructed the Corps of Engineers to submit a plan in no less than one year on how it could implement cost-share programs with non federal entities for recreational purposes. While the amendment was not made in order, I intend to craft legislation that will seek to reform and improve the operations of the Corps of Engineers, and introduce the legislation when the 107th Congress convenes.

A BRIGHT LIGHT SHED ON THE ARMY CORPS OF ENGINEERS

(By Congressman Tom Tancredo)

The evidence is in, and it is conclusive. The Army Corps of Engineers has tried to throw a blanket over the heads of American taxpayers in order to advance their own projects and agenda, and the citizens around the Cherry Creek Dam and Reservoir have been a top target.

The Washington Post released an article on February 24th entitled ''Generals Push Huge Growth for Engineers,'' which details an internal push to expand the budget, size, and scope of the Army Corps of Engineers.

At the surface, the Corps has internally planned for growth of their budget to $6.5 billion by 2005, more than $2 billion greater than their 2000 budget, which breaks down more specifically within the agency.

The information obtained by the Washington Post also shows that Corps officials had been pressured by superiors to ''get creative with cost-benefit analysis in order to greenlight major projects.''

The Cherry Creek Dam controversy that has developed between the Corps, the local community and local public officials over the expansion of flood controls around the dam is even more alarming with the information contained in the Corps report proposing a ''program with targeted studies that should lead to target construction activities with continuation of historical success rates.''

This answers a few questions I had surrounding the proposed addition of flood controls to the Cherry Creek Dam. Why the conflicting facts and figures from the Corps? And why have they suppressed the concerns of local citizens and elected officials, myself included? The answer to those questions is evident in the report, the growth of the Corps is first and foremost.

Like many, I was skeptical of the need to add more flood control onto the Cherry Creek Dam when the Corps had admitted that the chances of a flood capable of breaking the dam, 24.7 inches in 72 hours, is approximately one in a billion. With Metro Denver averaging around fourteen inches of moisture a year, this would be a flood of biblical proportions.

What the Corps has turned into is a major public works department with over 37,000 workers attempting to capitalize on the expansion of the American economy and proposed government surpluses.

Let me be the first to inform the Army Corps of Engineers that the days of reckless government and fraud is over.

America has more pressing needs—saving Social Security and keeping our commitment to our nation's veterans—than to needlessly expand the budget of an agency whose motto is, ''growth.''

I am just sorry that the citizens of this community have had to endure what has become a stressful issue that has scared many families and individuals and affected property values in the proposed area.

As this process moves forward, and both Congressman Joel Hefley and I are discussing legislation that would require the Corps to use criteria for similar projects more in line with what the State of Colorado uses, I will keep the communities best interests, and not the Corps, at the forefront of the debate.

Mr. JONES of North Carolina. Mr. Speaker, I rise today in strong support of the manager's amendment to the Water Resources Development Act of 2000. This bipartisan piece of legislation is a tribute to the outgoing Chairman BUD SHUSTER and Ranking Member JIM OBERSTAR. I want to touch on two components of the legislation that I wholeheartedly support.

Representing a district that sits within a 100-year floodplain along Hurricane Alley is often a daunting but fulfilling task. Hurricane Floyd ripped through Eastern North Carolina more than one year ago, causing billions of dollars of damage and displacing thousands of families.

While recovery is progressing and people's lives are slowing returning to normal, our rivers and streams remain clogged with debris from that horrific storm. If these streams are not immediately cleared after major disasters, flooding problems will be exacerbated and North Carolina will continue to remain vulnerable to extreme weather conditions. For instance, one country in my district, Onslow County, has almost 600 miles of rivers and streams that remain clogged, a continuing threat to life, property and economic development.

Included in the legislation is a demonstration project authorizing the Army Corps of Engineers to remove accumulated snags and debris in Eastern North Carolina rivers and tributaries immediately following major disasters. The accumulated debris in our rivers and streams are a contributing factor in the disastrous floods experienced by eastern North Carolina in the last few years.

Without this provision, flood control problems will worsen as urban centers are now being impacted by floodwaters. This emergency authority for the Army Corps of Engineers will help alleviate continued flooding within Eastern North Carolina and supplement other flood control programs.

The proposed program will not only aid navigation and safety, but it will also help the flow of the rivers themselves. With this provision, Eastern North Carolina will be better prepared to deal with extreme weather events like Hurricanes Bertha, Fran, Dennis, Floyd and Irene in the future.

The second provision I support is an authorization for hurricane and storm damage reduction for Dare County, North Carolina. The authorization affects the towns of Nags Head, Kill Devil Hills, and Kitty Hawk. I am a strong supporter of beach nourishment, not just for the 3 million tourists who visit our shores every year, but also for storm protection for our homes and infrastructure.

It is not well remembered, but it is nevertheless a fact, that these communities—indeed most of North Carolina's Outer Banks—have been protected for well over a half a century by a line of dunes constructed by the federal government under the Works Progress Administration. These dunes have been a wise investment of resources. Now, however, these dunes and berms have deteriorated and must be repaired.

Erosion along North Carolina's shoreline threatens the future existence of these beaches and shore protection is truly the only option available to ensure coastal areas will be here tomorrow. Nourishment of these beaches will provide the best protection against the devastating effects of storm surges on the dune system, private property, roads and other critical public infrastructure guaranteeing a healthy and fortified coastline.

Without beach nourishment these reinforcement measures cannot take place. Unfortunately it takes years for the Army Corps of Engineers and the local communities to actually place sand on the affected beaches. Shore protection projects have become entangled with numerous state and federal environmental regulations.

In addition, the projects are even further delayed by the Clinton-Gore Administration's opposition to beach nourishment, under which there have been no new startups of beach nourishment programs. I am hopeful that a new Administration will support such a sound program to protect both our communities and precious natural resources. Rest assured that I will continue to support shore protection and other initiatives along the North Carolina coast. It is essential that we protect the entire coast for the inhabitants and visitors today as well for future generations.

I commend the Committee on Transportation and Infrastructure for bringing this important legislation to the House floor. I hope it will be possible for us to improve this bill today and for the House and the other body to agree on a final version of this critical legislation prior to adjournment. This bill is a victory for Eastern North Carolina, a victory for Congress, and a victory for America.

Mr. MCCOLLUM. Mr. Speaker, I rise today in support of the Water Resources Development Act and I urge my colleagues to give it their full support as well. Specifically, Mr. Speaker, I rise in support of one provision of this bill that will begin the long over due effort to preserve the Everglades and restore them to their natural beauty.

Mr. Speaker, with this legislation, we will begin to correct the mistakes we made over 40 years ago when we began development in and around the Everglades area. In those years, we did not have the scientific understanding of the ramifications of our actions, and the result was enormous damage to this vital ecosystem. Yet since that time, clear and compelling scientific data has shown the perilous state of the Everglades.

Under the bill before us, 18,000 square miles of subtropical uplands, coral reefs and wetlands will be preserved, in addition to the habitat of 68 federally listed threatened and endangered species. Once implemented, 2 million acres of Everglades will be restored with a 50/50 cost share between the state of Florida and the federal government, providing $100 million per year for 10 years.

While I am pleased with this, it is only a first step in the preservation of the environment in Florida. As the state's population increases, Florida will experience increasing demands on its water resources. Mr. Speaker, I am committed to maintaining the federal-state partnership we have built for the Everglades, and I am pleased to be able to say that the legislation before this body has the support of a broad spectrum of groups and individuals, ranging from environmentalists, to agricultural and industry groups, to the Seminole Indians and the state of Florida. That broad array of support demonstrates just what we in this body can accomplish when we put partisan differences aside.

Mr. Speaker, I was proud to work with my Republican and Democratic colleagues from Florida on this measure, and I will continue to work in the forefront of the effort to protect our state's unique environment. This is prudent, scientifically sound legislation that will preserve a valuable national asset for generations to come, and I urge my colleagues to vote in favor of this investment in our nation's future.

Mr. UDALL of Colorado. Mr. Speaker, I have some serious reservations about this bill, especially those parts dealing with oceanfront development, dredging, and other projects to be carried out by the Corps of Engineers. I think the House should have had the chance to consider amendments that would have improved the bill. I regret that the rule adopted earlier does not permit that. However, I will vote the bill because I strongly support authorizing the important program of environmental restoration for the Everglades. The bill will now go to conference with the Senate. I hope that will result in improvements in the measure to make it one that everyone can support without reservations.

Mr. HOLT. Mr. Speaker, Marjory Stoneman Douglass, grand matron of the Everglades immortalized the sprawling South Florida wetlands in her classic book, Everglades: River of Grass. ''Nothing anywhere else is like them,'' she wrote. ''They are, they have always been, one of the unique regions of the earth, remote, never wholly known.''

I am not sure that there is any better way to describe what is one of our nation's greatest natural wonders. But, I can tell you that even though we will never fully know or understand the Everglades, we do know a few things. The Everglades is home to a wide and rich bird population, particularly large wading birds, such as the roseate spoonbill, wood stork, great blue heron and a variety of egrets. It contains both temperate and tropical plant communities, including sawgrass prairies, mangrove and cypress swamps, pinelands and hardwood hammocks, as well as marine and estuarine environments. It is the only place in the world where alligators and crocodiles exist side by side. However, man has also lived in and around the Everglades for

the past 2,000 years, sometimes with disastrous consequences. Starting in the 1880's, man began diverting water from the Everglades to make it more a hospitable place for people. Over the last century canals were dug and impoundments were created to provide drinking water, protection from floods and land for houses.

As a result of man's habitation and engineering, the Everglades are dying. Many portions are drying out and many species are threatened with extinction. We need to take immediate and long term steps to save this massive ecosystem. The Water Resources Development Act includes a $7.8 billion, 35-year federal-state plan to restore the Florida Everglades that is a major step towards saving that goal. This restoration plan will reverse the effects of the dams and waterways that drain 1.7 billion gallons of water a day from the Everglades into the Atlantic Ocean. This plan has 68 project components and will restore the natural water flow while continuing to supply water to South Florida. This legislation also requires that an ongoing, independent scientific review be established to ensure that the plan is progressing toward restoration.

I strongly urge all of my colleagues to support this plan to save this truly unique natural resource.

Mr. STUPAK. Mr. Speaker, I rise today in reluctant opposition to the Water Resources Development Act. I do not oppose this bill for its content. Rather, I oppose the measure because the rule did not provide an opportunity to offer amendments. This bill does not include language about preventing the withdrawal and diversion of water from the Great Lakes. In 1998, a Canadian company planned to ship 3 billion liters of water from Lake Superior over five years and sell it to Asia. I authored legislation that passed the House of Representatives that called on the United States government to oppose this action. The permit was subsequently withdrawn. We must strengthen existing laws to protect the possibility of other countries making similar requests in the future. We owe it to the estimated 35 million people who reside in the Great Lakes Basin.

I want to thank Chairman SHUSTER and Ranking Member OBERSTAR for their commitment to protecting our Great Lakes and I hope that similar language will be inserted in the WRDA conference report. Another point of concern for me in this bill concerns the transfer of a lighthouse in Ontonagon, Michigan, from the Secretary of the Army to the Ontonagon County Historical Society. This facility was built in 1866 and guided ships through the seas of Lake Superior for more than 100 years.

Thanks to the Ontonagon County Historical Society's efforts, this facility has been preserved for the public's enjoyment. To continue its work, the non-profit organization is seeking to have the lighthouse and the adjacent land of 1.8 acres transferred. Unfortunately, the Army Corps of Engineers, which owns and uses the property, has witnessed contamination of the property. Lead-based paint coats the interior walls and the exterior gallery of the lighthouse. A 5,000-gallon fuel tank, which may have leaked oil into the soil, sits idle near the lighthouse. Finally, for 14 years coal has been stored onsite by a company subletting the property; an action which has contaminated the soil.

This bill, however, does not include language absolving the organization of responsibility. And in no way should the Ontonagon County Historical Society be held liable for environmental damage of the property when it occurred during the ownership of the Army Corps of Engineers. Such an omission forces me to oppose this bill. The Senate version of WRDA would hold the Secretary of the Army responsible for the removal of onsite contaminated soil and lead-based paint. I hope that its language is retained in the bill's conference report.

Again, I reluctantly oppose this bill but wish to thank Mr. SHUSTER and Mr. OBERSTAR for bringing this legislation to the floor, especially given the session's time constraints. Their leadership in crafting a bipartisan bill should be commended.

Mr. WATTS of Oklahoma. Mr. Speaker, today the House is considering S. 2796, the Water Resources and Development Act of 2000. I would like to thank Chairman SHUSTER for his leadership in drafting this legislation and I rise in strong support of its passage.

This legislation takes the necessary steps to address the many water resources needs across the country. It does so by authorizing important water programs such as those sponsored and constructed by the Army Corps of Engineers. These projects provide important water resources to the areas they serve. These water resources are crucial to the economic development of many of these areas.

Mr. Speaker, I would like to thank Chairman SHUSTER again for his leadership on this legislation and I urge my colleagues in the House to join me by casting their vote in favor of S. 2796.

The SPEAKER pro tempore (Mr. OSE). All time for debate has expired.

Pursuant to House Resolution 639, the previous question is ordered on the Senate bill, as amended.

The question is on the third reading of the Senate bill.

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

MOTION TO COMMIT OFFERED BY MR. RAHALL

Mr. RAHALL. Mr. Speaker, I offer a motion to commit.

The SPEAKER pro tempore. Is the gentleman opposed to the Senate bill?

Mr. RAHALL. Mr. Speaker, in its current form, I am opposed to the Senate bill.

The SPEAKER pro tempore. The Clerk will report the motion to commit.

The Clerk read as follows:

Mr. RAHALL moves to commit the bill S. 2796 to the Committee on Transportation and Infrastructure with instructions to report the same back to the House forthwith with the following amendments:

Strike section 330 of the bill and redesignate subsequent sections of title III of the bill, accordingly.

In section 348 of the bill, strike ''substantially'' and all that follows through ''1992''.

Strike section 436 of the bill and redesignate subsequent sections of title IV of the bill, accordingly.

In section 563 of the bill, strike ''stabilization and preservation'' and insert ''preservation and restoration''.

Conform the table of contents of the bill by striking the items relating to sections 330 and 436 and redesignate subsequent items accordingly.

Mr. RAHALL (during the reading). Mr. Speaker, I ask unanimous consent that the motion to commit be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from West Virginia (Mr. RAHALL) is recognized for 5 minutes in support of his motion to commit.

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

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

Mr. SHUSTER. Mr. Speaker, we accept the gentleman's motion.

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

The SPEAKER pro tempore. Does any Member seek time in opposition?

Without objection, the previous question is ordered on the motion to commit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to commit.

The motion to commit was agreed to.

Mr. SHUSTER. Mr. Speaker, acting under the instructions of the House and on behalf of the Committee on Transportation and Infrastructure, I report the Senate bill, S. 2796, back to the House with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment:

Strike section 330 of the bill and redesignate subsequent sections of title III of the bill, accordingly.

In section 348 of the bill, strike ''substantially'' and all that follows through ''1992''.

Strike section 436 of the bill and redesignate subsequent sections of title IV of the bill, accordingly.

In section 563 of the bill, strike ''stabilization and preservation'' and insert ''preservation and restoration''.

Conform the table of contents of the bill by striking the items relating to sections 330 and 436 and redesignate subsequent items accordingly.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

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

The SPEAKER pro tempore. The question is on the passage of the Senate bill.

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 394, nays 14, not voting 24, as follows:

[Roll No. 534]

YEAS—394

Abercrombie	Aderholt	Archer
Ackerman	Allen	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
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
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
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hilleary
Hinchey
Hinojosa
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.
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
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, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
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
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—14

Andrews
Coburn
Doggett
Hill (MT)
Johnson, Sam
Paul
Ramstad
Royce
Sanford
Schaffer
Sensenbrenner
Shays
Stupak
Tancredo

NOT VOTING—24

Ballenger
Campbell
Chenoweth-Hage
Clay
Dingell
Franks (NJ)
Gephardt
Hansen
Hilliard
Houghton
Jones (OH)
Lazio
Lipinski
McCollum
McIntosh
Miller (FL)
Morella
Oxley
Rodriguez
Simpson
Stark
Talent
Turner
Wise

□ 1206

Mr. SCHAFFER changed his vote from ''yea'' to ''nay.''

Mr. PETRI and Mr. CHABOT changed their vote from ''nay'' to ''yea.''

So the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BALLENGER. Mr. Speaker, on rollcall No. 534, I was inadvertently detained. Had I been present, I would have voted ''yes.''

PERMISSION TO FILE SUPPLEMENTAL REPORT ON H.R. 4541, COMMODITY FUTURES MODERNIZATION ACT OF 2000

Mr. LEACH. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Financial Services be authorized to file a supplemental report on the bill, H.R. 4541.

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

There was no objection.

MOTION TO GO TO CONFERENCE ON S. 2796, WATER RESOURCES DEVELOPMENT ACT OF 2000

Mr. SHUSTER. Mr. Speaker, pursuant to House Resolution 639, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. SHUSTER moves to insist on the House amendment to S. 2796, and request a conference with the Senate thereon.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER).

The motion was agreed to.

MOTION TO INSTRUCT OFFERED BY MR. OBERSTAR

Mr. OBERSTAR. Mr. Speaker, I offer a motion to instruct conferees.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. OBERSTAR moves to instruct the conferees to insist on section 586 of the House amendment.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Pennsylvania (Mr. SHUSTER) will each be recognized for 30 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. OBERSTAR).

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

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

Mr. OBERSTAR. Mr. Speaker, I urge adoption of the motion to instruct, and I yield back the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume to simply accept the motion, and I yield back the balance of my time.

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

There was no objection.

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

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. SHUSTER, YOUNG of Alaska, BOEHLERT, SHAW, OBERSTAR, BORSKI, and MENENDEZ.

There was no objection.

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to insert extraneous material on S. 2796.

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

There was no objection

MESSAGE FROM THE PRESIDENT

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

PROVIDING FOR CONSIDERATION OF H.R. 4635, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2001

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 638 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 638

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 4635) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes. 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 (Mr. LATOURETTE). The gentlewoman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for purposes of debate only I yield the customary 30 minutes to my friend and colleague 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 638 is a rule waiving all points of order against the conference report and against its consideration to accompany H.R. 4635, the fiscal year 2001 appropriations bill for the Departments of Veterans Affairs, Housing and Urban Development, and Independent Agencies.

Mr. Speaker, this conference report provides another example of a carefully crafted bill that strikes a balance between the fiscal discipline and social responsibility Americans expect of this Congress. I would like to once again commend the chairman of the subcommittee, the gentleman from New York (Mr. WALSH) and the ranking member, the gentleman from West Virginia (Mr. MOLLOHAN), and all the members of the Committee on Appropriations for making the tough decisions required to produce a very thoughtful bill that meets our most important priorities.

I would also like to express a personal note of gratitude for the assistance to help increase affordable housing opportunities in my district of Columbus, Ohio. This conference report provides a small amount of needed funding which will, in turn, become the foundation to give more people in Columbus the opportunity to fulfill the dream of home ownership.

The VA–HUD appropriation bill funds a variety of important programs to take care of our veterans, address the Nation's critical housing needs, preserve and protect our environment, invest in scientific research, and continue our exploration into space.

The conference report maintains our commitment to our Nation's veterans, who selflessly place themselves in harm's way so that we may enjoy the very freedoms which we so much cherish. This year, it provides an additional $1.36 billion over last year's historic increase for veterans' medical health care. It increases veterans' medical and prosthetic research by $30 million, and provides an extra $73 million over last year's funding level for the Veterans Benefits Administration to expedite claims that need processed for our veterans.

□ 1215

Finally, this conference report provides $100 million for Veterans State Extended Facilities, an increase of $40 million above the President's request.

Mr. Speaker, along with providing for the needs of our veterans, this conference report makes available important resources to help the most vulnerable in our society and place roofs over their heads.

Low-income families will benefit through this bill's investment in the Housing Certificate Program, which provides funding for section 8 renewals and tenant protection.

A $2.5 billion increase over last year's funding level will allow for the renewal of all expiring section 8 contracts and provide needed relocation assistance at the level requested by the President. A total of $14 billion is provided for this important program in fiscal year 2001.

Other needed housing programs that help our elderly, people with AIDS, and Native Americans will also receive increases above last year's funding levels in this conference report.

H.R. 4365 also looks toward the future by preserving and protecting our environment for the next generation to enjoy.

It is my understanding that the conference report before us today resolves a number of outstanding environmental concerns which were previously expressed and are no longer considered controversial. The bill targets funding and places an emphasis on State grants to protect the water that we drink and the air that we breathe.

The State Revolving Fund for Safe Drinking Water is increased by more than $5 million from last year's level, and the Clean Water State Resolving Fund is increased by $550 million over the President's request. And finally, State Air grants are increased $6 million.

Finally, Mr. Speaker, this conference report provides important funding which maintains our commitment to the exploration of space and the improvement of science.

Total funding of $4.4 billion for NSF is the largest budget in its history and will help this important agency continue its mission of developing a national policy on science and promoting basic research as well as increasing scientific education.

NASA also receives an increase that will bring total funding to more than $14.3 billion.

Mr. Speaker, it is also important to note that this conference report includes two other important provisions.

First, like other appropriation conference reports considered and passed this year, the VA–HUD Conference Report maintains our commitment to debt reduction by providing yet another $5 billion to pay down the public debt.

Second, it contains a new version of the previously passed fiscal year 2001 Energy and Water appropriations bill, which now has the support of the administration.

Mr. Speaker, it is a good conference report and deserves our support. It takes a responsible path toward responding to our Nation's most pressing needs and priorities.

I urge all of my colleagues to support the straightforward, noncontroversial rule as well as this must-do piece of legislation.

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

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume. I thank my colleague and dear friend, the gentlewoman from Ohio (Ms. PRYCE), for yielding me the customary half hour.

Mr. Speaker, I rise in support of this rule providing for the consideration of VA–HUD and Energy and Water appropriations bills.

I would like to congratulate my colleagues, the gentleman from New York (Chairman WALSH) and the gentleman from West Virginia (Mr. MOLLOHAN), the ranking member, for their excellent work on this very, very difficult subject matter and the excellent work on this conference report.

When this bill came to the floor the first time in June, it really needed a lot of help. But lucky for the American veterans and the American families, it did get that help.

This conference report, Mr. Speaker, is a welcomed and radical departure from the first VA–HUD appropriations bill. This bill provides more money for veterans medical research and State veterans homes. It also does a better job of funding housing programs, which people in my home State of Massachusetts will be very, very happy to hear.

Mr. Speaker, I believe that veterans and housing programs are very, very important. They give people hope. They save lives. And they should be adequately funded, especially given today's strong economy. And lucky for us and thanks to the gentleman from New York (Chairman WALSH) and the gentleman from West Virginia (Mr. MOLLOHAN) this conference report does just that.

It also includes the Energy and Water Appropriations Conference Report, which now has been attached to the VA–HUD Appropriations Conference Report. Thanks to the hard work of the gentleman from California

(Mr. PACKARD) and the gentleman from Indiana (Mr. VISCLOSKY), the Energy and Water Conference Report contains funding for some very, very good water resource infrastructure projects.

Mr. Speaker, I am very pleased that they were able to come to an agreement with the White House on the language that caused the President to veto the bill the first time around.

It funds the Army Corps of Engineers' water projects and the Bureau of Reclamation, in addition to the Department of Energy's science programs. And thanks to the very excellent work on the part of the appropriations conferees, these two conference reports represent bipartisan agreements on a number of very important issues.

So I urge my colleagues to support the conference reports.

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

Ms. PRYCE of Ohio. Mr. Speaker, I am pleased to yield 2 minutes to my distinguished colleague, the gentleman from the State of Georgia (Mr. LINDER), a member of the Committee on Rules.

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

Mr. Speaker, I rise in support of the rule providing for consideration of the conference report on H.R. 4635, VA-HUD appropriations for fiscal year 2001. This compromise bill is a result of many hours of hard work by Members of the House and the Senate, and it is a bipartisan agreement that deserves the support of this body.

I would like to express my appreciation for the conference committee's inclusion of an amendment offered by myself and my colleague, the gentleman from Georgia (Mr. COLLINS), when the House first considered the bill. The language in our amendment ensures that Federal, State, and local governments do not waste precious taxpayer dollars on air quality standards that have been rendered unenforceable by the Federal Appeals Court.

Common sense dictates that until the Supreme Court has the opportunity to rule on these air quality standards, the Federal Government should not enforce them.

Our amendment passed the House in a strong bipartisan vote. I am pleased that Members of the conference committee recognized that hundreds of communities across the country could be tainted by designations made under these legally unenforceable standards without the inclusion of our amendment language. Our communities will be grateful for our actions.

Finally, Mr. Speaker, I would like to express my appreciation to the gentleman from New York (Mr. WALSH), the chairman of the Subcommittee on VA, HUD and Independent Agencies; and the gentleman from West Virginia (Mr. MOLLOHAN), the ranking member on the subcommittee, for their hard work in crafting a fine bipartisan bill. I thank them.

I urge all Members to support the rule and the underlying bill.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the ranking member for yielding me the time.

Mr. Speaker, let me acknowledge the very hard work that has been done by this entire committee, the Committee on Appropriations. The work is still being done.

I wish that we could move forward on some of the many important issues, as the gentleman from New York (Mr. WALSH), the chairman of the Subcommittee on VA, HUD and Independent Agencies, and the gentleman from West Virginia (Mr. MOLLOHAN), the ranking member, have done today.

I rise to support the rule as well as the legislation, and I agree with the gentleman from Massachusetts (Mr. MOAKLEY) that this is a much better bill. I am very gratified that we have in this bill $575 million for distressed housing; 10 million of that can be used for technical assistance.

A few sessions ago, I passed legislation that would obligate or require or encourage the residents of various distressed public housing to be able to work in efforts of rehabilitation. I hope that, with this funding, more of that initiative will be in place.

In addition, however, I would like to say to the public housing authorities that, as we render to them Federal funds, I think it is important that they look to utilize minority-owned, women-owned, and small-owned businesses.

In my own Houston Harris County Housing Authority, that has not been the case. And I hope that they can be impressed by the large Federal dollars to help both the tenants and the community, as well as rebuild housing.

I am very pleased to see $90 million in second-round empowerment zones, some of the most important tools to reinvest and rebuild our communities. Veterans have been funded, and we are appreciative for what this legislation has done to fund the necessary needs of our veterans.

NASA is funded at $14.3 billion. But, as well, we have $6 billion for aeronautics, science and technology.

I am very delighted, as well, that there are dollars in this bill that will help provide supportive assistance for those seeking housing, affordable housing. And, as well, I am very grateful for the EDI grants to several of the nonprofits in my area, a multiculture center that encourages Hispanic culture and, as well, a million-dollar grant that I am very pleased to have support that is initiated by Senator HUTCHINSON for the Freedmans Town African American Museum.

This is a bill that responds to America's needs both in housing and as well as in economic development. As it relates to homeless individuals, of which I worked on as a member of the Houston City Council and continue to work on, I am very delighted that the homeless dollars now include assistance that will be coordinated with mainstream health, social services, employment programs which the homeless populations may be eligible for, including Medicaid, State children's health insurance, temporary assistance for needy families.

This bill, Mr. Speaker, is a bill that answers to the needs of the American people. It certainly is a bill that all of us have worked on with the chairman and the ranking member. I thank them again for their very hard work. I look forward to our community doing better because this legislation passes.

Ms. PRYCE of Ohio. Mr. Speaker, I am very pleased to yield such time as he may consume to my distinguished colleague, the gentleman from Florida (Mr. GOSS), the vice-chairman of the Committee on Rules.

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

Mr. GOSS. Mr. Speaker, I thank my good friend, the gentlewoman from Ohio (Ms. PRYCE), for yielding me the time. She brings credit and strength to our leadership and to our Committee on Rules.

Mr. Speaker, I rise in strong support of this rule, which provides for orderly consideration of the VA–HUD Appropriations Conference Report. It is a standard rule for an appropriations conference report, and it deserves the support of every Member of the House.

In the wake of the tragic attack on the U.S.S. *Cole*, which we sadly all know about, Americans are painfully and necessarily reminded again of the great sacrifices our servicemen and servicewomen make to protect our interests and the interests of all Americans at home and abroad.

Presently we are living in what I call ''blue sky times,'' an era of peace and prosperity. But, tragically, it is only relative peace. The recent tragedy is a sharp reminder of the sacrifices and risks our soldiers and sailors and airmen are confronted with day in and day out as they go about their business.

We must remember and emphasize that veterans made a selfless promise to defend and protect our country too. Now it is time that we deliver to them on the promises made about the security and comfort of adequate health care and benefits.

H.R. 4635 is a vehicle to help us accomplish that goal. This bill provides $20.3 billion to fully fund medical health care for veterans. That is a $1.36 billion increase over last year, and I am proud of that.

My home State of Florida has the second largest population of veterans in the country. I can tell my colleagues from firsthand experience talking with many of them and visiting clinics that

these funds are greatly needed in our clinics and hospitals.

In addition, H.R. 4635 increases veterans medical and prosthetic research by $30 million, more than the President's request.

For veterans wounded in the line of duty, new technology resulting from these funds may mean the difference between being wheelchair bound and being able to walk. What a wonderful thought.

Finally, the conference report provides an extra $73 million to the Veterans Benefits Administration to expedite claims processing. This money would help alleviate some of the red tape associated with benefits claims. Moving vets out of the long lines and into programs for services will be provided timely.

Congress has made meaningful progress this year on providing for our veterans. Most notably, of course, is this year's defense authorization bill that keeps the promise of lifetime health care to military retirees. We build on those achievements by providing veterans expanded care and benefits as well today in this legislation.

I urge my colleagues to illustrate and underscore their dedication to our veterans by supporting passage of this bill and supporting this rule.

Ms. PRYCE of Ohio. Mr. Speaker, I am pleased to yield 4 minutes to my distinguished colleague, the gentleman from the State of California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, I thank my friends, the gentleman from New York (Chairman WALSH) and the gentleman from West Virginia (Mr. MOLLOHAN), for their efforts on this bill, and also the gentleman from Arizona (Mr. STUMP), the subcommittee chairman. And what a good job that they have done.

Veterans health care, when we add $1.7 billion last year and add $1.36 billion this year over last year's, it is a slight commitment to show that the veterans are important. The medical research in this bill, one may say, why do we have medical research in a veterans bill? Well, all the way back from World War II, veterans that had nuclear reactions from the bombs where we put our people in harm's way, from the Desert Storm Syndrome to Agent Orange to anthrax shots, and for example, how does anthrax shots, with more and more women in our military, affect a woman who may have a child? That medical research is very, very important within the military.

□ 1230

I would specifically like to thank the gentleman from Illinois (Speaker HASTERT), the gentleman from Texas (Mr. ARMEY), and the gentleman from Texas (Mr. DELAY). There is an issue that I have been working on since 1991, and quite often when there has been a promise given by someone like General MacArthur and the President of the United States almost 60 years ago, it is difficult to get that priority in a bill. We have been able to do that with our leadership's help.

The issue is this provides help for thousands of Filipino American veterans across the Nation. The language in the bill provides full dependency and indemnity compensation benefits so long denied for those who fought alongside our troops in World War II. Despite the fact that many of these valiant soldiers suffered the same casualties and wounds fighting with U.S. forces that our own troops did, they have until now received only 50 percent of the disability benefits. This bill changes that to 100 percent.

In addition, the bill insures full VA medical coverage for those Filipino-American World War II veterans who are already being treated in VA facilities for their service-connected disability. Currently Filipino-American veterans may not receive care for any condition except specific to their service-connected disability. This bill changes that as well.

While seemingly limited extensions of benefits, they are extremely significant to over 1,200 qualifying veterans who are living on fixed incomes. Many of these veterans are in their 70s and 80s, at a time in their lives where health care access is as critical as ever. With so few Filipino-American veterans surviving, numbers decreasing annually, the time to ensure those benefits is now. That is why I thank our leadership and the gentleman from New York (Mr. WALSH) and the gentleman from West Virginia (Mr. MOLLOHAN) for adding this into this important bill.

As one who championed the cause for Filipino Americans working with President Ramos in the Philippines first and then working with President Estrada, and the hundreds of both Filipino Americans and Filipino nationals that came all the way from the Philippines to work this initiative, let it be known that their efforts have carried through and helped this.

This action has the full support of the larger veterans community and it has been endorsed by every single one.

There are a couple of things that I would like to see in the next veterans bill, though, that I would like to work with colleagues on that side. I have hundreds of veterans that come up every year and say they have lost their medical records. Either they were burned in a fire or they were lost because of the old filing system. We need to duplicate those records.

We also need to increase the amount again of veterans' benefits, and I want to thank the chairman. I specifically want to thank the gentleman from California (Mr. BILBRAY), who championed this bill, worked with our leadership, caused it to be effective. Without his support, we would not have this Filipino veterans' initiative.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 3 minutes to my distinguished colleague, the gentleman from Montana (Mr. HILL).

Mr. HILL of Montana. Mr. Speaker, I thank the gentlewoman from Ohio (Ms. PRYCE) for yielding me this time.

Mr. Speaker, I reluctantly rise in opposition to this rule. There are many provisions of this bill that I support. I have been a strong advocate for veterans' health care and for energy and water projects. However, the original energy and water bill as passed by the House of Representatives included a very important provision for my State and other Upper Missouri River States. It would have allowed us to preserve the spring water runoff that occurs in our States.

Now, the Clinton-Gore administration wants to force these Upper Missouri River States to increase the spring discharges from our reservoirs. My State is a very arid State and it happens to be also the home of the headwaters of the Missouri River. We get 50 percent of our rainfall in a 2-month period of time, which happens to be the period of time when the administration wants us to increase our discharges. We also get all of our spring snow runoff during that very short period of time.

The administration's plan, incidentally, is opposed by both the Upper Missouri and the Lower Missouri States, because it would have an adverse impact on our wildlife and have an adverse impact on our economy.

Now, retaining the water in these reservoirs is very important for us to maintain our fisheries. It is very important for us to have that water for irrigation purposes. It is very important for us to have that water for recreation purposes and for power generation at our peak-need period of time.

The original energy and water bill had a provision to bar the administration from forcing us to discharge this water, and that is why the President vetoed the bill. Now, the House, by two-thirds, voted to override the President's veto. We believe that this provision should be part of this combined VA–HUD bill or these bills should be brought separately so that we can cast our vote in opposition to this provision.

For that reason, I intend to vote against the rule and would urge others to do the same.

It is very important to my State. It is very important to the other Upper Missouri States. It is very important to the Lower Missouri States. I am going to ask for a recorded vote on the rule so that we can make clear our position on this.

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

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

Mr. Speaker, I sympathize with my colleague, the gentleman from Montana (Mr. HILL), but it is very important for the Members of this body to realize that we must get our work done. The President vetoed the bill with that important language in it,

and so we must proceed without it. In light of that, this is a good conference report, irrespective. It responds to the needs of our veterans, protects our environment and keeps the U.S. at the forefront of space exploration, addresses our Nation's critical housing needs and helps more Americans realize the dream of owning their own home. Adopting this rule will allow us to consider all of those important initiatives.

I urge a yes vote on the rule and the conference report.

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

The SPEAKER pro tempore (Mr. LATOURETTE). Without objection, the previous question is ordered on the resolution.

There was no objection.

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. HILL of Montana. 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 400, nays 7, not voting 25, as follows:

[Roll No. 535]

YEAS—400

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
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
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)
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Hoyer
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
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, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—7

Danner
Hill (MT)
Hulshof
Latham
Nussle
Roemer
Tancredo

NOT VOTING—25

Campbell
Chenoweth-Hage
Clay
Franks (NJ)
Hansen
Hilliard
Houghton
Jones (OH)
Lazio
Lewis (CA)
Lipinski
McCollum
McIntosh
Miller (FL)
Moran (VA)
Oxley
Pelosi
Rodriguez
Sanford
Shays
Stabenow
Talent
Thompson (MS)
Turner
Wise

□ 1259

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.

□ 1300

GENERAL LEAVE

Mr. WALSH. 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. 4635, and that I may include tabular and extraneous material.

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

There was no objection.

CONFERENCE REPORT ON H.R. 4635, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2001

Mr. WALSH. Mr. Speaker, pursuant to the rule just adopted, I call up the conference report on the bill (H.R. 4635) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to House Resolution 638, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of October 18, 2000, at page H10083.)

The SPEAKER pro tempore. The gentleman from New York (Mr. WALSH) and the gentleman from West Virginia (Mr. MOLLOHAN) each will control 30 minutes.

The Chair recognizes the gentleman from New York (Mr. WALSH).

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

Mr. Speaker, it is my pleasure to bring before the full House of Representatives the conference report on H.R. 4635, making fiscal year 2001 appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies. So that we can move as quickly as possible, I will keep my comments brief.

This conference report was developed after difficult and somewhat prolonged discussions with our counterparts in the Senate as well as representatives of the administration.

While there are some parts of this bill that I frankly would like to have done differently, it is in the aggregate, a very good bipartisan bill that will serve the American people well.

Let me mention just a few highlights that illustrate this point. The bill fully funds veterans' medical care, with a $1.355 billion increase over last year's record level and provides increased funding for medical research, major construction, and cemetery administration operations.

Just as important, we have begun an effort to conduct better oversight of how much medical care funding goes for medical care per se and how much goes to maintaining buildings and facilities.

All veterans, no matter where they are located, deserve the best facilities we can provide. Expiring section 8 contracts at HUD are fully funded, and we have included language to push the Department to do a better, faster job getting these funds out of Washington to the people who need them the most.

In addition, funds have been added to provide an additional 79,000 new housing vouchers.

Mr. Speaker, we have fully funded the Community Development Block Grant entitlement programs and have fully funded all other HUD programs.

AmeriCorps has been funded at $453.5 million, less than the budget request, but a slight increase over the fiscal year 2000 funding level.

EPA's core operating programs have been fully funded while the various State grant programs, which assist States in implementing the Federal laws, have been more than fully funded.

The Clean Water State Revolving Program, gutted in the budget request, has been restored to $1.35 billion, while State and local air grants and section 319 non-point source pollution grants have been increased significantly.

Perhaps most important, we have proposed over $172 million, an increase of $57 million over last year's, for section 106 pollution control grants. These grants offer the States the maximum flexibility to deal with the difficult TMDL issues facing the States.

CDFI, one of the President's new programs, has been provided $118 million dollars, an increase over last year's funding level because, after a rocky start, this program is working very well and deserves our support.

Mr. Speaker, likewise, the Neighborhood Reinvestment Corporation, perhaps the most productive and most efficient Federal organization dealing with housing, has been provided their full funding level of $90 million. Again, they have earned and deserve our support.

National Science Foundation has received an increase of nearly $530 million over last year, putting them well over $4.4 billion, their largest budget ever. There is proud bipartisan support for fully funding the NSF.

Similarly, NASA received an increase over last year of nearly $683 million. Their first substantial increase in several years.

Before I complete my comments, Mr. Speaker, I think it is important to set the record straight with regard to language contained in the Statement of Managers concerning the dredging issue. The Statement contains a direction to EPA to take no action to initiate or order the use of dredging, capping, or other invasive remedial technologies for contaminated sediments until the report from the National Academy of Sciences is completed and its findings properly considered by the Agency.

The conferees have encouraged the National Academy of Sciences to issue a final report by the end of this year, and the Agency should promptly review that report and determine how to appropriately incorporate its recommendations into their remedy selection process.

Mr. Speaker, this direction is similar to language that was contained in the Statement of Managers for fiscal year 1999 and 2000 bills. I am frankly disappointed that the EPA has apparently chosen to ignore this direction in several cases during the past year.

The Agency appears to be relying on a misinterpretation of this direction, one that allows any business-as-usual EPA decision that dredging or capping is an appropriate remedy to qualify as an exception.

In each year, starting with the 1999 bill, the conferees have provided specific exceptions to this direction, primarily limited to cases where a significant threat to public health requires urgent, time-critical response. None of the dredging or capping projects undertaken during this fiscal year meets this test, yet each poses substantial risks to the environment of the kind under study by the NAS. EPA is expected to correct this misinterpretation as it complies with the direction in this bill's Statement of Managers.

The direction in this year's Statement of Managers does not apply to cases where a final plan selecting dredging or other invasive remedial technology has been adopted prior to October 1 of this year or, in cases not requiring adoption of a final plan, where authorized activities involving dredging or invasive remedial technologies are now occurring.

In any such case, such as a pilot or a demonstration, review of the NAS report and consideration of its findings would be required before adoption of a final plan involving dredging, capping or other invasive remedial activity.

Turning briefly to another issue. The conferees included language in last year's Statement of Managers accompanying the conference report regarding a proposed rule to implement new, affordable housing goals for the housing government-sponsored entities, the GSEs: Fannie Mae and Freddie Mac.

These goals are currently being finalized. I would like to reiterate the direction of the fiscal year 2000 Statement of Managers which encouraged HUD to craft a final rule that ensures regulatory parity for all of the GSEs, including the present composition of their overall portfolio and relative size of multifamily portfolio.

Finally, Mr. Speaker, a question has been raised regarding direction of EPA in the Statement of Managers regarding the Agency's issuing of new guidelines with respect to the TMDL program. This direction to the Agency is simply intended to prevent EPA regions or headquarters from issuing new rules or guidelines which are based on the new TMDL rule which cannot by law be implemented before October 1, 2001. Other rules or guidelines relative to the TMDL program which are not based on the rule may still be issued by the Agency.

Mr. Speaker, I have to say that it would have been very difficult to get this bill this far without the support and assistance of the gentleman from West Virginia (Mr. MOLLOHAN), my ranking member friend, who brings a great deal of knowledge and foresight to this bill, and the rest of this very hard-working subcommittee.

I truly appreciate all of these Members. I also wish to thank our counterparts in the Senate, specifically, Senator BOND and Senator MIKULSKI. They are both very tough negotiators but are also able to come to fair and equitable agreements.

I would be remiss if I did not mention the forthright and I think good-faith negotiations we had with the White House. There has been a lot of skepticism between the legislative and executive branch over the past number of years; but in my experience, I think they have always been fair, tough, but willing to compromise on all of these issues. And we would not have resolved these issues especially on the environment, had they not given some ground. We had to give ground; they gave some ground. But I think the conclusion is that this is a good, fair bill that everybody can say they took something home.

Mr. Speaker, while we do not always agree on issues, every effort has been made on both sides to continue this subcommittee's strong history of bipartisan cooperation in crafting this bill. I truly appreciate the help of each of these individuals and our close working relationship.

I would also be remiss if I did not mention the hard work of our staffs, both personal staffs and appropriation committee staff; these are professionals. Their goal is to provide us with the information and the resources we need to craft a good bill to make sure that throughout the negotiation that everybody is kept abreast of the changes, and that, to the best of our ability, to the best of their ability, they get the bill done on time, which requires mountains and mountains of paperwork. So I sincerely thank them all again.

Mr. Speaker, that in a nutshell is the fiscal year 2001 VA, HUD and Independent Agencies bill, which, as my colleagues know, has also been joined in this process with the Energy and

Water bill; and I expect we will hear from the gentleman from California (Mr. PACKARD) and his ranking member.

This is a good bill. It is a fair bill, with solid policy direction while remaining fiscally responsible. We are still $2.4 billion under the President's request, which I think in the environment that we have negotiated in is remarkable. We are informed that it will be supported by the President when it arrives on his desk, and I strongly encourage the support of this body in moving this measure forward to its completion.

Mr. Speaker, I include the following for the RECORD:

H.R. 4635 - DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES, 2001

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate Reported	Conference	Conference vs. enacted
TITLE I						
DEPARTMENT OF VETERANS AFFAIRS						
Veterans Benefits Administration						
Compensation and pensions	21,568,364	22,766,276	22,766,276	22,766,276	22,766,276	+1,197,912
Readjustment benefits	1,469,000	1,634,000	1,664,000	1,634,000	1,634,000	+165,000
Veterans insurance and indemnities	28,670	19,850	19,850	19,850	19,850	-8,820
Veterans housing benefit program fund program account (indefinite)	282,342	165,740	165,740	165,740	165,740	-116,602
(Limitation on direct loans)	(300)	(300)	(300)	(300)	(300)	.....
Administrative expenses	156,958	166,484	161,484	162,000	162,000	+5,042
Education loan fund program account	1	1	1	1	1	.....
(Limitation on direct loans)	(3)	(3)	(3)	(3)	(3)	.....
Administrative expenses	214	220	220	220	220	+6
Vocational rehabilitation loans program account	57	52	52	52	52	-5
(Limitation on direct loans)	(2,531)	(2,726)	(2,726)	(2,726)	(2,726)	(+195)
Administrative expenses	415	432	432	432	432	+17
Native American Veteran Housing Loan Program Account	520	532	532	532	532	+12
Guaranteed Transitional Housing Loans for Homeless Veterans program account	48,250	.....	.....	.....	.....	-48,250
(Limitation on direct loans)	(100,000)	.....	.....	.....	.....	(-100,000)
Total, Veterans Benefits Administration	23,554,791	24,753,587	24,778,587	24,749,103	24,749,103	+1,194,312
Veterans Health Administration						
Medical care	18,106,000	19,381,587	19,354,587	19,381,587	19,381,587	+1,275,587
Delayed equipment obligation	900,000	900,000	927,000	900,000	900,000	.....
Total	19,006,000	20,281,587	20,281,587	20,281,587	20,281,587	+1,275,587
Across the board rescission (0.38%)	-79,519	.....	.....	.....	.....	+79,519
(Transfer to general operating expenses)	(-27,907)	.....	(-28,134)	(-27,907)	(-28,134)	(-227)
(Transfer to Parking revolving fund)	.....	.....	.....	(-2,000)	(-2,000)	(-2,000)
Subtotal	18,926,481	20,281,587	20,281,587	20,281,587	20,281,587	+1,355,106
Medical care cost recovery collections:						
Offsetting receipts	-608,000	-639,000	-639,000	-639,000	-639,000	-31,000
Appropriations (indefinite)	608,000	639,000	639,000	639,000	639,000	+31,000
Total available	(608,000)	(639,000)	(639,000)	(639,000)	(639,000)	(+31,000)
Medical and prosthetic research	321,000	321,000	351,000	331,000	351,000	+30,000
Medical administration and miscellaneous operating expenses	59,703	64,884	62,000	62,000	62,000	+2,297
General Post Fund, National Homes:						
Loan program account (by transfer)	(7)	.....	.....	.....	.....	(-7)
(Limitation on direct loans)	(70)	.....	.....	.....	.....	(-70)
Administrative expenses (by transfer)	(54)	.....	.....	.....	.....	(-54)
General post fund (transfer out)	(-61)	.....	.....	.....	.....	(+61)
Total, Veterans Health Administration	19,307,184	20,667,471	20,694,587	20,674,587	20,694,587	+1,387,403
Departmental Administration						
General operating expenses	912,594	1,061,854	1,006,000	1,050,000	1,050,000	+137,406
Offsetting receipts	(36,754)	(36,520)	(36,754)	(36,520)	(36,520)	(-234)
Total, Program Level	(949,348)	(1,098,374)	(1,042,754)	(1,086,520)	(1,086,520)	(+137,172)
(Transfer from medical care)	(27,907)	.....	(28,134)	(27,907)	(28,134)	(+227)
(Transfer from national cemetery)	(117)	.....	(125)	(117)	(125)	(+8)
(Transfer from inspector general)	(30)	.....	(28)	(30)	(28)	(-2)
National Cemetery Administration	97,256	109,889	106,889	109,889	109,889	+12,633
(Transfer to general operating expenses)	(-117)	.....	(-125)	(-117)	(-125)	(-8)
Office of Inspector General	43,200	46,464	46,464	46,464	46,464	+3,264
(Transfer to general operating expenses)	(-30)	.....	(-28)	(-30)	(-28)	(+2)
Construction, major projects	65,140	62,140	62,140	48,540	66,040	+900
Construction, minor projects	160,000	162,000	100,000	162,000	162,000	+2,000
(Transfer to Parking Revolving Fund)	.....	.....	.....	(-4,500)	(-4,500)	(-4,500)
Grants for construction of State extended care facilities	90,000	60,000	90,000	100,000	100,000	+10,000
Grants for the construction of State veterans cemeteries	25,000	25,000	25,000	25,000	25,000	.....
(Transfer to Parking Revolving Fund)	.....	.....	.....	(6,500)	(6,500)	(+6,500)
Total, Departmental Administration	1,393,190	1,527,347	1,436,493	1,541,893	1,559,393	+166,203
Total, title I, Department of Veterans Affairs	44,255,165	46,948,405	46,909,667	46,965,583	47,003,083	+2,747,918
Appropriations	(44,334,684)	(46,948,405)	(46,909,667)	(46,965,583)	(47,003,083)	(+2,668,399)
Rescissions	(-79,519)	.....	.....	.....	.....	(+79,519)
(By transfer)	(61)	.....	.....	.....	.....	(-61)
(Limitation on direct loans)	(102,904)	(3,029)	(3,029)	(3,029)	(3,029)	(-99,875)
Consisting of:						
Mandatory	(23,396,626)	(24,585,866)	(24,615,866)	(24,585,866)	(24,585,866)	(+1,189,240)
Discretionary	(20,858,539)	(22,362,539)	(22,293,801)	(22,379,717)	(22,417,217)	(+1,558,678)

H.R. 4635 - DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES, 2001 — continued

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate Reported	Conference	Conference vs. enacted
TITLE II						
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT						
Public and Indian Housing						
Housing Certificate Fund	7,176,695	9,927,824	9,075,388	8,971,000	9,740,907	+2,564,212
(By transfer)	(183,000)	.....	.....	.....	.....	(-183,000)
Advance appropriation, FY 2001/2002	4,200,000	4,200,000	4,200,000	4,200,000	4,200,000	.....
Total funding	11,376,695	14,127,824	13,275,388	13,171,000	13,940,907	+2,564,212
Across the board rescission (0.38%)	-72,275	.....	.....	.....	.....	+72,275
Rescission of unobligated balances:						
Section 8 recaptures (rescission)	-1,300,000	.....	-275,388	-275,000	-1,833,000	-533,000
Section 8 carryover and Tenant Protection (resc)	-943,000	.....	.....	.....	.....	+943,000
Subtotal	-2,243,000	.....	-275,388	-275,000	-1,833,000	+410,000
Public housing capital fund	2,900,000	2,955,000	2,800,000	2,955,000	3,000,000	+100,000
Public housing operating fund	3,138,000	3,192,000	3,139,000	3,192,000	3,242,000	+104,000
Subtotal	6,038,000	6,147,000	5,939,000	6,147,000	6,242,000	+204,000
Drug elimination grants for low-income housing	310,000	345,000	300,000	310,000	310,000	.....
Revitalization of severely distressed public housing (HOPE VI)	575,000	625,000	565,000	575,000	575,000	.....
Native American housing block grants	620,000	650,000	620,000	650,000	650,000	+30,000
Indian housing loan guarantee fund program account	6,000	6,000	6,000	6,000	6,000	.....
(Limitation on guaranteed loans)	(71,956)	(71,956)	(71,956)	(71,956)	(71,956)	.....
Total, Public and Indian Housing	16,610,420	21,900,824	20,430,000	20,584,000	19,890,907	+3,280,487
Community Planning and Development						
Housing opportunities for persons with AIDS	232,000	260,000	250,000	232,000	258,000	+26,000
Rural housing and economic development	25,000	27,000	20,000	27,000	25,000	.....
America's private investment companies program:						
(Limitation on guaranteed loans)	(541,000)	(1,000,000)	.....	.....	.....	(-541,000)
Credit subsidy	20,000	37,000	.....	.....	.....	-20,000
Urban empowerment zones	55,000	.....	.....	.....	75,000	+20,000
Rural empowerment zones	15,000	.....	.....	.....	15,000	.....
Subtotal	70,000	.....	.....	.....	90,000	+20,000
Community development fund	4,800,000	4,900,000	4,505,000	4,800,000	5,057,550	+257,550
Across the board rescission (0.38%)	-18,765	.....	.....	.....	.....	+18,765
Contingent emergency (P.L. 106-246)	27,500	.....	.....	.....	.....	-27,500
Section 108 loan guarantees:						
(Limitation on guaranteed loans)	(1,261,000)	(1,217,000)	(1,217,000)	(1,261,000)	(1,261,000)	.....
Credit subsidy	29,000	28,000	28,000	29,000	29,000	.....
Administrative expenses	1,000	2,000	1,000	1,000	1,000	.....
Brownfields redevelopment	25,000	50,000	20,000	25,000	25,000	.....
HOME investment partnerships program	1,600,000	1,650,000	1,585,000	1,600,000	1,800,000	+200,000
Contingent emergency (P.L. 106-246)	36,000	.....	.....	.....	.....	-36,000
Homeless assistance grants	1,020,000	1,200,000	1,020,000	1,020,000	1,025,000	+5,000
Shelter Plus Care	.....	.....	.....	105,000	100,000	+100,000
Communities in schools community development program	5,000	5,000	.....	.....	.....	-5,000
Total, Community planning and development	7,871,735	8,159,000	7,429,000	7,839,000	8,410,550	+538,815
Housing Programs						
Housing for special populations	911,000	989,000	911,000	996,000	996,000	+85,000
Housing for the elderly	(710,000)	(779,000)	(710,000)	(783,000)	(779,000)	(+69,000)
Housing for the disabled	(201,000)	(210,000)	(201,000)	(213,000)	(217,000)	(+16,000)
Federal Housing Administration						
FHA - Mutual mortgage insurance program account:						
(Limitation on guaranteed loans)	(140,000,000)	(160,000,000)	(160,000,000)	(160,000,000)	(160,000,000)	(+20,000,000)
(Limitation on direct loans)	(100,000)	(250,000)	(100,000)	(250,000)	(250,000)	(+150,000)
Administrative expenses	330,888	330,888	330,888	330,888	330,888	.....
Administrative contract expenses	160,000	160,000	160,000	160,000	160,000	.....
Additional contract expenses	4,000	4,000	4,000	4,000	4,000	.....
Streamlined downpayment requirements	.....	7,000	.....	.....	7,000	+7,000
Reduced downpayments for teachers/police (Sec 219)	.....	.....	.....	-24,000	.....	.....
FHA - General and special risk program account:						
(Limitation on guaranteed loans)	(18,100,000)	(21,000,000)	(21,000,000)	(21,000,000)	(21,000,000)	(+2,900,000)
(Limitation on direct loans)	(50,000)	(50,000)	(50,000)	(50,000)	(50,000)	.....
Administrative expenses	64,000	211,455	211,455	211,455	211,455	+147,455
Administrative expenses (unobligated balances)	(147,000)	.....	.....	.....	.....	(-147,000)
Negative subsidy	-75,000	-100,000	-100,000	-100,000	-100,000	-25,000
Subsidy	.....	101,000	101,000	101,000	101,000	+101,000
Subsidy (unobligated balances)	(153,000)	.....	.....	.....	.....	(-153,000)

H.R. 4635 - DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES, 2001 — continued

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate Reported	Conference	Conference vs. enacted
Non-overhead administrative expenses	144,000	144,000	144,000	144,000	144,000	.....
Additional contract expenses	7,000	7,000	7,000	7,000	7,000	.....
Total, Federal Housing Administration	634,888	865,343	858,343	834,343	865,343	+230,455
Government National Mortgage Association						
Guarantees of mortgage-backed securities loan guarantee program account:						
(Limitation on guaranteed loans)	(200,000,000)	(200,000,000)	(200,000,000)	(200,000,000)	(200,000,000)	.....
Administrative expenses	9,383	9,383	9,383	9,383	9,383	.....
Administrative contract expenses	.....	40,000	.....	.....	.....	.....
Offsetting receipts	-422,000	-347,000	-347,000	-347,000	-347,000	+75,000
Policy Development and Research						
Research and technology	45,000	62,000	40,000	45,000	53,500	+8,500
Fair Housing and Equal Opportunity						
Fair housing activities	44,000	50,000	44,000	44,000	46,000	+2,000
Office of Lead Hazard Control						
Lead hazard reduction	80,000	120,000	80,000	100,000	100,000	+20,000
Management and Administration						
Salaries and expenses	477,000	565,000	474,647	473,500	543,267	+66,267
Transfer from:						
Limitation on FHA corporate funds	(518,000)	(518,000)	(518,000)	(518,000)	(518,000)	.....
GNMA	(9,383)	(9,383)	(9,383)	(9,383)	(9,383)	.....
Community Planning & Development	(1,000)	(1,000)	(1,000)	(1,000)	(1,000)	.....
America's Private Investment Companies Program	.....	(1,000)	.....	.....	.....	.....
Title VI	(150)	(150)	(150)	(150)	(150)	.....
Indian Housing	(200)	(200)	(200)	(200)	(200)	.....
Total, Salaries and expenses	(1,005,733)	(1,094,733)	(1,003,380)	(1,002,233)	(1,072,000)	(+66,267)
Office of Inspector General	50,657	52,000	50,657	55,500	52,657	+2,000
(By transfer, limitation on FHA corporate funds)	(22,343)	(22,343)	(22,343)	(22,343)	(22,343)	.....
(By transfer from Drug Elimination Grants)	(10,000)	(10,000)	(10,000)	(10,000)	(10,000)	.....
Supplemental (P.L. 106-246)	6,000	.....	.....	.....	.....	-6,000
Rescission (P.L. 106-246)	-6,000	.....	.....	.....	.....	+6,000
Total, Office of Inspector General	(83,000)	(84,343)	(83,000)	(87,843)	(85,000)	(+2,000)
Office of Federal Housing Enterprise Oversight	19,493	25,800	22,000	22,000	22,000	+2,507
Offsetting receipts	-19,493	-25,800	-22,000	-22,000	-22,000	-2,507
Administrative Provisions						
Sec. 208 FHA	-319,000	.....	.....	.....	.....	+319,000
Annual contribution (transfer out)	(-79,000)	.....	.....	.....	.....	(+79,000)
Annual contributions (transfer out)	(-104,000)	.....	.....	.....	.....	(+104,000)
Sec. 212 Rescissions	-74,400	.....	.....	.....	.....	+74,400
Sec. 214 Moving to Work	5,000	.....	.....	.....	.....	-5,000
Total, administrative provisions	-388,400	.....	.....	.....	.....	+388,400
Total, title II, Department of Housing and Urban Development (net)	25,923,683	32,465,550	29,980,030	30,633,726	30,620,607	+4,696,924
Current year, FY 2001	(21,723,683)	(28,265,550)	(25,780,030)	(26,433,726)	(26,420,607)	(+4,696,924)
Appropriations	(24,074,623)	(28,265,550)	(26,055,418)	(26,708,726)	(28,254,607)	(+4,179,984)
Rescissions	(-2,414,440)	.....	(-275,388)	(-275,000)	(-1,833,000)	(+581,440)
Advance appropriation, FY 2001/2002	(4,200,000)	(4,200,000)	(4,200,000)	(4,200,000)	(4,200,000)	.....
(Limitation on guaranteed loans)	(359,902,000)	(383,217,000)	(382,217,000)	(382,261,000)	(382,261,000)	(+22,359,000)
(Limitation on corporate funds)	(561,076)	(562,076)	(561,076)	(561,076)	(561,076)	.....
TITLE III						
INDEPENDENT AGENCIES						
American Battle Monuments Commission						
Salaries and expenses	28,467	26,196	28,000	26,196	28,000	-467
Across the board rescission (0.38%)	-108	.....	.....	.....	.....	+108
Chemical Safety and Hazard Investigation Board						
Salaries and expenses	8,000	8,000	8,000	7,000	7,500	-500
Across the board rescission (0.38%)	-30	.....	.....	.....	.....	+30
Department of the Treasury						
Community Development Financial Institutions						
Community development financial institutions fund program account	95,000	125,000	105,000	95,000	118,000	+23,000

H.R. 4635 - DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES, 2001 — continued

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate Reported	Conference	Conference vs. enacted
Consumer Product Safety Commission						
Salaries and expenses	49,000	52,500	51,000	52,500	52,500	+3,500
Across the board rescission (0.38%)	-186					+186
Corporation for National and Community Service						
National and community service programs operating expenses	434,500	528,700		433,500	458,500	+24,000
Rescission	-81,000			-50,000	-30,000	+51,000
Across the board rescission (0.38%)	-1,347					+1,347
Office of Inspector General	4,000	5,000	5,000	5,000	5,000	+1,000
Across the board rescission (0.38%)	-15					+15
Supplemental (P.L. 106-246)	1,000					-1,000
Total	357,138	533,700	5,000	388,500	433,500	+76,362
Court of Appeals for Veterans Claims						
Salaries and expenses	11,450	12,500	12,500	12,445	12,445	+995
Across the board rescission (0.38%)	-42					+42
Department of Defense - Civil						
Cemeterial Expenses, Army						
Salaries and expenses	12,473	15,949	17,949	15,949	17,949	+5,476
Across the board rescission (0.38%)	-47					+47
Department of Health and Human Services						
National Institute of Health						
National Institute of Environmental Health Sciences 1/	60,000	48,527	60,000		63,000	+3,000
Public Health Service						
Toxic Substances and Environmental Public Health 1/	70,000	64,000	70,000		75,000	+5,000
Environmental Protection Agency						
Science and Technology	645,000	674,348	650,000	670,000	696,000	+51,000
Transfer from Hazardous Substance Superfund	38,000	35,871	35,000	38,000	36,500	-1,500
Subtotal, Science and Technology	683,000	710,219	685,000	708,000	732,500	+49,500
Across the board rescission (0.38%)	-2,697					+2,697
Environmental Programs and Management	1,900,000	2,099,461	1,895,000	2,000,000	2,087,990	+187,990
Across the board rescission (0.38%)	-4,733					+4,733
Office of Inspector General	32,409	34,094	34,000	34,094	34,094	+1,685
Transfer from Hazardous Substance Superfund	11,000	11,652	11,500	11,000	11,500	+500
Subtotal, OIG	43,409	45,746	45,500	45,094	45,594	+2,185
Across the board rescission (0.38%)	-29					+29
Buildings and facilities	62,600	23,931	23,931	23,000	23,931	-38,669
Across the board rescission (0.38%)	-238					+238
Hazardous Substance Superfund 2/	1,170,000	1,337,473	1,170,000	1,300,000	1,170,000	
Delay of obligation	100,000		100,000	100,000	100,000	
Transfer to Office of Inspector General	-11,000	-11,652	-11,500	-11,000	-11,500	-500
Transfer to Science and Technology	-38,000	-35,871	-35,000	-38,000	-36,500	+1,500
Subtotal, Hazardous Substance Superfund	1,221,000	1,289,950	1,223,500	1,351,000	1,222,000	+1,000
Leaking Underground Storage Tank Program	70,000	72,096	79,000	72,096	72,096	+2,096
Across the board rescission (0.38%)	-240					+240
Oil spill response	15,000	15,712	15,000	15,000	15,000	
Across the board rescission (0.38%)	-26					+26
State and Tribal Assistance Grants	2,581,650	1,838,000	2,108,000	2,365,000	2,620,740	+39,090
Categorical grants	885,000	1,068,957	1,068,957	955,000	1,008,000	+123,000
Subtotal, STAG	3,466,650	2,906,957	3,176,957	3,320,000	3,628,740	+162,090
Across the board rescission (0.38%)	-20,885					+20,885
Total, EPA	7,461,659	7,164,072	7,143,888	7,534,190	7,827,851	+366,192
Rescissions	-28,848					+28,848

1/ FY 2000 & FY 2001 Request were part of Hazardous Substance Superfund account.

2/ FY 2000 & FY 2001 Request modified to reflect comparable new accounts in Dept of HH&S.

H.R. 4635 - DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES, 2001 — continued

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate Reported	Conference	Conference vs. enacted
Executive Office of the President						
Office of Science and Technology Policy	5,108	5,201	5,150	5,201	5,201	+93
Across the board rescission (0.38%)	-19					+19
Council on Environmental Quality and Office of Environmental Quality	2,827	3,020	2,900	2,900	2,900	+73
Across the board rescission (0.38%)	-11					+11
Total	7,905	8,221	8,050	8,101	8,101	+196
Federal Deposit Insurance Corporation						
Office of Inspector General (transfer)	(33,666)	(33,660)	(33,661)	(33,660)	(33,660)	(-6)
Federal Emergency Management Agency						
Disaster relief	300,000	300,000	300,000	300,000	300,000	
(Transfer out)	(-2,900)	(-2,900)	(-35,500)	(-2,900)	(-2,900)	
Across the board rescission (0.38%)	-12,416					+12,416
Emergency funding	2,480,425	2,609,220		2,609,220	1,300,000	-1,180,425
Pre-disaster mitigation		30,000				
(Transfer out)		(-2,600)				
Disaster assistance direct loan program account:						
State share loan	1,295	1,678	1,295	1,678	1,678	+383
(Limitation on direct loans)	(25,000)	(25,000)	(19,000)	(25,000)	(25,000)	
Administrative expenses	420	427	420	427	427	+7
Salaries and expenses	180,000	221,024	190,000	215,000	215,000	+35,000
Across the board rescission (0.38%)	-50					+50
Office of Inspector General	8,015	8,476	8,015	10,000	10,000	+1,985
Across the board rescission (0.38%)	-50					+50
Emergency management planning and assistance	267,000	269,652	267,000	269,652	269,652	+2,652
(By transfer)	(2,900)	(5,500)	(5,500)	(2,900)	(2,900)	
Across the board rescission (0.38%)	-218					+218
Radiological emergency preparedness fund	-1,000					+1,000
Emergency food and shelter program	110,000	140,000	110,000	110,000	140,000	+30,000
Flood map modernization fund	5,000					-5,000
(By transfer)			(30,000)			
National insurance development fund	(3,730)					(-3,730)
National Flood Insurance Fund (limitation on administrative expenses):						
Salaries and expenses	(24,333)	(25,736)	(25,736)	(25,736)	(25,736)	(+1,403)
Flood mitigation	(78,710)	(77,307)	(77,307)	(77,307)	(77,307)	(-1,403)
(Transfer out)	(-20,000)	(-20,000)	(-20,000)	(-20,000)	(-20,000)	
National flood mitigation fund (by transfer)	(20,000)	(20,000)	(20,000)	(20,000)	(20,000)	
Cerro Grande fire assistance (P.L. 106-246)	500,000					-500,000
Total, Federal Emergency Management Agency	3,838,421	3,580,477	876,730	3,515,977	2,236,757	-1,601,664
Appropriations	(870,730)	(971,257)	(876,730)	(906,757)	(936,757)	(+66,027)
Rescissions	(-12,734)					(+12,734)
Emergency funding	(2,980,425)	(2,609,220)		(2,609,220)	(1,300,000)	(-1,680,425)
General Services Administration						
Federal Consumer Information Center Fund	2,622	6,822	7,122	7,122	7,122	+4,500
National Aeronautics and Space Administration						
Human space flight	5,510,900	5,499,900	5,472,000	5,400,000	5,462,900	-48,000
Across the board rescission (0.38%)	-23,000					+23,000
Science, aeronautics and technology	5,606,700	5,929,400	5,579,600	5,837,000	6,190,700	+584,000
Across the board rescission (0.38%)	-25,805					+25,805
Contingent emergency (P.L. 106-246)	1,500					-1,500
Mission support	2,515,100	2,584,000	2,584,000	2,584,000	2,608,700	+93,600
Across the board rescission (0.38%)	-3,076					+3,076
Office of Inspector General	20,000	22,000	23,000	23,000	23,000	+3,000
Total, NASA	13,652,700	14,035,300	13,658,600	13,844,000	14,285,300	+632,600
Rescissions	-51,881					+51,881
National Credit Union Administration						
Central liquidity facility:						
(Limitation on direct loans)		(600,000)	(3,000,000)	(600,000)	(1,500,000)	(+1,500,000)
(Limitation on administrative expenses, corporate funds)	(257)	(296)	(296)	(296)	(296)	(+39)
Revolving loan program	1,000		1,000		1,000	
Across the board rescission (0.38%)	-4					+4
Community development credit union revolving loan fund		1,000				

H.R. 4635 - DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES, 2001 — continued

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate Reported	Conference	Conference vs. enacted
National Science Foundation						
Research and related activities	2,966,000	3,540,680	3,117,690	3,245,562	3,350,000	+384,000
Across the board rescission (0.38%)	-7,538	.....	.....	.....	.....	+7,538
Major research equipment	95,000	138,540	76,600	109,100	121,600	+26,600
Across the board rescission (0.38%)	-1,500	.....	.....	.....	.....	+1,500
Education and human resources	696,600	729,010	694,310	765,352	787,352	+90,752
Across the board rescission (0.38%)	-5,728	.....	.....	.....	.....	+5,728
Salaries and expenses	149,000	157,890	152,000	170,890	160,890	+11,890
Across the board rescission (0.38%)	-100	.....	.....	.....	.....	+100
Office of Inspector General	5,450	6,280	5,700	6,280	6,280	+830
Total, NSF	3,912,050	4,572,400	4,046,300	4,297,184	4,426,122	+514,072
Rescissions	-14,866	.....	.....	.....	.....	+14,866
Neighborhood Reinvestment Corporation						
Payment to the Neighborhood Reinvestment Corporation	75,000	90,000	90,000	80,000	90,000	+15,000
Across the board rescission (0.38%)	-285	.....	.....	.....	.....	+285
Selective Service System						
Salaries and expenses	24,000	24,480	23,000	24,480	24,480	+480
Across the board rescission (0.38%)	-91	.....	.....	.....	.....	+91
Total, title III, Independent agencies	29,571,997	30,369,144	26,212,139	29,908,644	29,714,627	+142,630
Appropriations	(26,590,072)	(27,759,924)	(26,212,139)	(27,299,424)	(28,414,627)	(+1,824,555)
Rescissions	(-191,514)	.....	.....	(-50,000)	(-30,000)	(+161,514)
Emergency funding	(2,981,925)	(2,609,220)	.....	(2,609,220)	(1,300,000)	(-1,681,925)
(Limitation on administrative expenses)	(103,043)	(103,043)	(103,043)	(103,043)	(103,043)	.....
(Limitation on direct loans)	(25,000)	(625,000)	(3,019,000)	(625,000)	(1,525,000)	(+1,500,000)
(Limitation on corporate funds)	(257)	(296)	(296)	(296)	(296)	(+39)
OTHER PROVISIONS						
H.R. 202 - Preservation of Affordable Housing	-14,000	.....	.....	.....	.....	+14,000
TITLE V						
Filipino veterans provision	.....	.....	.....	.....	3,000	+3,000
Grand total (net)	99,736,845	109,783,099	103,101,836	107,507,953	107,341,317	+7,604,472
Current year, FY 2001	(95,536,845)	(105,583,099)	(98,901,836)	(103,307,953)	(103,141,317)	(+7,604,472)
Appropriations	(95,176,893)	(102,973,879)	(99,177,224)	(101,023,733)	(103,705,317)	(+8,528,424)
Rescissions	(-2,685,473)	.....	(-275,388)	(-325,000)	(-1,863,000)	(+822,473)
Emergency funding	(3,045,425)	(2,609,220)	.....	(2,609,220)	(1,299,000)	(-1,746,425)
Advance appropriation, FY 2001/2002	(4,200,000)	(4,200,000)	(4,200,000)	(4,200,000)	(4,200,000)	.....
(By transfer)	(236,727)	(53,660)	(83,661)	(53,660)	(53,660)	(-183,067)
(Transfer out)	(-203,061)	(-20,000)	(-50,000)	(-20,000)	(-20,000)	(+183,061)
(Limitation on administrative expenses)	(103,043)	(103,043)	(103,043)	(103,043)	(103,043)	.....
(Limitation on direct loans)	(349,860)	(999,985)	(3,243,985)	(999,985)	(1,899,985)	(+1,550,125)
(Limitation on guaranteed loans)	(359,902,000)	(383,217,000)	(382,217,000)	(382,261,000)	(382,261,000)	(+22,359,000)
(Limitation on corporate funds)	(561,333)	(562,372)	(561,372)	(561,372)	(561,372)	(+39)
Total mandatory and discretionary	95,274,918	109,399,099	102,928,836	107,304,953	107,138,317	+11,863,399
Mandatory	21,306,626	24,581,866	24,611,866	24,581,866	24,581,866	+3,275,240
Discretionary	73,968,292	84,817,233	78,316,970	82,723,087	82,556,451	+8,588,159

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

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

Mr. Speaker, I rise in strong support of the conference report. I am pleased to report that the report before us today represents a major improvement over the bill that left the House with far better funding levels. It was worked out through a lengthy and constructive process involving both sides of the aisle and both sides of the Capitol. I believe that the resulting conference report is worthy of the support of this House, and we have been advised that the President will sign it.

Let me briefly describe some of the highlights. Mr. Speaker. First, the conference report provides the full $1.3 billion increase proposed in the President's budget for veterans' health care. It also includes a $30 million increase for VA medical and prosthetic research and a $10 million increase for grants for construction of State extended care facilities.

Finally, Mr. Speaker, in the veterans area, I am also very glad to report that we were able to remedy a long-standing injustice affecting former residents of the Philippines who served with the U.S. Armed Forces during World War II. Under current law, these Filipino veterans receive just half the benefits paid to American veterans even if they live in the United States as U.S. citizens or permanent residents.

Under this conference report, these Filipino veterans living in this country will receive the same benefits as other World War II veterans.

Science funding is strongly supported with a 14 percent increase for the National Science Foundation.

For NASA, the conference report includes a 5 percent funding increase, providing $250 million above the President's budget request.

Within the HUD budget, we provide the full amount needed to renew all expiring section 8 housing contracts so that no one loses their housing assistance under this program, and the agreement also provides increases for several other high priority housing programs, including a 13 percent increase for home grants to States and local governments for affordable housing development, a 4 percent increase in CDBG formula grants and a 9 percent increase for housing for the elderly and disabled and a 10 percent increase for homeless assistance grants.

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While on the subject of assistance for those in acute need, I should also mention the $30 million increase in funding provided for FEMA's emergency food and shelter program, a very efficient program that relies on private, charitable organizations to get help to where it is most needed.

The conference report also funds another 79,000 new Section 8 housing assistance vouchers to help make a reduction in unmet needs for housing assistance. This is 41,000 fewer new vouchers than sought by President Clinton, but 19,000 more than were added last year. We look forward to working with HUD to ensure full utilization of Section 8 vouchers.

The impressive commitment to housing programs in this bill, Mr. Speaker, is a testament to the strong advocacy of HUD Secretary Andrew Cuomo, who has worked tirelessly for those who benefit from these housing programs.

The bill also includes generous funding for activities for the Environmental Protection Agency. The $7.8 billion provided in the final agreement represents a $664 million increase over the amount requested by the President, and $395 million over last year. A total of $3.6 billion is provided for important clean water and sewer projects under the State and territorial assistance grants program.

In addition to the funding provided, the conference report has eliminated or significantly modified a number of environmental riders. All of these changes have been accepted by the White House. As Members know, the House bill did not provide any money for the Corporation for National and Community Service, including the President's signature AmeriCorps program. The final package which we present today provides $464 million for the Corporation, $70 million below the budget request, but an increase of $25 million over fiscal year 2000.

I should also note that this conference report is being used as a vehicle to send back to the President the energy and water appropriations bill, this time without the provision that led to the veto. We are pleased to be able to be of assistance in bringing that part of the appropriations process to a successful conclusion, and I will defer to the leaders of that subcommittee for an explanation of the details of the package being presented here today.

In closing, Mr. Speaker, I would like to extend my sincere appreciation to the gentleman from New York (Chairman WALSH) for his leadership and cooperation in fashioning this conference report. He has done a tremendous job. He has been a good friend throughout this process, and very responsive to minority concerns. We appreciate that, and thank him for his commitment to trying to do the right thing by all of the important programs and agencies under our jurisdiction. It has been a pleasure working with him and his hard-working staff, including Frank Cushing, Tim Peterson, Valerie Baldwin, Dena Baron, and Jennifer Whitson, from the professional staff; and from the chairman's personal staff, John Simmons and Ron Anderson.

Mr. Speaker, I especially want to thank the talented staff on this side of the aisle, David Reich and Mike Stephens from the minority appropriations office, and Lee Alman and Gavin Clingham from my personal staff.

I want to thank, Mr. Speaker, especially the gentleman from Wisconsin (Mr. OBEY), our ranking member on the full committee, for all of his outstanding assistance and support throughout this process. He is a tireless leader of the Committee on Appropriations on our side of the aisle, and he has been extremely active in marking up this bill and throughout the process.

Finally, in closing, Mr. Speaker, we have four very capable, hard-working Democratic Members on this subcommittee: the gentlewoman from Ohio (Ms. KAPTUR), the gentlewoman from Florida (Mrs. MEEK), the gentleman from North Carolina (Mr. PRICE), and the gentleman from Alabama (Mr. CRAMER).

Each of these Members have spent many hours working on this bill. It bears their input in so many places, and I am extremely appreciative for the contribution that each has made, and for their support throughout the process.

In summary, Mr. Speaker, this is an excellent conference report.

Mr. WALSH. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California (Mr. PACKARD), chairman of the Subcommittee on Energy and Water Development with whom, in this venture, we are partners.

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

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

Mr. Speaker, I rise in support of this conference report and the conference agreement on H.R. 4635, and as my colleagues, both the chairman and the ranking member, have mentioned, this conference agreement will also enact the provisions of H.R. 5483, which I introduced yesterday, and is a modified version of the fiscal year 2001 energy and water development appropriations act that was vetoed by the President on October 7.

Members will recall that the President vetoed the bill over a provision regarding the management of the Missouri River that he had signed into law on four previous occasions. On October 11, the House voted to override the President's veto, and I want to thank my colleagues who supported on a bipartisan basis that override vote.

Unfortunately, the Senate did not believe it could override the votes. Either they did not have the vote or they elected not to take it up. Therefore, in order to move the process forward and to get this conference report passed, we have removed the provision that the President objected to regarding the Missouri River.

In cooperation with the Senate, we made a few other modest and minor changes in the bill, but I wish to assure my colleagues that we did not reduce or delete funding for any programs or projects that were included in the conference agreement that was previously agreed to and passed on the floor of the House.

Mr. Speaker, I include for the RECORD this table, which outlines the various provisions of the energy and water development bill.

The table referred to is as follows:

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL, 2001

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
TITLE I - DEPARTMENT OF DEFENSE - CIVIL						
DEPARTMENT OF THE ARMY						
Corps of Engineers - Civil						
General investigations	161,994	137,700	153,327	139,219	160,038	-1,956
Construction, general	1,385,032	1,346,000	1,378,430	1,361,449	1,717,199	+332,167
Flood control, Mississippi River and tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee	309,416	309,000	323,350	334,450	347,731	+38,315
Operation and maintenance, general	1,853,618	1,854,000	1,854,000	1,862,471	1,901,959	+48,341
Regulatory program	117,000	125,000	125,000	120,000	125,000	+8,000
FUSRAP	150,000	140,000	140,000	140,000	140,000	-10,000
General expenses	149,500	152,000	149,500	152,000	152,000	+2,500
Total, title I, Department of Defense - Civil	4,126,560	4,063,700	4,123,607	4,109,589	4,543,927	+417,367
TITLE II - DEPARTMENT OF THE INTERIOR						
Central Utah Project Completion Account						
Central Utah project construction	22,436	19,566	19,566	19,566	19,566	-2,870
Fish, wildlife, and recreation mitigation and conservation	10,476	14,158	14,158	14,158	14,158	+3,682
Utah reclamation mitigation and conservation account	5,000	5,000	5,000	5,000	5,000	.....
Subtotal	37,912	38,724	38,724	38,724	38,724	+812
Program oversight and administration	1,321	1,216	1,216	1,216	1,216	-105
Total, Central Utah project completion account	39,233	39,940	39,940	39,940	39,940	+707
Bureau of Reclamation						
Water and related resources	605,992	643,058	635,777	655,192	678,450	+72,458
Loan program	11,577	9,369	9,369	9,369	9,369	-2,208
(Limitation on direct loans)	(43,000)	(27,000)	(27,000)	(27,000)	(27,000)	(-16,000)
Central Valley project restoration fund	42,000	38,382	38,382	38,382	38,382	-3,618
California Bay-Delta ecosystem restoration	60,000	60,000	.....	.....	.....	-60,000
Policy and administration	47,000	50,224	47,000	50,224	50,224	+3,224
Total, Bureau of Reclamation	766,569	801,033	730,528	753,167	776,425	+9,856
Total, title II, Department of the Interior	805,802	840,973	770,468	793,107	816,365	+10,563
TITLE III - DEPARTMENT OF ENERGY						
Energy supply	637,962	730,692	616,482	691,520	660,574	+22,612
(By transfer)	(5,821)	.....	.....	.....	.....	(-5,821)
Non-defense environmental management	332,350	282,812	281,001	309,141	277,812	-54,538
Uranium enrichment decontamination and decommissioning fund	249,247	294,588	.....	297,778	.....	-249,247
Uranium facilities maintenance and remediation	.....	.....	301,400	.....	393,367	+393,367
Science	2,787,627	3,162,639	2,830,915	2,870,112	3,186,352	+398,725
Nuclear Waste Disposal	239,601	318,574	213,000	59,175	191,074	-48,527
Departmental administration	205,581	214,421	153,527	210,128	226,107	+20,526
Miscellaneous revenues	-106,887	-128,762	-111,000	-128,762	-151,000	-44,113
Net appropriation	98,694	85,659	42,527	81,366	75,107	-23,587
Office of the Inspector General	29,500	33,000	31,500	28,988	31,500	+2,000
Environmental restoration and waste management:						
Defense function	(5,716,037)	(6,159,655)	(5,864,004)	(6,148,824)	(6,122,190)	(+406,153)
Non-defense function	(581,597)	(577,400)	(582,401)	(589,039)	(671,179)	(+89,582)
Total	(6,297,634)	(6,737,055)	(6,446,405)	(6,737,863)	(6,793,369)	(+495,735)
Atomic Energy Defense Activities						
National Nuclear Security Administration:						
Weapons activities	4,427,052	4,639,225	4,579,684	4,883,289	5,015,186	+588,134
Defense nuclear nonproliferation	729,100	865,590	861,477	908,967	874,196	+145,096
Naval reactors	677,600	673,083	677,600	694,600	690,163	+12,563
Office of the Administrator	.....	.....	.....	10,000	10,000	+10,000
Subtotal, National Nuclear Security Administration	5,833,752	6,177,898	6,118,761	6,496,856	6,589,545	+755,793
Defense environmental restoration and waste management	4,467,308	4,562,057	4,522,707	4,635,763	4,974,476	+507,168
Defense facilities closure projects	1,060,447	1,082,714	1,082,297	1,082,297	1,082,714	+22,267
Defense environmental management privatization	188,282	514,884	259,000	324,000	65,000	-123,282
Subtotal, Defense environmental management	5,716,037	6,159,655	5,864,004	6,042,060	6,122,190	+406,153
Other defense activities	309,199	575,617	592,235	579,463	585,755	+276,556
Defense nuclear waste disposal	111,574	112,000	200,000	292,000	200,000	+88,426
Energy employees compensation initiative (proposal)	.....	17,000	.....	.....	.....	.....
Total, Atomic Energy Defense Activities	11,970,562	13,042,170	12,775,000	13,410,379	13,497,490	+1,526,928

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL, 2001 — continued

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
Power Marketing Administrations						
Operation and maintenance, Southeastern Power Administration	39,579	3,900	3,900	3,900	3,900	-35,679
Operation and maintenance, Southwestern Power Administration	27,891	28,100	28,100	28,100	28,100	+209
(By transfer)	(773)					(-773)
Construction, rehabilitation, operation and maintenance, Western Area Power Administration	192,602	164,916	160,930	164,916	165,830	-26,772
Falcon and Amistad operating and maintenance fund	1,309	2,670	2,670	2,670	2,670	+1,361
Total, Power Marketing Administrations	261,381	199,586	195,600	199,586	200,500	-60,881
Federal Energy Regulatory Commission						
Salaries and expenses	174,950	175,200	175,200	175,200	175,200	+250
Revenues applied	-174,950	-175,200	-175,200	-175,200	-175,200	-250
Defense nuclear waste disposal (rescission)		-85,000	-85,000	-85,000	-75,000	-75,000
Defense environmental privatization (rescission)					-97,000	-97,000
Total, title III, Department of Energy	16,606,924	18,064,720	17,202,425	17,863,045	18,341,776	+1,734,852
TITLE IV - INDEPENDENT AGENCIES						
Appalachian Regional Commission	66,149	71,400	63,000	66,400	66,400	+251
Defense Nuclear Facilities Safety Board	16,935	18,500	17,000	18,500	18,500	+1,565
Delta Regional Authority		30,000		20,000	20,000	+20,000
Denali Commission	19,924	20,000		30,000	30,000	+10,076
Nuclear Regulatory Commission:						
Salaries and expenses	464,913	481,900	481,900	481,900	481,900	+16,987
Revenues	-442,000	-447,958	-457,100	-457,100	-447,958	-5,958
Subtotal	22,913	33,942	24,800	24,800	33,942	+11,029
Office of Inspector General	5,000	6,200	5,500	5,500	5,500	+500
Revenues	-5,000	-6,076	-5,500	-5,500	-5,390	-390
Subtotal		124			110	+110
Total	22,913	34,066	24,800	24,800	34,052	+11,139
Nuclear Waste Technical Review Board	2,589	3,200	2,700	3,000	2,900	+311
Total, title IV, Independent agencies	128,510	177,166	107,500	162,700	171,852	+43,342
TITLE V EMERGENCY SUPPLEMENTAL						
DEPARTMENT OF ENERGY						
Atomic Energy Defense Activities						
Cerro Grande fire activities (contingent emergency appropriations)				203,460	203,460	+203,460
Appalachian Regional Commission (contingent emergency appropriations)					11,000	+11,000
Total, title V, Emergency Supplemental				203,460	214,460	+214,460
TITLE VI RESCISSIONS						
DEPARTMENT OF DEFENSE - CIVIL						
DEPARTMENT OF THE ARMY						
Corps of Engineers - Civil						
General investigations (rescission)	-930					+930
Construction, general (rescission)	-12,819					+12,819
Total, Corps of Engineers - Civil	-13,749					+13,749
DEPARTMENT OF ENERGY						
Nuclear Waste Disposal (rescission)	-4,000					+4,000
Power Marketing Administrations						
Southeastern Power Administration:						
Purchase power and Wheeling (rescission)	-3,000					+3,000
Total, title VI, Rescissions	-20,749					+20,749
Grand total:						
New budget (obligational) authority	21,647,047	23,146,559	22,204,000	23,131,901	24,088,380	+2,441,333
Appropriations	(21,667,796)	(23,231,559)	(22,289,000)	(23,013,441)	(24,045,920)	(+2,378,124)
Contingent emergency appropriations				(203,460)	(214,460)	(+214,460)
Rescissions	(-20,749)	(-85,000)	(-85,000)	(-85,000)	(-172,000)	(-151,251)
(By transfer)	(6,594)					(-6,594)

Mr. PACKARD. Mr. Speaker, I want to again thank the ranking member, the gentleman from Indiana (Mr. VISCLOSKY), for his help in putting these changes together.

I express my appreciation to the leadership of the House, and particularly of the Committee on Appropriations that has crafted this joint effort to join these two conference reports together, so we can move the process forward. I will ask all of my colleagues to support this conference report.

Mr. MOLLOHAN. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Indiana (Mr. VISCLOSKY), the ranking member on the Subcommittee on Energy and Water Development.

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

Mr. Speaker, I rise for two purposes. The first is to add my voice to that of the gentleman from California (Chairman PACKARD) and to acknowledge to my colleagues that there is an agreement as far as the changes that were made on energy and water. It obviously is now included in part of the underlying legislation. I would ask for their support.

The second point I would make is that I believe that the bill relative to the Veterans Administration, Housing, Urban Development, and Related Agencies also deserves our support, and will congratulate the gentleman from New York (Mr. WALSH), as well as the gentleman from West Virginia (Mr. MOLLOHAN), for their work.

Again, I do urge my colleagues to support this legislation.

Mr. WALSH. Mr. Speaker, I yield such time as she may consume to the distinguished gentlewoman from Florida (Mrs. FOWLER).

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

Mr. Speaker, I would like to engage in a colloquy on a provision in the conference agreement relating to the definition of ''urban county'' under Federal housing law.

As the chairman knows, the community development block grant, CDBG, program's statutory provisions relating to the urban county classification do not contemplate the form of consolidated city-county government found in Duval County, Florida, which encompasses my city of Jacksonville, where there is no unincorporated area.

A recent decision by the Bureau of the Census and subsequently by the U.S. Department of Housing and Urban Development has questioned the status of Jacksonville/Duval County as an entitlement area.

Mr. WALSH. Mr. Speaker, will the gentlewoman yield?

Mrs. FOWLER. I yield to the gentleman from New York.

Mr. WALSH. Mr. Speaker, I am aware of this problem facing the city of Jacksonville.

Mrs. FOWLER. My purpose for entering into this colloquy is to seek clarification from the chairman about the effect of the provision adopted by the Conference Committee to amend the definition of ''urban county'' to address this problem facing Jacksonville.

Is it the chairman's understanding that section 217 of the conference report addresses the concerns of the town of Baldwin, Jacksonville, and the Beaches communities, by amending current law to classify Jacksonville as an urban county, and that the language would preserve the area's longstanding status as an entitlement area for CDBG grants, while also allowing the town of Baldwin to elect to have its population excluded from the entitlement area?

Mr. WALSH. Yes. I believe the language clarifies that Jacksonville/Duval County meets the definition of an urban county under the statute, as amended. HUD also agrees with this interpretation.

Mrs. FOWLER. I thank the chairman for his comments.

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

Mr. MOLLOHAN. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from Florida (Mrs. MEEK), a hard-working member of the subcommittee.

Mrs. MEEK of Florida. Mr. Speaker, I thank the ranking member for yielding time to me.

Mr. Speaker, this is a great opportunity for me to express my feelings about our subcommittee, our chairman, and our ranking member and the staff, as well as the full committee.

This has been an exercise in good bipartisanship of working together to reach a goal that will benefit the people of this country and improve the quality of their lives, so this is an experience.

The conference report should be voted on positively by every Member of this body. A great deal of work has gone into it, quite a bit of negotiating, and that is what it should be in this body. I am happy to see that the community development block grant program is funded at $5.1 million, $157 million above the President's request, and $257 million more than last year.

This is a signal that this committee has looked at low-income and moderate-income people to certainly help them to improve the quality of their lives.

EPA also had an increase, $529 million for NSF, and $683 million for NASA. I will not go into all of these details, Mr. Speaker, but the Congress needs to realize I think that this is one of the few times that the committee funded everything. All of the agencies and all of the programs that merited their funding they did fund. We will not find programs in this particular conference report for people who need it and did not get it.

We could have more money in the conference report for Section 8 housing, but they did a good job of that under the circumstances.

One thing about the chairman and the ranking member, they are very fair people, very fair. Once they promise us something in terms of one's districts, in terms of the people, they come through with it. So I am happy to see they put 79,000 new Section 8 vouchers. They did the best they could, and I thank them for that.

I am particularly proud, Mr. Speaker, of what the committee did for housing and seniors. That program represents a very dire need for better housing. This conference report took this into consideration and provided considerable new support for housing.

The conference agreement appropriated $996 million to develop housing for the elderly and the disabled, $85 million more than last year. That is a considerable rise or increase in this program. Capital grants for construction, for rehab and acquisition for the elderly under the section 202 program, the measure provides $779 million more than last year.

I guess what I am saying, Mr. Speaker, this conference report reflects a unanimous effort to aid people in this country, and I think we should thank the committee.

Mr. WALSH. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. TAYLOR), the chairman of the Subcommittee on Legislative of the Committee on Appropriations.

Mr. TAYLOR of North Carolina. Mr. Speaker, I want to thank the chairman for the tremendous work that he and the members of the subcommittee have done this year in preparing the conference report for the House consideration.

As many of our colleagues may know, the subcommittee's initial allocation made the gentleman's task especially difficult this year, but the conference report we are considering today is truly an affirmation of the gentleman's commitment and this House's commitment to our Nation's veterans, and I thank the gentleman for his work.

□ 1330

As my colleagues know, the 11th District of North Carolina, which I have the privilege to represent, has one of the largest numbers of senior veterans in the country. My constituents have served the United States in every war, and especially World War II to the Persian Gulf. Many of them now are needing assistance from our veterans hospital. They get their good assistance from the VA Medical Center at Oteen, but we are experiencing a growing health problem among the veterans of the Western North Carolina region. Alzheimer's disease is certainly impacting our area.

The Asheville Center has proposed the creation of a unit devoted to the diagnosis and treatment of dementia-related illness as part of the fiscal year 2001 budget. This project has been included as a priority by the network in its most recent planning submission to the Department of Veterans Affairs. I

will be working with the Department to secure funds for the staffing needs for the dementia unit in the upcoming year.

I want to bring the project to the attention of the gentleman from New York (Mr. WALSH) and ask for the support of the subcommittee and the House in making the much-needed project a reality for the senior veterans of western North Carolina.

Mr. WALSH. Mr. Speaker, I thank the gentleman from North Carolina (Mr. TAYLOR) for bringing the project to the subcommittee's attention. I know that improving and expanding the Asheville VA Medical Center has been the highest priority for him and the veterans of his district for many, many years.

I am also aware that Alzheimer's disease and other dementia-related illnesses are a growing problem for veterans in western North Carolina and throughout the Nation. I would be happy to work with the gentleman from North Carolina in bringing the important project to the Department's attention and in helping the Asheville VA Medical Center as it moves forward with it.

Mr. TAYLOR of North Carolina. Mr. Speaker, I thank the gentleman from New York (Chairman WALSH) for his assistance.

Mr. MOLLOHAN. Mr. Speaker, I am pleased to yield 1 minute 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 in strong support of the conference report on H.R. 4635, the Fiscal Year 2001 Departments of Veterans Affairs, Housing and Urban Development and Independent Agencies Appropriations bill.

In particular, I want to commend the chairman and the ranking member for the work they did on fully funding the NASA budget as it relates to the International Space Station and the Space Shuttle program, and particularly with reference to the fact that the conference report includes $3 million for the planning and design of the Bioastronautics Project.

The bill will provide the initial funding for the construction of a research facility located at the Johnson Space Center to examine the health effects of microgravity on long-term space flight. It will be undertaken with the Human Space Flight Program along with the National Space and Biomedical Research Institute located at Baylor College of Medicine in my district.

I appreciate the gentleman from New York (Chairman WALSH) and the gentleman from West Virginia (Mr. MOLLOHAN), ranking member, for putting this in, as well as the distinguished gentleman from Texas (Mr. DELAY), the majority whip.

Mr. WALSH. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New Jersey (Mr. FRELINGHUYSEN), vice-chairman of the subcommittee.

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

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today in support of the VA–HUD appropriations conference report. I want to thank the gentleman from New York (Chairman WALSH) for his leadership, the gentleman from West Virginia (Mr. MOLLOHAN) for his leadership, and the great work of the staff in meeting the many priorities that we all want included in the bill.

Most importantly, Mr. Speaker, the bill increases funding for veterans' medical care, as has been said earlier, by $1.35 billion over last year's level for a total 2-year increase of $3 billion. This is absolutely critical funding that will be used to provide our veterans with nursing home care, treatment for serious mental illnesses, prescription drugs, routine medical care, and other badly needed services.

One way the money can be used next year will be to provide each of the 22 Veterans Integrated Service Networks, or VISNs, with a higher rate of reimbursement for treating veterans with the hepatitis C virus. This may not be on everybody's radar screen, but the disabling disease of the liver affects a large number of veterans, especially those of the Vietnam era. The treatment for the disease is costing an average of $15,000 a year for medications alone. Yet the VA only reimburses VISNs at the low, basic-care rate of $3,200.

As a result of language contained in the conference report, this will now change. At the Chair's insistence and my assistance and the committee members, we are now directing the VA to reimburse the VISNs for hepatitis C at the higher, complex-care rate of $42,000 per patient being treated for the disease.

I particularly would like, Mr. Speaker, to thank the Vietnam Veterans of America for their strong advocacy on the matter.

Lastly, Mr. Speaker, I am especially pleased that the conference report provides additional funding for affordable housing for all Americans, especially older Americans and disabled individuals under section 202 and section 811.

Mr. MOLLOHAN. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Wisconsin (Mr. OBEY), our ranking minority member.

Mr. OBEY. Mr. Speaker, I am going to vote for the conference report. I think that, after being lost in wonderland territory for over 8 months, that the committee has finally been allowed to be realistic in terms of what our housing needs are, what our scientific research needs are, and what some other basic needs are that are funded by the bill.

I also want to congratulate the members on the other subcommittee in the Subcommittee on Energy and Water Development for the work that they have done. I must confess some disquiet in supporting that portion of the conference report, not because I object to the work done by the subcommittee, but because we are proceeding in a very strange way. Because of that fact, we are in a situation where we are going to be voting almost $900 million more than the President requested for that bill without having any knowledge of how much we are going to be allowed to provide for what I consider to be even more critical programs such as education and health care.

We have been stymied here for months, frankly, over the resistance of the majority party leadership to provide the same kind of financial largesse for education that we are providing in the Energy and Water bill for the Army Corps of Engineers or in some of the other bills that have gone through the place.

I would simply say I congratulate everyone for the work they have done on these bills. It is not their fault that the bills are being considered in the context. I want to make that clear. But I do object to having to vote for the kind of package without knowing what the plans are in the end to meet what ought to be the number one priority in the country, education.

Mr. WALSH. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. GILMAN), the distinguished chairman of the Committee on International Relations.

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

Mr. Speaker, I rise today to engage in a colloquy with the gentleman from New York (Mr. WALSH), chairman of the Subcommittee on VA, HUD and Independent Agencies of the Committee on Appropriations.

As the gentleman is aware, our New York State Department of Health recently released its findings from its Cancer Surveillance Improvement Initiative. That report disclosed that Rockland County in my area of New York State and the East Side of Manhattan are among the highest breast cancer incidence in the States.

Specifically, the report shows that a majority of these two areas are characterized by elevated incidence and are 15 to 50 percent higher than the State average for breast cancer incidence.

In response to this alarming finding, I have been working with the gentlewoman from Manhattan, New York (Mrs. MALONEY), to secure funding from the EPA for the NYU School of Medicine to conduct an assessment to determine if the observed excess incidence of breast cancer in Rockland County and on the East Side of Manhattan are associated with air pollution and electromagnetic radiation generated from local power plants.

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

Mr. GILMAN. I am pleased to yield to the gentleman from New York.

Mr. WALSH. Mr. Speaker, I thank the gentleman from New York (Mr. GILMAN) for the work that he has done on this important issue and bringing it to the subcommittee's attention. I share his concern for the findings in the New York State Department of Health's report, which show the high incidence of breast cancer in Rockland County and also on the East Side of Manhattan Island.

I want to assure the gentleman from New York (Mr. GILMAN) that I will work with him and with the gentlewoman from New York (Mrs. MALONEY) to find the best source of funding for the important research project in next year's appropriations bill.

Mr. GILMAN. Mr. Speaker, I want to thank the gentleman from New York (Chairman WALSH) for his support.

Mrs. MALONEY of New York. Mr. Speaker, will the gentleman yield?

Mr. GILMAN. I am pleased to yield to the gentlewoman from New York.

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman from New York (Mr. GILMAN) for his efforts in working with me to secure the funding for the project. I also want to thank the gentleman from New York (Mr. WALSH), chairman of the Subcommittee on VA, HUD and Independent Agencies, and the gentleman from West Virginia (Mr. MOLLOHAN), ranking member, for their commitment to work with us to secure funding for this important project next year.

Mr. WALSH. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Michigan (Mr. KNOLLENBERG), a hard-working member of the subcommittee.

Mr. KNOLLENBERG. Mr. Speaker, I thank the gentleman from New York (Chairman WALSH) for yielding me this time.

Mr. Speaker, I rise in full support of the conference report. I want to thank the gentleman from New York (Chairman WALSH) and certainly the gentleman from West Virginia (Mr. MOLLOHAN), the ranking member, Frank Cushing, the staff, all of the staff for their great work in bringing about an outstanding conference report. None of this would have happened without extraordinary work, a lot of hours. I know there have been many long hours, so I salute all of them for that great amount of effort and great contribution.

This conference report responsibly provides a $1.3 billion increase for Veterans' Medical Health Care, a critical $30 million increase for Veterans' Medical and Prosthetics Research and responsible increases in the research-intensive agencies NASA and NSF. I am pleased that these and other funding priorities are in this bill and will be signed into law when this conference report lands on the President's desk.

The 2001 VA–HUD bill is a fair bill produced under most difficult circumstances. In fact, this 2001 Energy and Water spending bill, under the stewardship of the gentleman from California (Mr. PACKARD) and the gentleman from Indiana (Mr. VISCLOSKY), has been attached to this conference report. I am pleased that it, too, will be signed into law. This package holds the line on spending in a prudent manner and allows us to pay down the debt.

The gentleman from New York (Chairman WALSH) is to be saluted for crafting this piece of legislation under those very difficult circumstances, and I think he and the gentleman from West Virginia (Mr. MOLLOHAN) have worked with our colleagues and certainly the colleagues in the other body to forge a fiscally responsible bill in a bipartisan spirit.

This has been an unusual process this year because the other body did not consider the VA–HUD bill on the floor. Yet, it was negotiated in a bipartisan way with the White House fully engaged, and I am aware of no objections to this conference report.

Mr. Speaker, the conference report is the fruit of all their labors, and I urge its adoption.

Mr. WALSH. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. SWEENEY).

Mr. SWEENEY. Mr. Speaker, I thank the gentleman from New York (Mr. WALSH) for yielding me this time.

Mr. Speaker, I would like to thank the gentleman from New York (Mr. WALSH) for his thorough and responsible work, and let him know that I appreciate his assistance over the past months to address an important and divisive issue in my congressional district; that is, our national policy on contaminated sediments and specifically EPA's policies on contaminated sediments in the Hudson River.

At this point, EPA is poised to propose a massive environmental dredging project that would drastically affect both the ecology of the Upper Hudson River and the economies of those communities along its banks. This is a decision that has many of those communities rightly concerned about the long-term impacts of any such project and the scientific basis for it.

I recognize, Mr. Speaker, there are strong feelings on both sides of this issue and that the common interest is to see that remediation of the environmental damage to this river is accomplished. What we need at this point is to mitigate the contention and let sound science direct the decision making, and I believe the statement of the managers at this time will do that because it expressly directs the EPA to take no action to initiate or order the use of dredging until the National Academy of Science report has been completed and its findings have been properly considered by the agency. These instructions and the statement of managers are clear, and I expect the EPA to abide by the language.

□ 1345

Mr. Speaker, I appreciate the chairman's earlier statements to clarify the intent of the language in the Statement of Managers, which is similar to language included in this year's spending bill, and also for the past 2 years. As in past years, exceptions have been made for voluntary agreements and urgent cases.

The NAS will soon deliver a comprehensive report on the risks associated with various methods of addressing contaminated sediments, including: dredging, capping, source control, natural recovery, and disposal of contaminated sediments. I want to point out that this information by the NAS will be really the first time that other alternatives to dredging have been seriously considered.

On behalf of the constituents of the 22nd Congressional District, I want to thank the gentleman from New York (Mr. WALSH) for persevering and staying with us on this, because we need to ensure public confidence, and I want to thank him again for his earlier comments which do clarify.

Mr. WALSH. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Speaker, I wish to engage in a brief colloquy with the fine chairman of the subcommittee, the gentleman from New York (Mr. WALSH).

I note in the conference report there are two line items through EPA which will help improve the environmental quality of the Kalamazoo River Watershed in southwestern Michigan. One such provision is directed to Western Michigan University's Environmental Research Institute; the other is directed to Calhoun County, Michigan.

I would like to clarify that the line item with respect to Calhoun County would be solely administered through Western Michigan University's Environmental Research Institute, provided that such funds are used to provide environmental quality for that portion of the Kalamazoo Watershed which is in Calhoun County, Michigan. By doing this, we will help ensure that there is no unnecessary duplication of effort in this regard.

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

Mr. UPTON. I yield to the gentleman from New York.

Mr. WALSH. Mr. Speaker, I would simply advise the gentleman that I agree with him.

Mr. UPTON. Mr. Speaker, I thank the gentleman for his agreement.

Mr. WALSH. Mr. Speaker, can you advise us as to how much time is remaining on each side?

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from New York (Mr. WALSH) has 3 minutes remaining, and the gentleman from West Virginia (Mr. MOLLOHAN) has 15½ minutes remaining.

Mr. WALSH. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. COLLINS).

Mr. COLLINS. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in support of the VA-HUD appropriation bill.

Mr. Speaker, I recognize that this has been a challenging task to assemble this comprehensive legislation; and it is a testament to the tireless efforts of the chairman, the gentleman from New York (Mr. WALSH), and the gentleman from West Virginia (Mr. MOLLOHAN), as well as the staff of the Subcommittee on VA, HUD and Independent Agencies.

I am pleased that there is a provision in this bill that was authored by our colleague from Georgia and myself which will help and assist our communities across this country by delaying the designation of nonattainment by EPA until such time as the Supreme Court rules or until June 15 of 2001, whichever comes first.

In the interim, though, Mr. Speaker, the EPA and State environmental divisions will also continue to monitor our air, the air quality for communities, so that they can be assured that they know what is in their air. But this legislation, too, will ensure that reason and common sense is adhered to as we all work towards the common goal of improving our Nation's air quality.

I appreciate the fact that the White House did give us a consensus on this and worked with us too, and I look forward to further working with these gentlemen in subcommittee in their efforts.

Mr. MOLLOHAN. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. GILMAN), the distinguished chairman of the Committee on International Relations.

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

Mr. GILMAN. Mr. Speaker, I am pleased to rise in strong support of this VA–HUD conference report, and I want to commend our colleague and friend, the gentleman from New York (Mr. WALSH), and the gentleman from West Virginia (Mr. MOLLOHAN) for their diligence. Their leadership has produced a conference report that is not only fiscally sound but one that provides for our Nation's veterans, for housing, and for environmental programs with the funding and tools needed to meet our important needs.

Specifically, this conference report provides over $107 billion in new budget authority for our veterans' benefits, for housing programs, and for those agencies dealing with science, space and the environment. While the bill is higher than the House-approved bill, it is nevertheless $2.3 billion less than the President's request. More importantly, though, this report includes $5.2 billion for debt reduction.

In addition, this conference report includes the provisions of H.R. 1594, the Filipino Veterans Benefits Improvement Act, which will permit the payment of full service-connected disability compensation to our Filipino veterans residing in the United States who are citizens, or who have been lawfully admitted for permanent residence; provides comprehensive health care services at VA health centers; and permits the VA outpatient clinic in the Philippines to provide Filipino veterans of the U.S. Armed Forces with comprehensive health care.

It is gratifying that the fiscal year 2001 energy and water conference report, which the House previously approved, has been included in this measure and which includes several important flood control projects in my district, including the Ramapo/Mahwah and the Saw Mill River projects at Elmsford.

Accordingly, I urge all our colleagues to fully support this important conference report.

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

Mr. WALSH. Mr. Speaker, I yield myself such time as I may consume to thank the leadership for giving us the opportunity to present this bill before the House today. I think, as we have said, it is a good bill and it is a bipartisan bill. I think we have worked well together all the way along. I think the House really did a great job.

That is not to denigrate the Senate, but I think we clearly knew what our challenge was and we set out to do it. We worked together, and I think we can all be proud of this product.

Mr. UNDERWOOD. Mr. Speaker, I support H.R. 4635, particularly title V dealing with Filipino veterans benefits improvements. I commend Mr. FILNER and Mr. GILMAN for their tireless efforts on this issue and their leadership in this long struggle for Filipino veterans equity.

H.R. 4635 will correct some of the injustices inflicted on the Filipino soldiers who fought courageously under U.S. command during World War II. It will provide full compensation for service related disabilities for Filipino veterans who are living permanently and legally in the United States. These veterans would receive the full dollar amount in benefits, rather than the ''peso-rate standard'' of 50 cents to the dollar. Filipino veterans deserve full compensation like all other U.S. veterans. Today, there are about 17,000 Filipino veterans who are U.S. citizens, and about 1,250 of these currently receive Veterans Affairs compensation for service-connected disabilities. Full compensation would be a long awaited victory for them.

In addition, H.R. 4635 will expand health services to those already receiving compensation for service connected disabilities in the U.S. so that they can be seen for all medical care. To the fullest extent possible, veterans residing in the Philippines who enlisted in the U.S. Armed Forces would be able benefit from this expansion of health services as well.

The remedy of full compensation is long overdue. Filipino veterans have been waiting over 50 years to receive such benefits, after the Rescission Act of 1946 denied them promised benefits. Now they are in their late 70s and 80s and continue to fight for the equity that they rightfully deserve.

In 1941, President Franklin D. Roosevelt called and ordered all organized military forces of the Philippine government into the service of the U.S. Armed Forces under the United States Army Forces in the Far East. Under U.S. command, the Philippine Commonwealth Army and the Special Philippine Scouts fought valiantly alongside American soldiers. They participated in some of the toughest battles of World War II and helped to achieve peace in the Pacific.

Unfortunately, after the war's end, these efforts were not justly recognized. The Recission Act of 1946 deemed Filipino military service as non-active, thereby denying them the rights, privileges and benefits which every U.S. military serviceman is entitled to. H.R. 4635, by providing full compensation for service related disabilities in the full dollar amount, will bring these veterans one step closer to equity.

Filipino veterans have been fighting many years for equity. In 1990, they were allowed eligibility for citizenship in the U.S., and in 1999, Public Law 106–69 enabled Filipino American veterans of WWII to return to the Philippines and maintain 75 percent of their benefits, including Supplemental Security Income. President Clinton issued a memorandum this past July that directed the Secretary of Veterans Affairs to complete a study by October 31, 2000, of Filipino veterans and to identify options available for addressing those needs.

Therefore, I urge your support for the advancement of Filipino veterans equity. Filipino veterans fought fearlessly to achieve peace more than 50 years ago amidst the turnoil of World War II. Filipino soldiers also fought valiantly alongside American soldiers, under the command of the United States of America. They were crucial to our nation's war efforts in the Pacific. For this they deserve benefits equal to every other veteran who fought under the United States flag. I urge my colleagues to continue this fight for equity and support H.R. 4635 so that Filipino veterans will receive some of the benefits that are long overdue.

Mr. EVANS. Mr. Speaker, I rise in support of the conference report on the VA/HUD/Energy and Water Appropriations Act. During the 106th Congress, the Administration and Congress have significantly increased appropriations for veterans' health care. For fiscal year 2000, the administration requested a $1 billion increase in appropriations for veterans' health care and Congress eventually approved a $1.7 billion increase. This increase recognized the adverse consequences of four consecutive years of flat-line budgets for the Department of Veterans Affairs medical care system. The only increase in funding had come from a stream of non-appropriated revenues including veterans' health insurance and copayments, sharing agreements and other funds—the increase in appropriations also signaled the failure to provide adequate funding for veterans' health care from non-appropriated sources. For a number of reasons—some beyond its control—VA has not been successful obtaining the full amount of these projected revenues. For fiscal year 2001, the administration requested a $1.35 billion increase in appropriations for veterans' health care—a record administration increase in VA health care appropriations. While we have made some real progress in funding our veterans' health care, we must continue this progress in the future as VA health care is not immune to rising costs of providing health care, particularly pharmaceutical costs.

I do want to address one concern about a modification made to the House bill in the conference agreement. In this regard, I want to

thank the gentleman from New York, Mr. WALSH, and the gentleman from West Virginia, Mr. MOLLOHAN for addressing concerns which the chairman of the Committee on Veterans Affairs, BOB STUMP, and I noted in our views and estimates submitted to the Budget Committee and which I later shared with them in testimony to the subcommittee. In particular, we expressed concern about a legislative proposal to return to the U.S. Treasury revenues anticipated from new resources collected using authorities in the Veterans Millennium Health and Benefits Act. I appreciate the subcommittee's rejection of that legislative proposal. When this Congress passed the millennium bill, it was clearly understood that its promise lay in allowing new funding streams, primarily from veterans' increased cost sharing, to augment VA's long-term care program. This proposal would, thus, compromise VA's funding for new long-term care programs.

The House initially rejected a proposal by the administration to return to the U.S. Treasury revenues anticipated from these new resource collection authorities. As veterans age, finding acceptable long-term care alternatives grows increasingly important to ensuring their health. Without expanding these options, VA will be forced to reduce others services it offers veterans. In conference, however, these funds were made subject to appropriation—I am hopeful that this will not mean that any additional revenues collected will be used to offset any program growth these funds might have allowed. This would constitute a real breech in the compact Congress has made with our veterans to use additional funds from their increased copayments for VA programs.

On the floor, the House added $30 million to VA's Grants for Construction of State Extended Care Facilities, bringing the total House request to $90 million. I am pleased the Senate has also seen fit to add funds to the Grants for Construction of State Extended Care account. Additional funds will ensure a smooth transition from VA's current funding methodology to an improved formula that will allow more renovation projects to be considered and ensure that veterans' needs are addressed. It will allow all of the ''grandfathered'' projects to be addressed and, thus, allow VA to determine its new priorities with a clean slate.

VA Research was also in need of additional resources. While other federal research programs have recognized significant gains in recent years, VA research has been frozen in the last four budgets. The ranking member of the VA Committee's Health Subcommittee, Mr. Gutierrez, recommended an additional $30 million for VA Research for FY 2001 in an amendment that was accepted on the House floor. These funds would allow the program to accommodate inflation and fund additional areas of interest. I understand the Senate's bill also supports this level of funding for medical research and I'm pleased that this level of funding was approved by the Conferees.

I am extremely pleased to note both House's strong support for new centers of excellence in the treatment and research of motor-neuron diseases, such as Parkinson's Disease. In fact, VA has recently shared with me an excellent proposal for six new Parkinson's centers. I had an opportunity to visit the VA Centers' prototype in San Francisco. VA is accomplishing great things there and I am pleased that this experience may soon be duplicated to the benefit of veterans in five additional sites around the country. I also believe VA would be well served by developing centers of excellence in Multiple Sclerosis as referenced in both of the VA–HUD Appropriations Subcommittee reports.

I am pleased that the resources, as outlined by the Conference Agreement, will allow funds for the successful operation of all VA programs. VA must continue to allow for responsible growth in each year's budget. Just like other health care providers, VA has inflationary costs beyond this control. In recent years, as VA has shifted to outpatient care that increasingly relies upon pharmaceuticals to manage health care conditions, VA's prescription drug costs have increased at rates from 15–25% annually. Likewise, the cost of medical supplies and capital equipment continue to increase at rates above general inflation. Employee payraises must be accommodated. VA nurses, some of whom have gone without any payraise for several years, were long overdue for increases in pay. Fortunately, Congress has just approved a bill that will correct this problem, but we must also give VA the ability to use the new pay rates we have authorized by providing needed resources to recruit and retain highly qualified health care providers in an era of fierce competition for their skills.

Just like other health care providers, VA also has significantly transformed the way it does business in the past few years. It has closed many beds, even while adding significantly to its patient workload. I am convinced the organization is committed to reforms that will bring about greater efficiencies. Even with these changes, however, it is impossible for VA to meet all of its challenges without a healthy annual increase in its budget.

The VA health care system must also contend with the significant challenge of Hepatitis C that is disproportionately affecting its users. The San Francisco VA Medical Center estimated that, including the costs of screening for veterans with negative tests and candidates who are not well-suited to treatment, it costs up to $100,000 for each ''cure'' (or each case in which viral counts are reduced to untraceable amounts). Last fall, the Inspector General indicated that in each of the eight facilities it visited, employees believed addressing Hepatitis C would require between two and seven dedicated employees. This constitutes an enormous new challenge for VA. In addition to this new epidemic, VA must continue to effectively manage the many other chronic conditions, such as hypertension, diabetes, AIDS, and pulmonary disorders that its veteran patients have in higher proportions than the general population. VA health care must also restore some of the capacity it has reduced under financial duress for seriously mentally ill veterans.

Congress and veterans have grown increasingly concerned with waiting times—the time that it takes VA to offer veterans its next-available appointment. Long waiting times have been a clear indication to many Members of Congress that there has been significant stress on the system. In addition to requesting additional funding for VA health care for this fiscal year, the Administration now has many initiatives underway to address the problems. I have requested that the General Accounting Office study the issue and report to me about the problems with data that hamper VA's ability to understand waiting times and initiatives, including ''best practices'', underway to address waiting times.

We also know that certain services and regions have been drastically affected by VA's Veterans Equitable Resource Allocation model. A few of the 22 Veterans Integrated Service Networks have had to request budget supplements—even with the significant increase we provided last year—and even with optimistic future funding scenarios, expect significant funding shortfalls in the future. The network that serves many veterans in my district in Western Illinois, is one example. I know the belt-tightening that has occurred throughout Nebraska, Iowa, and the rest of the areas that comprise that network. They have actually closed some inpatient facilities and now contract for care from local community facilities. This is a practice that as few as 10 years ago would have been considered untenable. Even if it closes most of the remaining medical centers in the network, the network will continue to have fiscal obligations that outstrip its projected budgets. I recently requested the General Accounting Office to look at allocations to determine if some regions are more adversely impacted than others under the new methodology.

I have also been concerned that the new funding methodology has adversely impacted mental health and other programs that address chronic disease or disability. In moving toward a community and outpatient-focused approach, VA has closed literally thousands of psychiatric inpatient beds—about 40% of the beds it operated five years ago. I remain concerned that VA has not replaced the beds with meaningful programs in the community designed to help the veterans that have been displaced from inpatient programs.

I understand that, as a result of its commitment to moving forward on VA's Capital Assets Restructuring for Enhanced Services (CARES) initiative, there is a de facto moratorium on major construction for VA's health care system. It is important to realize, however, that even as VA considers changing the mission of its facilities or even closing some of its buildings, there is still an aging health care infrastructure to maintain. On top of the needs for modification to ensure the safety of the patients and staff who use its buildings, a moratorium could impede VA's ability to perform its missions. Many of the buildings from which VA operates are aging and need significant renovations. There are also needs for significant modifications in order to address new missions and to accommodate new technology. I am concerned that any moratorium will compromise VA's ability to make adjustments to its instrastructure to accomplish its goals in an evolving health care environment. VA cannot stand still and also have the modern facilities that are critical to higher quality, more timely patient care and more efficient use of limited resources.

These continuing concerns set the stage for the debates we will soon have about the fiscal year 2002 budget. Still, it is clear from the fiscal year 2001 budget submission that communication between Congress and the Administration has greatly improved and that this has translated into a strong budget request for this year—the strongest an Administration has ever made. I am also appreciative that Congress has seen fit to address shortfalls that could have undermined VA's ability to be the

type of health care provider we want for our veterans.

Mr. KNOLLENBERG. I rise today to discuss the Energy and Water Development Appropriations Act of 2001. As the distinguished Chairman knows, I authored report language to accompany H.R. 4733 that recommended the Department of Energy process Uranium-233 stored in Building 3019 at the Oak Ridge National Laboratory, in Tennessee, in a manner that would retain and make available alpha-emitting isotopes for the development of a promising and innovative cancer therapy known as Alpha Particle Immunotherapy.

Researchers at the Memorial Sloan Kettering Cancer Center in New York view this therapy as a potential breakthrough treatment for numerous types of cancer, including acute myelogenous leukemia, non-Hodgkin's lymphoma, breast, prostate, ovarian and lung cancer. This innovative approach to treat cancer is highly valuable because of its ability to target cancer cells and its unique potency in killing them. In addition, API treats the cancer without causing some of the negative side effects associated with treatment, such as nausea, hair loss and general malaise.

I am concerned by reports that the Oak Ridge National Laboratory is unable to produce the medical isotopes needed to support the development of this extremely promising cancer therapy. We simply must execute this project for its potential to save lives and save money for the U.S. taxpayer.

Mr. Speaker, I'd now like to take a moment to emphasize my intent in offering this language. Briefly, the intent of this language is to permit the Department of Energy to use the $15 million it has projected are needed for Building 3019 surveillance and maintenance costs to stabilize, dispose and deactivate all of the excess Uranium-233 in Building 3019 to enable the beneficial use of Uranium-233 for this breakthrough cancer treatment. In doing so, it is my intent that the Department of Energy would spend the $15 million to conduct routine surveillance and maintenance to control the stored material safely while at the same time blending-down the Uranium-233 to a radioactivity that eliminates safety and safeguards concerns, and extracting the radioactive isotope for cancer treatments. This approach would enable the Department of Energy to not only eliminate the nuclear criticality and vulnerability concerns at the Oak Ridge site, but would also provide the Department with the opportunity to take a leadership role in the worldwide effort to cure cancer. Again, I would like to point out that all of this could be accomplished within the existing DOE Building 3019 budget projections and potentially could provide life-cycle cost savings to the DOE and the American taxpayers of over $200 million.

Mr. Chairman, as you know, the Highly Enriched Uranium Vulnerability Assessment Report identified Building 3019 as one of the ten most hazardous facilities within the DOE complex. This risk increases as long as no action is taken to place the Uranium-233 in stabilized form.

The language that I drafted attempts to correct this situation by enabling the Department of Energy through private sector stabilization, disposition and deactivation to expeditiously eliminate the concerns at the Oak Ridge site, while enhancing the accessibility of the Lab.

This entire opportunity holds the potential to turn ''swords in plowshares'' by reindustrializing this nuclear liability into a humanitarian use. In addition, it offers significant national benefits, not only the primary ones to cancer patients and their families, but also benefits to the DOE and the Oak Ridge area as it would: Accelerate the disposition of this special nuclear material, reducing the long-term costs associated with its surveillance and maintenance; Begin addressing the State of Tennessee's concerns regarding the current U-233 storage facility, which has been classified as one of the ten most hazardous facilities within the DOE complex; and Broaden the scope of reindustrialization initiatives in Oak Ridge, potentially creating manufacturing and research jobs.

Mr. Speaker, we owe it to the people of America and the world, particularly those suffering from cancer, to do whatever we can do to enable this breakthrough cancer treatment to move forward as quickly as possible. This concludes my remarks. I thank you again for allowing me to clarify the intent of this very important provision.

Mr. NETHERCUTT. Mr. Speaker, while I support the hard work of House conferees in crafting this conference report I want to express concern that an amendment I had offered to H.R. 4465 was dropped in conference.

The amendment expressed concern about the state of NASA's research and analysis programs (R&A). Through peer reviewed grants to individual scientists, R&A provides the basic research which is the seed corn for space exploration missions. While these activities often are not glamorous, and do not make for pretty images on CNN, they are essential for increasing the return to taxpayers from more visible and expensive flight programs. Unfortunately, NASA been underfunding this activity. Despite projected overall increases in the NASA budget in the outyears, R&A is expected to be flat funded at best, and may in fact suffer further funding reductions.

In 1998, the National Research Council Report ''Supporting Research and Data Analysis in NASA's Science Programs'' offered significant new findings and important recommendations for strengthening this activity as well as Data Analysis (DA) programs. Six explicit recommendations were offered, but despite their clear potential for improving the effectiveness of flight programs, NASA has implemented few if any changes. My amendment simply required a review of the status in implementing the recommendations in the report, barriers to implementation and specific guidance on optimal funding levels. The provision was considered non-controversial by the full Appropriations Committee and was adopted by voice vote.

While Members of Congress regarded this as a common sense, good government amendment, NASA objected most strenuously to being held to the basic recommendations of the Space Studies Board. In an effort to preempt my language, NASA requested an interim assessment of Research and Data Analysis in the Office of Space Science. This September 22, 2000 letter report from the Space Studies Board (SSB), which I am including for the record, hardly notes enthusiastic support for the 1998 recommendations. It suggests that while NASA has been effective in talking about change in this area, little action has been seen to date.

As the letter report notes: ''While the board supports the steps noted above, there are still two concerns to be addressed. First, many of the OSS responses to the 1998 report's recommendations are planned rather than ongoing activities, and so any assessment of their effectiveness must await their implementation. Second, there are areas where the plans appear to be incomplete or where the attention being given may be inadequate.'' The board concludes by noting that ''it cannot, however, be confident that these recommendations will be met until an explicit implementation plan is available.''

I note that this was an ''interim'' report for only one of NASA's three science offices, and that more comprehensive analysis is required. I expect that NASA will continue to work with interested Members of Congress and the SSB to ensure that these sound recommendations are actually implemented. The fact that this amendment was dropped from the final conference report should in no way be seen as a diminution of Congressional interest in this issue. I can assure the agency that unless concrete steps to towards implementation are undertaken, further Congressional action is likely. Research and analysis activities are critically important and the SSB has made sound recommendations for improvement which should be heeded.

I would also like to use this opportunity to bring to Members' attention, and that of VA policy, program and budget officials, the legislative history and background surrounding the inclusion of $5,000,000 for the Joslin Vision Network (JVN), developed by the Joslin Diabetes Center. The Conference Agreement of $5,000,000 for this effort is based on the following components.

Dr. Sven Bursell of Joslin Diabetes Center presented Outside Witness testimoney to the VA/HUD Subcommittee describing a $5 million plan for the JVN to be deployed within the VA beyond the FY 2000 level, and for the refinement of the JVN system toward a Windows NT platform and a seamless interface with VA Medical Care software. Dr. Bursell outlined the two major elements of the $5,000,000 plan as follows: $3 million would be used by the VA and Joslin to expand to additional sites with the most need for portable advanced detection and begin to train personnel and equip additional VA facilities to utilize the JVN technology; and $2 million would be provided to the Joslin Diabetes Center to complete the refinement of the original, prototype system (equipment and software) to the point that the VA can purchase and utilize advanced detection equipment and reading center technology.

Mr. Speaker, Congressman SAM GEJDENSON and I testified together before the VA/HUD Subcommittee on April 11, 2000, in support of the Joslin Diabetes Center plan. Our bipartisan request for approval and funding of the $5,000,000 Joslin Diabetes Center request was approved in the Conference Agreement on H.R. 4635. Congressional intent underlying this item is clear. The VA should endeavor to implement this plan as expeditiously as possible in order to bring improved care to VA patients suffering from diabetes.

INTERIM ASSESSMENT OF RESEARCH AND DATA ANALYSIS IN NASA'S OFFICE OF SPACE SCIENCE

On September 22, 2000, Space Studies Board Chair John H. McElroy sent the following letter to Dr. Edward J. Weiler, associate administrator for NASA's Office of Space Science.

As you requested in your letter of June 16, 2000 (Appendix A), the Space Studies Board (the Board, Appendix B) has conducted a brief review of actions taken by the Office of Space Science (OSS) that are relevant to recommendations in the board's 1998 report Supporting Research and Data Analysis in NASA's Science Programs: Engines for Innovation and Synthesis. The statement of task for this review is provided in Appendix C.

The Board conducted this assessment on a ambitious schedule in accordance with your request for feedback by September 2000. The Board was provided with relatively little written documentation of NASA's plans for improving the OSS R&DA program.

The review was based, in part, on inputs received from relevant standing committees of the Board—the Committee on Solar and Space Physics, the Committee on Planetary and Lunar Exploration, and the Committee on Astronomy and Astrophysics. A major source of information for the review was a pair of short papers provided to the Board on July 25, 2000, by Dr. Guenter Riegler, director of the OSS Research Program Management Division (Appendixes D and E). Dr. Riegler then briefed the board's executive committee and standing committee chairs at a meeting on August 16 at the National Academies' study center in Woods Hole, Massachusetts. At that meeting, members of the Board reviewed and discussed the information from NASA and the Board's discipline committees' responses and assembled this consensus assessment. The board concluded that the proposals that Dr. Riegler described for responding to the 1998 report are appropriate; however, a final assessment awaits action guided by a concrete implementation plan.

GENERAL OBSERVATIONS

The 1998 Space Studies board report analyzed the roles and contributions of R&DA grants in the research programs of NASA's three science offices, and it presented a set of strategic and programmatic recommendations to enhance the R&DA programs. The Board reaffirms the conclusions of the 1998 report: research and data analysis activities are critical elements of a viable space science program. The Board is aware of a number of actions within OSS that are under way or planned that will strengthen the R&DA programs and that will be entirely consistent with the recommendations of the 1998 report. For example, Dr. Riegler described plans to reallocate current budgets and to seek funds for new projects that will provide selected increases in data analysis funding at an overall rate of 8% per year. He also reported on the OSS intent to provide explicitly for data analysis funding in all new projects when they are initially proposed. Further, Dr. Reigler described a regular process of ''senior reviews'' of the research grants program that would complement the senior reviews of operating spacecraft mission programs and provide a mechanism to accomplish a number of actions recommended by the Board in the 1998 report.

While the Board supports the steps noted above, there are still two concerns to be addressed. First, many of the OSS responses to the 1998 report's recommendations are planned rather than ongoing activities, and so any assessment of their effectiveness must await their implementation. Second, there are areas where the plans appear to be incomplete or where the attention being given may be inadequate. In the remainder of this report, the Board provides additional comments on those areas by addressing each of the six major recommendations in the 1998 report in order.

ASSESSMENT OF THE OSS RESPONSE TO THE 1998 SSB RECOMMENDATIONS

1. Principles for Strategic Planning

The first recommendation of the 1998 report addressed a number of aspects of managing R&DA programs strategically. To be able to do so requires, of course, a strategic plan for the program as a whole and an approach that integrates attention to R&DA into that plan. In its May 2000 review of the OSS draft 2000 strategic plan, the Board indicated that while many aspects of the draft were solidly grounded, the document still lacked several important aspects of a strategic plan, as follows:

Although the draft document is called ''The Space Science Enterprise Strategic Plan,'' it lacks, in fact, some key characteristics of a strategic plan. For example, the document does not explicitly discuss how choices were or are made in setting priorities, and it does not identify priorities for missions or other program elements that are presented in the plan. . . .

Regarding the integration of R&DA into that strategic plan, the Board's May 2000 report said:

The OSS draft plan should reflect a clearer sense of the priorities for R&DA, the linkages between R&DA and other parts of the OSS program, and the overall importance of R&DA in the space science enterprise. Finally, also needed is a more explicit discussion of the OSS strategy for achieving balance between flight mission development, supporting ground and suborbital research, theory and modeling, and data analysis. . . .

The Board is aware of OSS's plans to institute a new senior review process for evaluating the research grants program (Appendix D), probably on a triennial basis, to complement the senior reviews for operating satellites. Together these two reviews will go a long way toward responding to regular evaluations of balance as recommended in the 1998 report. What is apparently missing, however, is a process to integrate these decisions and to look across the whole program strategically. This integrating function is particularly important for handling cases in which senior reviews of operating missions and of the grants program might arrive at different conclusions. The NASA Space Science Advisory Committee may be a possible venue for integrating the senior reviews and evaluating balance across OSS.

2. Innovation and Infrastructure

The second recommendation addressed the need to examine stragically the requirements, priorities, and health of research infrastructures at universities and NASA field centers. This issue was also addressed in the Board's review of the OSS draft strategic plan:

The OSS draft document says little about what responsibility OSS assumes for universities. It notes the intention to ''maintain essential technical capabilities at the NASA centers,'' and although it recognizes the role of scientists at universities in research and planning, and in developing the next generation of space research professionals, it is silent about intentions of OSS to maintain essential capabilities at universities. . . . Furthermore, a long-standing question within NASA has concerned the extent to which universities should be considered to be vendors, sources of members of the technical workforce, integral partners, or some mix of those roles. The OSS plan could be strengthened by more clearly recognizing that the universities are elements of the fabric of space science and that their capabilities also need to be nurtured.

Dr. Riegler called the Board's attention to plans within the executive branch to strengthen government-university partnerships, based on the ''Principles of the Federal Partnership with Universities in Research'' laid out in the National Science and Technology Council's report Renewing the Federal Government-University Research Partnership for the 21st Century. He cited several proposed NASA initiatives to increase university involvement in developing space hardware and infrastructure. These plans, if implemented, will enhance the research infrastructure in some areas. However, based on the information provided by OSS, the Board concluded that a more systematic assessment of research infrastructure along the lines recommended in the 1998 report is still needed.

3. Management of the Research and Data Analysis Programs

The third recommendation focused on the need to assess the distribution of grant sizes in each of NASA's science program areas. NASA presented data regarding grant sizes in different areas of the OSS research program as well as a description of the logic and history of the differences in sizes among those research areas. However, there does not appear to have been any systematic assessment across the program. In addition, the Board recognizes that a response to Recommendation 6 of the 1998 report is required in order to conduct such an assessment. Finally, the planned senior review of the research grants program described by NASA could be an appropriate vehicle for carrying out this systematic review.

4. Participation in the Research and Data Analysis Programs

The fourth recommendation emphasized the value in preserving a mix of university and non-university participation in technology, instrument, and facility development. OSS did not provide the Board with any information indicating that OSS has conducted or plans to conduct a systematic evaluation of the mix of university principal investigator awards and non-university funding for technology, instrument, and facility development. The Board notes that in assessing the mix of institutions involved in technology development, NASA should also promote university-industry-field center partnerships.

5. Creation of Intellectual Capital

The fifth recommendation addressed the use of training grants as a way to ensure breadth in graduate education. NASA indicated an intent to increase the number of (or introduce a new element into) training grants in the university program; however, no actions had been undertaken at the time of this review. The Board is interested in seeing an implementation plan for this initiative.

6. Accounting as a Management Tool in the Research and Data Analysis Programs

The sixth recommendation addressed the need to establish a uniform procedure for collecting data on R&DA funding and funding trends for use as a management tool. This issue was also raised in the Board's reports on technology development in OSS and in the report Federal Funding of Astronomical Research. NASA presented plans for acquiring the types of data recommended in the 1998 report, and the Board views this plan as a positive response. These plans would involve using a single contractor to administer the proposal review process as a means for collecting the data. If appropriate data are collected (e.g., on trends with respect to discipline, class of activity, and type of performing institution), they will provide a useful management tool for assessing the balance among elements and participants in the R&DA program. However, these data on R&DA funding will be incomplete until

NASA implements full-cost accounting at the NASA field centers. In addition, these data will be required before OSS can respond appropriately to Recommendation 3 of the 1998 report.

CONCLUDING REMARKS

The Board believes that OSS's proposals for responding to the recommendations of the 1998 report are moving in the right direction. It cannot, however, be confident that these recommendations will be met until an explicit implementation plan is available. The Board is prepared to assist OSS in any way it can.

Mr. GEJDENSON. Mr. Speaker, I rise in support of funding provided for the Joslin Vision Network in H.R. 4635, the Fiscal Year 2001 VA/HUD Appropriations Act.

I would like to express my appreciation to Chairman WALSH, Ranking Member Mr. MOLLOHAN, and the House Conferees for the inclusion of several items in the VA Medical Care account that will provide improved detection and care for those in the VA patient population that suffer from diabetes and the complications of diabetes.

Specifically, I would like to highlight the legislative history and background surrounding the inclusion of $5,000,000 for the Joslin Vision Network (JVN), developed by the Joslin Diabetes Center. The Conference Agreement of $5,000,000 for this effort is based on the following components.

Dr. Sven Bursell of Joslin Diabetes Center presented Outside Witness testimony to the VA/HUD Subcommittee describing a $5 million plan for the JVN to be deployed within the VA beyond the FY 2000 level, and for the refinement of the JVN system toward a Windows NT platform and a seamless interface with VA Medical Care software. Dr. Bursell outlined the two major elements of the $5,000,000 plan as follows:

$3 million would be used by the VA and Joslin to expand to additional sites with the most need for portable advanced detection and begin to train personnel and equip additional VA facilities to utilize the JVN technology; and

$2 million would be provided to the Joslin Diabetes Center to complete the refinement of the original, prototype system (equipment and software) to the point that the VA can purchase and utilize advanced detection equipment and reading center technology.

Mr. Speaker, Congressman GEORGE NETHERCUTT and I testified before the VA/HUD Subcommittee on April 11, 2000 in support of the Joslin Diabetes Center plan. The VA should endeavor to implement this plan as expeditiously as possible in order to bring improved care to VA patients suffering from diabetes.

Mr. BEREUTER. Mr. Speaker, this Member rises today to express his support for the conference report for H.R. 4635, the VA, HUD and Independent Agencies Appropriations Act for fiscal year 2001. First, this Member would like to thank the distinguished chairman of the Appropriations Subcommittee on VA, HUD and Independent Agencies from New York (Mr. WALSH), the distinguished Ranking Member from West Virginia (Mr. MOLLOHAN), and all members of the Subcommittee for their work in bringing this measure to the House Floor.

This Member would like to focus his remarks on the following five areas: veterans, the Community Development Fund—Community Development Block Grant (CDBG), the HOME program, the American Indian Loan Guarantee Program, and the issue of arsenic in drinking water.

1. VETERANS

First, this Member rises in strong support of the $47 billion in the conference report that will be made available to the Department of Veterans Affairs (VA) for improvements in health care, housing, education and compensatory benefits to veterans and their dependents. The 106th Congress has continued to make dramatic improvements in the amount of funding available for veterans' services. Recent events in the Middle East remind us of the sacrifices that are made by those who have served our country and that we should remain true to our promise of providing equal and accessible health care as well as other services to all of our veterans throughout the United States no matter where they live.

2. COMMUNITY DEVELOPMENT FUND (CDF)

Second, this Member commends the $5.1 billion appropriations in the conference report for grants to state and local governments to fund selected community development programs, such as the highly successful CDBG program. This appropriation is $257.6 million more than the President's request. The CDBG program not only is valuable to the larger entitlement cities, but it also gives assistance to those communities under 50,000 through state administering agencies. It is a government program with minimal overhead and bureaucracy.

In addition to this, this Member applauds the following set-asides within the CDF account: the Whitcomb Conservatory at Doane College in Crete, Nebraska; the downtown redevelopment of South Sioux City, Nebraska; and the Cedar Youth Services in Lincoln, Nebraska.

A. Whitcomb Conservatory at Doane College

First, $430,000 is appropriated in the conference report for Doane College in Crete, Nebraska, for the rehabilitation of the historic Whitcomb Conservatory for joint use by the college and the community as a performing arts center. This unique, five-sided structure built on the ''Prairie'' or ''Frank L. Wright'' architectural style was completed in 1907 and is a component of the Doane College Historic District National Register listing. It has many unusual architectural and construction features which make the building very important to preserve. The funding is needed for major structural repair of its roof, installation of a new mechanical system (including a new heating and cooling plant), new wiring, and a complete cosmetic refurbishing.

The Conservatory has been vacant for more than 30 years. However, the Crete community—as well as the student population of Doane is growing—and necessitates refurbishing the building. Doane College and the Crete community have a close and long-standing working relationship and would have a formal joint-use agreement for the future use of Whitcomb Conservatory. The restoration of the Conservatory would create a community resource and provide a setting for musicals, summer community theater, special concerts and lectures.

B. South Sioux City, Nebraska

Second, $430,000 is appropriated in the conference report for the South Sioux City, Nebraska, Downtown Redevelopment Area—for the redevelopment and rehabilitation of a civic building site. South Sioux City, Nebraska, as part of the South City Standard Metropolitan Statistical Area (SMSA), which also includes Sioux City, Iowa, and North Sioux City, South Dakota, has the lowest per capita income of any SMSA in the surrounding states. Moreover, South Sioux City, which borders the Missouri River, has experienced a decline in employment and tax base and was declared blighted in 1998 by local elected officials in accordance with state law. This funding will be used for the much-needed downtown redevelopment of South Sioux City.

C. Cedar Youth Services in Lincoln, Nebraska

Third, $1.25 million is appropriated in the conference report for Cedar Youth Services' in Lincoln, Nebraska. Cedars Youth Services, a leading social service provider in the City of Lincoln, would use this funding to complete construction of a community center on the corner of 27th and Holdrege Streets to serve as the focal point for a variety of services and support to strengthen and revitalize the surrounding neighborhood. Social services, such a Head Start preschool classes, as well as neighborhood-strengthening activities, such as preventative health care and recreational opportunities, would be provided at the North 27th Street Community Center. This appropriation builds on the $550,000 which was appropriated in FY2000 for this project.

3. HOME PROGRAM

Third, this Member supports the $1.8 billion appropriation for the HOME Investment Partnerships program in the conference report, which is $215 million more than the President's request. This program provides funds to states, units of local government, Indian tribes and others for acquisition, rehabilitation, and new construction to expand the supply and quality of affordable housing.

4. AMERICAN INDIAN LOAN GUARANTEE PROGRAM

Fourth, this Member commends the inclusion of $6 million in loan subsidy in the conference report for the HUD Section 184 Housing loan guarantee program, which this Member created in consultation with a range of Indian Housing specialists. A very conservative estimate would suggest that this $6 million appropriation should facilitate over $72 million in guaranteed loans for privately financed homes for Indian families who are otherwise unable to secure conventional financing due to the trust status of Indian reservation land.

5. ARSENIC IN DRINKING WATER

Lastly, this Member is pleased that the conference report includes language providing up to an additional six months for the Environmental Protection Agency (EPA) to issue a final regulation for arsenic in drinking water. This Member shares the conferees concerns and has in fact written a letter to EPA Administrator Browner asking hard and specific questions about the necessity for this regulation. Over the past month, this Member has received many letters from utilities superintendents, city administrators, village boards, mayors and other local officials who are understandably concerned about the effects this proposed rule would have on their communities. The EPA has a responsibility to really listen to these individuals' comments and to address their concerns. The additional time provided in the H.R. 4635 conference report certainly will help.

Local officials in the 1st Congressional District of Nebraska have not been convinced of

the need to lower the maximum contaminant level for arsenic from the current 50 parts per billion (ppb) to possibly as low as 5 ppb. Such a change could cost every water system customer hundreds of dollars per year, if not more. The costs would fall disproportionately on the smallest systems. It is also important to keep in mind that forcing communities to treat water often results in a series of other problems which must be addressed. Everyone certainly recognizes the importance of providing safe drinking water and this Member obviously does not support taking any action that would cause drinking water to become unsafe. However the EPA has a clear responsibility to demonstrate the need for such a drastic change which would have far-reaching consequences. If there is inadequate science to support this rule, communities should not be forced to divert scarce resources to come into compliance.

Mr. Speaker, for these aforementioned reasons and others, this Member would encourage his colleagues to support the conference report of H.R. 4635, the VA, HUD and Independent Agencies Appropriations Act.

Mr. HALL of Texas. Mr. Speaker, as the Ranking Member on the Science Committee, I rise in strong support of the VA–HUD Conference Report, which is a much more satisfying bill than the one which passed the House in June. I am especially pleased to see that the Conferees were able to find funds for important programs at NASA and NSF that this body didn't seem to have access to four months ago.

In June, the President's request for NASA was slashed by $377 million. One of the most troubling cuts in that bill was the elimination of funding for the Space Launch Initiative, a program that directed at developing advanced, reusable launch vehicles that will dramatically reduce the cost of launching government and commercial payloads. The high cost of access to space is the single largest impediment to our ability to reach our full potential in space. Fortunately, the bill we are considering today fully funds the Space Launch Initiative.

In funding NASA at $14.285 billion, this Conference Report provides the resources needed to ensure the successful development and assembly of the International Space Station and the continued safe operation of the Space Shuttle. H.R. 4635 also provides a healthy level of funding for NASA's important Science, Aeronautics, and Technology activities. Finally, I am pleased that H.R. 4635 requires NASA to provide for annual life and micro-gravity sciences research missions on the Space Shuttle.

I have long supported a vigorous program of life and micro-gravity sciences flight research, and believe that such flights ultimately will deliver significant scientific returns. At the same time, we will need to ensure that such flights do not adversely disrupt the assembly of the Space Station, which will be the ultimate venue for path-breaking biomedical research in orbit.

As for the National Science Foundation appropriations, again, this conference report is a great improvement over the House-passed bill, which cut the Administration's request by $500 million. I know that in June the Committee did the best that it could with the hand it was dealt. But, had the cuts prevailed, NSF—an agency with a critically important role in sustaining the nation's research and education capabilities in all fields of science and engineering—would have been severely damaged.

These cuts would have been short-sighted because basic research discoveries launch new industries that bring returns to the economy far exceeding the public investment. The Internet, which emerged from research projects funded by the DOD and NSF, strikingly illustrates the true investment nature of such research expenditures. In fact, over the past 50 years, half of U.S. economic productivity can be attributed to technological innovation and the science that has supported it.

I am pleased that the conference report recognizes NSF's important role by providing an historic increase of $539 million, or nearly 14 percent, above the previous year's budget level. This increase will enable the Foundation to expand its investments in exciting, cutting-edge research initiatives, including information technology, nanoscale science and engineering, and environmental research.

Moreover, this new funding will enable NSF to increase average grant size and duration, as well as increase the number of new awards. Last year alone, NSF could not fund 3800 proposals that received very good or excellent ratings by peer reviewers.

Finally, the increases provided by the conference report will begin to address a growing imbalance in federal support for fundamental research in the physical sciences and engineering relative to the biomedical fields. This is a serious matter because for any field of science progress is dependent on advances made in other fields.

This point was recently made by the past director of the National Institutes of Health, Nobel Laureate Harold Varmus: ''Most of the revolutionary changes that have occurred in biology and medicine are rooted in new methods. Those, in turn, are usually rooted in fundamental discoveries in many different fields.''

For the past half-decade, we have been very free in our support of biomedical research. I consider that to be a very good thing for all of our people. However, investing too narrowly in medical fields without investing in all the other sciences—sciences that contribute to the base of knowledge necessary for medical breakthroughs—will lead to a slowdown in medical progress in the long-run.

I want to congratulate the Conferees on their work in this bill and to particularly thank them for finding the resources necessary to keep our Nation at the forefront of progress in space and science.

Mr. HOBSON. Mr. Speaker, I rise today to commend the Chairman and our Subcommittee for crafting such a fine bill which meets the needs of our veterans, addresses our critical housing needs, protects our environment and at the same time pays down our national debt.

As a member of the Appropriations Committee and the VA–HUD Subcommittee, I support the common-sense approach the Committee has already taken to address the problem of contaminated sediments in our rivers.

Three years ago, Congress directed the EPA not to issue dredging or capping regulations until the National Academy of Sciences completes a study on the risks of such actions. Qualified scientists are working to finish this report to determine the best way to clean up rivers with nominal impact to the surrounding environment. This has been an open process, allowing input from the public, environmental organizations, and from the EPA itself.

I want to reiterate that in the final decision making process, the EPA must ensure that remedies will protect human health and environment, and be cost effective. The National Academy of Science study will be extremely useful in guiding the EPA to develop the most appropriate methods of mediation. My colleagues on the Committee and I will be closely watching to ensure that EPA considers the recommendations of the study and fully integrates them into the final rule.

Additionally, the report language which accompanies this bill also allows for the immediate sediment clean up in specific, urgent cases where the contaminated sediment poses a significant threat to public health. However, I would like to clarify that this exception is only for new and immediate risks.

Mr. Speaker, I agree that this is an environmentally sensitive issue, and it is important that most qualified, independent scientists weight in on this regulation. This is why I support the existing language, which directs the EPA not to act prematurely and to wait until the NAS study is complete.

Mr. Speaker, I thank Chairman WALSH for the excellent work he has done on crafting this find bill. it has been a pleasure to work with him this year.

Mr. LAFALCE. Mr. Speaker, following the pattern of recent years, the conference report for VA–HUD Appropriations ignores the funding cuts for housing programs that the majority party paused through the House earlier this year. The result is a product with very modest funding boosts for affordable housing and economic development.

There are some positive provisions in the bill worth nothing. Following the lead of the Administration and Congressional Democrats, the conference report funds 79,000 incremental Section 8 vouchers, the third year in a row that we have expanded the supply of rental housing assistance.

Building on the efforts this year of many of us who successfully fought to restore funding for expired, unrenewed Shelter Plus Care homeless assistance grants, the conference report for the first time creates a separate account for renewals, entitled ''Shelter Plus Care Renewals.'' This account provides $100 million, enough to renew all Shelter Plus Care grants expiring during fiscal years 2001 and 2002.

Unlike last year's approach, in which renewals were subject to competing with all other projects under the broad McKinney-Vento Act continuum of care competition, this separate funding source makes renewals contingent only on meeting minimal, but reasonable requirements that the ''project is determined to be needed under the applicable continuum of care'' and that it ''meets appropriate program requirements and financial standards, as determined by the Secretary.''

I am also pleased to see that the conference report continues for another year the provision which allows non-insured Section 236 affordable housing projects to retain their ''excess income.'' This is especially critical for non-profits which own affordable housing units that are aging and in need of capital repair, since non-profits typically lack access to capital or financing to make such needed repairs.

Another positive development is that the conference report, like the House-passed language, expands the range of eligible applicants for the $50 million in grants to convert elderly affordable housing units to assisted living. Last year's bill limited grant eligibility to only Section 202 elderly housing units. this year's bill refers specifically to Section 202b (Section 2 from H.R. 1624, my ''Elderly Housing Quality Improvement Act'' of last year). This section, enacted last year, authorizes conversion grants, and generally makes all federal elderly housing projects eligible.

Finally, I am pleased to see that the conference report extends the nationwide application of FHA down payment simplification for another twenty-seven months, through December 31, 2002. While there is overwhelming bi-partisan House support for making down simplification permanent, this provision at least guarantees that we will have all of the next Congress to further extend its application or make it permanent.

However, notwithstanding these few provisions and the modest funding increases, the real story of this bill is one of missed opportunities. For example, the House earlier this year passed, as part of H.R. 1776, a bill that I authorized to provide one percent down FHA mortgage loans for teachers, policemen, and firemen buying a home in the school district or local jurisdiction of employment. This same provision was included in the Senate version of this year's VA–HUD appropriations bill. Yet, in conference this provision was inexplicably stripped out. This is doubly unfortunate, because the provisions would have actually raised funds, which could have been reinvested in housing, veterans, or other worthy programs.

The conference report is also notable for its lack of any new affordable housing production initiative. This is in spite of the fact that the Senate bill had included a new capital grant housing production bill, and the House version had included incremental voucher linked to new affordable housing production.

Moreover, unlike last year's bill, the conference report does not include any additional provisions from H.R. 202, the elderly housing bill which passed the House last year. This raises the prospect that we will adjourn without acting on the Vento matching grant program for housing preservation, a number of related provisions to encourage mixed income elderly housing, greater flexibility in the use of elderly and disabled service coordinators, and a provision to make it easier for sponsors of Section 202 elderly housing projects to use savings from refinancing for the benefit of their projects or tenants.

So, with respect to housing, this is a modest bill which undoes the harm of the House-passed bill, but which is notably lacking in making any dramatic progress to address the growing affordable housing challenges facing our low- and moderate-income seniors, disabled, and families. Hopefully, we will redouble our efforts in this area next year.

Mr. MALONEY of Connecticut. Mr. Speaker, I rise today in support of the Fiscal Year 2001, VA/HUD appropriations bill. The Appropriations Committee has put together a bill that is truly bipartisan. I am proud to rise in strong support of this measure which funds such important priorities as veterans health care and benefits, section 8 family housing, housing for persons with AIDS, and key environmental programs. This measure also provides much needed resources to assist state and local governments with infrastructure improvement and economic development needs.

The Central Naugatuck Valley, in my district, has been undergoing a major water infrastructure upgrade. I am pleased that under the State and Territorial Assistance Grant Program, $1,000,000 has been appropriated for these much needed improvements.

The City of Waterbury, which operates the hub of the region's sewer system, has been burdened by the majority of the cost for these improvements. Therefore, $750,000 (of the total $1,000,000) will go to the City of Waterbury for wastewater infrastructure improvements including the cost of the new sewage treatment facility in the City.

The Town of Wolcott, Connecticut is partially served by the water system of the City of Waterbury. However, the Clinton Hill Road neighborhood of Wolcott relies on well water and septic systems for their water needs. Recently, this area of the town has been experiencing well failures and contamination. Under this legislation, the Town of Wolcott will receive $250,000 (of the total $1,000,000) toward the extension of the water distribution system to the Clinton Hill Road neighborhood.

Finally, I would like to also point out that $100,000 has been appropriated for the Town of Beacon Falls toward the purchase of the currently nearly vacant Pinebridge Industrial Park. The purchase of this property will enable Beacon Falls to develop an economically vital and viable industrial park. To Beacon Falls, the failure to fill the existing park with tenants over the years represents many missed opportunities for economic development and an expanded tax base. This funding will allow the Town to at last address this issue in an effective way.

Mr. Speaker, I am pleased today to support this measure not only because of what it means to my District, but also for what it means to America's veterans, our environment and those who receive the vital housing assistance they need in order to partake in the American Dream. Thank you.

Mrs. MINK of Hawaii. Mr. Speaker, I rise today in support of H.R. 4635.

H.R. 4635 includes provisions which address benefits for our World War II Filipino Veterans. These provisions add only a small incremental benefit to these veterans who fought side-by-side to our soldiers in World War II.

I have long argued that Congress must act to establish parity for these Filipino Veterans. Those of us familiar with this injustice recall President Roosevelt's promise of U.S. citizenship and veterans benefits to Filipinos who fought alongside our soldiers in World War II. Prior to the war the Philippines had been a United States possession for 42 years.

On June 26, 1941, when President Roosevelt issued his Executive Order nearly 200,000 Filipinos responded. They responded without hesitation to defend their homeland, and because they felt part of the United States Government.

During four years, Filipino soldiers fought alongside American Soldiers. They bravely fought in every major battle, and endured years of captivity.

In 1946 Congress broke its promise to these Filipino Veterans when it denied full benefits to them.

The issue today is not should we correct this injustice, but when will we fulfill our obligation?

H.R. 4635 increases the disability benefit compensation for Filipino Veterans who currently live in the United States. Currently, they receive only 50% of the disability compensation paid to other veterans with service-connected disabilities. H.R. 4635 also allows Filipino Veterans who currently receive medical care in VA facilities for service-connected disabilities to receive care for illnesses and injuries that are not service-connected.

H.R. 4635 also benefits Filipino Veterans living in the Philippines. Filipino Veterans currently receiving medical care at a VA facility for service-connected conditions will now receive full medical care at VA outpatient facilities in the Philippines.

The $3 million appropriated by H.R. 4635 to fund these two provisions represent an improvement in the status of Filipino Veterans. I want to stress this is not a new benefit for Filipino Veterans. It supplements what they already receive.

Those Filipino Veterans who receive no benefit now, will not benefit from this bill.

Mr. Speaker, I support H.R. 4635 because it recognizes our obligation to Filipino Veterans by increasing disability compensation and medical care for Filipino Veterans with service-connected disabilities.

However, Congress must fulfill its obligation and enact legislation that establishes parity between Filipino Veterans and their American counterparts. There is no excuse for this continuing injustice.

Ms. PELOSI. Mr. Speaker, I rise to support the VA–HUDS–IA Conference Report that would significantly increase funding above the earlier House and Senate passed levels for vital housing programs. I commend HUD Secretary Cuomo, President Clinton, and Representative ALAN MOLLOHAN, Ranking Member of the HUD–VA House Subcommittee, for their tremendous leadership on housing issues and their success in increasing America's investment in affordable housing for impoverished Americans.

In June, I joined with most Democrats in voting to oppose the Republican led House bill that was severely underfunded. Thanks to the success of our Democratic leadership, today, I intend to vote for this improved agreement. Although I am glad this agreement increases funding levels, we must recognize that it still does not meet America's housing needs. Despite America's continuing economic growth, an estimated 5.4 million Americans pay more than half their income for rent and millions more live at risk of homelessness. We must continue to do more to develop new quality affordable housing, preserve existing affordable units, and provide needed housing and services to homeless Americans and those with special needs to ensure they have an adequate foundation to participate in our growing economy.

This bill is so important because it assists low income Americans. HUD residents of Section 8 housing and public housing have an average annual income of $7,800. This bill also assists seniors on fixed incomes and people with disabilities and special needs. Without this housing assistance, working men and women would be forced to choose between housing, health care, food, and other basic needs.

This agreement provides funding increases to important programs; $258 million for the Housing Opportunities for Persons with AIDS programs [HOPWA]; $452 million for 79,000 new Section 8 housing vouchers for low-income Americans; $100 million for a new Shelter Plus Care account to renew expiring homeless projects; $3 billion to modernize and make capital improvements to public housing and $3.242 billion to operate public housing for the 1.4 million American families who live there; and $1.8 billion for the HOME program to produce affordable housing for poor Americans.

Of particular importance to San Francisco, this agreement provides $258 million for the Housing Opportunities for Persons with AIDS program [HOPWA] to assist low-income persons with AIDS and their families with short-term rental assistance and mortgage assistance, and provides assistance to acquire, construct, modernize, or operate facilities and deliver supportive services. HOPWA provides vital resources to ensure that people living with HIV and AIDS have access to the stable housing that is necessary for their medical care. More than 200,000 people with HIV/AIDS are currently in need of housing assistance, and 50% of those living with this disease will need housing assistance at some point during their illness. Increase in housing demand and the number of people living with HIV/AIDS mean that San Francisco's HOPWA needs are greater than ever. This increase will greatly benefit those living with HIV/AIDS.

I urge my colleagues to support this Conference Report and increase housing assistance to low-income Americans.

Mr. DINGELL. Mr. Speaker, the statement accompanying this conference report contains language which directs the Environmental Protection agency (EPA) to take no action to initiate or order the use of dredging or invasive remedial technologies where a final plan has not been adopted prior to October 1, 2000, or where such activities are not now occurring until the National Academy of Sciences (NAS) report, which Congress required, has been completed and its findings have been properly considered by the agency. The language further provides that remediation plans which include dredging or invasive technologies are not to be finalized until June 30, 2001, or until the agency has properly considered the NAS report, whichever comes first. It is important to note that the language provides for exceptions to this limitation on the initiation of dredging or invasive remedies, and these exceptions include instances in which a party may voluntarily agree to the remedy, or ''urgent'' cases where ''contaminated sediment poses a significant threat to public health.''

As in years past, this language speaks to the importance of obtaining information on the various technologies for addressing contaminated sediments. I hope that the NAS will complete this study as soon as practicable, and sooner than the date by which the conferees encourage its completion.

However, I wish to clarify, as my colleagues in the Senate have noted, that this language is not an amendment to the Superfund statute. This language is not a product of the regular order of legislative business that may result in an amendment to our laws, after full and fair consideration by the authorizing Committees. The statutory criteria by which the EPA selects remedies, the regulatory criteria promulgated under the statutory authority, and applicable guidance are not changed by this language. When the NAS study becomes available, the language directs EPA to ''properly consider'' the study. The language does not direct the agency to confer deference to the study, nor to adopt its recommendations in remedial decisions. I note that the Chairman of the Subcommittee in the Senate has concurred with this interpretation of this language.

My colleagues in the Senate also have clarified that the terms ''urgent'' and ''significant threat to public health'' as used in this language should be defined within the discretion of the EPA. I note that the EPA has specific authority governing its ability to issue orders under the Superfund statute, and I reiterate that this language is not an amendment to a statute. In keeping with the spirit and intent of the statute, the EPA should not interpret this language to limit the scope of its authorities to address threats posed to human health and the environment.

Mr. Speaker, my colleagues Messrs. TOWNS, OBERSTAR, and BORSKI request that I state their concurrence with this statement.

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

The SPEAKER pro tempore. 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 vote was taken by electronic device, and there were—yeas 386, nays 24, not voting 22, as follows:

[Roll No. 536]

YEAS—386

Abercrombie
Ackerman
Aderholt
Allen
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
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
Canady
Cannon
Capps
Capuano
Cardin
Carson
Chambliss
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cook
Cooksey
Costello
Coyne
Cramer
Crane
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
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
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
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones (NC)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
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, 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
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Serrano
Sessions
Shaw
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
Strickland
Stump
Stupak
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Towns
Traficant
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—24

Andrews
Archer
Barton
Bliley
Castle
Chabot
Coburn
Cox
DeMint
Gibbons
Hostettler
Johnson, Sam
Kasich
Paul
Pitts
Ryun (KS)
Salmon
Sanford
Schaffer
Sensenbrenner
Shadegg
Stenholm
Tancredo
Toomey

NOT VOTING—22

Campbell
Chenoweth-Hage
Clay
Conyers
Franks (NJ)
Goodling

Hansen	McCollum	Talent
Houghton	McIntosh	Thompson (MS)
Jones (OH)	Miller (FL)	Turner
Lazio	Oxley	Wise
Lewis (CA)	Rodriguez	
Lipinski	Shays	

□ 1413

Mr. RYAN of Wisconsin changed his vote from ''no'' to ''aye.''

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.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2001

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 637 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 637

Resolved, That upon the 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. 114) 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.

□ 1415

The SPEAKER pro tempore (Mr. PEASE). The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purposes 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 637 is a closed rule providing for the consideration of H.J. Res. 114, a resolution making further continuing appropriations for fiscal year 2001. H.J. Res. 637 provides for 1 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 for one motion to recommit as is the right of the minority.

Mr. Speaker, the current continuing resolution expires at the end of the day and a further continuing resolution is necessary to keep the government operating while Congress completes consideration of the remaining appropriations bills.

H.J. Res. 114 is a clean continuing resolution that simply extends the provisions included in H.J. Res. 109 through October 25.

Mr. Speaker, as my colleagues know, it takes a lot of hard work and tough decision-making to fund the Federal Government. While I share the regret of many of my colleagues that the negotiations have stretched on this long, we are now very close to completing the appropriations process. We have successfully resolved many of the hurdles in our path with hours of hard work. As we enter the final stretch, we remain dedicated to passing sensible and fiscally responsible appropriations bills. I am confident that this fair, clean and continuing resolution will give us the time we need to fulfill our obligations to the American people and complete the appropriations process in an even-handed and conscientious manner.

This rule was unanimously approved by the Committee on Rules on yesterday. 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; and I thank my colleague and my dear friend, the gentleman from Georgia (Mr. LINDER), for yielding me the customary half-hour.

Mr. Speaker, here we go again. This is the fourth continuing resolution to come before the House this year. Apparently number three was not the lucky charm. This is the fourth time that we have had to extend the appropriations deadline and this time through October 25, because my Republican colleagues just have not finished their work; and I do not think it is going to be the last time.

Despite the promises to finish all 13 appropriation bills on time, my Republican colleagues are still very far behind.

Mr. Speaker, from where I sit, the end is not even in sight. Each time we pass another continuing resolution, we grant another reprieve. Congress goes back in a recess. We all go back to our districts and nothing gets done here in Washington. So I think enough is enough. I think we should do shorter continuing resolutions. We should get the appropriation bills finished. These week-long continuing resolutions are not working. Congress should stay here and work.

Mr. Speaker, at this moment only 3 of the 13 appropriation bills have been signed into law. The rest are awaiting action either by the House or the Senate or by both. My Republican colleagues could have finished the appropriations bills by now. They could have approved education. They could have done a lot more but they just did not.

Despite the pressing needs for more classrooms, more teachers, repairs to our schools, my Republican colleagues continue to put education on the back burner.

So I think it is time for my Republican colleagues to get down to work. I think it is time our Republican colleagues make education a priority and put American children before the powerful special interests. Democrats want to stay in Washington and strengthen the American public school system. Democrats want to fund school modernization and construction, and we also want to hire new teachers and reduce class size. So, Mr. Speaker, I do not think Congress should head back home when so much important work is left undone. If we have time to move the appropriations deadline again, we really have time for America's children. So I urge my colleagues to oppose the previous question in order to get the work done.

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

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

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, as my colleague, the gentleman from Massachusetts (Mr. MOAKLEY), the ranking member of the Committee on Rules, said, here we go again. For the fourth time this month, the Congress is considering a resolution to temporarily fund the government. Now, Republicans claim that they are working very hard to get these appropriations bills passed, but the American people should know that today is our only full day of work in the Congress this week. The Republicans will send us home tonight, and we will not be back again until next Tuesday night. And I think the Republicans should be embarrassed. They simply cannot govern. Keep in mind that between today and next Tuesday, the Republicans are deploying their members to go out and campaign. They are not hunkered down in some room trying to figure out the appropriations bills. No, they are going out to fund-raisers and political events rather than doing the work that they were elected and paid to do.

Bowing to the will of special interests, Republicans have stopped their work on HMO reform, on prescription drugs, on gun safety, on education. They simply cannot get the job done.

Mr. Speaker, I wanted to mention the education issue in particular today, because that is one of the ones that is supposedly going to be addressed in an appropriations bill next week; but so far the Republicans have been unwilling to bring up the Democratic initiative, which says two things. One, that we want to send more money back to the local school districts around the country so that they can hire more teachers and reduce class size. We know that smaller class sizes are great for discipline, great for a learning experience. But, no, the Republicans do not want to do that. They do not want to provide the money.

The second education initiative the Democrats have stressed is that they want to provide some funding back to the local school districts to help defray the costs of school modernization. We know that many schools are falling apart. They need renovation. Some

need to be upgraded for computers, for the Internet. Many times there is overcrowding, and new schools need to be built. Well, the Democrats have been saying and the President and Vice President GORE have been saying let us provide some money back to the towns, back to the local school districts to accomplish that goal but, no, the Republicans do not want to do that.

Basically, they are saying that these are not important. We should not provide money to reduce class size, to hire more teachers, to provide for school modernization. Democrats are saying, let us stay here and get the job done. We are not going to leave until the job is done and those two education initiatives are passed.

Let me mention some of the other issues. Prescription drugs, Governor Bush, the Republican candidate for President, said the other day that he was very concerned and wanted to provide some sort of benefit of prescription drugs, but I do not see it happening here. The Democrats have been saying they want a Medicare prescription drug benefit. Put it up. Let us vote on it. Same thing with HMO reform. We passed a good HMO reform bill here, the Norwood-Dingell bill, the Patients' Bill of Rights. It went over to the Senate and it died there. It died in conference. The conference has not even met. I am a member. I am one of the conferees. The conference has not met in several months. These are the kinds of things that the American people want done. They want HMO reform. They want the Patients' Bill of Rights. They want a Medicare prescription drug benefit. They want to do something about education.

What is more important to this country than good public schools? But we do not see any action on these things. We do not see any action. We say, go home. Come here one day. We will pass another continuing resolution, keep the government going for another 5 days or so. I have said before and I will say again, I am not going to support these long-term continuing resolutions for 5 days or a week. We should not allow continuing resolutions for more than one day at a time because we need to force the Republican leadership to get the job done. That is what they came down here for. We should insist and all should insist on staying here through the weekend every day until these appropriation bills are passed.

There are 13 appropriation bills that make up the budget effectively, and only three have been signed. The rest are still languishing here. Some of them are moving now but not enough, certainly not enough for us to go home for the weekend until next Tuesday.

Mr. Speaker, let me say the Republican majority seems to be good at doing only one thing, and that is going home. Well, then the American people should send them home for good this November.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. GEORGE MILLER).

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

Mr. GEORGE MILLER of California. Mr. Speaker, this continuing resolution really should not be approved, and it should not be approved because it is not going to allow us to get the work of this country done in this Congress because it simply postpones the date at which we are going to be held responsible for getting that work done.

I would hope the President does not grant this continuing resolution because a continuing resolution should only be granted so we can get our work done. This continuing resolution is being granted and then everybody is going to go home. Everybody is going to leave here tonight and come back Wednesday, and the continuing resolution runs until Wednesday.

Now we have heard weekend after weekend how the Republicans are going to stay here and work, but nothing happens. No meetings take place. Nobody works. No progress is made, and I think it is time to say enough is enough. The President ought to give us a continuing resolution until Monday and we ought to stay here tomorrow and Saturday and Sunday and get the people's business done.

There is a great deal at stake here. There is a great deal of concern in this country; and we have expressed it on both sides of the aisle, about our education system, about the resources that are necessary for our education system. We strongly believe certainly on this side of the aisle that we ought to increase the expenditures for special education. We ought to increase the expenditures for school construction, for modernization; and we ought to get on with it. We ought to get it done because this is what the people want for their children.

We ought to make sure that clearly the funds are in place for teacher quality, to lower class size, and supposedly both sides of the aisle are for that, except it just is not being done. The President has asked us now, point blank, to get it done and yet we find out that the meetings are not taking place; that the Republican leadership in the Senate and in the House are not coming together to present that plan and that proposal.

So what do we see? We drag on day after day, week after week, and the continuing resolution now, instead of forcing us to get things done, becomes an excuse for which we do not get things done, and meetings do not take place.

So I think we would be much more honest to the people we represent and to the people who are concerned with these issues in the country if we would shorten this continuing resolution; if in fact we would require people to stay here and work. Maybe we ought to go back to open conference committees where people are held accountable for the work product of those committees. I know that this extends in other areas, but I have worked very hard on some of these education bills. We have talked about the help that we can give to many districts that need additional financial assistance for special education, and yet we see that that is bogged down. That cannot be that difficult to resolve, these education issues and to resolve them on behalf of America's families, on behalf of America's children and our local schools.

They need these resources to do the job. They should be given these resources to do the job, and we should do it now.

I would hope that later on when we are asked to vote on the continuing resolutions that people would reject this, and we would get on with a continuing resolution that puts some pressure on the Congress to get done with the people's business and to resolve these issues on health care.

I do not know if we have run out of time, but I would also hope that we could address the problems of prescription drug benefits, that we could address the problems of a Patients' Bill of Rights, that we could address the problems of the minimum wage for millions of workers who need additional financial resources to hold their families together, to provide, hopefully, themselves with the wherewithal to buy some kind of health care policy.

□ 1430

But these are people who are going to work every day, they are working hard, and, at the end of the year, they end up poor. They end up without health care, they end up without decent housing, they end up without decent educational opportunities for their children, and we ought to raise the minimum wage. But we ought to do it now, and we should not continue to provide excuses another 4 days, another 5 days, another 6 days, when everybody just goes home, they hold fund-raising events, they go campaign, they go to golf tournaments, they do all the rest of it. They just forget to do the people's business. And that ought to stop, and we ought to stop that now by defeating this continuing resolution, and maybe give us the continuing resolution to finish this weekend and get the people's work done and go home.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). Members are reminded that the use of personal electronic equipment in the Chamber of the House is prohibited under the rules of the House, and Members are to disable wireless telephones on the floor of the House.

Mr. LINDER. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Georgia (Mr. KINGSTON), a member of the Committee on Appropriations.

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

Mr. Speaker, I want to address why this CR, this continuing resolution, is

necessary. What it does is it allows our government to keep functioning. Now, there are those who do not want one. That would mean the government shuts down. I do not know if they have quite thought that through, but we do not want the government to shut down.

Now, why is the budget not signed? There are a couple of reasons that we think this is necessary to do today. Number one, we are at the point in the budget where the leadership on the Committee on Appropriations is working directly with the White House.

Now, the President has been out of town. The President has been in the Middle East. I think it is important for the President to be in the Middle East. I think it is important for America to be doing what America has been doing in the Middle East, to try to get Chairman Arafat and Prime Minister Barak together, because what is going on in the Middle East is not just about the Middle East, it is about the whole globe; and I respect the President for dedicating the time that he has to try to resolve that. But obviously the President cannot negotiate the budget and the appropriations bills when he is out of town, so we are having to wait.

Now, the President is in town today, but then again tomorrow, Mr. Speaker, he will be at the funeral of his friend, the Governor of Missouri. Many of our Members, Republican and Democrat, including the distinguished Democrat leader, will be there for that important funeral of a very important, well-respected national figure. So there are a lot of Members of Congress who are going to be in Missouri tomorrow. We respect that. That is a bipartisan thing.

But during that period of time, there will still be a crew here negotiating on the budget, a crew here talking. There will be people working through the weekend, and that is what the leaders on the Committee on Appropriations and the leadership in the House have been doing and will continue to do.

So all of this finger pointing, that we are in this situation because somebody has done something wrong, I guess that is what George Bush was talking about the other day when he said it is time to get some people together who have a can-do attitude in Washington, who want to solve problems, who will reach out to the other side, reaching out to the Senate and the White House.

I do not think the American people want to hear all this partisan sniping today. The Members on the other side know that we passed the majority of the Committee on Appropriations bills, I think 12 out of 13, before we left town for the August work period, and we feel good that those were passed.

But this is a bicameral process, there are three branches of government; and just because the House passes the bill does not mean it ends there. It goes to the Senate, and the Senate has different visions and different ideas. Then we know also in order to have the White House sign it, they have their own visions and ideas. So we are in this very complicated process of resolving a $1.8 trillion budget for a country of 275 million people, and it should not surprise anybody that it takes a long time.

What is it that the House Republicans are trying to do? What is our vision? Well, our vision is simple. We want to pay our obligations first for Social Security. It was the House Committee on Appropriations that said we are going to quit using the Social Security trust fund for general operating expenses. After all, no business in America can mix its pension plan with its operating expenses. Who would do that? Who, but the U.S. Congress? Four years ago we stopped that process, and that has been one of our highest priorities.

Our second priority, of course, has been to protect and preserve the insurance policy for our seniors, the Medicare program, and we have done that. You will remember that 3 or 4 years ago the bipartisan Medicare trustees appointed by the President said it is going bankrupt if we do not act to preserve and protect it. We did, and now Medicare is on more solid footing.

This year our budget called for a prescription drug benefit for American seniors; not one that would insure Ross Perot and Bill Gates and other people who do not need the benefit, but targeting those who are in the most economic need of a prescription drug benefit. We have done that. We had a program that gave our seniors choices, not a universal required mandatory plan, and yet that was not passed by the Senate.

Well, again, that is what bicameral legislation is about. We are going to continue working on that.

I am happy to say that this House Committee on Appropriations in the agriculture bill did do something very significant to bring down the cost of prescription drugs, and that is the Drug Reimportation Act. The Drug Reimportation Act allows our seniors to buy lower-cost American manufactured drugs in other countries, such as Canada and Mexico, and take advantage of savings that they can get in those countries that they are not able to get right now, because, if they do, the Clinton-Gore FDA says no, you cannot go to Canada and buy your Zocor.

But I will tell you the case of a woman in our office, Myrlene Free. Her sister is on Zocor. If she buys it in Texas, it is $97; but if she goes to Mexico, it is $29. Now, this Republican Congress reached out to people like her and said we want you to be able to do that, and we put some language in the agriculture appropriation bill to allow that.

But, better than that, we said this is great news for people in boarder States, but what about the interior States? We are going to let them do it through the Internet, and also let their neighborhood pharmacist reimport drugs. Keep in mind, Mr. Speaker, these are American-made and American-manufactured drugs, the same dosage as they are already taking, and at as much as a 40 to 50 percent savings. That not only helps millions of American seniors, but millions and millions of young mothers raising kids.

I have four children. I know how expensive it is to keep a family in good health, and prescription drugs is part of our budget. This bill will bring down the cost of it. Now, we did get an agreement with the Senate on this, we do have an agreement with the President on this, and I think that has been worth fighting for. I think it has been worth the negotiating process.

There are other issues out there, such as trade opportunities for our farmers with Cuba. That is still out there.

Then we are going to be debating what to do about funding international abortion agencies. Mr. Speaker, that is always a controversial issue, and it is a bipartisan issue. You have pro-lifers and pro-choicers on both sides of the aisle. But this takes time.

We have another amendment out there that deals with the situation in Yugoslavia. Should we withhold funds from Serbia? Should we withhold funds from Montenegro because they are having elections out there that have turned out on a positive note right at this point? We want to support Mr. Kostunica; but, on the same hand, what do you do with Mr. Milosevic? That is pending in front of the Committee on International Relations right now.

There is another piece of legislation introduced by many Members from the Democrat side, with some bipartisan support from the Republican side, that takes a similar approach in Palestine and says do we want to give Palestinians foreign aid money in the face of what appears is going on in the peace process, or should we use that money as a tool to get both parties back at the table with maybe a more cooperative attitude?

These, Mr. Speaker, are important issues. These are bipartisan issues. These are not things that, well, we are going to haggle over and see who can claim victory on this or that, but things that sincere Members of Congress with serious legislative proposals have come to the floor and said, you know what, the appropriation bills are somewhat the last train leaving town, can you put these amendments on the bills? We are narrowed down to the home stretch, and that is what takes so long.

But this is America. This is a Republic, where everybody has opinions. That is why it has taken so long for us to adjourn.

Mr. Speaker, I urge Members to reconsider their positions and support this continuing resolution, so that we can keep the government operating, not have a shutdown, and finalize these very, very important issues.

Mr. MOAKLEY. Mr. Speaker, I yield 8 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member on the Committee on Appropriations.

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

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

Mr. Speaker, we are now 6 weeks beyond the deadline for completing our work on the budget. The main reason we are that far behind is not because of what is happening now; it is because for 8 months this Congress proceeded under false pretenses, and the majority party pretended that there was enough room in the budget to pass their gigantic tax package, most of which favored the most well-off and the most privileged among us.

Now, one by one, the appropriation subcommittees are finally being allowed to produce bills that reflect in real terms what both parties recognize needs to be provided for science, for transportation, for housing. We finished a bill just a few minutes ago that finally recognized reality.

But for 8 months, because of the political pretense that the surpluses were going to be large enough that you could make all of these wild tax promises to everybody, we have proceeded on the assumption that this Congress is going to spend about $40 billion to $50 billion less than it will wind up spending. Now, in fact, ironically, some of the appropriation bills are coming back in excess of the President's request; and some of that is justified, in my view, and some of that is not.

But now we have a real problem, because we are down to the last few issues. And, yes, there is an issue remaining on family planning; and, yes, there are a couple of other issues remaining in other bills, but essentially there are very few differences remaining between the majority party and us.

The main issue that remains is education, and, to a secondary extent, what we are going to spend on health programs and on worker protection and worker training programs.

Mr. Speaker, we have seen a lot of talk in the press about the legislative chaos that has produced the requirement for a series of continuing resolutions. I do not believe that that is the case. I am coming increasingly to believe that these delays are purposeful, and I would like to explain why.

This calendar shows in red seven days a week, a normal weekly schedule. This calendar shows in red the times that we have been in session since Labor Day. I want to walk you through it.

The week after Labor Day we were in for less than 24 hours. We came in after 6 o'clock on Wednesday and left before 6 o'clock on Thursday.

The next week we were in about 48 hours. We came in at 6 o'clock on Tuesday and were gone by that time on Thursday.

The next week we were here, as you can see, parts of 4 days, but, actually, in terms of real time spent, about 3 days of work.

If you get down to the week of October 2, that is the only week since Labor Day that we have put in a 5-day week here.

Do you see what happened last week? We came in late on Tuesday; the week was foreshortened by the unfortunate death of our colleague, Mr. Vento.

This week we were in session for a couple of hours yesterday, starting very late in the afternoon, around 5 o'clock, and we will be out of session by sometime between 6 and 7 o'clock tonight.

□ 1445

It is a little over a day today, and then people will be at another funeral Friday. I think what this schedule does is to make it easier and easier for the majority party to avoid ever having to face up and actually vote on the issues that divide us on the issue of education.

Mr. Speaker, that is what I think is going on, and so now what is going to happen is when this CR is passed to keep the government open another week, what will happen is we will have a brief meeting around 4:00 or 5:00 today in the Subcommittee on Labor, Health and Human Services and Education. There may be another meeting after that; but I will tell you something, I have been stuck here, I feel like a fugitive on a chain gang, because as the ranking Democrat on the Committee on Appropriations, I have been here 3 weekends out of the last 4 weekends through the weekend, so has Mr. Lew from the White House.

The President has always been a phone call away, and yet while we have been waiting for something to happen, nothing has happened. Why? Because the leadership of both Houses refused to delegate the decision-making power fully to the committee with the responsibility to get the work done, that is the Committee on Appropriations. That is the problem. Well, I will tell you something, I have got some things I want to do in my district, too.

I see the leadership going all over the country campaigning for marginal Members. In my view, if I have to stay here, they ought to stay here. So if you want me to stay in town this weekend, I want to know that the Speaker, the floor leader, the deputy floor leader and all of the people making the real decisions are going to stay here, too, but they are not going to. They will be out of town while the appropriators will be stuck here pretending that something real is going on.

Now, to me, if you want to get a decision made, delegate it to the people who know how to work it out. If you do not trust their judgment, then stay in town yourselves and sit down with your opposite Members and our leadership and get the job done, but do not ask the appropriators to stay in town to give the rest of the leadership cover while they go off to campaign around the country.

If we pass resolutions like this, we are going to be here until next Saturday and probably the following Saturday, and that will get us so close to the election that, in the end, what you will have been able to do is to avoid voting on the issues on education that divide us. That is what I believe the game plan is. That may suit your partisan purposes, but it does not suit the needs of the country or this institution.

Mr. Speaker, I am going to vote against this continuing resolution because we ought to have one that makes us be back here Sunday or Monday for everybody to get the work done.

Mr. LINDER. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. YOUNG) chairman of the Committee on Appropriations.

Mr. YOUNG of Florida. Mr. Speaker, I really had not intended to speak on the rule, but my friend from Wisconsin (Mr. OBEY) has excited my imagination here. When I saw his chart, I decided to bring out a larger chart that, more or less, reinforces what the gentleman from Wisconsin (Mr. OBEY) has said, but I am going to take a little different spin on it.

My spin is the Committee on Appropriations has done its job in the House. The House appropriators have done their job. I hope that we can focus on this fiscal year calendar, which is a little easier to understand than the one that the gentleman had. If you look at all of the red colored days in October, November, December, January, February, March and part of April, that is how much time all of the fiscal year that is gone before the Committee on Appropriations ever gets a budget resolution, which is when we can begin our work appropriating, which is what the Constitution tells us to do.

The blue colored days are the days that the House has not been in session. And in order to get 13 bills through 13 sets of hearings, meaning 200 to 300 hearings and 13 subcommittee markups and 13 full committee markups and 13 bills on the Floor, we have only the green colored days available to do that. That is part of the problem.

The budget resolution does not get adopted until after these red days are all gone leaving only the green days, that is a problem with the budget process.

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

Mr. YOUNG of Florida. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I would simply say to the gentleman the only difference between his chart and mine is that his chart in the green gives credit for the entire day even if we have only been allowed to be in session for a couple of hours. So the charts are essentially in agreement.

Mr. YOUNG of Florida. Reclaiming my time, Mr. Speaker, I do admit that the gentleman's chart did go down to the hour. I was tempted to make mine go down to the minute to compete with his, but I thought just days would be good enough.

But the point is that despite this problem of time, the House did its job. We got our bills out of here, and the 13th bill, which was for the District of Columbia, was on this floor in July before we went to the August recess. Now, that bill was not completed at that time. It was pulled off the floor, and we did not get back to it until August.

The gentleman is correct that there is a problem of time here, but other things needed to be done. Mr. Speaker, the gentleman from Georgia (Mr. KINGSTON), I thought, made a good point. Once we did our job, that was only part of the process, and the gentleman from Wisconsin (Mr. OBEY) has told us so many times there is no use getting to first base if you cannot get home.

The truth of the matter is you cannot get home if you do not get to first base. And so getting through our committee work was first base; going through the House floor that was second base; then you have to go through the other body. We have a bicameral legislature. The other body, the United States Senate, has to do the same thing that we do, they have to pass all the bills too.

Well, this year they did not pass all their bills. This year they still have not passed all of their bills, and so we have to come up with creative ways to pass a bill through the system that has not passed in the other body. And so far we have done that.

We did a bill today that, more or less, went through that creative process. The VA, HUD bill went through that process. But now then where does that leave us? Even after the other body passes the bills, their priorities may be different than ours, and most of the time they are. So we have to sit down together and reason together to figure out what is a responsible way to present this package to both the House and the Senate, so that we can get it passed in both the House and Senate. That takes a little bit of time.

We have been spending a lot of time, as the gentleman from Wisconsin (Mr. OBEY) said. Appropriators have been here day after day after day, whether they were colored red, blue or green on my calendar. Appropriators have been here dealing with these differences. But then there is another factor before you get to home base, that is the President of the United States. When a bill gets to his desk, he has a power that is the same as two-thirds of the House and the Senate, because if that one person, the President of the United States, does not approve of the bill and he vetoes it, it takes a two-thirds vote in both the House and Senate to override the veto.

Well, we have a small majority in this Congress. We do not have a two-thirds vote; although, we did override the President's veto on the Energy and Water bill in the House just a few days ago, but, nevertheless, because we have a small majority, we have to work with the President and with his staff to try to send bills out of here that he will sign, so that we do not have to be here week after week waiting for those vetoes.

Mr. Speaker, the gentleman mentioned the education bill. We have been meeting with the White House on the education bill now for weeks, and we still have not come to a conclusion with the President on what is going to be in that bill. What will he sign? Earlier there was a strategy to send him a bill and let him veto it and send it back.

We rejected that strategy. We thought we should work with the President, work with the minority party, and that is what we have been trying to do. The minority staff has been involved in every meeting with the majority staff, but those things take time.

And I am as frustrated as my colleague from Wisconsin (Mr. OBEY), the ranking member on the Committee on Appropriations. I wish this work would have been done in July when the House finished passing the bills but we only control one-third of the process. And that is one reason that it is taking more time.

I want to say to my friend, the gentleman from Wisconsin (Mr. OBEY), in as friendly a way as I can say it that we have spent many days on appropriations bills in this House that were unnecessary. The majority party allowed the minority party hour upon hour of debate on amendments that we all knew were not in order; that were not protected by the rule; that were subject to a point of order, but yet we allowed the minority party all of that extra time because they wanted to make their arguments.

We believe in freedom of speech. This is a debating society in this House. So we allowed many, many days of debate on appropriations bills that really were not necessary, except for the political debate that was going on. Had we not done that, had we just decided to jam the minority party, we would not have allowed those amendments to even be discussed. We would have raised a point of order against them immediately, but we allowed them to go on for hour upon hour upon hour before finally raising the point of order or before they were withdrawn by the sponsor.

Mr. Speaker, when we get right down to it, time is a problem. But I would suggest that the majority party is not any more guilty of absorbing and using the time than the minority party or the President of the United States. You see it seems in this process everybody has to have it their way or no way, but when we are dealing with a bicameral legislature and a President of the United States, we have to come together.

It is amazing. On the bill that we just passed, we passed it with a large vote. It was a good bill, because we finally came together, and we made it happen. We had the Agriculture appropriations bills a few days ago. We came together. We worked together. And we produced a good product.

We do not need to have political rhetoric. We do not need that. The political points ought to be made back home on the campaign trail. In here, we should do the people's business. In here, people should come before politics. Back home is where we do our politics. Here we do the people's business.

We should expedite this business the best we can, and we should be thorough, and we should be responsible.

Mr. Speaker, I thank the gentleman for yielding me as much time as he did.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Committee on Appropriations.

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

The gentleman from Florida (Mr. YOUNG) says that the majority gave us a lot of time to talk about issues that concerned us. They gave us a lot of time, but they did not allow us to get any votes on the issues that demonstrated where we wanted to take this country on education, on health care and a whole range of other issues.

The gentleman used the Committee on Rules and you used the budget resolution to prevent us from ever having votes on our alternatives while you were free to put yours on the floor. If you want me to change time for votes any time, I would be happy to do that. We would have had much the better deal.

Secondly, I would point out, that is consistent with what you have done across the board. You did not give us an opportunity to have a vote on our version of a prescription drug bill under Medicare, so we wound up with your bill of goods rather than our bill being on the floor.

On the tax bill, we were not allowed to have a vote on our alternative, so we had to reshape our alternative to fit it into your rules.

□ 1500

The fact remains, in the last 6 years they have tried to cut education $13 billion below the President's budgets, and they have tried to cut education below previous year's spending levels by $5.7 billion over that time period, and it has been only because of the fights that we and the White House have waged that we were able to add $15 billion over that period of time to the various appropriation bills for education.

Mr. Speaker, I include for the RECORD an insert on Republican attacks relating to education and a number of charts illustrating education numbers:

The material referred to is as follows:

EFFORTS TO ATTACK EDUCATION—1994 THROUGH 2000

Across the nation Republican Congressional Candidates are giving speeches and running ads pretending to be friends of education. Those speeches and ads fly in the face of the historical record of the past six years. That record demonstrates that education has been one of the central targets of House Republican efforts to cut federal investments

in programs essential for building America's future in order to provide large tax cuts they have been promising their constituents.

Six years ago in their drive to take control of the House of Representatives, the Republican Leaders led by Newt Gingrich produced a so-called ''Contract with America'' which they claimed would balance the budget while at the same time making room for huge tax cuts. They indicated that one of the ways they would do so was by abolishing four departments of the federal government. Eliminating the U.S. Department of Education was their number one goal. They also wanted they said to eliminate the Departments of Energy, Commerce and HUD.

Immediately upon taking over the Congress in 1995 they proposed cuts below existing appropriations in a rescission bill, HR 1158. That bill passed the House on March 16, 1995 reducing federal expenditures by nearly $12 billion. Education programs accounted for $1.7 billion of the total. While the budget of the Department of Education totaled only 1.6% of federal expenditures in fiscal 1995, it contributed 14% to the spending reductions in the House Republican package. The package was adopted with all but six House Republicans voting in favor. (See Roll Call #251 for the 104th Congress, 1st session—CONGRESSIONAL RECORD, March 16, 1995, page H3302)

Next, legislation (HR 1883) was introduced which called for ''eliminating the Department of Education and redefining the federal role in education.'' The legislation was cosponsored by more than half of all House Republicans including as original cosponsors, current Speaker Dennis Hastert, Majority Leader Dick Armey, and Majority Whip Tom Delay.

The desire to eliminate the Department of Education was stated explicitly in both the Report that accompanied the Republican Budget Resolution passed by the House and in the Conference Report on the Budget that accompanied the final product agreed to by both House and Senate Republicans. The Conference Report for H. Con. Res. 76 (the FY 1996 Budget Resolution) states flatly, ''In the area of education, the House assumes the termination of the Department of Education.''

That FY96 Budget Resolution not only proposed the adoption of legislation to terminate the Department organizationally, but put in place a spending plan to eliminate funding for a major portion of the Department's activities and programs in hopes of partially achieving the goal of elimination even if the President refused to sign a formal termination for the Department. The Conference Agreement adopted on June 29, 1995 proposed cuts in funding for Function 500, the area of the budget containing all federal education programs, or $17.6 billion or 34 percent below the amount needed to keep even with inflation over the six-year period starting in Fiscal 1996. The House passed Resolution had proposed even larger cuts. Every House Republican except one voted for both the House Resolution and the Conference Report.

That Budget Resolution established a framework for passage of the 13 appropriation bills. The Labor-HHS-Education appropriations bill, which contains the vast majority of funds that go to local school districts, was the hardest hit by that resolution. The Fiscal 1996 appropriations bill for labor, health, and education was adopted by the House on August 4th 1995. It slashed funding from the $25 billion level that had been originally approved for the Department in fiscal 1995 to $20.8 billion for the coming year. This $4.2 billion or 17 percent cut below prior year levels was even larger when inflation was considered and was passed in the face of information indicating that total school enrollment in the United States was increasing by about three quarters of a million students a year. The programs affected by these cuts included Title I for disadvantaged children (reduced by $1.1 billion below the prior year), teacher training (reduced by $251 million), vocational education (reduced by $273 million), Safe and Drug Free Schools (reduced by $241 million), and Goals 2000 to raise student performance (reduced by $361 million). Republicans voted in favor of the bill, 213 to 18. (See Roll Call #626 for the 104th Congress, 1st session—CONGRESSIONAL RECORD, August 4, 1995, page H8420) The bill was opposed by virtually every national organization representing parents, teachers, school administrators, and local school boards.

The Republican Leadership of the House was so determined to force the President to sign that legislation and other similar appropriations that they were willing to see the government shut down twice to, in the words of one Republican Leader, ''force the President to his knees.'' Speaker Gingrich said, ''On October 1, if we don't appropriate, there is no money * * * You can veto whatever you want to. But as of October 1, there is no government * * * We're going to go over the liberal Democratic part of the government and then say to them: 'We could last 60 days, 90 days, 120 days, five years, a century.' There's a lot of stuff we don't care if it's ever funded. (Rocky Mountain News, June 3, 1995) It is clear that the Labor-HHS-Education bill, and education funding in particular, was at the heart of the controversy that resulted in those government shutdowns. Cutting education was an issue that Republicans felt so strongly about that they literally were willing to see the government shut down in an attempt to achieve this goal. Speaker Gingrich said, ''I don't care what the price is. I don't care if we have no executive offices, and no bonds for 60 days—not this time.'' (Washington Post, September 22, 1995) House Republican Whip Tom DeLay said, ''We are going to fund only those programs we want to fund * * * We're in charge. We don't have to negotiate with the Senate; we don't have to negotiate with the Democrats.'' (Baltimore Sun, January 8, 1996)

When the government shut down, the public reacted strongly against Republican House Leadership hard-headedness and that led to the eventual signing of the Conference Agreement on Labor HHS-Education funding as part of an omnibus appropriations package on April 26, 1996, more than halfway through the fiscal year. That action came after 9 continuing resolutions and those two government shutdowns. That agreement restored about half of the cuts below prior year funding that had been pushed through by the Republican Majority, raising the original House Republican figure of $20.8 billion for education to $22.8 billion.

Later in 1996 the Republican House Caucus organized another attempt to cut education funding below prior year levels in the fiscal 1997 Labor-HHS-Education bill. Only July 12, 1996 the House adopted the bill with Republicans voting 209 to 22 in favor of passage (See Roll Call #313, CONGRESSIONAL RECORD, July 11, 1996, page H7373.) The bill cut Education by $54 million below the levels agreed to for fiscal 1996 and $2.8 billion below the President's request. During the debate on that bill Republicans also voted (227–2) to kill an amendment specifically aimed at restoring $1.2 billion in education funding. (See Roll Call #303, CONGRESSIONAL RECORD, July 11, 1996, page H7330).

As the fall and election of 1996 began to approach, the Republican commitment to cut education began to be overshadowed by their desire to adjourn Congress and go home to campaign. As a result, the President and Democrats in Congress forced them to accept an education package that was more $3.6 billion above House passed levels.

1997 brought a one-year respite from Republican efforts to squeeze education. For one year, a welcome bipartisan approach was followed and the appropriation that passed the House and the final conference agreement were extremely close to the amounts requested by the President and the Department of Education.

Conflict between the two parties over education funding erupted again in 1998 when the President requested $31.2 billion for the Department for fiscal 1999. In July, the House Appropriations Committee reported on a party line vote a Labor-HHS-Education bill that cut the President's education budget by more than $660 million. But the bill remained in legislative limbo until after the beginning of the next fiscal year. Then on October 2, 1998 Republicans voted with only six dissenting votes to bring the bill to the floor. (See Roll Call #476, CONGRESSIONAL RECORD, October 2, 1998, page H9314). The leadership then reversed itself on its desire to call up the bill and refused to bring it to the floor. The House Republican Leadership finally grudgingly agreed to negotiate higher levels for education so they could return home and campaign. The White House and Democrats in Congress were able to force them to accept a funding level for education that was $2.6 billion above the House bill.

Last year, in 1999, House Republican Leaders again directed their Appropriators to report a Labor-HHS-Education Appropriation bill that cut education spending below the President's request and below the level of the prior year. The FY2000 bill reported by the Appropriations Committee on a straight party line vote funded education programs at nearly $200 million below the FY1999 level. The bill was almost $1.4 billion below the President's request. Included in the cuts below requested levels were reductions in Title I grants to local school districts for education of disadvantaged students ($264 million), after school programs ($300 million), education reform and accountability efforts ($491 million), and improvement of educational technology resources ($301 million). Because inadequate funding threatened their ability to pass the bill, House Republican Leaders never brought it to the House floor. After weeks of pressure from House Democrats they ordered a separate bill that had been agreed to with Senate Republican Leaders to be brought to the House floor. The bill contained significantly more education funding than the original House bill but still cut the President's request for class size reduction by $200 million, after-school programs by $300 million, Title I by almost $200 million and teacher quality programs by $353 million. The bill was opposed by the Committee for Education Funding which represents 97 national organizations interested in education including parent and teacher groups, school boards, and school administrators. It was adopted by a vote of 218 to 211 with House Republicans voting 214 to 7 in favor. (See Roll Call #549, CONGRESSIONAL RECORD, October 28, 1999, page H11120) It was also promptly vetoed by the President. After further negotiations, they agreed on November 18th to add nearly $700 million more, which we were requesting to education programs.

This year the President proposed a $4.5 billion increase for education programs in the FY2001 budget. The bill reported by House Republicans cut the President's request by $2.9 billion. Cuts below the request included $400 million from Title I, $400 million from after school programs, $1 billion for improving teacher quality and $1.3 billion for repair

of dilapidated school buildings. It was adopted by a vote of 217–214 with House Republicans voting 213 to 7 in favor. (See Roll Call #273, CONGRESSIONAL RECORD, June 14, 2000, page H4436).

When the FY2001 Labor-HHS-Education bill was sent to conference a motion to instruct Conferees to go to the higher Senate levels for education and other programs was offered. It also instructed conferees to permit language insuring that funds provided for reducing class size and repairing school buildings was used for those purposes. It was defeated 207 to 212 with Republicans voting 208 to 4 in opposition. (See Roll Call #415, CONGRESSIONAL RECORD, July 19, 2000, page H6563).

In summary, the record clearly shows that over the past six years House Republicans set the elimination of the Department of Education as a primary goal. Failing that, they attempted to reduce education funding to the maximum extent possible. In every year since they have had control of the House of Representatives they have attempted to cut the President's request for education funding. Appropriations bills passed by House Republicans would have cut a total of $14.6 billion from presidential requests for education funding. In three of the six years that they have controlled the House, they have actually attempted to cut education funding below prior year levels despite steady increases in school enrollment and the annual increase in costs to local school districts of providing quality classroom instruction.

The education budget cuts have not been directed at Washington bureaucrats as some Republicans have tried to argue but mainly at programs that send money directly to local school districts to hire teachers and improve curriculum. Programs such as Title I, After School, Safe and Drug Free Schools, Class Size Reduction, and Educational Technology Assistance all send well over 95% of their funds directly to local school districts. While zealots in the Republican Conference drove much of this agenda it is clear that they could not have succeeded without the repeated assistance from dozens of Republican moderates who attempt to portray themselves as friends of education.

The one redeeming aspect of the Republican record on education over the last six years is that in most years they failed to achieve the cuts that they spent most of each year fighting to impose. When a coalition between the Democrats in Congress and the President made it clear that the bills containing these cuts would be vetoed and that the Republicans by themselves could not override the vetoes, legislation that was far more favorable to education was finally adopted. For Republican members to attempt to take credit for that fact is in effect bragging on their own political ineptitude. The question concerned Americans must ask is: What will happen if the Republicans find a future opportunity to deliver on their six-year agenda? They may eventually become more skillful in their efforts. They may at some point have a larger majority in one or both Houses or they may serve under a President that will be more amenable to their agenda. All of these prospects should be very troubling to those who feel that local school districts cannot do the job that the country needs without great assistance from the federal government.

This is not an issue of local versus federal control. Almost 93% of the money spent for elementary and secondary education at the local level is spent in accordance with the wishes of state and local governments. But there are national implications to failing schools in any part of the country. The federal government has an obligation to try to help disseminate information about what does and does not work in educating children, and it has an obligation to respond to critical needs by defining and focusing on national priorities. And that is what the other 7% of educational funding in this country does. Education is indeed primarily a local responsibility, but it must be a top priority at all levels—federal, state, and local—or we will not get the job done.

The House Republican candidates now shout loudly that they can be trusted to support education, but their record over the last six years speaks louder than their words. Their record shows that in three of the last six years, House Republicans tried to cut education $5.5 billion below previous levels and $14.6 billion below presidential requests. It shows that the more than $15.6 billion that has been restored came only after Democrats in Congress and in the White House demanded restoration. That is the record that must be understood by those concerned about education's future.

DEPARTMENT OF EDUCATION—GOP EDUCATION APPROPRIATION CUTS COMPARED TO PREVIOUS YEAR

[Millions of dollars]

	Prior year	House level	House cut
FY 95 Rescission	25,074	23,440	−1,635
FY 96 Labor-HHS-Education	25,074	20,797	−4,277
FY 97 Labor-HHS-Education	22,810	22,756	−54
FY 00 Labor-HHS-Education	33,520	33,321	−199

DEPARTMENT OF EDUCATION—GOP EDUCATION CUTS BELOW PRESIDENT'S REQUEST

(Millions of Dollars)

	Request	House level	House cut	Percent cut
FY 96 Labor-HHS-Education	25,804	20,797	−5,007	−19
FY 97 Labor-HHS-Education	25,561	22,756	−2,805	−11
FY 98 Labor-HHS-Education	29,522	29,331	−191	−1
FY 99 Labor-HHS-Education	31,185	30,523	−662	−2
FY 00 Labor-HHS-Education	34,712	33,321	−1,391	−4
FY 01 Labor-HHS-Education	40,095	37,142	−2,953	−7
Total FY96 to FY01	186,879	173,870	−13,009	−7

DEPARTMENT OF EDUCATION—EDUCATION FUNDING RESTORED BY DEMOCRATS

(Millions of Dollars)

	House level	Conf. agreement	Restoration	Percent increase
FY 95 Rescission	23,440	24,497	1,057	5
FY 96 Labor-HHS-Education	20,797	22,810	2,013	10
FY 97 Labor-HHS-Education	22,756	26,324	3,568	16
FY 98 Labor-HHS-Education	29,331	29,741	410	1
FY 99 Labor-HHS-Education	30,523	33,149	2,626	9
FY 00 Labor-HHS-Education	33,321	35,703	2,382	7
FY 01 Labor-HHS-Education	37,142	40,751	3,609	10
Total FY95 to FY01	197,310	212,975	15,665	8

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

Mr. Speaker, I would point out to the gentleman from Wisconsin what the Committee on Rules did on the appropriation bills was to use the standing rules of the House. Those who were offering amendments germane to the subject matter were allowed votes, those who did not were not allowed votes.

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

Mr. MOAKLEY. Mr. Speaker, I yield 3½ minutes to the gentleman from California (Mr. STARK).

Mr. STARK. Mr. Speaker, I thank the ranking member for yielding me the time.

I have enjoyed this collegial debate between the Chair and the ranking member of the Committee on Appropriations. I only wish the rest of the House worked as well.

The gentleman from Georgia stated that the government functions. The government functions just fine. The Republican leadership is what is dysfunctional in this town.

For example, there is no one in this room, there is no one in this country, particularly the seniors, who do not

know that it is time to have a prescription drug benefit for the seniors. We who legislate in other committees and have the responsibility for a prescription drug benefit have not been allowed to participate in any of that discussion.

For example, the gentleman from Florida (Mr. SHAW) who serves on the Committee on Ways and Means with me has voted two or three times, along with every other Republican on the Committee on Ways and Means, to deny the seniors in this country a discount on their prescription drugs. Just think, being from Florida, as the gentleman from Florida (Mr. SHAW) is with lots of seniors, how could the gentleman vote two or three times to deny even bringing to the floor for discussion a discount for seniors for their prescription drugs? Those are the kinds of things that are being held up.

This House passed a Patients' Bill of Rights, a bipartisan Patients' Bill of Rights to bring under control the managed care plans, the HMOs that provide service to our citizens. That bill is tied up. It is dead in the water because the Republicans refuse to move it along.

What have they done instead? In a balanced budget give-back bill, as it is called, a bill that helped our health care providers and to some extent our beneficiaries, they are rewarding the managed care plans with somewhere between $6 and $30 billion.

Why do I not know why? Because no one will tell the Democrats what is in the bill. The bill is in the Speaker's office. Lobbyists are parading in and out of the Speaker's office working on the Republican bill, and not telling the rest of the Members.

At any rate, as near as we can determine, there is somewhere between $6 and $30 billion going as a reward to the managed care plans, regardless of whether they provide a prescription drug benefit or maintain the effort of keeping their plans open in rural areas; no strings attached, take the money and run. They give a reward of that magnitude to the very people that we voted to regulate.

What would we do if we did not give that money to the managed care plans? We would give 2 extra years of update to the hospitals, we would help home health care, and we would provide more benefits for our beneficiaries. That is what is going on under all of this as the Republicans stall the work of this Congress.

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

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding time to me, the distinguished ranking member.

Mr. Speaker, I rise to oppose the continuing resolution because I think it is time we got about the people's business. The decisions that we will be making in the next few days and next week are about our national budget, the appropriation of funds to meet the needs of the American people.

I believe that our national budget should be a statement of our national values. What we think is important is what we should put our resources to. So we are coming down to the last few or several appropriations bills. One of them is Labor, Health, and Human Services, which is the lion's share of our domestic budget. In that budget we fund the Department of Education and the Federal role in education. In that bill we also fund the National Institutes of Health.

All of the studies that we receive from the National Institutes of Health and other research organizations that are funded by the Federal government tell us that children learn better in smaller classes. Indeed, we are even learning that some children do better in smaller schools.

We pay for this research. We have the best scientists in the world applying their intellects to it. They give us their conclusions. Then this body chooses to ignore those conclusions about smaller classes and smaller schools.

President Clinton has an initiative on the table which has been rejected by the Republican majority. The President's proposal would provide interest-free loans for localities to have bond measures for school modernization, for smaller classes, and rewiring schools.

If we are going to have smaller classes, we need more classrooms and we need more teachers. If we are going to have our children prepared for the future, we need to have these schools modernized, wired for the future.

It is really very, very difficult to understand how the Republican majority can reject such a reasonable proposal, a proposal based on science and for the well-being of America's children. That by and large is the main argument that is keeping us here.

At the same time, the Republican majority has chosen to take four- or five-day weekends, instead of attending to a prescription drug benefit for our seniors, a real prescription drug benefit for our seniors; instead of a subsidized premium for insurance companies, which they may or may not even decide to offer; and to attend to a real Patients' Bill of Rights.

But it is about the children that we are here. The Republican majority is asking us to vote for a continuing resolution, not so that we can continue our work until we are finished, but so that we can go home for 4 or 5 days, come back with work unfinished, and ask for another continuing resolution. I urge my colleagues to vote no on the CR.

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

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes 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 Massachusetts, for yielding time to me.

Mr. Speaker, we are having an argument that is worth having. The argument is predicated on this, as the gentlewoman from California (Ms. PELOSI) just said.

In the springtime, the majority passed a budget that was predicated on the proposition that we should pass sweeping tax cuts in this year's budget. We disagree with that. That is an argument worth having. We believe that the principal fiscal focus of this country should be on reducing the national debt.

Beyond that, we are having another argument that is worth having about whether we should invest in education more or less, yes or no. We believe, and I think a majority of this House believes, Mr. Speaker, that investment in education should happen.

The reason we are having this argument, the reason we have overshot our deadline by 2 weeks, is that we will stand on principle.

We believe that assistance for school districts around this country in modernizing their schools and building new ones is worth fighting for.

We believe that putting a qualified teacher in every classroom in America, so that particularly in the primary grades children get more one-on-one attention, is worth staying and fighting for.

And we believe that programs like after-school programs, drug and alcohol education, are worth funding to their highest and most practical level. It is an argument worth having.

I commend the Committee on Appropriations for their diligence in moving the process forward, but we will stick to our principles and invest in debt reduction and education improvement for the benefit of the people of this country.

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

Mr. Speaker, if the gentleman wishes to stick to his principles with respect to debt reduction, he can support these bills, because each of these appropriation bills has a special line item for debt reduction.

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

Mr. Speaker, I urge a no vote on the previous question. If the previous question is defeated, I will offer an amendment to move the end of the continuing resolution up 2 days from Wednesday, October 25, to Monday, October 23. If we do not move the deadline, there will be no pressure to work, and American families will continue to get short shrift from this Republican Congress.

We need to rebuild our schools. We need to hire new teachers. We need to stay in session until we get the work done.

The text of the amendment, if offered, is as follows:

On page 2, line 4, strike ''and (2)'' and add after the semicolon, ''(2) the amendment printed in section 2 of this resolution which shall be considered as adopted; and (3) ''

At the end of the resolution, add ''Section 2. The amendment to H. J. Res 114 Strike ''October 25, 2000'' and insert ''October 23, 2000''

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

Mr. Speaker, I urge my colleagues to support the previous question so we can move on with the vote on the rule and get the continuing resolution on the floor to keep the government open, running, and responsible until we finish our work, our very difficult work this year.

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

The SPEAKER pro tempore. The question is on ordering the previous question.

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

Mr. MOAKLEY. 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.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—yeas 212, nays 193, not voting 27, as follows:

[Roll No. 537]

YEAS—212

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Coble
Coburn
Collins
Combest
Cook
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
Kind (WI)
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Leach
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Martinez
McCrery
McHugh
McInnis
McKeon
Metcalf
Mica
Miller, Gary
Moore
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—193

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

NOT VOTING—27

Campbell
Chenoweth-Hage
Clay
Conyers
Cooksey
Franks (NJ)
Gephardt
Hansen
Jones (OH)
Klink
Lazio
Lewis (CA)
Lipinski
McCollum
McIntosh
Miller (FL)
Oberstar
Oxley
Rodriguez
Rush
Shays
Spratt
Talent
Thompson (MS)
Turner
Weygand
Wise

□ 1529

Messrs. ROTHMAN, UDALL of New Mexico, EVANS and Mrs. MEEK of Florida changed their vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. PEASE). The question is on the resolution.

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

RECORDED VOTE

Mr. LINDER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 209, noes 187, not voting 36, as follows:

[Roll No. 538]

AYES—209

Abercrombie
Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Biggert
Bilbray
Bilirakis
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Frelinghuysen
Gallegly
Ganske
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Leach
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Martinez
McCrery
McHugh
McInnis
McKeon
Metcalf
Mica
Miller, Gary
Mollohan
Moore
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Packard
Paul
Pease
Peterson (PA)
Petri
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Ramstad
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence

Stearns
Stump
Sununu
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—187

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

NOT VOTING—36

Campbell
Chenoweth-Hage
Clay
Clement
Conyers
Davis (VA)
Dunn
Franks (NJ)
Gekas
Gephardt
Gilman
Hansen
Jones (OH)
Klink
Lazio
Lewis (CA)
Lipinski
McCollum
McIntosh
Miller (FL)
Oberstar
Obey
Oxley
Pickering
Radanovich
Regula
Rodriguez
Rush
Shays
Spratt
Talent
Tauzin
Thompson (MS)
Turner
Weygand
Wise

☐ 1538

Mr. DIXON and Mr. CONDIT changed their vote from ''aye'' to ''no.''

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.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE RESOLUTION 398

Mr. PASCRELL. Mr. Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of H. Res. 398.

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

There was no objection.

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 the joint resolution (H.J. Res. 114) making further continuing appropriations for fiscal year 2001, and for other purposes, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. 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 637, I call up the joint resolution (H.J. Res. 114) making further continuing appropriations for 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 House Joint Resolution 114 is as follows:

H.J. RES. 114

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled. That Public Law 106–275, if further amended by striking ''October 20, 2000'' in section 106(c) and inserting in lieu thereof ''October 25, 2000''. Notwithstanding section 106 of Public Law 106–275, funds shall be available and obligations for mandatory payments due on or about November 1, 2000, may continue to be made.

The SPEAKER pro tempore. Pursuant to House Resolution 637, the gentleman from Florida (Mr. YOUNG) and the gentleman from Maryland (Mr. HOYER) 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. YOUNG of Florida asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Florida. Mr. Speaker, the CR before us now should not require much debate, since we did have a very lively debate on the rule on the very same subject, but I am sure the same subjects will be discussed again. But this does extend the funding for the fiscal year until next Wednesday.

It is essential to pass this CR because, although the House has completed its part of the appropriations process quite a long time ago, the part of the process requiring the other body and the administration has not been completed yet, although we are getting very close. We moved out two more bills today, as my colleagues will remember.

This CR does two things: One, it extends the date from midnight tomorrow night until midnight Wednesday night of next week. In addition, because we are reaching the end of the month, it is necessary that we make provision for funding authority for checks that go out automatically every month to those who are in entitlement programs. The agencies involved need to have the authority to go ahead and print the checks, mail the checks, and have them in the mail so that they arrive by the first of the month. Those are the two things this continuing resolution does.

Hopefully, this is the last one we will have to do. One of the outstanding bills is the bill from Labor, Health and Human Services, and Education. We are having another meeting this afternoon on this bill with the White House and with the Republican and Democratic Members representing the House and the Senate, and we hope to finalize those agreements today.

The District of Columbia bill, as most Members know, is ready to file, however, it is being held because it may be needed as a vehicle for another appropriations bill that our colleagues in the other body have not passed yet. So there is somewhat of a delay there. It is not a delay of the making of the House of Representatives or the House appropriators.

And I want to repeat, Mr. Speaker, as I have said so many times, that the House Committee on Appropriations completed its work very early in the year. We had all 13 of our appropriation bills through the House, with the last one on the floor in July before the August recess. That bill was then withdrawn from consideration and put off, but the appropriators were ready to move.

Anyway, we are near the end. It was theoretically possible that we could have done what the gentleman from Massachusetts (Mr. MOAKLEY) wanted and made this CR go to midnight on Monday night. Because it runs until Wednesday, he opposed the previous question so that he could offer an amendment to take us to midnight Monday. But, Mr. Speaker, tomorrow the House will not be in session out of respect for the Governor of Missouri who was, along with his son, unfortunately killed in a tragic airplane crash. We respect that and the fact that many of our Members will be traveling to Missouri for that funeral tomorrow.

☐ 1545

So there will be no business here tomorrow. Saturday and Sunday the House will not meet for recorded votes. Monday the House will not be in for recorded votes. And so, if we go to the policy of having CR's one day at a

time, that is a big mistake, Mr. Speaker. If we do that, I can guarantee we will be here until Christmas because it will take all day long to do each CR, and we will not get any other work done.

So we need to get this CR passed and then the appropriators will continue the meetings with the White House. And if we can reach the agreements that we think we will in the next few days, we will have this business completed by midnight Wednesday next.

Mr. Speaker, I ask for support of the CR.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). Members are reminded that the use of personal electronic communication devices is prohibited in the Chamber of the House, and they are to disable wireless telephones while they are in the Chamber of the House.

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

Mr. Speaker, I rise in opposition to this CR.

Mr. Speaker, I have supported the previous CR's. I rise, representing the gentleman from Wisconsin (Mr. OBEY), the ranking member who, unfortunately, has been called off the floor.

Mr. Speaker, the Members of the majority are fortunate. They have been fortunate in September; and they have been fortunate in October. Let me tell my colleagues why. The Olympics were on in September and people were focused on the Olympics. The World Series is just about to start. The playoffs have just completed, and the people have been focused on those. And we have a presidential race. It is a tight race, as everybody knows, and the people have been focused on them. All of those events have captured the public's attention and diverted it from what is not going on in this House.

What is going on here is that one of the greatest deliberative bodies in the world is doing practically nothing. We are at a standstill, Mr. Speaker, and the American people are suffering because of it. No meaningful Patients' Bill of Rights, despite the fact that it enjoys wide bipartisan support. No Medicare prescription drug benefit, despite the fact that our seniors need relief from skyrocketing drug prices. No reasonable gun safety legislation. No Hate Crimes bill. No targeted tax relief for hard-working American families.

Let me say, we could have passed inheritance tax or estate tax or death tax, call it what you will, relief for 98 percent of the estates in this country and the President said he would have signed it. We could pass legislation to relieve married couples from the penalty that they might incur. But because we could not give all of a loaf, we have passed none of the loaf.

As Roll Call stated recently, ''If they paid attention,'' and as I said, they have been distracted because of the Olympics, the World Series, the playoffs, the presidential debate, they, the public, ''surely would be appalled,'' said Roll Call.

We are now considering our fourth continuing resolution because the Republican leadership has not had us doing anything this week, the previous week, the week before that, the week before that and, yes, the week before that. Look at the RECORD. We have hardly met since Labor Day.

My distinguished chairman references the fact that we got our work done in July. With all due respect to the chairman, we passed 13 bills by July which all of us on this side said were not going anywhere and, very frankly, we were absolutely correct and, very frankly in my opinion, the majority knew they were not going anywhere.

How do I know that? Because they said, well, this is the first inning or the second inning or the third inning, we know this is not the real deal; but at some point in time we will get real. We have not done it yet. We are not there yet. There is still no end in sight.

While negotiations have continued behind closed doors, the fact of the matter is the President has still signed only three of the 13 spending bills that fund the basic operations of our government.

I ask my colleagues, is this any way to run a railroad? Well, I do not know about that, but it is certainly no way to run the people's House. Even many of our Republican friends are hard pressed to say it is.

Last week our colleague, the gentleman from South Carolina (Mr. SANFORD), commented, and I quote Mr. SANFORD, not a Democrat, but Mr. SANFORD, ''Anarchy reigns at the moment. Nobody is quite sure what comes next.''

Clearly we are not, because we are not told. But the gentleman from South Carolina (Mr. SANFORD) from the majority side says, ''Nobody is quite sure what comes next.''

Let me tell my friends on the Republican side of the aisle one thing they can count on. Democrats will never, never, never sell out America's children. Our kids need and they deserve smaller class sizes, which improves their learning and achievement. The Democrats' class size reduction initiative to hire 100,000 new teachers does just that.

Our kids need, Mr. Speaker, and they deserve safe schools, a great number of which now require repair and renovation. The Democrats' and the President's school modernization initiative does just that. Our kids need and they deserve highly trained and highly qualified teachers. The Democrats' teacher quality initiative does just that. Our kids need and they deserve safe and drug-free schools. The Democrats' safe and drug-free school program does just that.

These, however, Mr. Speaker, are not just Democratic priorities. They are the priorities of the American people. If we fail to enact them by passing a Labor-HHS-Education conference report that looks anything like the bill that passed the House in June, of which my chairman spoke, then we have failed future generations.

Mr. Speaker, I will vote against this resolution. I expect, however, it will pass. I do not want to see the government shut down. Nobody on this floor does. But I do want to see us do our work.

The gentleman from Wisconsin (Mr. OBEY), who has stayed here the last two weekends, has told me that no meetings have been scheduled to work on any of the bills. So that when we go home tonight at some point in time, apparently no work will be done on Friday, no work done on Saturday, no work done on Sunday, no work done on Monday; and we will come back Tuesday at some point in time.

As I said, I will vote against this resolution. But I also want to urge the majority party, the party that wanted to eliminate the Department of Education to take education off the chopping block, we can do better, we should do better, we must do better, and the American people and our children deserve better.

Let us do, I say to my colleagues of this House, what the voters sent us here to do and pass the bills that meet their needs and address their concerns.

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

The SPEAKER pro tempore. Without objection, the gentleman from Arizona (Mr. KOLBE) will manage the time previously allocated to the gentleman from Florida (Mr. YOUNG).

There was no objection.

Mr. KOLBE. Mr. Speaker, I yield 6 minutes to the distinguished gentleman from Texas (Mr. DELAY), a member of the committee and, of course, also the majority whip.

Mr. DELAY. Mr. Speaker, this is an election year. Unfortunately, most of the time, the real loser in an election year is the truth.

Mr. Speaker, I have seen the Democrat presidential nominee and the vice presidential nominee travel all over this country taking credit for balancing the budget, taking credit for paying down the debt, taking credit for welfare reform, taking credit for locking up the Social Security surplus and the Medicare surplus.

Yet, the truth of the matter is, when Bill Clinton had a Democrat Congress, they passed budgets that had deficits as far as the eye could see. In fact, their budget they passed, the last one they passed in 1994, said that last year we would have over a $200 billion deficit. Yet now we have surpluses.

In fact, they would lead us to believe that the shutdown of the Government in 1995 was because the Republican Congress was intransigent. If we really look at the record, the shutdown in 1995 came when the President shut down the Government because he did not want a balanced budget. That is what that fight was all about.

On welfare reform, the President of the United States and most of his people in the House and the Senate voted against welfare reform. We had speeches down here in the well of the House accusing us of starving children and putting children in the grates outside and throwing them out of their homes. Yet it was a huge success, so now they want to take credit for it.

The President vetoed welfare reform twice before he finally signed it a couple of months before his reelection campaign.

Last year, when we decided to stop the 40-year-old Democrat practice of taking the Social Security surplus and spending it on Big Government programs, they fought us every step of the way. Yet we did it for the first time in 40 years and, hopefully, forever more.

This last spring, we said that we were going to do the same with the Medicare surplus, we were going to stop the Government from spending the surplus on Big Government programs. And we did it. Now we are saying that we want to lock up 90 percent of the on-budget surplus and use it to pay down the debt.

In the last 2 years, we have paid over $354 billion down on the public debt. We are proposing that next year we pay another, in 1 year, $240 billion down on the public debt that is on the backs of our children and our grandchildren. That is responsible.

The minority and this President have fought us every step of the way while they have taken credit for everything that we have done, and now they say that we are a ''do nothing'' Congress. ''Do nothing'' Congress? The 106th Congress is one of the most productive Congresses in recent history.

This is a single-space list of all the wonderful bills that we have gotten signed by this President dealing with reducing the national debt, with Social Security and Medicare, strengthening retirement security, excellence in education, health care, tax fairness, enhancing the national security of our Nation, protecting families from crimes and drugs, ending lawsuit abuse, advancing the high-tech agenda. And it goes on and on and on. That is what we have done.

Now we have reached the end, and we have had to face for 6 years this event every year. The President submits his budget at the first of the year, and then we do not hear another word from him until the very end, and then he wants all this spending.

He has never vetoed a bill because it had too much spending. He has vetoed bills because they did not have enough spending; and he has drug it on and on and on, especially this year worse than ever.

Mr. Speaker, we remain here today because some people simply will not support the principles of fiscal discipline. The House did its job, and it completed its business. The minority chose not to participate. Some of the 13 bills we passed in this House we had to pass with only Republican votes, and we only have a six-vote margin.

Let us remember what happened earlier this year. The leadership of the other party acknowledged that they had no genuine interest in working together to advance any sort of bipartisan agenda. Instead, they resolved to slow down proceedings, drag out the negotiations, and stall progress. That was their strategy that they started out with this year.

Why in the world would they adopt such a strategy? Well, in some unguarded remarks, they admitted that their drive to become the majority party was predicated on a ''do nothing'' strategy that was designed to stop anything from happening.

□ 1600

It was designed to stop anything from happening, and the indictments that we hear today are indictments on themselves, because they are the ones that have slowed this process down; will not negotiate. We have asked the President for the last 2 months to negotiate these bills with us, and he has chosen not to.

At this point in time, they are holding the bills hostage for issues that have never passed either body, the House or the Senate, because they want their way or they will take their ball and go home. If the President was serious about reaching a reasonable consensus on the budget, he could rapidly conclude the negotiations by finally answering a few simple questions. How much spending is enough? How much money should go for debt reduction? How much money should go for tax relief? He often claims to support tax relief and debt relief but his actions do not reflect these goals. Rather, every effort of this administration, through this budget process, has been to advance his actual agenda and that is spend the surplus.

Support this continuing resolution and let us get our work done.

Mr. HOYER. Mr. Speaker, I yield myself 1 minute and 10 seconds.

Mr. Speaker, the majority whip says the truth has not been told on this side of the aisle. I beg to differ with my friend, and I certainly beg to differ with his recitation of history. He relates that the President has vetoed every one of the bills where they tried to cut spending. Now, if that is the case then the fact is that nothing they did on their side has brought us this surplus.

The CBO says that, in fact, the Republican Congresses have added to the deficit, not cut it. Now I will remind the public that in 1993, the majority whip stood on this floor and said if we pass the President's economic program, the deficit is going to soar, unemployment is going to soar, inflation is going to soar, and the economy will go in the Dumpster. He was 180 degrees wrong.

In fact, we now have the best economy in the lifetimes of anybody in this Chamber because of the leadership of this President and the courage of Members to vote for tough programs, tough spending cuts and tough revenues.

Mr. Speaker, I yield 6 minutes to the gentleman from Michigan (Mr. BONIOR), the distinguished minority whip.

Mr. BONIOR. Mr. Speaker, we heard from the majority whip, the gentleman from Texas (Mr. DELAY). We heard from my distinguished colleague, the gentleman from Maryland (Mr. HOYER). Some of you may be confused who is correct. Let me just quote, if I can, three editorials that have been written recently about this Congress. The Washington Post, October 10, ''The normal role of congressional leadership is to help pass legislation. The principal role in this Congress has been instead to block it.''

They go on to say, the Republicans say they have engaged in no more than normal self-defense. They have lost control of their agenda. They have tried mainly to give the impression of dealing with issues that it has systematically finessed. The finessing of them and the blame are part of what this election is now about.

Roll Call, a newspaper which follows the goings on of the Congress, had an editorial recently that said, what a mess.

The Baltimore Sun had similar comments about the ineptitude of this Congress.

Mr. Speaker, one of the great moments in American history was the successful effort to decrease the work week to 40 hours. At the time it was done, it was considered a radical thing to do, but that is nothing compared to the work week the majority has given this House: A 16-hour work week and a 5-day weekend. That is what this is about, and I would like to take those sheets that the gentleman from Texas (Mr. DELAY) demonstrated just a second ago, and I would imagine that about half of that are filled with the naming of post offices all over this country.

This is the fourth CR, continuing resolution, to keep the government going. We just heard from the gentleman from Florida (Mr. YOUNG) before he yielded the time to the gentleman from Arizona (Mr. KOLBE), that they will not be meeting on Saturday and Sunday. We are 19 days past the date that the fiscal year began and we have not done our work. They have only had 3 of the 13 bills that make the government work signed into law by the President. The rest have not reached him, Mr. Speaker.

So I would say to my colleagues on the other side of the aisle, do your work. Let me remind you, let me remind you of something, that no one elected us to work 2- and 3-day weeks. Let me remind you of something else; that if a policeman or a fireman or an auto worker or a nurse or any other American can put in a full week's work on the job, we can as well.

There is not a working man or woman in this country who has a right to walk away from their job and say, well, I will come back and finish it

maybe next week, Tuesday or next week Wednesday, but that is exactly what the majority is telling us. Mr. Speaker, it is high time that we stop that kind of schedule, and that kind of nonsense. Instead of passing one stop gap measure after another to keep the government from shutting down, it is time for all of us to roll up our sleeves, to lock the doors, to stay here and to do the work of the country.

It is not as if we do not have work to do. The main issues that this election is being fought on, the issues that the people are responding to, have not been addressed. Instead of leaving town, we could be putting together a bipartisan bill on prescription drug care. You are campaigning on it. You are running ads on it. Let us do something about it. You are in the leadership. You control what goes on in this body and in the other body. Bring something forward. Instead of complaining, going home, putting a sign on the door saying gone fishing or maybe gone out to the golf tournament there in Manassas, we could be staying here this weekend and dealing with things like the HMO reform bill. You are running ads on it. Let us get it done. Or hate crimes, or the minimum wage. We can find money for the top 1 percent in a tax bill. The top 1 percent making $319,000 a year under your bill would get about $46,000 a year. All we are asking is that the 10 million Americans who go to work every day, who take care of our children, who take care of our aging parents and who make $5.15 to $6.15 an hour, all we want is a minimum wage for them and that has gone nowhere.

How about Latino fairness, to give fairness and justice for those who are here who are doing those jobs I have just described? And what about, of course, education? We will not leave this floor, we will not leave this body, until we get what we want in education; and that means lower class sizes for our children so they can get a better disciplined education. That means school construction so we do not have faucets leaking and roofs falling on top of children in schools, and children learning in mobile units outside the main building. That means as well, Mr. Speaker, after-school programs so our children have a place to go so they do not go home to an empty home where temptation leads them to drugs and alcohol and teen pregnancies and all the other maladies that flow when there are not people there loving them, teaching them, mentoring them; an after-school program that we think, when we fund, can put an additional 1.6 million kids into an after-school program where they can get that attention.

We are not leaving here until those things are done. These are tough issues. They deserve our attention. They deserve our time, and I urge my colleagues to vote no. This is a 5-day CR. We ought to be doing it one day at a time forcing us to stay in this building.

The SPEAKER pro tempore (Mr. ISAKSON). Without objection, the gentleman from Florida (Mr. YOUNG) will manage the time for the majority.

There was no objection.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, if we did one CR every day that is all we would get done. We would not have time to do anything else except the CR one day after another. We would be here until Christmas.

Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. THOMAS).

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

Mr. THOMAS. Mr. Speaker, it is interesting the way people deal with history around here. For more than 40 years this party was the majority. As recently as 1993 they owned the government. They had the House; they had the Senate. They had the Presidency and yet they have the gall to stand up and say what we should be doing about children in schools. They owned the place. What did they do when they were here? I will tell you. In 1992 and in 1993, this House was in scandal and when the Republican majority took over we said we want a third party audit. It took us 5 years, no question about it. This House now gets a clean audit from the third party private sector. Do you know why we have a surplus? It is very simple.

In 1993, they held the House, they held the Senate and they held the Presidency. They passed the largest tax increase in history, and then the American people in November of 1994 voted Republicans for the first time in half a century a majority in the House. And guess what? We did not spend it.

Now, if you want to know where the surplus came from, they raised taxes; and we did not spend it. That is how we got the surplus. So if you listen to these people telling you all of the things that need to be corrected, with our small majority we passed a prescription drug provision; we are moving forward on Medicare reforms. And we are making changes while they are complaining about things they never ever did when they were in the majority.

Mr. HOYER. Mr. Speaker, I yield myself 10 seconds.

Mr. Speaker, the gentleman from California (Mr. THOMAS) makes an impassioned statement, but the fact of the matter is almost every independent analyst agrees that the reason we have the surplus is the 1990 bill for which most of his colleagues did not vote and excoriated their own President, President Bush, for proposing; the 1993 bill and then the 1997 bipartisan agreement. So that the gentleman's reading of history is sorely wrong.

Mr. Speaker, I yield 4 minutes to the distinguished gentleman from New Jersey (Mr. MENENDEZ).

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

Mr. MENENDEZ. Mr. Speaker, we heard a few minutes ago that truth has been a victim in this election. I would submit that it has been a victim today on this floor. The fact of the matter is it was Democrats and Democrats alone that passed the votes for the President's deficit reduction program that brought us the first balanced budget in a generation and now the Federal surpluses that we argue about on this floor.

That is a good argument to have, but let us not forget that the truth of the matter is not one Republican in this House, not one Republican in the Senate, was willing to make the difficult decisions on the deficit reduction program that President Clinton put forth. I have never seen how the majority that runs both this House and the other body can claim that it is the responsibility of the minority to be able to achieve that for which they control the entire legislative process of this House and the other body. I do not know where in America the majority does not run and rule, and the majority in this House is a Republican majority.

Now we have had the whole year to finish our budgetary work, and we have not. We Democrats want to stay here and work until we complete the important business of the people. The real purpose of this continuing resolution, which by the way is a one-page resolution for which the date is changed so it is not that complicated to have it on a daily basis to keep the pressure to make us complete the people's business, is not to help America's working families; it is to allow Republican Members to go home and avoid a battle of public opinion they know they will lose.

Now Governor Bush keeps talking about bipartisanship. Well, I hope he makes some phone calls here to the House and to the other body where his party rules, because we want bipartisanship, too; but that does not mean abdicating our principles and letting one do simply what they want.

□ 1615

We believe that we will have bipartisanship, but not at the expense of reducing class size for our children or giving children the modern schools they deserve or hiring 100,000 qualified teachers. There are some battles we are fighting, some principles worth going to the mat to defend. For me, for Democrats, educating our children and giving our seniors a secure and decent retirement, are just those kinds of principles, the right principles for America.

Governor Bush keeps talking about bipartisanship. But look at what Republicans cannot accomplish when they control both Houses of Congress. They cannot pass a strong Patients' Bill of Rights; they cannot pass a Medicare prescription drug benefit for all

seniors; they cannot provide class size reduction legislation for our children; they cannot pass campaign finance reform to preserve our very democracy; and that is the failed record, in part, of this Republican Congress. And they want the presidency too.

If the Republican majority cannot get a budget done at the height of prosperity, how can you govern when tough decisions have to be made?

To my colleagues on the other side, I say it is time to stop the delaying and get the work done. Working families need our help now, and if Republicans cannot provide the leadership to do so, we Democrats are more than ready to take the reins and get the job done: pass a strong Patients' Bill of Rights; pass a prescription drug program under Medicare; pass an education process that raises standards, but helps reduce class size; modernize our schools and provide for technology connections; ensure that we pay down this debt over the next 12 years; and have tax cuts for working families. That is an agenda. If we had been working together, we could get it done. That is an agenda that your Members are campaigning upon. That is an agenda we have been fighting for.

Mr. YOUNG of Florida. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, my colleagues on the other side of the aisle speak as if they know the facts. I would say that the gentleman is factually challenged. Let me be specific.

When the Democrats controlled the White House, the House and the Senate, they said not a single Republican voted for their tax increase, $265 billion in tax increase, $320 billion in new spending. How did they get the new spending with the tax increase? They stole every dime out of the Social Security trust fund. AL GORE was the deciding vote on that, to take the money out of the Social Security trust fund.

Why did we not vote for it? First of all, it increased the tax on Social Security. That is a fact. It took every dime out of the Social Security trust fund and put it up here with new taxes for increased spending. That is a fact. They talked for a year about a targeted middle class tax cut. The leadership over here demagogued for a year. ''What we want is a targeted middle class tax cut.'' They could not help themselves, because money in the Federal Government is power to the Democrats, their ability to rain down money and spend it on their constituents. And yet they increased the tax on the middle class, that is a fact, when they had the House, the White House, and the Senate.

Another one of their priorities, they cut the veterans' COLAs. They cut the military COLAs in 1993. And they ask why we did not vote for it? I would not vote for it today.

They talk about the minimum wage. Did they pass a minimum wage increase in 1993 when they had control of the White House, House, and Senate? Absolutely not. Alan Greenspan said there are three issues which have stimulated the economy the most: one is the balanced budget, the other is welfare reform, and the other was capital gains.

Balanced budget, my liberal Democrat leadership fought tooth, hook and nail against a balanced budget, every single time. Even when we passed it and the President signed it, the liberal leadership on that side still fought against it.

Welfare reform, that was vetoed twice, and after the President signed welfare reform, my liberal friends on that side of the aisle still fought against welfare reform.

Capital gains, they said, oh, that is a tax break for the rich. Alan Greenspan says that is what stimulated the economy, along with a balanced budget, that lowered interest rates and allowed jobs. But yet my colleagues on that side of the aisle fought against it.

Why did not we vote for the 1993 bill? Because it was anti-economic progress. It was anti-economic progress, 100 percent.

They talk about school construction. I went to 18 districts 3 weeks ago. Every district had at least $1 million from their unions put against our candidates. Why would not they vote for school construction with Davis-Bacon taken out? Why would not they vote for school construction and waive Davis-Bacon? I will vote for it if you do. It saves 35 percent, and we can allow those schools to keep the money that it takes, the extra, for the union to do it.

Mr. Speaker, I would tell you, they said we need a living wage. Ninety-five percent of all construction in this country is done without the union, and they earn a good wage. But my colleagues get all of their campaign funds from the liberal trial lawyers, from the unions, and do you think that they would do that in the name of education? Absolutely not.

You did not talk about quality of education for 40 years; you just put more money into it. It was the gentleman from Pennsylvania (Mr. GOODLING), the chairman of the committee, that talked of quality education. Your 100,000 teachers from the last time, half of them were not even qualified. We had to say if you are going to put those teachers in, they have to be qualified and the school has got the flexibility to use the money. If they want technology, if they want teacher training, if they want class size reduction, we will do that. But yet my colleagues on that side want government to tell everything.

Those are the facts, Mr. Speaker.

Mr. HOYER. Mr. Speaker, I yield myself 40 seconds.

Mr. Speaker, unfortunately, I do not have time to correct all the misstatements of the gentleman from California. Suffice it to say, however, as he leaves the floor, that from 1981 through 1992, not a penny was spent in the United States from Social Security, from anyplace else, that was not approved by Ronald Reagan and George Bush. Not a penny. Why? Because we never overrode a veto of a spending bill that asked for more spending of Ronald Reagan. Never.

So the fact of the matter is that it is Presidents who make policy. We make the laws, I understand that. But in your lament that Bill Clinton will not sign the bills you want signed, your tax bill of 1998 would have wiped out that surplus that you now so proudly say you want to pay down the debt with. It has been Bill Clinton and the Democrats in Congress that have brought us this surplus.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, a few moments ago the distinguished majority leader, the gentleman from Texas, made the assertion at that podium that often in an election year the first casualty is truth; and then, over the course of the next several minutes, he went on to prove that, at least in some cases, that assertion can be true.

He asserted that a couple of years after President Clinton and Vice President GORE took office, the budget deficit was still $200 billion. You can hurt the truth and kill the truth by acts of omission as well as commission, and that is what happened in that particular case.

What he failed to observe was that when President Clinton and Vice President GORE came to the White House, the annual budget deficit that year was almost $300 billion; and so, yes, a couple of years later it was already reduced by $100 billion, and it was continuing to go down.

He used the phrase ''budget deficits as far as the eye could see.'' That is a phrase that was coined by the Office of Management and Budget, the Budget Director, of the outgoing Bush Administration, and the outgoing Bush Administration predicted that under the policies of former President Bush, that the deficit today would be $445 or $450 billion. That is ''deficits as far as the eye can see.''

Yes, unquestionably, it was in fact the budget resolution of 1993, added on to the previous one in the Bush Administration, that has brought this Nation back to fiscal sanity and brought the budget back into balance, and in fact brought the budget this year into a $211 billion surplus; a $500 billion turnaround in the 8 years that President Clinton and Vice President GORE have been in the White House. Those are the facts.

Mr. Speaker, the facts today are these: we are fighting now over a budget here, and the issues are these. You want a tax cut for the richest people in the country; we want services for the American people. We want a Patients' Bill of Rights; you do not. We want a

prescription drug program for people who have to pay for their prescription drugs out of their pocket; you do not. We want an increase in the minimum wage; you do not. We want a reasonable and modest middle class tax cut, which will provide the majority of the benefits to the working people of this country; you want to give $1 trillion to the richest people in the country.

Those are the issues upon which we differ, and those are the issues that need to be decided, and they will not be decided by passing a continuing resolution. They will only be decided by staying here and debating these issues, and bringing the bills out on the floor so that they can get honest and fair votes, and so far you have refused to do that.

Mr. YOUNG of Florida. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM), a real fighter. He was a fighter pilot in Vietnam, and the first ace, having shot down a lot of the enemy's aircraft. I would like to yield to him to respond, because he is a fighter; and I think I see a fight developing here.

Mr. CUNNINGHAM. Mr. Speaker, no fights, just facts. In 1993, I mentioned that the Democrats raised Social Security taxes. We did away with that. They took every dime out of the Social Security trust fund. Republicans put it into a lockbox. AL GORE was the deciding vote to take the money. Every budget that Clinton-GORE sent us stole the money out of the Social Security trust fund. Now he is saying, oh, I want a Social Security trust fund.

The middle class tax that they increased, we gave it back in a $500 deduction. We gave IRAs for school education. That was a ''tax break for the rich,'' and the liberals fought against it, tooth, hook and nail; but we gave it. We gave middle class tax relief.

If you take a look at the veterans' COLAs that they cut, we rescinded that. We gave back the veterans' COLAs. The military active duty COLAs, we gave back. Not a single one of the White House budgets or economic policies have passed either the House or Senate.

So when they claim credit for the economy, the 1993 bill, we rescinded it, and none of their bills passed since. Those are the facts.

Mr. YOUNG of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Arizona (Mr. KOLBE), chairman of one of our important appropriation subcommittees.

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

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

Mr. Speaker, I have been sitting here listening to this debate, and there are a couple of things that I thought we might want to correct just for the record here.

There have been speakers on the other side that have talked about how they are concerned about class size reduction, how they are concerned about the infrastructure of our schools and making sure that we have money for that. And we are too. But perhaps the public does not know that in the conference that has been worked out on the Labor-HHS bill, there is every single dollar that the President has requested for classroom size reduction, $1.4 billion, and for new school construction, $1.3 billion. Every one of those dollars is in there. The difference, of course, is that in the conference report, it is in a block grant to the schools.

□ 1630

Because as we know, in one school district, there may not be a problem with new school construction. It may be teacher development, and in another school district, there may not be a problem with class sizes, it may be a community where the population is shrinking. They may need to have new computers and renovation.

What we suggest is give the money back to the school districts, to the local districts, to the teachers, to the parents, to the administrators to make the decisions about how the dollars will be spent; but the other side says no, we, here in Washington, the bureaucracy in Washington, we, in Congress, we will dictate exactly how you are going to spend those dollars. We know best.

That is the fundamental philosophical difference between the minority and the majority. We believe that the dollars should go back to the schools, back to the parents, back to the teachers, back to those who need it, get into the classrooms.

They believe it should go to the bureaucracy to determine how it will be spent, and we will direct exactly how those dollars will be spent.

One other point, Mr. Speaker, it was mentioned here earlier that the only thing different about this CR is the date is changed. Well, there is another difference, the previous CR did not give the authority to the administration to write the checks beginning for November 1 for Social Security benefits and for veterans' benefits and all other entitlements, but mainly for Social Security and for veterans' benefits. This continuing resolution does give them that.

Mr. Speaker, a vote against this continuing resolution, make no mistake about it, a vote against this continuing resolution is a vote against writing the Social Security checks for the beginning of the month. It is a vote against the benefits for veterans. It is a vote to say no, we will not make the payments for veterans or for Social Security beneficiaries. That is what the vote against this continuing resolution would do, because it is not the same as the previous continuing resolution.

So I think those points need to be kept in mind here as we move forward with this debate.

Mr. Speaker, I appreciate the gentleman from Florida for yielding me the additional time.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I want to thank the gentleman from Arizona (Mr. KOLBE) for making that point on the entitlement checks, because in my opening comments, I did refer to the entitlement checks that are prepared in advance. I did not specify that they were Social Security checks. And I did not specify that they were veterans' checks, but that is, in fact, what they are. If my colleagues watched television last night, there was a big program about that. These checks are printed in advance of the time that they are mailed out, and if we do not give the administration, the Social Security Administration, ample time to prepare and print those checks, they will not get delivered on time.

I thank the gentleman for making that point. I think it is essential that we include, and we did include, in this CR the provision that the affected agencies could go ahead and prepare those checks and mail them out so they get in the hands of the Social Security recipients and the veterans and anyone else entitled to an entitlement check at the appropriate time, at the beginning of the month.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, is it the proposition of the gentleman from Florida (Chairman YOUNG) if we did not pass this CR and we still continue another 24 hours, because the CR expires, as the gentleman said 24 hours from now or 36 hours from now, that the agencies, both Social Security and the Veterans Administration, would not go ahead over the next 24 hours or 36 hours and prepare to send out these checks?

Mr. YOUNG of Florida. Mr. Speaker, reclaiming my time, I would respond to the gentleman that that is the reason we put that language in this continuing resolution. It is there so that there would be no question they had the authority to do just that.

If the gentleman would like to discuss the 24-hour period CR, we are not going to be here tomorrow. Many Members of this House are going to show their respect to the former Governor of Missouri and go to his funeral tomorrow. So we are not going to be here tomorrow.

Last week we paid tribute to and honored one of our own Members who had passed way, and we were not here that day either. So we lost those legislative days, but it was proper and appropriate that we honor the memory of Congressman Vento. It is certainly proper that we honor the memory and the service of the Governor of Missouri. The 24 hour CR just does not work.

Mr. Speaker, I yield 2½ minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I appreciate that the gentleman from

Florida (Chairman YOUNG) has refocused and the gentleman from Arizona (Mr. KOLBE) has refocused this debate on exactly what we are debating about here right now on the floor.

Mr. Speaker, I rise in support of the measure before us, which is H.J. Res. 114, which is designed to keep the government open till Wednesday. I would prefer to keep it open, even if we cannot come to an understanding among Republicans and Democrats and people on both sides of the aisle on appropriation bills. Unfortunately, the Gekas amendment, to keep the government open under these circumstances, was defeated in this House earlier this year. Perhaps some of my colleagues, even on my side of the aisle, might have second thoughts on the Gekas amendment now that we find ourselves in this predicament.

But notwithstanding that, what we have before us is a measure to keep the government open through next Wednesday. Now, who could oppose that? Yes, that is right. What we have here is a situation where people are opposing that. In order to accomplish what? People are opposing that in order to accomplish, and I have heard the debate, I hope my colleagues listened very closely, spending proposal after spending proposal after spending proposal.

What we have are people who are willing to hold the American people hostage, even hold Social Security checks and veterans' checks hostage in order to get more government spending on specific ideas that people on that side of the aisle support, particular government spending.

All right. We have may have a difference on agreement on priorities. Republicans may want to spend a little bit less than. Democrats may want to spend a little bit more. It is not right to hold the American people hostage under this circumstance.

Let me say one of the issues at hand that the President is demanding that we put into the Commerce, State and Justice appropriations bill, he is threatening to veto that bill and close down the government, what is that issue the President is demanding? It is for us to have an amnesty for millions of illegal aliens, which would again push up spending in the United States and the spending requirements that we have.

This is not right. It is not right, number one, to hold us hostage and to demand things. It is not right to hold the American people hostage under these circumstances.

We can have honest disagreements here. But the fact is that we have turned this into a political debate. We have gotten way off course, because, I am sorry, my friends on the other side of the aisle made this into a political debate. This is about whether or not we should keep the government open until Wednesday and not shut it down and not put our veterans and our Social Security recipients in jeopardy, and not to hold those things in hostage in order to force us to spend more money on illegal immigration and all these other spending proposals.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I responded to the gentleman from Maryland (Mr. HOYER) about the need to have the authority for the entitlement checks, and I did double-check and it was the President's Office of Management and Budget who advised us that this had to be done, and that is why it is here

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

Mr. HOYER. Mr. Speaker, I yield 3½ minutes to the gentlewoman from Connecticut (Ms. DELAURO), a member of the Committee on Appropriations.

Ms. DELAURO. Mr. Speaker, one or two points I might make here is that, quite frankly, the continuing resolution is enough time for us to try to do our business here if we have not accomplished it. But the fact of the matter is that this is going through next Wednesday. We will not be here. They are letting us out of here. There will be no work done on the issues that we have to focus on until we get back next Wednesday. So it is really a little bit disingenuous about the amount of time that we need in order to get business done, when no business will be done on prescription drugs, on Social Security, on any other issue that is important to the people in this country.

Secondly, to my good friends across the aisle, quite frankly, the only people, the only people who have shut this government down, not once, but twice, have been my colleagues on the Republican side of the aisle. So that if any one wants to talk about jeopardizing Social Security or veterans' benefits, take heed my friends, because my colleagues did it not once, but twice.

But I will just say that here we go again, another week comes, another weeks goes, and this Republican Congress continues inaction on a specific issue, I might add, in my view, which is a critical priority for this country, and that is education.

Mr. Speaker, instead of trying to fashion a bipartisan agenda, where we invest in our schools and our teachers, reduce class size, increase accountability and standards, the Republican leadership today is going to push through another stopgap measure that only preserves the status quo, the fourth, fourth stopgap measure that the House will consider. Quite frankly, it ought to be the last.

Instead of working only 2 days a week naming post offices, this Congress ought to stay here every single day until the work of the American people is done. My friends, that is what we are paid to do. That is what we get elected to do in this body, and we should do it, it is what our obligations are.

Mr. Speaker, the final budget for this year is now 2½ weeks late. It did not have to be this way. We could have moved forward by crafting a bipartisan budget that reflects the values of this great country, which paid attention to America's number one priority, the education of our children.

The Republican leadership rejected bipartisan progress. They drafted a budget that puts tax cuts for the wealthy at the very head of the line, and they pushed education to the bottom of the list. We are left with their misplaced priorities. This House has passed $750 billion in tax cuts for the wealthiest Americans. They have spent not one dime to modernize America's crumbling schools, not one dime to hire 100,000 new teachers to reduce class size, increase discipline and to hold schools accountable for the results.

The analysis on their tax cut is as follows: 43 percent of their tax cut goes to the richest 1 percent of the people in this country, that is folks making an average of about $915,000 a year, and for those folks, they are going to get $46,000 a year in a tax cut. And by his own admission, Governor Bush, 2 nights ago, said yes, in fact, that the tax cut was going to the richest 1 percent of the people in this country. Yes, in fact, a trillion dollars was coming out of this Social Security.

Let me just say, it is, in fact, in their own words, we need to do the people's work in this House; that is what it is about, and we need to look at what we are doing about education, what we are doing for retirement security. These folks need to really understand what the priorities are.

Mr. HOYER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, there has been back and forth about who is responsible for this and who is responsible for that. Unfortunately, we do not have the time to fully develop those issues. We ought to in the long run. This is about passing a CR.

Everybody on my side of the aisle has voted for the last three CRs. They passed overwhelmingly. Keep the government functioning. We ought to keep the government functioning, but we ought to also, as the gentlewoman from Connecticut (Ms. DELAURO) said, do the people's business.

What this debate is about, Mr. Speaker, is about the fact that we do not think we are doing the people's business. With all due respect to the gentleman from Florida (Chairman YOUNG), the issue is not the funeral on Friday of my good and close friend and a great leader of this country who was tragically lost to us in an airplane crash, Governor Mel Carnahan, Saturday is available to us, Sunday is available to us, Monday is available to us, Tuesday is available to us. But we are not coming back until Tuesday at 6 p.m.

Mr. Speaker, essentially what our side of the aisle is saying, through the debate on this continuing resolution, is we ought to address some of the critical issues that had been pending in this House for 8 months and pending in

the Senate, pending in the Congress for 8 months. Yes, my colleagues have heard us talk about prescription drugs. Everybody says they are for prescription drugs, because we know the costs of drugs is driving seniors to Draconian choices in their lives.

□ 1645

But we are not passing a prescription drug bill, we are having a CR on going home for 5 days. We do not think that is right, Mr. Speaker. That is what this debate is about.

We talk about a Patients' Bill of Rights, so that HMOs are not telling doctors and patients what kind of medical care they ought to get, and that they have access to emergency care and they can make choices.

The gentleman from Arizona says our educational debate is about who makes the choices, ''bureaucrats,'' used as an epithet, or the people at home. The fact of the matter is on the school construction program, guess what, who makes the choices? The people at home. If they do not build schools, that is their choice. If they do not want to put on more classrooms, that is their choice. We do not force them to do anything. If they do not need teachers and do not hire teachers, we do not force them to.

Get off my back with this rhetoric that is phony on choices. None of these programs we are talking about force locals to do anything, and the gentleman knows it, but he thinks it is good political rhetoric. I understand that.

This CR is about whether we are going to do the people's business. That is what this debate is about. I think, as I said, that this CR may pass. If it does not pass, then we ought to pass a second CR until Monday night and come back Saturday, after we observe the funeral for Mel Carnahan, and do our work on Saturday; and yes, go to church Sunday morning, come here in the afternoon, and do the people's business.

Mr. Speaker, that is what this debate is about, not about a CR which says we have not done our business, and therefore we are going to continue government in operation until Tuesday night or Wednesday night. We all agree on that. It is about whether we are going to go away from here 2½ weeks after we said we were going to adjourn without doing the critical business on the public's agenda.

That is what this debate has been about, that is what this discussion is about; not to look at the past, at what has been done and who is responsible or who is not. It is about, Mr. Speaker, whether we are going to pass these critical programs: prescription drugs, campaign finance reform, education, more teachers, more classrooms, smaller sizes, particularly for young children, which all the experts say need specific attention.

If they get it, we will lift them up and make them better students in the upper grades. We will therefore have a better America and a more competitive America. That is what this discussion on this CR is about.

I would hope we would defeat this CR, Mr. Speaker. I would hope we would defeat this CR. Then, Mr. Speaker, because I know the gentleman is a man of such good will and purpose and responsibility, I would ask the chairman that we come back on the floor, pass the CR until Monday night, as the gentleman from Massachusetts wanted to do, come back here Saturday, do our work, come back here Sunday afternoon, do our work, come back here Monday, and perhaps be able to leave.

If the gentleman does not agree with the President, fine, send him a bill. Let him veto it, and criticize him. I do not know why Members do not send the bills. I have a hunch that they are afraid that the American public will say he is right and they are wrong, so they do not send the bills down. I hope this CR is defeated, Mr. Speaker.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, one of our speakers spoke in favor of an automatic CR. One of the reasons that I have opposed the automatic CR is because it would deny my friends on the minority side the opportunity to take 2 hours today for their political platform.

I was really happy last week when I heard the minority leader, the gentleman from Missouri (Mr. GEPHARDT), stand in the well and say, we really ought to cut out all of this partisanship, and we ought to work together.

Mr. Speaker, it is amazing what we can do when we work together. I will have to admit that it is tempting to rejoin the political argument here. But this is not the place for campaign politics. The place for campaign politics is back home in our districts, not on the floor of the people's House, where we are supposed to put the people's business above politics.

We have talked about appropriators being here or not being here. When the House leaves, I think everybody ought to know the appropriators do not necessarily leave. The appropriators in the House on both parties work really hard. Whether the House is in session or not, the appropriators that have business before them are here, whether it is a weekend, whether it is late at night.

I know sometimes our colleagues will say, this was done or that was done in the dark of night. That is a fact. We do a lot of work in the dark of night, because if we start here in the morning at 9 o'clock, and we are still going at midnight or 1 or 2 o'clock in the morning to get our business done, we are working in the dark of night. If we did not do that, we would be here until next spring.

We would need a 2-year budget cycle, which I think is probably a good idea anyway. As the gentleman from Maryland knows, I have supported that strongly.

But appropriators do not leave Washington just because everyone else does. There will be appropriators here this weekend working on finalizing decisions, making decisions, writing the bills, reading the bills, getting them ready to file.

As I pointed out earlier in my comments on the rule, we only are one-third of the process here. If we were the entire process, we would have been done back in July, but we are only one-third of the process. Our colleagues and friends at the other end of the Capitol are one-third, and the President of the United States is one-third.

Mr. Speaker, we have a great prosperity in this country today. There are a lot of people who want to take credit for it. I think that the confidence that we have created in the industrial community by balancing the budget is one reason we have a strong prosperity. Investors are willing to invest because they think that government might not be on their back as much as it has been in the past, so they are willing to invest. It creates prosperity. It creates movement in the economy.

There is another reason. One of my colleagues on the minority side mentioned it and one of my colleagues on the majority side mentioned it: welfare reform. I do not think Congress has gotten nearly as much credit for what welfare reform has contributed to our economy as it should.

For years, there were families who had been on welfare for generations. We changed that. We changed it, and we reformed welfare to the point that we encouraged people to go to work. Mr. Speaker, many Americans who had been on welfare for all of their lives went to work. They started to earn money. They were able to buy homes, buy automobiles. They actually felt good about the fact that they were working. They were making an income. They were doing something for their wives and children.

Besides that good feeling, those people for years had been taking money out of the system. Once they went back to work, they were putting money back into the system. They paid taxes, like everyone else. They paid payroll taxes, social security taxes, income taxes. They paid into the system, so we are getting two for one benefits. They are no longer taking out, they are putting in, so there is a tremendous economic advantage to that.

Now, if I might allow myself something that might sound a little political, I listened to the speeches of both candidates for president. I was impressed. I watched the Vice President when he made his acceptance speech at his convention, and on two occasions he mentioned how he fought for this welfare reform that I think is a major contributor to our strong economy.

I sat there and scratched my head, because I remember being here in the House when we passed the welfare reform bill the first time. We sent it to their administration. They vetoed it.

Then I remember we came back and fought again to pass welfare reform legislation. We sent it to the administration, the President and the Vice President. They vetoed it again.

So we went back to work and wrote it the third time. We sent it to the administration, the President and the Vice President, and this time they finally said, we will sign it. We do not like it. They told their friends who opposed it, we do not really like it, but we are going to sign it. They did. They signed it.

Then I heard the Vice President in that speech say how he had fought for welfare reform after his administration had effectively killed it twice after Congress fought to make it happen, and the third time it happened.

There are other things that have been mentioned in this debate that have nothing to do with the CR, that are political issues that are out there in the presidential debates. I would say to those who make those arguments, why do they not make them where they belong? They do not belong on this CR. This CR has nothing to do with what they were talking about.

Then I would repeat words that I have said and many of my colleagues have said: Where were they for the last 8 years? They have owned the administration for 8 years. Where were they? Why did they not do it? Why did they not get it done during that 8-year period?

That comment has nothing to do with the CR, just like most of the comments from the minority side have nothing to do with the CR. Mr. Speaker, let us pass this CR and then get about finishing the few appropriations matters that still lay out there to be completed.

Mr. GEPHARDT. Mr. Speaker, I rise in opposition to this Continuing Resolution, the fourth resolution in as many weeks to keep the government open. I call on Republicans to stop the delays, stop the obfuscation, and keep Congress in session so we can finish our work. We must do the people's agenda, and we must do it now.

We are now three weeks beyond the start of the fiscal year, and the light at the end of the tunnel is still not shining brightly. We do not meet. We take off days at a time. We spend our time on the floor naming courthouses, voting on suspension bills.

And the American people are not seeing any results.

Education is America's number one priority. But this Congress has failed to meet the challenge. Republicans have refused to dedicate funding to reduce class size and for school construction. They are unwilling to fund critical priorities so communities can hire more teachers, improve teacher quality, and provide more after-school programs. Instead, they support block grants with no accountability that a single teacher will be hired or a single classroom fixed. They also let the Elementary and Secondary Education Act expire for the first time in 35 years because of their extremism.

The time has come to stop the delays, stop the foot-dragging, and act on the education priorities of the American people. We should not neglect the people's agenda for personal politics. This Congress should stay in session and finish our spending work. We should take a first step to make every public school a great public school.

Democrats want funding dedicated to emergency school repairs; the bipartisan Johnson-Rangel tax credit to help schools districts on school construction bonds; funding to hire 100,000 highly-qualified teachers to reduce class size, and for teacher training and recruitment and after-school programs that are an essential part of any school reform.

We are in an Information Age. Every child needs to know how to read and write. Parents are working more and they are commuting more, and they have less time for children. And our public schools are not equipped to fill the breach. What we are asking for is a sensible, first step toward filling the holes in our education system. And I believe there is still time to work together, in a bipartisan way, to meet this challenge.

Let's stop neglecting our work, stop passing these stopgap measures, and do what any sensible legislative body would do: finish our spending bills, fund the priorities of our people, and get away from the special interests.

The SPEAKER pro tempore (Mr. ISAKSON). All time for debate has expired.

Pursuant to House Resolution 637, the joint resolution is considered read for amendment and 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 the passage of the joint resolution.

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

Mr. HOYER. 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 262, nays 136, not voting 34, as follows:

[Roll No. 539]

YEAS—262

Abercrombie
Aderholt
Archer
Armey
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Castle
Chabot
Chambliss
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Coyne
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Dickey
Dicks
Dooley
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Eshoo
Everett
Ewing
Farr
Fattah
Fletcher
Foley
Fossella
Fowler
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hobson
Hoeffel
Hoekstra
Holden
Holt
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kanjorski
Kasich
Kelly
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaHood
Largent
Latham
LaTourette
Leach
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Luther
Maloney (NY)
Manzullo
Martinez
McCrery
McHugh
McInnis
McIntyre
McKeon
Metcalf
Mica
Miller, Gary
Minge
Mollohan
Moore
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Stabenow
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—136

Allen
Andrews
Baca
Baird
Becerra
Berry
Blumenauer
Bonior
Borski
Boyd
Brown (FL)
Brown (OH)
Capuano
Cardin
Carson
Clayton
Clement
Clyburn
Costello
Cramer
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dixon
Doggett
Doyle
Edwards
Engel
Etheridge
Evans
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gonzalez
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Kaptur
Kennedy
Kildee
Kilpatrick
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Maloney (CT)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moakley
Moran (VA)

Nadler	Rivers	Tanner
Napolitano	Rothman	Thompson (CA)
Neal	Roybal-Allard	Thurman
Obey	Sabo	Tierney
Olver	Sanders	Towns
Ortiz	Sawyer	Udall (CO)
Pallone	Schakowsky	Udall (NM)
Pascrell	Scott	Velazquez
Pastor	Sherman	Visclosky
Payne	Shows	Waters
Pelosi	Skelton	Watt (NC)
Phelps	Slaughter	Waxman
Pomeroy	Stark	Weiner
Price (NC)	Stenholm	Wexler
Rangel	Strickland	Woolsey
Reyes	Stupak	Wu

NOT VOTING—34

Ackerman	Hansen	Rodriguez
Barcia	Jones (OH)	Rush
Brady (PA)	Klink	Sanchez
Campbell	Lazio	Shays
Chenoweth-Hage	Lewis (CA)	Spratt
Clay	Lipinski	Talent
Conyers	McCollum	Thompson (MS)
Diaz-Balart	McIntosh	Turner
Dingell	Miller (FL)	Weygand
Forbes	Oberstar	Wise
Franks (NJ)	Owens	
Gephardt	Oxley	

□ 1717

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

Mr. KLECZKA changed his vote from ''nay'' to ''yea.''

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SANCHEZ. Mr. Speaker, during rollcall vote No. 539 on H.J. Res. 114, I was unavoidably detained, Had I been present, I would have voted ''yea.''

PROVIDING FOR CONSIDER ATION OF MOTIONS TO SUSPEND THE RULES

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 640 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 640

Resolved, That it shall be in order at any time on the legislative day of Thursday, October 19, 2000, for the Speaker to entertain motions to suspend the rules and pass, or adopt, the following measures:

(1) the bill (H.R. 2780) to authorize the Attorney General to provide grants for organizations to find missing adults;

(2) the resolution (H. Res. 605) expressing the sense of the House of Representatives that communities should implement the Amber Plan to expedite the recovery of abducted children;

(3) the bill (H.R. 4541) to reauthorize and amend the Commodity Exchange Act to promote legal certainty, enhance competition, and reduce systemic risk in markets for futures and over-the-counter derivatives, and for other purposes;

(4) the concurrent resolution (H. Con. Res. 271) expressing the support of Congress for activities to increase public awareness of multiple sclerosis; and

(5) the bill (H.R. 2592) to amend the Consumer Products Safety Act to provide that low-speed electric bicycles are consumer products subject to such Act.

SEC. 2. House Resolutions 615 and 633 are laid on the table.

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

Mrs. MYRICK. Mr. Speaker, for purposes 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. Speaker, yesterday, the Committee on Rules met and passed this resolution, providing that it shall be in order at any time on the legislative day of Thursday, October 19, for the Speaker to entertain motions to suspend the rules and pass or adopt the following measures:

The bill H.R. 2780, to authorize the Attorney General to provide grants for organizations to find missing adults; the resolution, House Resolution 605, expressing the sense of the House that communities should implement the Amber Plan to expedite the recovery of abducted children; the bill H.R. 4541, to reauthorize and amend the Commodity Exchange Act to promote legal certainty, enhance competition, and reduce systemic risk in markets for futures and over-the-counter derivatives, and for other purposes; the concurrent resolution, H. Con. Res. 271, expressing the support of Congress for activities to increase public awareness of multiple sclerosis; and, five, the bill H.R. 2592, to amend the Consumer Products Safety Act to provide that low-speed electric bicycles are consumer products subject to such an Act.

Finally, the rule provides that House Resolutions 615 and 623 are laid upon the table.

Mr. Speaker, as we all know, we are coming to the end of the congressional session and floor time is at a premium. This resolution allows us to consider several bills today under the expedited suspension procedure. I must stress that we have had all day to examine these bills, four of which are totally noncontroversial. These suspensions are not a surprise.

In addition, this resolution is within the spirit of the House rules. Under clause 1 of rule XV of the rules of the House, the Speaker may only entertain motions to suspend the rules on Mondays and Tuesdays and during the last 6 days of the session.

The House has not yet passed an adjournment resolution, but I think all of us hope and expect that we are in the last 6 days of this session. This resolution simply abides by the spirit of the standing rules of the House.

One of these bills is a bill I introduced in honor of Kristen Modafferi, a college student from Charlotte, North Carolina, who disappeared after her 18th birthday. When Kristen's parents called the National Center for Missing and Exploited Children to ask for help, they were told, ''No, we can't help you because Kristen is 18 years old.'' If we pass Kristen's Act, that will never happen again.

The National Center for Missing Children has been an incredibly effective resource for the recovery of minors. Kristen's Act would create the same type of center for missing adults. It is just common sense. We should build upon the success of the National Center for Missing Children.

H. Res. 640 also allows the House to consider H.R. 4541, the reauthorization of the Commodity Exchange Act under suspension of the rules. H.R. 4541 will lift a portion of the regulatory burden from our commodity and futures exchanges, allowing them to compete within the world's modern financial markets.

I must state, though, that I am disappointed with one aspect of the measure. While the intent of H.R. 4541 is to deregulate U.S. markets, it actually places retroactive regulation on some of our newest and most innovative electronic markets.

Foreign countries are taking advantage of electronic technology at a more rapid pace and with less red tape than our domestic market. With this in mind, the House Committee on Banking and Financial Services placed language in its version of the bill that would have ensured freedom from regulation for U.S. companies that are developing and implementing new electronic technology within the swaps market.

I was extremely disappointed to see the Committee on Banking and Financial Services language stripped from the bill we are considering today. We should encourage business innovation and not stifle new companies with regulatory uncertainty. If we fail to restore the Committee on Banking and Financial Services's language, we will place our domestic electronic exchanges at a relative disadvantage to their foreign competitors.

I am confident our colleagues in the Senate will take care of the problem. If not, our homegrown companies will have to move overseas.

Now, Mr. Speaker, despite my disappointment with part of H.R. 4541, I strongly support this rule and urge my colleagues to do the same. With this resolution, we will consider five bills before we adjourn for the year.

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

Ms. SLAUGHTER. Mr. Speaker, I thank the gentlewoman from North Carolina for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, I will not actively oppose the rule. The underlying suspension bills that the rule make in order are important for many of our constituents. But it is astonishing that the Committee on Rules must generate resolutions such as these to create the illusion that Congress is diligently performing its obligation.

This body is floating in a Never-Never Land 2 weeks into the fiscal year, considering suspension bills at a time when only 7 of the 13 spending

bills are on their way to the President. I wish I could justify unqualified support for this measure with the excuse that Congress was hard at work and needed this flexibility to complete its commitments, but my constituents know better.

Instead of working to ensure affordable prescription drugs for seniors or working to secure funds for school construction, this body routinely adjourns in the early afternoon to ponder what post office we will name on the following legislative day. The long stretches of idleness in this body surely can be replaced with meaningful deliberation on important measures.

Instead, my colleagues and I are left at the mercy of the leadership's scheduling whims. If the majority is going to abuse the power of suspensions, I implore them to put them to good use and make a real difference in the lives of the American people.

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

Mrs. MYRICK. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER).

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

Mr. DREIER. Mr. Speaker, I rise in strong support of this rule and want to congratulate my colleague the gentlewoman from North Carolina (Mrs. MYRICK) for her very, very able management of it.

This rule addresses the legitimate concern of Members who very much want an opportunity to review in advance any legislation that will be considered under the suspension of the rules procedure. The rule provides suspension authority only to those measures that are listed in the rule, so there will be no surprises whatsoever.

One of the measures listed in the rule, Mr. Speaker, is a bill authored by the manager of this rule, the gentlewoman from North Carolina (Mrs. MYRICK), which would establish a national center to collect and disseminate information on missing adult cases. I want to commend my friend from Charlotte for her work on behalf of the millions of Americans who are searching for their loved ones, and I strongly support her legislation.

Mr. Speaker, the rule also allows under suspension of the rules the consideration of H.R. 4541, critically important legislation to modernize the financial futures market. It is a collaborative effort between the Committee on Agriculture, the Committee on Banking and Financial Services and the Committee on Commerce, and I want to commend the chairmen of those committees, the gentleman from Texas (Mr. COMBEST), the gentleman from Iowa (Mr. LEACH), and the gentleman from Virginia (Mr. BLILEY); as well as the gentleman from Illinois (Mr. EWING), the gentleman from Louisiana (Mr. BAKER), and the gentleman from Ohio (Mr. OXLEY) for their hard work and dedication in bringing this legislation to the floor.

□ 1730

Similar to the Graham-Leach-Bliley Financial Services Modernization Act, H.R. 4541 will remove actually the impediments to financial innovation and will be competitive by bringing the antiquated regulatory framework for financial futures and derivatives into the 21st century. While I strongly support the bill, it is not perfect.

As my friend from Charlotte, North Carolina (Mrs. MYRICK), so clearly noted, the bill does not remove all of the necessary regulatory impediments to electronic systems that are used in trading financial futures and derivatives. It is important that this legislation not only promote competition and innovation within traditional markets but that it promote competition and innovation for emerging technologies.

Otherwise, these innovative companies, which are the key to the continued growth of our economy, will simply take their operations overseas where the regulatory climate today is much more favorable toward competition from electronic trading systems.

Mr. Speaker, passing H.R. 4541 will allow the process to move forward. It is my hope that this bill can be further improved when it is considered by the other body. But before we can consider it, we need to pass this rule, and we need to debate and pass that legislation.

So I want to urge my colleagues to move just as expeditiously as possible to pass this measure again so that all can have an opportunity to look at the different pieces of legislation that we will be considering.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to my colleague, the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentlewoman for yielding me the time and for her leadership.

Mr. Speaker, I rise in support of the rule and in support of the underlying legislation, which is among one of the most important bills that this Congress will consider this session.

The notional value of the derivatives market is fast approaching $100 trillion. By comparison, the entire Federal budget is closer to $1.7 trillion. This legislation increases the legal certainty of these instruments and makes sure that market participants are held responsible for their losses or gains.

In the Committee on Banking, I offered an amendment that was supported by the CFTC to limit the trading of energy derivatives when conducted off exchange and out of public view. Energy derivatives are based on underlying commodities, such as oil and gas, that are critically important to consumers. While my amendment was narrowly defeated, I continued to work on this issue after the markup.

I am pleased to report that my concern has now been addressed at least in part. This legislation now gives additional authority to the CFTC to monitor day-to-day prices and to issue regulations to police fraud and manipulation in off-exchange energy derivatives trades. These powers will increase public confidence in the markets and reduce the potential of manipulation by big players operating off-exchanges.

This provision could be further improved by deleting language that favors electronic trading facilities over traditional exchanges. Monitoring derivatives markets will be a major focus of the Committee on Banking for years to come. When properly used, large companies and financial institutions decrease economic risks and benefit consumers through the use of derivatives.

Large financial institutions use derivatives to hedge interest rate risk and decrease potential market disruptions.

I just want to close very briefly by thanking the chairman of the Committee on Banking, the gentleman from Iowa (Mr. LEACH), for his 6 years of leadership and the ranking member, the gentleman from New York (Mr. LAFALCE). This will probably be the last bill from the Committee on Banking while he is chair of the committee.

Mrs. MYRICK. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. COMBEST).

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

Mr. Speaker, I did not intend to comment on the rule, but I want to let my colleagues know that I rise in strong support and appreciate the work that the Committee on Rules did giving us an opportunity to bring the Commodities Exchange Act in front of the Congress today under a suspension. And since we are establishing a record here, I wanted to take the opportunity to make a couple of comments in response to the gentlewoman from North Carolina (Mrs. MYRICK) in regards to one area that she specifically singled out as having had some concern.

This has been a long going process, and the process has been with the intention and the goal of trying to relieve to the extent possible the regulatory burden on the exchange activity and commodities in the United States, giving them much more of a level playing field in regards to some of their foreign competitors. And at the same time while the interest and endeavor has been to relieve some of the regulatory burdens, we wanted to make sure that there was still a great amount of public confidence by the fact that there would be an oversight regulatory body that would be in fact monitoring these trades.

The specific new businesses that the gentlewoman from North Carolina (Mrs. MYRICK) referred to we generally call electronic billboards. I just wanted to make mention that I had met with a number of them over a long period of time; and certainly as an endeavor not

to increase regulations on various types of trading associations and groups, we wanted to make for certain, as they requested, that we did not in fact increase regulatory burdens on them.

We have not done that, Mr. Speaker. In fact, there are a number of sections of the bill that specifically indicate that the type of trading that is done by electronic billboards would be totally excluded as a part of CEA, would not come under the regulatory burden; and the President's working group that also had a great deal of input agreed to the fact that there should be exclusion from the CEA.

A question remains. I have visited with the gentlewoman about it. We will continue to look at it into the future. Actually, the problem seems to arise from a request of certain of these new electronic billboards to have a specific carve-out that in fact would give them additional authority that other type exchanges would not have, and it is strongly opposed by other exchanges giving them a specific advantage. That is the reason that there were not the changes. But in terms of the regulatory authority, not only did we not include them, we excluded them in some areas in some parts of the bill.

In regards to liability, we in fact created a number of things that electronic billboards, I think, would find very pleasing.

Ms. SLAUGHTER. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. LAFALCE), the ranking member of the Committee on Banking and Financial Services.

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

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

Mr. Speaker, I rise in support of one of the bills that would be permitted to be taken up today under the suspension calendar, H.R. 4541, the Commodities Futures Modernization Act of 2000.

I do this for one overriding reason. If we do not pass this bill, our huge and vibrant exchanges and swap markets will decline while those in the rest of the world will flourish.

Given the alterations taking place in global finance, the need to modernize our futures and swaps markets is clear. At every turn, we are seeing active innovation in our global environment. Indeed, there is a major international merger movement in progress off shore.

OM is bidding to buy the London Stock Exchange. We now have Euronext, the creation of the merger of the Paris, Brussels, and Amsterdam bourses. There is Eurex, which now has an interest in merging with some United States exchanges. All of these are capable of more flexibility than what is permitted in our current market structures.

Moreover, the financial markets are creating increasingly specialized instruments and transactions. The most prominent of these are swaps, contractual arrangements which are so diverse in detail that they cannot be readily categorized. Their notional value has swollen to nearly $100 trillion. Moreover, there are other novelties, such as flex options, which are beginning to emerge.

American law and American regulations have been unable to keep up with these innovations except through makeshift and questionable legal inventions and contortions, the foundations of which are unclear and uncertain.

H.R. 4541 is merely a first step in this modernization. It opens up a new category of future which has heretofore been forbidden, the future on single stocks or small groups of stocks. It provides legal certainty to swaps innovations, a certainty which has been sorely missing until this bill. Moreover, it recognizes that, in most cases, the normal consumer is not the proper participant in these markets or that their participation is guarded by regulations such as the ''know your customer rule.''

These alterations will assist in streamlining the United States so that it can mirror the practices which are emerging in the competitive markets of Europe and Asia and prevent those markets from obtaining legal advantages. Further, it will keep these burgeoning businesses in the United States and not force them to migrate overseas.

I do not say this is a perfect bill. Indeed, I do not approve of using the suspension calendar to consider this sort of legislation. There should be opportunity for more than the managers amendment. There also should be opportunity for more extensive education and fuller debates.

I am not pleased with some of the bill's provisions, which fail to establish an optimal regulatory scheme and might be open to loopholes that would undermine the vital transparency and trustworthiness of American markets. Consequently, while I do not join others who oppose this legislation, I do have considerable sympathy for some of their arguments.

However, I believe the legislative process must be moved along at this time. It is doubtful we can come to agreement with the other Chamber and the administration in the short period remaining in the 106th Congress. Indeed, I caution that attempts in the other Chamber to push through vast deregulatory schemes, which will prevent the SEC, CFTC, and banking authorities from assuring the investing public that the markets are not subject to manipulation and fraud, will certainly meet with my opposition.

It is dubious whether Congress can produce a public law this session. And if we cannot, passage of today's bill will at least set down a marker for us to take up next year. In any case, this is not a subject area which is going to go away with one new law. The rapidity and breadth of change to which I have alluded assure that. Yet, for today, I support the administration's Statement of Policy on this bill and, therefore, urge an aye vote.

Mrs. MYRICK. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. SHIMKUS).

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

Mr. SHIMKUS. Mr. Speaker, I am going to be brief because I know there is a lot of activity going on.

Some of the great exchanges of our Nation are in Chicago, Illinois. We have been fighting to preserve and protect those.

As many of my colleagues know, this bill modernizes the regulation of the exchange trade and futures. It establishes legal certainly for over-the-counter derivative products, and it reforms Shad-Johnson.

To the gentleman from Illinois (Mr. EWING), who is my friend, my counselor, and part author of this legislation, I just want to say, job well done.

Mr. Speaker, I rise today in support of H.R. 4541, the Commodity Futures Modernization Act of 2000. Being from Illinois, with all the Chicago interests involved, you should know that it has been my intent to develop a level and fair playing field for all involved.

When this bill was in the Commerce Committee, I offered an amendment in the nature of a substitute that eventually resulted in the version the Commerce Committee reported. We knew when we reported the bill that there was still a lot of work to be done. For that reason, I am pleased to see a final product on the House floor today. I want to thank my good friend from Illinois, Mr. EWING, for the leadership he and his staff have taken on this issue. In your retirement, you will be missed by the Illinois delegation, as well as this entire body. I also want to thank Chairman BLILEY, Subcommittee Chairman OXLEY, the ranking Members, Mr. RUSH of Illinois, and their staffs; as well as the Members and staff of the Banking Committee. They need to be recognized for their tireless efforts, persistence and cooperation to bring this compromise to the House floor.

Finally, I want to thank the Chicago Board Options Exchange, the Chicago Mercantile Exchange and the Chicago Board of Trade for their efforts to compromise and for their patience with us as we worked through the legislative process. As you know, this legislation will do three things: It modernizes the regulation of exchange-traded futures; establishes legal certainty for over-the-counter derivatives products; and reforms the Shad-Johnson Accord.

The Shad-Johnson portion of this legislation has been the most controversial, but yet the most exciting section of this bill. If this bill becomes law, we will lift an 18-year ''temporary'' ban on single stock futures and allow U.S. investors access to these products. In our global economy, we need to stay competitive, and I believe that lifting this ban will help us achieve that goal.

This is historic legislation and a vote for U.S. investors and markets. Please join me in voting in favor of H.R. 4541.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 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 in strong support of the rule and in strong support of one of the bills that will be considered under the rule, the Commodities Futures Modernization Act of 2000, H.R. 4541.

I want to associate myself with the remarks of the previous speaker, the gentleman from New York (Mr. LAFALCE), the ranking Democrat on the House Committee on Banking.

As a member of that committee, I worked with both the chairman, the gentleman from Iowa (Mr. LEACH), and the gentleman from New York (Mr. LAFALCE) in helping to craft this legislation. I think that it is a very good forward approach to moving the United States' regulatory scheme over-the-counter derivatives markets in the right direction. And I think all three committees which had jurisdiction over this, the Committee on Banking, the Committee on Agriculture, and the Committee on Commerce did very good work.

This otherwise complicated measure will repeal the Shad-Johnson Accord and bring legal certainty to the over-the-counter derivatives and swaps market. That is something that, as that market has grown and developed in the United States, needs to be done. We need to codify a regulatory regime, as opposed to having an understanding between two Federal agencies. And it is done in a way which brings the regulatory expertise of both the Commodities Future Trading Commission and the Securities and Exchange Commission together. I think that is why we have found this legislation is also being supported by the Treasury Department.

□ 1745

I also want to say that I think this bill is correct in its exemption or exclusion of the energy derivatives market. This is a new market. A lot of it is being conducted out of my area of the country, and I think it is fair to say that the energy market in the United States is among the most transparent in the world. I think it would be premature for the Congress or the regulatory authorities to engage in some new form of regulation in those markets, particularly in the derivatives market, absent some form of national or global energy deregulation which obviously this Congress is not going to take up and it will not be taken up until the next Congress at the earliest date. So I think this is a very good bill that moves us forward.

Finally, let me say one other item. In the Committee on Banking and Financial Services, we considered the issue of whether or not to expand the ability to market swaps and derivatives over the counter to the retail public, and I think the committee very wisely chose not to follow that path. I do not think we have the regulatory regime in place to safely allow such products to be sold to the retail public, and if that were in this bill I would have a very hard time supporting it. So I think that Members need to understand that this is not a retail instrument.

I think the Members need to understand that we have ensured that there is no retail component in this bill. I think that is something that is subject to a great deal more study before we move in that direction, and so I would encourage the Members to support this bill. I would also hope that the other body across the rotunda will adopt this bill as well. It would be a shame if this Congress were to adjourn without enacting this compromise legislation and providing legal certainty to the markets.

I want to again reiterate what the gentleman from New York (Mr. LAFALCE) said. Without this legislation, it is very likely we could be pushing certain sectors of the U.S. financial markets abroad, and I think that would be to our detriment.

I rise in strong support of the rule and the bill.

Mr. Speaker, I rise today in strong support of the Commodity Futures Modernization Act of 2000 (H.R. 4541). This legislation will provide the legal certainty for Over The Counter (OTC) derivatives. Derivatives are sophisticated financial instruments which help companies to manage risk.

As a member of the House Banking Committee, I believe that providing this legal certainty is necessary. First, legal certainty will ensure that these instruments continue to be available and sold in the United States. We have an economic interest in keeping these instruments here in the United States. There is growing concern that some trading operations will move overseas without this clarification. Second, the President's Working Group on Financial Markets has also recommended that approving legislation is the only practical way to provide this legal certainty.

This legislation would also exclude certain hybrid instruments for the Commodity Exchange Act. As a result, these hybrid instruments can be sold on non-CEA regulated markets. As the representatives for one of the largest energy-related trading markets, I am particularly pleased that this legislation includes a provision that would ensure that energy-based OTC derivatives will be exempt from the CEA.

This legislation would also ensure that single stock futures and narrow-based stock index futures can be sold. As a result, the Shad-Johnson Accord would be repealed. This language was developed in cooperation with the Securities and Exchange Commission (SEC) and the Commodity Futures Trading Commission (CFTC) who helped to negotiate this language. Under this bill, these products could be sold on existing or yet to be established commodities and securities exchanges. Trading of securities futures would be delayed for one year from enactment. Options on futures would be permitted three years after enactment after the SEC and CFTC have jointly determined whether to permit such trading and jointly studied the framework needed for such options. By requiring joint rulemaking for the CFTC and SEC, we are ensuring that both the securities and commodities regulators will be working together to set up a framework for the sale of these products. I am also pleased that these provisions would ensure that the retail public cannot purchase these products. I am not yet convinced that selling stock futures to the retail public is appropriate and requires more study.

This bill also reauthorizes the Commodity and Exchange Act. On October 1, 2000, the CEA expired and the CFTC is currently working without its authorization. Reauthorization is necessary to ensure that our commodity markets are being reviewed and overseen by a federal regulator.

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

Ms. SLAUGHTER. Mr. Speaker, I yield 5½ minutes to the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER) for yielding me this time.

Mr. Speaker, I am going to rise in reluctant opposition to the rule under which these bills are being considered, because the rule provides that these bills will come here under suspension, which means that the bills cannot be amended in any way. It deprives us of the opportunity to offer an amendment to one of these bills, H.R. 4541, which a number of us have worked on throughout this process.

Now I want to say at the outset that I am not going to vote against H.R. 4541, because I think it is a marginal improvement in the law. It is important to pass this bill, but we passed a bill out of the Committee on Banking and Financial Services, a version of this bill which was substantially better than the bill that is coming to the floor, in one important respect.

We have heard a lot of discussion here about driving U.S. commercial ventures offshore. There is one provision that has been dropped from the bill from the Committee on Banking and Financial Services that I believe will have the effect quite possibly of driving a commercial venture that is currently located in my congressional district offshore. I represent a small company called D&I Holdings, which has a system, a proprietary communications and information system, over which the world's largest financial institutions negotiate and agree on certain types of swap transactions on an electronic basis. This company was founded in 1996 and is headquartered in my congressional district in Charlotte, North Carolina, and it has offices in London, New York and Tokyo.

At the present time, there are 40 commercial and investment banks that use their system to effectuate swaps agreements which total over hundreds of millions of dollars per day. Their system, this small business' system, is the first and at the present time the only operational inter-dealer electronic system for this segment of the swap market. It has a number of patents, but it is essentially an electronic information system.

The problem is that this bill, in the haste to deal with trading facilities, has defined trading facilities in such a way that it brings this electronic system and information system that does no negotiating at all, the parties on each end of the system are doing the negotiating but now we have bought into the definition of trading facility an electronic system that should not be included in the Federal regulations. Now, my colleagues quite often are talking about how terrible it is to have Federal regulations regulating things that should not be regulated. I am here this time talking about one of those instances where we are regulating something that really should not be regulated.

The parties on both ends of the transaction, I concede, should be regulated; and that is what this legislation should be about, but the electronic system in between the two negotiating parties should not be regulated. In the process of going through the conference and basically carving out language that the Committee on Banking and Financial Services had carefully considered that would have protected this small venture in my congressional district, they have overzealously, probably unintentionally, included an operation here that really should not be. And I think ultimately what is going to happen is we are running the risk that this small operation could be driven offshore because it can be done, this electronic operation can be done, in England or Tokyo or anywhere else in the world; but we want this business located here in the United States as we want every business located here.

It is a clean, good, upstanding business, and there is no reason that we ought to be regulating it. If this bill were not on suspension, we would have the opportunity to offer an amendment to get back to the language of the Committee on Banking and Financial Services, and therefore I am going to vote against the rule, even though I will probably end up voting for the bill.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. EWING).

Mr. EWING. Mr. Speaker, I thank the gentlewoman from North Carolina (Mrs. MYRICK) for yielding me this time.

To the gentlewoman's colleague, the gentleman from North Carolina (Mr. WATT), who just spoke, I would like to respond to him. I think the issue the gentleman brings up is a very important issue and as the sponsor of the bill I want to let the gentleman know where we are with this legislation. Number one, the Blackbird Institution is not regulated by this bill. It is not regulated now. We believe that this bill exempts them from any regulation so long as they are trading in the manner in which they have indicated they are. The issue here is so long as they do not act as an organized exchange and do not do retail trades, they will be exempt under this bill and exempt from regulation. The idea, of course, is that if they decide to do otherwise then, of course, they will come under regulation like every other exchange, every other trader with retail interests.

Mr. WATT of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. EWING. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Speaker, what I would like to do with the gentleman's permission is perhaps come back during the debate on the main bill and actually have a colloquy so that at least we can create a legislative record that specifically indicates that the gentleman's interpretation is that this bill does not cover this Blackbird system, because their interpretation is entirely different than the gentleman's, and I think it would be helpful at least to have that legislative record developed. I am not sure we can do it as a part of the rule. So if the gentleman would be so kind.

Mr. EWING. Reclaiming my time, I would be more than happy to engage in that colloquy.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER) for yielding me this time.

Mr. Speaker, I want to comment on one of the bills that everyone else seems to be commenting on, that is H.R. 4541, the Commodities Futures Modernization Act. I support the bill. The legislation reauthorizes the Commodities Futures Trading Commission, streamlines regulation of the futures markets and provides legal certainty to over-the-counter derivatives.

As we know, the President's Working Group on Financial Markets has testified that securing legal certainty for financial derivatives is imperative to reducing risk within America's financial system. This legislation, while a compromise on many points, is not only an important step toward achieving the legal certainty our financial markets need but it will foster continued American innovation in the increasingly important realm of derivative financial products.

Moreover, it will help prevent the flight of our domestic financial derivatives business abroad. This makes H.R. 4541 particularly important to my State, Mr. Speaker, New York, where much of our Nation's financial trading takes place. The legislation has broad-based backing. It is supported by the Department of the Treasury, the SEC, the CFTC, as well as the major financial institutions. I would, however, like to raise one note of concern, Mr. Speaker.

The process through which H.R. 4541 was developed was not completely fair or open. At times Democrats were not sufficiently included in the negotiations, and the ranking member on the Committee on Commerce, on which I serve, the gentleman from Michigan (Mr. DINGELL), has expressed concerns which I share about the process, the fact that the Committee on Commerce was not sufficiently involved in the process, and that is wrong and things were put into this bill at the last minute just the other day, and there really has been no time to discuss it or deliberate on it; and I think that is wrong as well.

I would hope that some of these issues can be resolved when the bill finally comes back.

While the process was not satisfactory, overall the final bill moves forward and is worthy of passage by the House. Once again, I express my support for the Commodity Futures Modernization Act and I urge my colleagues to support the bill.

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

Mrs. MYRICK. 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.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment a joint resolution of the House of the following title:

H.J. Res. 114. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

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. 4635) ''An Act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes.''.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on 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 vote on H.R. 4541, the Commodity Futures Modernization Act, will be taken after debate has concluded on that motion.

Record votes on remaining motions to suspend the rules will be taken on Tuesday, October 24, 2000.

□ 1800

COMMODITY FUTURES MODERNIZATION ACT OF 2000

Mr. COMBEST. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4541) to reauthorize and amend the Commodity Exchange Act to promote legal certainty, enhance competition, and reduce systemic risk in markets for future and over-the-counter derivatives, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4541

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Commodity Futures Modernization Act of 2000''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Purposes.

TITLE I—COMMODITY FUTURES MODERNIZATION

Sec. 101. Definitions.
Sec. 102. Agreements, contracts, and transactions in foreign currency, government securities, and certain other commodities.
Sec. 103. Legal certainty for excluded derivative transactions.
Sec. 104. Excluded electronic trading facilities.
Sec. 105. Hybrid instruments.
Sec. 106. Transactions in exempt commodities.
Sec. 107. Swap transactions.
Sec. 108. Application of commodity futures laws.
Sec. 109. Protection of the public interest.
Sec. 110. Prohibited transactions.
Sec. 111. Designation of boards of trade as contract markets.
Sec. 112. Derivatives transaction execution facilities.
Sec. 113. Derivatives clearing.
Sec. 114. Common provisions applicable to registered entities.
Sec. 115. Exempt boards of trade.
Sec. 116. Suspension or revocation of designation as contract market.
Sec. 117. Authorization of appropriations.
Sec. 118. Preemption.
Sec. 119. Predispute resolution agreements for institutional customers.
Sec. 120. Consideration of costs and benefits and antitrust laws.
Sec. 121. Contract enforcement between eligible counterparties.
Sec. 122. Special procedures to encourage and facilitate bona fide hedging by agricultural producers.
Sec. 123. Rule of construction.
Sec. 124. Technical and conforming amendments.
Sec. 125. Privacy.
Sec. 126. Report to Congress.
Sec. 127. International activities of the Commodity Futures Trading Commission.
Sec. 128. Rules of construction.

TITLE II—COORDINATED REGULATION OF SECURITY FUTURES PRODUCTS

Subtitle A—Securities Law Amendments

Sec. 201. Definitions under the Securities Exchange Act of 1934.
Sec. 202. Regulatory relief for markets trading security futures products.
Sec. 203. Regulatory relief for intermediaries trading security futures products.
Sec. 204. Special provisions for interagency cooperation.
Sec. 205. Maintenance of market integrity for security futures products.
Sec. 206. Special provisions for the trading of security futures products.
Sec. 207. Clearance and settlement.
Sec. 208. Amendments relating to registration and disclosure issues under the Securities Act of 1933 and the Securities Exchange Act of 1934.
Sec. 209. Amendments to the Investment Company Act of 1940 and the Investment Advisers Act of 1940.
Sec. 210. Preemption of State laws.

Subtitle B—Amendments to the Commodity Exchange Act

Sec. 221. Jurisdiction of Securities and Exchange Commission; other provisions.
Sec. 222. Application of the Commodity Exchange Act to national securities exchanges and national securities associations that trade security futures.
Sec. 223. Notification of investigations and enforcement actions.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to reauthorize the appropriation for the Commodity Futures Trading Commission;

(2) to streamline and eliminate unnecessary regulation for the commodity futures exchanges and other entities regulated under the Commodity Exchange Act;

(3) to transform the role of the Commodity Futures Trading Commission to oversight of the futures markets;

(4) to provide a statutory and regulatory framework for allowing the trading of futures on securities;

(5) to clarify the jurisdiction of the Commodity Futures Trading Commission over certain retail foreign exchange transactions and bucket shops that may not be otherwise regulated;

(6) to promote innovation for futures and derivatives and to reduce systemic risk by enhancing legal certainty in the markets for certain futures and derivatives transactions;

(7) to reduce systemic risk and provide greater stability to markets during times of market disorder by allowing the clearing of transactions in over-the-counter derivatives through appropriately regulated clearing organizations; and

(8) to enhance the competitive position of United States financial institutions and financial markets.

TITLE I—COMMODITY FUTURES MODERNIZATION

SEC. 101. DEFINITIONS.

Section 1a of the Commodity Exchange Act (7 U.S.C. 1a) is amended—

(1) by redesignating paragraphs (1) through (7), (8) through (12), (13), (14), (15), and (16) as paragraphs (2) through (8), (16) through (20), (22), (23), (24), and (28), respectively;

(2) by inserting before paragraph (2) (as redesignated by paragraph (1)) the following:

''(1) ALTERNATIVE TRADING SYSTEM.—The term 'alternative trading system' means an organization, association, or group of persons that—

''(A) is registered as a broker or dealer pursuant to section 15(b) of the Securities Exchange Act of 1934 (except paragraph (11) thereof);

''(B) performs the functions commonly performed by an exchange (as defined in section 3(a)(1) of the Securities Exchange Act of 1934);

''(C) does not—

''(i) set rules governing the conduct of subscribers other than the conduct of such subscribers' trading on the alternative trading system; or

''(ii) discipline subscribers other than by exclusion from trading; and

''(D) is exempt from the definition of the term 'exchange' under such section 3(a)(1) by rule or regulation of the Securities and Exchange Commission on terms that require compliance with regulations of its trading functions.'';

(3) by striking paragraph (2) (as redesignated by paragraph (1)) and inserting the following:

''(2) BOARD OF TRADE.—The term 'board of trade' means any organized exchange or other trading facility.'';

(4) by inserting after paragraph (8) the following:

''(9) DERIVATIVES CLEARING ORGANIZATION.—

''(A) IN GENERAL.—The term 'derivatives clearing organization' means a clearinghouse, clearing association, clearing corporation, or similar entity, facility, system, or organization that, with respect to an agreement, contract, or transaction—

''(i) enables each party to the agreement, contract, or transaction to substitute, through novation or otherwise, the credit of the derivatives clearing organization for the credit of the parties;

''(ii) arranges or provides, on a multilateral basis, for the settlement or netting of obligations resulting from such agreements, contracts, or transactions executed by participants in the derivatives clearing organization; or

''(iii) otherwise provides clearing services or arrangements that mutualize or transfer among participants in the derivatives clearing organization the credit risk arising from such agreements, contracts, or transactions executed by the participants.

''(B) EXCLUSIONS.—The term 'derivatives clearing organization' does not include an entity, facility, system, or organization solely because it arranges or provides for—

''(i) settlement, netting, or novation of obligations resulting from agreements, contracts, or transactions, on a bilateral basis and without a central counterparty;

''(ii) settlement or netting of cash payments through an interbank payment system; or

''(iii) settlement, netting, or novation of obligations resulting from a sale of a commodity in a transaction in the spot market for the commodity.

''(10) ELECTRONIC TRADING FACILITY.—The term 'electronic trading facility' means a trading facility that—

''(A) operates by means of an electronic or telecommunications network; and

''(B) maintains an automated audit trail of bids, offers, and the matching of orders or the execution of transactions on the facility.

''(11) ELIGIBLE COMMERCIAL ENTITY.—The term 'eligible commercial entity' means, with respect to an agreement, contract or transaction in a commodity—

''(A) an eligible contract participant described in clause (i), (ii), (v), (vii), (viii), or (ix) of paragraph (12)(A) that, in connection with its business—

''(i) has a demonstrable ability, directly or through separate contractual arrangements, to make or take delivery of the underlying commodity;

''(ii) incurs risks, in addition to price risk, related to the commodity; or

''(iii) is a dealer that regularly provides risk management or hedging services to, or engages in market-making activities with, the foregoing entities involving transactions to purchase or sell the commodity or derivative agreements, contracts, or transactions in the commodity;

''(B) an eligible contract participant, other than a natural person or an instrumentality,

department, or agency of a State or local governmental entity, that—

''(i) regularly enters into transactions to purchase or sell the commodity or derivative agreements, contracts, or transactions in the commodity; and

''(ii) either—

''(I) in the case of a collective investment vehicle whose participants include persons other than—

''(aa) qualified eligible persons, as defined in Commission rule 4.7(a) (17 C.F.R. 4.7(a));

''(bb) accredited investors, as defined in Regulation D of Securities and Exchange Commission under the Securities Act of 1933 (17 C.F.R. 230.501(a)), with total assets of $2,000,000; or

''(cc) qualified purchasers, as defined in section 2(a)(51)(A) of the Investment Company Act of 1940;

in each case as in effect on the date of the enactment of the Commodity Futures Modernization Act of 2000, has, or is one of a group of vehicles under common control or management having in the aggregate, $1,000,000,000 in total assets; or

''(II) in the case of other persons, has, or is one of a group of persons under common control or management having in the aggregate, $100,000,000 in total assets; or

''(C) such other persons as the Commission shall determine appropriate and shall designate by rule, regulation, or order.

''(12) ELIGIBLE CONTRACT PARTICIPANT.—The term 'eligible contract participant' means—

''(A) acting for its own account—

''(i) a financial institution;

''(ii) an insurance company that is regulated by a State, or that is regulated by a foreign government and is subject to comparable regulation as determined by the Commission, including a regulated subsidiary or affiliate of such an insurance company;

''(iii) an investment company subject to regulation under the Investment Company Act of 1940 (15 U.S.C. 80a–1 et seq.) or a foreign person performing a similar role or function subject as such to foreign regulation (regardless of whether each investor in the investment company or the foreign person is itself an eligible contract participant);

''(iv) a commodity pool that—

''(I) has total assets exceeding $5,000,000; and

''(II) is formed and operated by a person subject to regulation under this Act or a foreign person performing a similar role or function subject as such to foreign regulation (regardless of whether each investor in the commodity pool or the foreign person is itself an eligible contract participant);

''(v) a corporation, partnership, proprietorship, organization, trust, or other entity—

''(I) that has total assets exceeding $10,000,000;

''(II) the obligations of which under an agreement, contract, or transaction are guaranteed or otherwise supported by a letter of credit or keepwell, support, or other agreement by an entity described in subclause (I), in clause (i), (ii), (iii), (iv), or (vii), or in subparagraph (C); or

''(III) that—

''(aa) has a net worth exceeding $1,000,000; and

''(bb) enters into an agreement, contract, or transaction in connection with the conduct of the entity's business or to manage the risk associated with an asset or liability owned or incurred or reasonably likely to be owned or incurred by the entity in the conduct of the entity's business;

''(vi) an employee benefit plan subject to the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.), a governmental employee benefit plan, or a foreign person performing a similar role or function subject as such to foreign regulation—

''(I) that has total assets exceeding $5,000,000; or

''(II) the investment decisions of which are made by—

''(aa) an investment adviser or commodity trading advisor subject to regulation under the Investment Advisers Act of 1940 (15 U.S.C. 80b–1 et seq.) or this Act;

''(bb) a foreign person performing a similar role or function subject as such to foreign regulation;

''(cc) a financial institution; or

''(dd) an insurance company described in clause (ii), or a regulated subsidiary or affiliate of such an insurance company;

''(vii)(I) a governmental entity (including the United States, a State, or a foreign government) or political subdivision of a governmental entity;

''(II) a multinational or supranational government entity; or

''(III) an instrumentality, agency, or department of an entity described in subclause (I) or (II),

except that such term does not include an entity, instrumentality, agency, or department referred to in subclause (I) or (III) of this clause unless (aa) the entity, instrumentality, agency, or department is a person described in clause (i), (ii), or (iii) of section 1a(11)(A); (bb) the entity, instrumentality, agency, or department owns and invests on a discretionary basis $25,000,000 or more in investments; or (cc) the agreement, contract, or transaction is offered by, and entered into with, an entity that is listed in any of subclauses (I) through (VI) of section 2(c)(2)(B)(ii);

''(viii)(I) a broker or dealer subject to regulation under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) or a foreign person performing a similar role or function subject as such to foreign regulation, except that, if the broker or dealer or foreign person is a natural person or proprietorship, the broker or dealer or foreign person shall not be considered to be an eligible contract participant unless the broker or dealer or foreign person also meets the requirements of clause (v) or (xi);

''(II) an associated person of a registered broker or dealer concerning the financial or securities activities of which the registered person makes and keeps records under section 15C(b) or 17(h) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–5(b), 78q(h));

''(III) an investment bank holding company (as defined in section 17(i) of the Securities Exchange Act of 1934 (15 U.S.C. 78q(i));

''(ix) a futures commission merchant subject to regulation under this Act or a foreign person performing a similar role or function subject as such to foreign regulation, except that, if the futures commission merchant or foreign person is a natural person or proprietorship, the futures commission merchant or foreign person shall not be considered to be an eligible contract participant unless the futures commission merchant or foreign person also meets the requirements of clause (v) or (xi);

''(x) a floor broker or floor trader subject to regulation under this Act in connection with any transaction that takes place on or through the facilities of a registered entity or an exempt board of trade, or any affiliate thereof, on which such person regularly trades; or

''(xi) an individual who has total assets in an amount in excess of—

''(I) $10,000,000; or

''(II) $5,000,000 and who enters into the agreement, contract, or transaction in order to manage the risk associated with an asset owned or liability incurred, or reasonably likely to be owned or incurred, by the individual;

''(B)(i) a person described in clause (i), (ii), (iv), (v), (viii), (ix), or (x) of subparagraph (A) or in subparagraph (C), acting as broker or performing an equivalent agency function on behalf of another person described in subparagraph (A) or (C); or

''(ii) an investment adviser subject to regulation under the Investment Advisers Act of 1940, a commodity trading advisor subject to regulation under this Act, a foreign person performing a similar role or function subject as such to foreign regulation, or a person described in clause (i), (ii), (iv), (v), (viii), (ix), or (x) of subparagraph (A) or in subparagraph (C), in any such case acting as investment manager or fiduciary (but excluding a person acting as broker or performing an equivalent agency function) for another person described in subparagraph (A) or (C) and who is authorized by such person to commit such person to the transaction; or

''(C) any other person that the Commission determines to be eligible in light of the financial or other qualifications of the person.

''(13) EXCLUDED COMMODITY.—The term 'excluded commodity' means—

''(i) an interest rate, exchange rate, currency, security, security index, credit risk or measure, debt or equity instrument, index or measure of inflation, or other macroeconomic index or measure;

''(ii) any other rate, differential, index, or measure of economic or commercial risk, return, or value that is—

''(I) not based in substantial part on the value of a narrow group of commodities not described in clause (i); or

''(II) based solely on 1 or more commodities that have no cash market;

''(iii) any economic or commercial index based on prices, rates, values, or levels that are not within the control of any party to the relevant contract, agreement, or transaction; or

''(iv) an occurrence, extent of an occurrence, or contingency (other than a change in the price, rate, value, or level of a commodity not described in clause (i)) that is—

''(I) beyond the control of the parties to the relevant contract, agreement, or transaction; and

''(II) associated with a financial, commercial, or economic consequence.

''(14) EXEMPT COMMODITY.—The term 'exempt commodity' means a commodity that is not an excluded commodity or an agricultural commodity.

''(15) FINANCIAL INSTITUTION.—The term 'financial institution' means—

''(A) a corporation operating under the fifth undesignated paragraph of section 25 of the Federal Reserve Act (12 U.S.C. 603), commonly known as 'an agreement corporation';

''(B) a corporation organized under section 25A of the Federal Reserve Act (12 U.S.C. 611 et seq.), commonly known as an 'Edge Act corporation';

''(C) an institution that is regulated by the Farm Credit Administration;

''(D) a Federal credit union or State credit union (as defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752));

''(E) a depository institution (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813));

''(F) a foreign bank or a branch or agency of a foreign bank (each as defined in section 1(b) of the International Banking Act of 1978 (12 U.S.C. 3101(b)));

''(G) any financial holding company (as defined in section 2 of the Bank Holding Company Act of 1956);

''(H) a trust company; or

''(I) a similarly regulated subsidiary or affiliate of an entity described in any of subparagraphs (A) through (H).'';

(5) by inserting after paragraph (20) (as redesignated by paragraph (1)) the following:

''(21) HYBRID INSTRUMENT.—

''(A) IN GENERAL.—The term 'hybrid instrument' means a deposit instrument offered by a financial institution, or a security, having 1 or more payments indexed to the value, level, or rate of 1 or more commodities.

''(B) DEPOSIT INSTRUMENT DEFINED.—The term 'deposit instrument' means an instrument representing an interest described in paragraph (1), (2), (3), (4), or (5) of section 3(l) of the Federal Deposit Insurance Act, other than in subparagraph (A), (B), or (C) at the end of such paragraph (5).'';

(6) by striking paragraph (24) (as redesignated by paragraph (1)) and inserting the following:

''(24) MEMBER OF A CONTRACT MARKET; MEMBER OF A DERIVATIVES TRANSACTION EXECUTION FACILITY.—The term 'member' means, with respect to a contract market or derivatives transaction execution facility, an individual, association, partnership, corporation, or trust—

''(A) owning or holding membership in, or admitted to membership representation on, the contract market or derivatives transaction execution facility; or

''(B) having trading privileges on the contract market or derivatives transaction execution facility.

''(25) NARROW-BASED SECURITY INDEX.—

''(A) The term 'narrow-based security index' means an index—

''(i) that has 9 or fewer component securities;

''(ii) in which a component security comprises more than 30 percent of the index's weighting;

''(iii) in which the 5 highest weighted component securities in the aggregate comprise more than 60 percent of the index's weighting; or

''(iv) in which the lowest weighted component securities comprising, in the aggregate, 25 percent of the index's weighting have an aggregate dollar value of average daily trading volume of less than $50,000,000 (or in the case of an index with 15 or more component securities, $30,000,000), except that if there are two or more securities with equal weighting that could be included in the calculation of the lowest weighted component securities comprising, in the aggregate, 25 percent of the index's weighting, such securities shall be ranked from lowest to highest dollar value of average daily trading volume and shall be included in the calculation based on their ranking starting with the lowest ranked security.

''(B) Notwithstanding subparagraph (A), an index is not a narrow-based security index if—

''(i)(I) it has at least 9 component securities;

''(II) no component security comprises more than 30 percent of the index's weighting; and

''(III) each component security is—

''(aa) registered pursuant to section 12 of the Securities Exchange Act of 1934;

''(bb) 1 of 750 securities with the largest market capitalization; and

''(cc) 1 of 675 securities with the largest dollar value of average daily trading volume;

''(ii) it is a contract of sale for future delivery with respect to which a board of trade was designated as a contract market by the Commodity Futures Trading Commission prior to the date of enactment of the Commodity Futures Modernization Act of 2000;

''(iii)(I) it traded on a designated contract market or registered derivatives transaction execution facility for at least 30 days as a contract of sale for future delivery that was not a narrow-based security index; and

''(II) it has been a narrow-based security index for no more than 45 business days over 3 consecutive calendar months;

''(iv) it is traded on or subject to the rules of a foreign board of trade and meets such requirements as are jointly established by rule or regulation by the Commission and the Securities and Exchange Commission;

''(v) no more than 18 months have passed since enactment of the Commodity Futures Modernization Act of 2000 and it is—

''(I) traded on or subject to the rules of a foreign board of trade;

''(II) the offer and sale in the United States of a contract of sale for future delivery on the index was authorized before the date of the enactment of the Commodity Futures Modernization Act of 2000; and

''(III) the conditions of such authorization continue to be met; or

''(vi) it is traded on or subject to the rules of a board of trade and meets such requirements as are jointly established by rule, regulation, or order by the Commission and the Securities and Exchange Commission.

''(C) Within 1 year after the date of the enactment of the Commodity Futures Modernization Act of 2000, the Commission and the Securities and Exchange Commission jointly shall adopt rules or regulations that set forth the requirements under subparagraph (B)(iv).

''(D) An index that is a narrow-based security index solely because it was a narrow-based security index for more than 45 business days over 3 consecutive calendar months pursuant to clause (iii) of subparagraph (B) shall not be a narrow-based security index for the 3 following calendar months.

''(E) For purposes of subparagraphs (A) and (B)—

''(i) the dollar value of average daily trading volume and the market capitalization shall be calculated as of the preceding 6 full calendar months; and

''(ii) the Commission and the Securities and Exchange Commission shall, by rule or regulation, jointly specify the method to be used to determine market capitalization and dollar value of average daily trading volume.

''(26) OPTION.—The term 'option' means an agreement, contract, or transaction that is of the character of, or is commonly known to the trade as, an 'option', 'privilege', 'indemnity', 'bid', 'offer', 'put', 'call', 'advance guaranty', or 'decline guaranty'.

''(27) ORGANIZED EXCHANGE.—The term 'organized exchange' means a trading facility that—

''(A) permits trading—

''(i) by or on behalf of a person that is not an eligible contract participant; or

''(ii) by persons other than on a principal-to-principal basis; or

''(B) has adopted (directly or through another nongovernmental entity) rules that—

''(i) govern the conduct of participants, other than rules that govern the submission of orders or execution of transactions on the trading facility; and

''(ii) include disciplinary sanctions other than the exclusion of participants from trading.''; and

(7) by adding at the end the following:

''(29) REGISTERED ENTITY.—The term 'registered entity' means—

''(A) a board of trade designated as a contract market under section 5;

''(B) a derivatives transaction execution facility registered under section 5a;

''(C) a derivatives clearing organization registered under section 5b; and

''(D) a board of trade designated as a contract market under section 5f.

''(30) SECURITY.—The term 'security' means a security as defined in section 2(a)(1) of the Securities Act of 1933 (15 U.S.C. 77b(a)(1)) or section 3(a)(10) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(10)).

''(31) SECURITY FUTURE.—The term 'security future' means a contract of sale for future delivery of a single security or of a narrow-based security index, including any interest therein or based on the value thereof, except an exempted security under section 3(a)(12) of the Securities Exchange Act of 1934 as in effect on the date of enactment of the Futures Trading Act of 1982 (other than any municipal security as defined in section 3(a)(29) of the Securities Exchange Act of 1934 as in effect on the date of enactment of the Futures Trading Act of 1982). The term 'security future' does not include any agreement, contract, or transaction excluded from this Act under subsection (c), (d), (f), or (h) of section 2 of this Act, as in effect on the date of the enactment of the Commodity Futures Modernization Act of 2000.

''(32) SECURITY FUTURES PRODUCT.—The term 'security futures product' means a security future or any put, call, straddle, option, or privilege on any security future.

''(33) TRADING FACILITY.—

''(A) IN GENERAL.—The term 'trading facility' means a person or group of persons that constitutes, maintains, or provides a physical or electronic facility or system in which multiple participants have the ability to execute or trade agreements, contracts, or transactions by accepting bids and offers made by other participants that are open to multiple participants in the facility or system.

''(B) EXCLUSIONS.—The term 'trading facility' does not include—

''(i) a person or group of persons solely because the person or group of persons constitutes, maintains, or provides an electronic facility or system that enables participants to negotiate the terms of and enter into bilateral transactions as a result of communications exchanged by the parties and not from interaction of multiple bids and multiple offers within a predetermined, nondiscretionary automated trade matching and execution algorithm;

''(ii) a government securities dealer or government securities broker, to the extent that the dealer or broker executes or trades agreements, contracts, or transactions in government securities, or assists persons in communicating about, negotiating, entering into, executing, or trading an agreement, contract, or transaction in government securities (as the terms 'government securities dealer', 'government securities broker', and 'government securities' are defined in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a))); or

''(iii) facilities on which bids and offers, and acceptances of bids and offers effected on the facility, are not binding.

''(C) SPECIAL RULE.—A person or group of persons that would not otherwise constitute a trading facility shall not be considered to be a trading facility solely as a result of the submission to a derivatives clearing organization of transactions executed on or through the person or group of persons.''.

SEC. 102. AGREEMENTS, CONTRACTS, AND TRANSACTIONS IN FOREIGN CURRENCY, GOVERNMENT SECURITIES, AND CERTAIN OTHER COMMODITIES.

Section 2 of the Commodity Exchange Act (7 U.S.C. 2, 2a, 3, 4, 4a) is amended by adding at the end the following:

''(c) AGREEMENTS, CONTRACTS, AND TRANSACTIONS IN FOREIGN CURRENCY, GOVERNMENT SECURITIES, AND CERTAIN OTHER COMMODITIES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), nothing in this Act (other than section 5a (to the extent provided in section 5a(g)), 5b, 5d, or 12(e)(2)(B)) governs

or applies to an agreement, contract, or transaction in—

''(A) foreign currency;

''(B) government securities;

''(C) security warrants;

''(D) security rights;

''(E) resales of installment loan contracts;

''(F) repurchase transactions in an excluded commodity; or

''(G) mortgages or mortgage purchase commitments.

''(2) COMMISSION JURISDICTION.—

''(A) AGREEMENTS, CONTRACTS, AND TRANSACTIONS TRADED ON AN ORGANIZED EXCHANGE.—This Act applies to, and the Commission shall have jurisdiction over, an agreement, contract, or transaction described in paragraph (1) that is—

''(i) a contract of sale of a commodity for future delivery (or an option thereon), or an option on a commodity (other than foreign currency or a security or a group or index of securities), that is executed or traded on an organized exchange; or

''(ii) an option on foreign currency executed or traded on an organized exchange that is not a national securities exchange registered pursuant to section 6(a) of the Securities Exchange Act of 1934.

''(B) AGREEMENTS, CONTRACTS, AND TRANSACTIONS IN RETAIL FOREIGN CURRENCY.—This Act applies to, and the Commission shall have jurisdiction over, an agreement, contract, or transaction in foreign currency that—

''(i) is a contract of sale for future delivery (or an option on such a contract) or an option (other than an option executed or traded on a national securities exchange registered pursuant to section 6(a) of the Securities Exchange Act of 1934); and

''(ii) is offered to, or entered into with, a person that is not an eligible contract participant, unless the counterparty, or the person offering to be the counterparty, of the person is—

''(I) a financial institution;

''(II) a broker or dealer registered under section 15(b) or 15C of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b), 78o–5) or a futures commission merchant registered under this Act;

''(III) an associated person of a broker or dealer registered under section 15(b) or 15C of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b), 78o–5), or an affiliated person of a futures commission merchant registered under this Act, concerning the financial or securities activities of which the registered person makes and keeps records under section 15C(b) or 17(h) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–5(b), 78q(h)) or section 4f(c)(2)(B) of this Act;

''(IV) an insurance company described in section 1a(12)(A)(ii) of this Act, or a regulated subsidiary or affiliate of such an insurance company;

''(V) a financial holding company (as defined in section 2 of the Bank Holding Company Act of 1956); or

''(VI) an investment bank holding company (as defined in section 17(i) of the Securities Exchange Act of 1934).

''(C) Notwithstanding subclauses (II) and (III) of subparagraph (B)(ii), agreements, contracts, or transactions described in subparagraph (B) shall be subject to sections 4b, 4c, 6c, 6d, and 8(a) if they are entered into by a futures commission merchant or an affiliate of a futures commission merchant that is not also an entity described in subparagraph (B)(ii) of this paragraph.''.

SEC. 103. LEGAL CERTAINTY FOR EXCLUDED DERIVATIVE TRANSACTIONS.

Section 2 of the Commodity Exchange Act (7 U.S.C. 2, 2a, 3, 4, 4a) is further amended by adding at the end the following:

''(d) EXCLUDED DERIVATIVE TRANSACTIONS.—

''(1) IN GENERAL.—Nothing in this Act (other than section 5b or 12(e)(2)(B)) governs or applies to an agreement, contract, or transaction in an excluded commodity if—

''(A) the agreement, contract, or transaction is entered into only between persons that are eligible contract participants at the time at which the persons enter into the agreement, contract, or transaction; and

''(B) the agreement, contract, or transaction is not executed or traded on a trading facility.

''(2) ELECTRONIC TRADING FACILITY EXCLUSION.—Nothing in this Act (other than section 5a (to the extent provided in section 5a(g)), 5b, 5d, or 12(e)(2)(B)) governs or applies to an agreement, contract, or transaction in an excluded commodity if—

''(A) the agreement, contract, or transaction is entered into on a principal-to-principal basis between parties trading for their own accounts or as described in section 1a(12)(B)(ii);

''(B) the agreement, contract, or transaction is entered into only between persons that are eligible contract participants described in subparagraph (A), (B)(ii), or (C) of section 1a(12)) at the time at which the persons enter into the agreement, contract, or transaction; and

''(C) the agreement, contract, or transaction is executed or traded on an electronic trading facility.''.

SEC. 104. EXCLUDED ELECTRONIC TRADING FACILITIES.

Section 2 of the Commodity Exchange Act (7 U.S.C. 2, 2a, 3, 4, 4a) is further amended by adding at the end the following:

''(e) EXCLUDED ELECTRONIC TRADING FACILITIES.—

''(1) IN GENERAL.—Nothing in this Act (other than section 12(e)(2)(B)) governs or is applicable to an electronic trading facility that limits transactions authorized to be conducted on its facilities to those satisfying the requirements of sections 2(d)(2), 2(g)(3), and 2(h).

''(2) EFFECT ON AUTHORITY TO ESTABLISH AND OPERATE.—Nothing in this Act shall prohibit a board of trade designated by the Commission as a contract market, derivatives transaction execution facility, or exempt board of trade from establishing and operating an electronic trading facility excluded under this Act pursuant to paragraph (1).

''(3) EFFECT ON TRANSACTIONS.—No failure by an electronic trading facility to limit transactions as required by paragraph (1) of this subsection or to comply with section 2(g)(5) shall in itself affect the legality, validity, or enforceability of an agreement, contract, or transaction entered into or traded on the electronic trading facility or cause a participant on the system to be in violation of this Act.

SEC. 105. HYBRID INSTRUMENTS.

Section 2 of the Commodity Exchange Act (7 U.S.C. 2, 2a, 3, 4, 4a) is further amended by adding at the end the following:

''(f) EXCLUSION FOR QUALIFYING HYBRID INSTRUMENTS.—

''(1) IN GENERAL.—Nothing in this Act (other than section 12(e)(2)(B)) governs or is applicable to a hybrid instrument that is predominantly a security or deposit instrument.

''(2) PREDOMINANCE.—A hybrid instrument shall be considered to be predominantly a security or deposit instrument if—

''(A) the issuer of the hybrid instrument receives payment in full of the purchase price of the hybrid instrument, substantially contemporaneously with delivery of the hybrid instrument;

''(B) the purchaser or holder of the hybrid instrument is not required to make any payment to the issuer in addition to the purchase price paid under subparagraph (A), whether as margin, settlement payment, or otherwise, during the life of the hybrid instrument or at maturity;

''(C) the issuer of the hybrid instrument is not subject by the terms of the instrument to mark-to-market margining requirements; and

''(D) the hybrid instrument is not marketed as a contract of sale for future delivery of a commodity (or option on such a contract) subject to this Act.

''(3) MARK-TO-MARKET MARGINING REQUIREMENTS.—For the purposes of paragraph (2)(C), mark-to-market margining requirements do not include the obligation of an issuer of a secured debt instrument to increase the amount of collateral held in pledge for the benefit of the purchaser of the secured debt instrument to secure the repayment obligations of the issuer under the secured debt instrument.''.

SEC. 106. TRANSACTIONS IN EXEMPT COMMODITIES.

Section 2 of the Commodity Exchange Act (7 U.S.C. 2, 2a, 3, 4, 4a) is further amended by adding at the end the following.

''(g) LEGAL CERTAINTY FOR CERTAIN TRANSACTIONS IN EXEMPT COMMODITIES.—

''(1) Except as provided in paragraph (2), nothing in this Act shall apply to a contract, agreement or transaction in an exempt commodity which—

''(A) is entered into solely between persons that are eligible contract participants at the time the persons enter into the agreement, contract, or transaction; and

''(B) is not entered into on a trading facility.

''(2) An agreement, contract, or transaction described in paragraph (1) of this subsection shall be subject to—

''(A) sections 5b and 12(e)(2)(B);

''(B) sections 4b, 4o, 6(c), 6(d), 6c, 6d, and 8a, and the regulations of the Commission pursuant to section 4c(b) proscribing fraud in connection with commodity option transactions, to the extent the agreement, contract, or transaction is not between eligible commercial entities (unless 1 of the entities is an instrumentality, department, or agency of a State or local governmental entity) and would otherwise be subject to such sections and regulations; and

''(C) sections 6(c), 6(d), 6c, 6d, 8a, and 9(a)(2), to the extent such sections prohibit manipulation of the market price of any commodity in interstate commerce and the agreement, contract, or transaction would otherwise be subject to such sections.

''(3) Except as provided in paragraph (4), nothing in this Act shall apply to an agreement, contract, or transaction in an exempt commodity which is—

''(A) entered into on a principal-to-principal basis solely between persons that are eligible commercial entities at the time the persons enter into the agreement, contract, or transaction; and

''(B) executed or traded on an electronic trading facility.

''(4) An agreement, contract, or transaction described in paragraph (3) of this subsection shall be subject to—

''(A) sections 5a (to the extent provided in section 5a(g)), 5b, 5d, and 12(e)(2)(B);

''(B) sections 4b and 4o and the regulations of the Commission pursuant to section 4c(b) proscribing fraud in connection with commodity option transactions to the extent the agreement, contract, or transaction would otherwise be subject to such sections and regulations;

''(C) sections 6(c) and 9(a)(2), to the extent such sections prohibit manipulation of the market price of any commodity in interstate commerce and to the extent the agreement,

contract, or transaction would otherwise be subject to such sections; and

''(D) such rules and regulations as the Commission may prescribe if necessary to ensure timely dissemination by the electronic trading facility of price, trading volume, and other trading data to the extent appropriate, if the Commission determines that the electronic trading facility performs a significant price discovery function for transactions in the cash market for the commodity underlying any agreement, contract, or transaction executed or traded on the electronic trading facility.

''(5) An electronic trading facility relying on the exemption provided in paragraph (3) shall—

''(A) notify the Commission of its intention to operate an electronic trading facility in reliance on the exemption set forth in paragraph (3), which notice shall include the following:

''(i) the name and address of the facility and a person designated to receive communications from the Commission;

''(ii) the commodity categories that the facility intends to list or otherwise make available for trading on the facility in reliance on the exemption set forth in paragraph (3);

''(iii) certifications that—

''(I) no executive officer or member of the governing board of, or any holder of a 10 percent or greater equity interest in, the facility is a person described in any of subparagraphs (A) through (H) of section 8a(2);

''(II) the facility will comply with the conditions for exemption under this paragraph; and

''(III) the facility will notify the Commission of any material change in the information previously provided by the facility to the Commission pursuant to this paragraph; and

''(iv) the identity of any derivatives clearing organization to which the facility transmits or intends to transmit transaction data for the purpose of facilitating the clearance and settlement of transactions conducted on the facility in reliance on the exemption set forth in paragraph (3);

''(B)(i)(I) provide the Commission with access to the facility's trading protocols and electronic access to the facility with respect to transactions conducted in reliance on the exemption set forth in paragraph (3); or

''(II) provide such reports to the Commission regarding transactions executed on the facility in reliance on the exemption set forth in paragraph (3) as the Commission may from time to time request to enable the Commission to satisfy its obligations under this Act; and

''(ii) maintain for 5 years, and make available for inspection by the Commission upon request, records of all activities related to its business as an electronic trading facility exempt under paragraph (3), including—

''(I) information relating to data entry and transaction details sufficient to enable the Commission to reconstruct trading activity on the facility conducted in reliance on the exemption set forth in paragraph (3); and

''(II) the name and address of each participant on the facility authorized to enter into transactions in reliance on the exemption set forth in paragraph (3); and

''(iii) upon special call by the Commission, provide to the Commission, in a form and manner and within the period specified in the special call, such information related to its business as an electronic trading facility exempt under paragraph (3), including information relating to data entry and transaction details in respect of transactions entered into in reliance on the exemption set forth in paragraph (3), as the Commission may determine appropriate—

''(I) to enforce the provisions specified in subparagraphs (B) and (C) of paragraph (4);

''(II) to evaluate a systemic market event; or

''(III) to obtain information requested by a Federal financial regulatory authority in order to enable the regulator to fulfill its regulatory or supervisory responsibilities; and

''(C)(i) upon receipt of any subpoena issued by or on behalf of the Commission to any foreign person who the Commission believes is conducting or has conducted transactions in reliance on the exemption set forth in paragraph (3) on or through the electronic trading facility relating to the transactions, promptly notify the foreign person of, and transmit to the foreign person, the subpoena in a manner reasonable under the circumstances, or as specified by the Commission; and

''(ii) if the Commission has reason to believe that a person has not timely complied with a subpoena issued by or on behalf of the Commission pursuant to clause (i), and the Commission in writing has directed that a facility relying on the exemption set forth in paragraph (3) deny or limit further transactions by the person, the facility shall deny that person further trading access to the facility or, as applicable, limit that person's access to the facility for liquidation trading only;

''(D) comply with the requirements of this paragraph applicable to the facility and require that each participant, as a condition of trading on the facility in reliance on the exemption set forth in paragraph (3), agree to comply with all applicable law;

''(E) have a reasonable basis for believing that participants authorized to conduct transactions on the facility in reliance on the exemption set forth in paragraph (3) are eligible commercial entities; and

''(F) not represent to any person that the facility is registered with, or designated, recognized, licensed or approved by the Commission.

''(6) A person named in a subpoena referred to in paragraph (5)(C) that believes the person is or may be adversely affected or aggrieved by action taken by the Commission under this section, shall have the opportunity for a prompt hearing after the Commission acts under procedures that the Commission shall establish by rule, regulation, or order.''.

SEC. 107. SWAP TRANSACTIONS.

Section 2 of the Commodity Exchange Act (7 U.S.C. 2, 2a, 3, 4, 4a) is further amended by adding at the end the following:

''(h) EXCLUDED SWAP TRANSACTIONS.—No provision of this Act (other than section 5a (to the extent provided in section 5a(g)), 5b, 5d, or 12(e)(2)) shall apply to or govern any agreement, contract, or transaction in a commodity other than an agricultural commodity if—

''(1) the agreement, contract, or transaction is entered into only between persons that are eligible contract participants at the time they enter into the agreement, contract, or transaction; and

''(2) each of the material economic terms of the agreement, contract, or transaction is individually negotiated by the parties.''.

SEC. 108. APPLICATION OF COMMODITY FUTURES LAWS.

Section 2 of the Commodity Exchange Act (7 U.S.C. 2, 2a, 3, 4, 4a) is further amended by adding at the end the following:

''(i) APPLICATION OF COMMODITY FUTURES LAWS.—

''(1) No provision of this Act shall be construed as implying or creating any presumption that—

''(A) any agreement, contract, or transaction that is excluded or exempted under subsection (c), (d), (e), (f), (g), or (h) of section 2 or section 4(c); or

''(B) any agreement, contract, or transaction, not otherwise subject to this Act, that is not so excluded or exempted,

is or would otherwise be subject to this Act.

''(2) No provision of, or amendment made by, the Commodity Futures Modernization Act of 2000 shall be construed as conferring jurisdiction on the Commission with respect to any such agreement, contract, or transaction, except as expressly provided in section 5a of this Act (to the extent provided in section 5a(g) of this Act), 5b of this Act, or 5d of this Act.''.

SEC. 109. PROTECTION OF THE PUBLIC INTEREST.

The Commodity Exchange Act is amended by striking section 3 (7 U.S.C. 5) and inserting the following:

''SEC. 3. FINDINGS AND PURPOSE.

''(a) FINDINGS.—The transactions subject to this Act are entered into regularly in interstate and international commerce and are affected with a national public interest by providing a means for managing and assuming price risks, discovering prices, or disseminating pricing information through trading in liquid, fair and financially secure trading facilities.

''(b) PURPOSE.—It is the purpose of this Act to serve the public interests described in subsection (a) through a system of effective self-regulation of trading facilities, clearing systems, market participants and market professionals under the oversight of the Commission. To foster these public interests, it is further the purpose of this Act to deter and prevent price manipulation or any other disruptions to market integrity; to ensure the financial integrity of all transactions subject to this Act and the avoidance of systemic risk; to protect all market participants from fraudulent or other abusive sales practices and misuses of customer assets; and to promote responsible innovation and fair competition among boards of trade, other markets and market participants.''.

SEC. 110. PROHIBITED TRANSACTIONS.

Section 4c of the Commodity Exchange Act (7 U.S.C. 6c) is amended by striking ''SEC. 4c.'' and all that follows through subsection (a) and inserting the following:

''SEC. 4c. PROHIBITED TRANSACTIONS.

''(a) IN GENERAL.—

''(1) PROHIBITION.—It shall be unlawful for any person to offer to enter into, enter into, or confirm the execution of a transaction described in paragraph (2) involving the purchase or sale of any commodity for future delivery (or any option on such a transaction or option on a commodity) if the transaction is used or may be used to—

''(A) hedge any transaction in interstate commerce in the commodity or the product or byproduct of the commodity;

''(B) determine the price basis of any such transaction in interstate commerce in the commodity; or

''(C) deliver any such commodity sold, shipped, or received in interstate commerce for the execution of the transaction.

''(2) TRANSACTION.—A transaction referred to in paragraph (1) is a transaction that—

''(A)(i) is, is of the character of, or is commonly known to the trade as, a 'wash sale' or 'accommodation trade'; or

''(ii) is a fictitious sale; or

''(B) is used to cause any price to be reported, registered, or recorded that is not a true and bona fide price.''.

SEC. 111. DESIGNATION OF BOARDS OF TRADE AS CONTRACT MARKETS.

The Commodity Exchange Act is amended—

(1) by redesignating section 5b (7 U.S.C. 7b) as section 5e; and

(2) by striking sections 5 and 5a (7 U.S.C. 7, 7a) and inserting the following:

"SEC. 5. DESIGNATION OF BOARDS OF TRADE AS CONTRACT MARKETS.

''(a) APPLICATIONS.—A board of trade applying to the Commission for designation as a contract market shall submit an application to the Commission that includes any relevant materials and records the Commission may require consistent with this Act.

''(b) CRITERIA FOR DESIGNATION.—

''(1) IN GENERAL.—To be designated as a contract market, the board of trade shall demonstrate to the Commission that the board of trade meets the criteria specified in this subsection.

''(2) PREVENTION OF MARKET MANIPULATION.—The board of trade shall have the capacity to prevent market manipulation through market surveillance, compliance, and enforcement practices and procedures, including methods for conducting real-time monitoring of trading and comprehensive and accurate trade reconstructions.

''(3) FAIR AND EQUITABLE TRADING.—The board of trade shall establish and enforce trading rules to ensure fair and equitable trading through the facilities of the contract market, and the capacity to detect, investigate, and discipline any person that violates the rules. The rules may authorize—

''(A) transfer trades or office trades;

''(B) an exchange of—

''(i) futures in connection with a cash commodity transaction;

''(ii) futures for cash commodities; or

''(iii) futures for swaps; or

''(C) a futures commission merchant, acting as principal or agent, to enter into or confirm the execution of a contract for the purchase or sale of a commodity for future delivery if the contract is reported, recorded, or cleared in accordance with the rules of the contract market or a derivatives clearing organization.

''(4) TRADE EXECUTION FACILITY.—The board of trade shall—

''(A) establish and enforce rules defining, or specifications detailing, the manner of operation of the trade execution facility maintained by the board of trade, including rules or specifications describing the operation of any electronic matching platform; and

''(B) demonstrate that the trade execution facility operates in accordance with the rules or specifications.

''(5) FINANCIAL INTEGRITY OF TRANSACTIONS.—The board of trade shall establish and enforce rules and procedures for ensuring the financial integrity of transactions entered into by or through the facilities of the contract market, including the clearance and settlement of the transactions with a derivatives clearing organization.

''(6) DISCIPLINARY PROCEDURES.—The board of trade shall establish and enforce disciplinary procedures that authorize the board of trade to discipline, suspend, or expel members or market participants that violate the rules of the board of trade, or similar methods for performing the same functions, including delegation of the functions to third parties.

''(7) PUBLIC ACCESS.—The board of trade shall provide the public with access to the rules, regulations, and contract specifications of the board of trade.

''(8) ABILITY TO OBTAIN INFORMATION.—The board of trade shall establish and enforce rules that will allow the board of trade to obtain any necessary information to perform any of the functions described in this subsection, including the capacity to carry out such international information-sharing agreements as the Commission may require.

''(c) EXISTING CONTRACT MARKETS.—A board of trade that is designated as a contract market on the date of the enactment of the Commodity Futures Modernization Act of 2000 shall be considered to be a designated contract market under this section.

''(d) CORE PRINCIPLES FOR CONTRACT MARKETS.—

''(1) IN GENERAL.—To maintain the designation of a board of trade as a contract market, the board of trade shall comply with the core principles specified in this subsection. The board of trade shall have reasonable discretion in establishing the manner in which it complies with the core principles.

''(2) COMPLIANCE WITH RULES.—The board of trade shall monitor and enforce compliance with the rules of the contract market, including the terms and conditions of any contracts to be traded and any limitations on access to the contract market.

''(3) CONTRACTS NOT READILY SUBJECT TO MANIPULATION.—The board of trade shall list on the contract market only contracts that are not readily susceptible to manipulation.

''(4) MONITORING OF TRADING.—The board of trade shall monitor trading to prevent manipulation, price distortion, and disruptions of the delivery or cash-settlement process.

''(5) POSITION LIMITATIONS OR ACCOUNTABILITY.—To reduce the potential threat of market manipulation or congestion, especially during trading in the delivery month, the board of trade shall adopt position limitations or position accountability for speculators, where necessary and appropriate.

''(6) EMERGENCY AUTHORITY.—The board of trade shall adopt rules to provide for the exercise of emergency authority, in consultation or cooperation with the Commission, where necessary and appropriate, including the authority to—

''(A) liquidate or transfer open positions in any contract;

''(B) suspend or curtail trading in any contract; and

''(C) require market participants in any contract to meet special margin requirements.

''(7) AVAILABILITY OF GENERAL INFORMATION.—The board of trade shall make available to market authorities, market participants, and the public information concerning—

''(A) the terms and conditions of the contracts of the contract market; and

''(B) the mechanisms for executing transactions on or through the facilities of the contract market.

''(8) DAILY PUBLICATION OF TRADING INFORMATION.—The board of trade shall make public daily information on settlement prices, volume, open interest, and opening and closing ranges for actively traded contracts on the contract market.

''(9) EXECUTION OF TRANSACTIONS.—The board of trade shall provide a competitive, open, and efficient market and mechanism for executing transactions.

''(10) TRADE INFORMATION.—The board of trade shall maintain rules and procedures to provide for the recording and safe storage of all identifying trade information in a manner that enables the contract market to use the information for purposes of assisting in the prevention of customer and market abuses and providing evidence of any violations of the rules of the contract market.

''(11) FINANCIAL INTEGRITY OF CONTRACTS.—The board of trade shall establish and enforce rules providing for the financial integrity of any contracts traded on the contract market (including the clearance and settlement of the transactions with a derivatives clearing organization), and rules to ensure the financial integrity of any futures commission merchants and introducing brokers and the protection of customer funds.

''(12) PROTECTION OF MARKET PARTICIPANTS.—The board of trade shall establish and enforce rules to protect market participants from abusive practices committed by any party acting as an agent for the participants.

''(13) DISPUTE RESOLUTION.—The board of trade shall establish and enforce rules regarding and provide facilities for alternative dispute resolution as appropriate for market participants and any market intermediaries.

''(14) GOVERNANCE FITNESS STANDARDS.—The board of trade shall establish and enforce appropriate fitness standards for directors, members of any disciplinary committee, members of the contract market, and any other persons with direct access to the facility (including any parties affiliated with any of the persons described in this paragraph).

''(15) CONFLICTS OF INTEREST.—The board of trade shall establish and enforce rules to minimize conflicts of interest in the decisionmaking process of the contract market and establish a process for resolving such conflicts of interest.

''(16) COMPOSITION OF BOARDS OF MUTUALLY OWNED CONTRACT MARKETS.—In the case of a mutually owned contract market, the board of trade shall ensure that the composition of the governing board reflects market participants.

''(17) RECORDKEEPING.—The board of trade shall maintain records of all activities related to the business of the contract market in a form and manner acceptable to the Commission for a period of 5 years.

''(18) ANTITRUST CONSIDERATIONS.—Unless necessary or appropriate to achieve the purposes of this Act, the board of trade shall endeavor to avoid—

''(A) adopting any rules or taking any actions that result in any unreasonable restraints of trade; or

''(B) imposing any material anticompetitive burden on trading on the contract market.

''(e) CURRENT AGRICULTURAL COMMODITIES.—

''(1) Subject to paragraph (2) of this subsection, a contract for purchase or sale for future delivery of an agricultural commodity enumerated in section 1a(4) that is available for trade on a contract market, as of the date of the enactment of this subsection, may be traded only on a contract market designated under this section.

''(2) In order to promote responsible economic or financial innovation and fair competition, the Commission, on application by any person, after notice and public comment and opportunity for hearing, may prescribe rules and regulations to provide for the offer and sale of contracts for future delivery or options thereon to be conducted on a derivatives transaction execution facility.''.

SEC. 112. DERIVATIVES TRANSACTION EXECUTION FACILITIES.

The Commodity Exchange Act (7 U.S.C. 1 et seq.) is amended by inserting after section 5 (as amended by section 111(2)) the following:

"SEC. 5a. DERIVATIVES TRANSACTION EXECUTION FACILITIES.

''(a) IN GENERAL.—In lieu of compliance with the contract market designation requirements of sections 4(a) and 5, a board of trade may elect to operate as a registered derivatives transaction execution facility if the facility is—

''(1) designated as a contract market and meets the requirements of this section; or

''(2) registered as a derivatives transaction execution facility under subsection (c) of this section.

''(b) REQUIREMENTS FOR TRADING.—

''(1) IN GENERAL.—A registered derivatives transaction execution facility under subsection (a) may trade any contract for sale of a commodity for future delivery (or option

on such a contract) on or through the facility only by satisfying the requirements of this section.

''(2) REQUIREMENTS FOR UNDERLYING COMMODITIES.—A registered derivatives transaction execution facility may trade any contract for sale of a commodity for future delivery (or option on such a contract) only if—

''(A) the underlying commodity has a nearly inexhaustible deliverable supply;

''(B) the underlying commodity has a deliverable supply that is sufficiently large that the contract is highly unlikely to be susceptible to the threat of manipulation;

''(C) the underlying commodity has no cash market;

''(D)(i) the contract is a security futures product, and (ii) the registered derivatives transaction execution facility is a national securities exchange registered under the Securities Exchange Act of 1934 or an alternative trading system;

''(E) the Commission determines, based on the market characteristics, surveillance history, self-regulatory record, and capacity of the facility that trading in the contract (or option) is highly unlikely to be susceptible to the threat of manipulation; or

''(F) except as provided in section 5(e)(2), the underlying commodity is a commodity other than an agricultural commodity enumerated in section 1a(4), and trading access to the facility is limited to eligible commercial entities trading for their own account.

''(3) ELIGIBLE TRADERS.—To trade on a registered derivatives transaction execution facility, a person shall—

''(A) be an eligible contract participant; or

''(B) be a person trading through a futures commission merchant that—

''(i) is registered with the Commission;

''(ii) is a member of a futures self-regulatory organization or, if the person trades only security futures products on the facility, a national securities association registered under section 15A(a) of the Securities Exchange Act of 1934;

''(iii) is a clearing member of a derivatives clearing organization; and

''(iv) has net capital of at least $20,000,000.

''(4) TRADING BY CONTRACT MARKETS.—A board of trade that is designated as a contract market shall, to the extent that the contract market also operates a registered derivatives transaction execution facility—

''(A) provide a physical location for the contract market trading of the board of trade that is separate from trading on the derivatives transaction execution facility of the board of trade; or

''(B) if the board of trade uses the same electronic trading system for trading on the contract market and derivatives transaction execution facility of the board of trade, identify whether the electronic trading is taking place on the contract market or the derivatives transaction execution facility.

''(c) CRITERIA FOR REGISTRATION.—

''(1) IN GENERAL.—To be registered as a registered derivatives transaction execution facility, the board of trade shall be required to demonstrate to the Commission only that the board of trade meets the criteria specified in subsection (b) and this subsection.

''(2) DETERRENCE OF ABUSES.—The board of trade shall establish and enforce trading and participation rules that will deter abuses and has the capacity to detect, investigate, and enforce those rules, including means to—

''(A) obtain information necessary to perform the functions required under this section; or

''(B) use technological means to—

''(i) provide market participants with impartial access to the market; and

''(ii) capture information that may be used in establishing whether rule violations have occurred.

''(3) TRADING PROCEDURES.—The board of trade shall establish and enforce rules or terms and conditions defining, or specifications detailing, trading procedures to be used in entering and executing orders traded on the facilities of the board of trade. The rules may authorize—

''(A) transfer trades or office trades;

''(B) an exchange of—

''(i) futures in connection with a cash commodity transaction;

''(ii) futures for cash commodities;

''(iii) futures for swaps; or

''(C) a futures commission merchant, acting as principal or agent, to enter into or confirm the execution of a contract for the purchase or sale of a commodity for future delivery if the contract is reported, recorded, or cleared in accordance with the rules of the registered derivatives transaction execution facility or a derivatives clearing organization.

''(4) FINANCIAL INTEGRITY OF TRANSACTIONS.—The board of trade shall establish and enforce rules or terms and conditions providing for the financial integrity of transactions entered on or through the facilities of the board of trade (including the clearance and settlement of the transactions with a derivatives clearing organization), and rules or terms and conditions to ensure the financial integrity of any futures commission merchants and introducing brokers and the protection of customer funds.

''(d) CORE PRINCIPLES FOR REGISTERED DERIVATIVES TRANSACTION EXECUTION FACILITIES.—

''(1) IN GENERAL.—To maintain the registration of a board of trade as a derivatives transaction execution facility, a board of trade shall comply with the core principles specified in this subsection. The board of trade shall have reasonable discretion in establishing the manner in which the board of trade complies with the core principles.

''(2) COMPLIANCE WITH RULES.—The board of trade shall monitor and enforce the rules of the facility, including any terms and conditions of any contracts traded on or through the facility and any limitations on access to the facility.

''(3) MONITORING OF TRADING.—The board of trade shall monitor trading in the contracts of the facility to ensure orderly trading in the contract and to maintain an orderly market while providing any necessary trading information to the Commission to allow the Commission to discharge the responsibilities of the Commission under the Act.

''(4) DISCLOSURE OF GENERAL INFORMATION.—The board of trade shall disclose publicly and to the Commission information concerning—

''(A) contract terms and conditions;

''(B) trading conventions, mechanisms, and practices;

''(C) financial integrity protections; and

''(D) other information relevant to participation in trading on the facility.

''(5) DAILY PUBLICATION OF TRADING INFORMATION.—The board of trade shall make public daily information on settlement prices, volume, open interest, and opening and closing ranges for contracts traded on the facility if the Commission determines that the contracts perform a significant price discovery function for transactions in the cash market for the commodity underlying the contracts.

''(6) FITNESS STANDARDS.—The board of trade shall establish and enforce appropriate fitness standards for directors, members of any disciplinary committee, members, and any other persons with direct access to the facility, including any parties affiliated with any of the persons described in this paragraph.

''(7) CONFLICTS OF INTEREST.—The board of trade shall establish and enforce rules to minimize conflicts of interest in the decision making process of the derivatives transaction execution facility and establish a process for resolving such conflicts of interest.

''(8) RECORDKEEPING.—The board of trade shall maintain records of all activities related to the business of the derivatives transaction execution facility in a form and manner acceptable to the Commission for a period of 5 years.

''(9) ANTITRUST CONSIDERATIONS.—Unless necessary or appropriate to achieve the purposes of this Act, the board of trade shall endeavor to avoid—

''(A) adopting any rules or taking any actions that result in any unreasonable restraint of trade; or

''(B) imposing any material anticompetitive burden on trading on the derivatives transaction execution facility.

''(e) USE OF BROKER-DEALERS, DEPOSITORY INSTITUTIONS, AND FARM CREDIT SYSTEM INSTITUTIONS AS INTERMEDIARIES.—

''(1) IN GENERAL.—With respect to transactions other than transactions in security futures products, a registered derivatives transaction execution facility may by rule allow a broker-dealer, depository institution, or institution of the Farm Credit System that meets the requirements of paragraph (2) to—

''(A) act as an intermediary in transactions executed on the facility on behalf of customers of the broker-dealer, depository institution, or institution of the Farm Credit System; and

''(B) receive funds of customers to serve as margin or security for the transactions.

''(2) REQUIREMENTS.—The requirements referred to in paragraph (1) are that—

''(A) the broker-dealer be in good standing with the Securities and Exchange Commission, or the depository institution or institution of the Farm Credit System be in good standing with Federal bank regulatory agencies (including the Farm Credit Administration), as applicable; and

''(B) if the broker-dealer, depository institution, or institution of the Farm Credit System carries or holds customer accounts or funds for transactions on the derivatives transaction execution facility for more than 1 business day, the broker-dealer, depository institution, or institution of the Farm Credit System is registered as a futures commission merchant and is a member of a registered futures association.

''(3) IMPLEMENTATION.—The Commission shall cooperate and coordinate with the Securities and Exchange Commission, the Secretary of the Treasury, and Federal banking regulatory agencies (including the Farm Credit Administration) in adopting rules and taking any other appropriate action to facilitate the implementation of this subsection.

''(f) SEGREGATION OF CUSTOMER FUNDS.—Not later than 180 days after the date of the enactment of the Commodity Futures Modernization Act of 2000, consistent with regulations adopted by the Commission, a registered derivatives transaction execution facility may authorize a futures commission merchant to offer any customer of the futures commission merchant that is an eligible contract participant the right to not segregate the customer funds of the customer that are carried with the futures commission merchant for purposes of trading on or through the facilities of the registered derivatives transaction execution facility.

''(g) ELECTION TO TRADE EXCLUDED AND EXEMPT COMMODITIES.—

''(1) IN GENERAL.—Notwithstanding subsection (b)(2) of this section, a board of trade that is or elects to become a registered derivatives transaction execution facility may trade on the facility any agreements, contracts, or transactions involving excluded or exempt commodities other than securities, except contracts of sale for future delivery of exempt securities under section 3(a)(12) of the Securities Exchange Act of 1934 as in effect on the date of enactment of the Futures Trading Act of 1982, that are otherwise excluded or exempt from this Act under section 2(c), 2(d), 2(g), or 2(h) of this Act.

''(2) EXCLUSIVE JURISDICTION OF THE COMMISSION.—The Commission shall have exclusive jurisdiction over agreements, contracts, or transactions described in paragraph (1) to the extent that the agreements, contracts, or transactions are traded on a derivatives transaction execution facility.''.

SEC. 113. DERIVATIVES CLEARING.

(a) IN GENERAL.—Subtitle A of title IV of the Federal Deposit Insurance Corporation Improvement Act of 1991 is amended—

(1) by inserting before the section heading for section 401, the following new heading:

''CHAPTER 1—BILATERAL AND CLEARING ORGANIZATION NETTING'';

(2) in section 402, by striking ''this subtitle'' and inserting ''this chapter''; and

(3) by inserting after section 407, the following new chapter:

''CHAPTER 2—MULTILATERAL CLEARING ORGANIZATIONS

''SEC. 408. DEFINITIONS.

For purposes of this chapter, the following definitions shall apply:

''(1) MULTILATERAL CLEARING ORGANIZATION.—The term 'multilateral clearing organization' means a system utilized by more than 2 participants in which the bilateral credit exposures of participants arising from the transactions cleared are effectively eliminated and replaced by a system of guarantees, insurance, or mutualized risk of loss.

''(2) OVER-THE-COUNTER DERIVATIVE INSTRUMENT.—The term 'over-the-counter derivative instrument' includes—

''(A) any agreement, contract, or transaction, including the terms and conditions incorporated by reference in any such agreement, contract, or transaction, which is an interest rate swap, option, or forward agreement, including a rate floor, rate cap, rate collar, cross-currency rate swap, basis swap, and forward rate agreement; a same day-tomorrow, tomorrow-next, forward, or other foreign exchange or precious metals agreement; a currency swap, option, or forward agreement; an equity index or equity swap, option, or forward agreement; a debt index or debt swap, option, or forward agreement; a credit spread or credit swap, option, or forward agreement; a commodity index or commodity swap, option, or forward agreement; and a weather swap, weather derivative, or weather option;

''(B) any agreement, contract or transaction similar to any other agreement, contract, or transaction referred to in this clause that is presently, or in the future becomes, regularly entered into by parties that participate in swap transactions (including terms and conditions incorporated by reference in the agreement) and that is a forward, swap, or option on 1 or more occurrences of any event, rates, currencies, commodities, equity securities or other equity instruments, debt securities or other debt instruments, economic or other indices or measures of economic or other risk or value;

''(C) any agreement, contract, or transaction described in subsection (c), (d), (f), or (h) of section 2 of the Commodity Exchange Act or exempted under section 2(g) or 4(c) of such Act; and

''(D) any option to enter into any, or any combination of, agreements, contracts or transactions referred to in this subparagraph.

''(3) OTHER DEFINITIONS.—The terms 'insured State nonmember bank', 'State member bank', and 'affiliate' have the same meanings as in section 3 of the Federal Deposit Insurance Act.

''SEC. 409. MULTILATERAL CLEARING ORGANIZATIONS.

''(a) IN GENERAL.—Except with respect to clearing organizations described in subsection (b), no person may operate a multilateral clearing organization for over-the-counter derivative instruments, or otherwise engage in activities that constitute such a multilateral clearing organization unless the person is a national bank, a State member bank, an insured State nonmember bank, an affiliate of a national bank, a State member bank, or an insured State nonmember bank, or a corporation chartered under section 25A of the Federal Reserve Act.

''(b) CLEARING ORGANIZATIONS.—Subsection (a) shall not apply to any clearing organization that—

''(1) is registered as a clearing agency under the Securities Exchange Act of 1934;

''(2) is registered as a derivatives clearing organization under the Commodity Exchange Act; or

''(3) is supervised by a foreign financial regulator that the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Securities and Exchange Commission, or the Commodity Futures Trading Commission, as applicable, has determined satisfies appropriate standards.''.

(b) ENFORCEMENT POWERS OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.—Section 9 of the Federal Reserve Act (12 U.S.C. 221) is amended by adding at the end the following new paragraph:

''(24) ENFORCEMENT AUTHORITY.—Section 3(u), subsections (j) and (k) of section 7, subsections (b) through (n), (s), (u), and (v) of section 8, and section 19 of the Federal Deposit Insurance Act shall apply to a State member bank which is not an insured depository institution (as defined in section 3 of the Federal Deposit Insurance Act) in the same manner and to the same extent as such provisions apply to State member insured banks, and any reference in such sections to an insured depository institution shall be deemed to include a reference to any such noninsured State member bank.''.

(c) RESOLUTION OF CLEARING BANKS.—The Federal Reserve Act (12 U.S.C. 221 et seq.) is amended by inserting after section 9A the following new section:

''SEC. 9B. RESOLUTION OF CLEARING BANKS.

''(a) CONSERVATORSHIP OR RECEIVERSHIP.—

''(1) APPOINTMENT.—The Board may appoint a conservator or receiver to take possession and control of any uninsured State member bank which operates, or operates as, a multilateral clearing organization pursuant to section 409 of the Federal Deposit Insurance Corporation Improvement Act of 1991 to the same extent and in the same manner as the Comptroller of the Currency may appoint a conservator or receiver for a national bank.

''(2) POWERS.—The conservator or receiver for an uninsured State member bank referred to in paragraph (1) shall exercise the same powers, functions, and duties, subject to the same limitations, as a conservator or receiver for a national bank.

''(b) BOARD AUTHORITY.—The Board shall have the same authority with respect to any conservator or receiver appointed under subsection (a), and the uninsured State member bank for which the conservator or receiver has been appointed, as the Comptroller of the Currency has with respect to a conservator or receiver for a national bank and the national bank for which the conservator or receiver has been appointed.

''(c) BANKRUPTCY PROCEEDINGS.—The Board (in the case of an uninsured State member bank which operates, or operates as, such a multilateral clearing organization) may direct a conservator or receiver appointed for the bank to file a petition pursuant to title 11, United States Code, in which case, title 11, United States Code, shall apply to the bank in lieu of otherwise applicable Federal or State insolvency law.''.

(d) TECHNICAL AND CONFORMING AMENDMENTS TO TITLE 11, UNITED STATES CODE.—

(1) BANKRUPTCY CODE DEBTORS.—Section 109(b)(2) of title 11, United States Code, is amended by striking ''; or'' and inserting the following: '', except that an uninsured State member bank, or a corporation organized under section 25A of the Federal Reserve Act, which operates, or operates as, a multilateral clearing organization pursuant to section 409 of the Federal Deposit Insurance Corporation Improvement Act of 1991 may be a debtor if a petition is filed at the direction of the Board of Governors of the Federal Reserve System; or''.

(2) CHAPTER 7 DEBTORS.—Section 109(d) of title 11, United States Code, is amended to read as follows:

''(d) Only a railroad, a person that may be a debtor under chapter 7 of this title (except a stockbroker or a commodity broker), and an uninsured State member bank, or a corporation organized under section 25A of the Federal Reserve Act, which operates, or operates as, a multilateral clearing organization pursuant to section 409 of the Federal Deposit Insurance Corporation Improvement Act of 1991 may be a debtor under chapter 11 of this title.''.

(3) DEFINITION OF FINANCIAL INSTITUTION.—Section 101(22) of title 11, United States Code, is amended to read as follows:

''(22) the term 'financial institution'—

''(A) means a Federal reserve bank or an entity (domestic or foreign) that is a commercial or savings bank, industrial savings bank, savings and loan association, trust company, a bank or a corporation organized under section 25A of the Federal Reserve Act and, when any such bank or entity is acting as agent or custodian for a customer in connection with a securities contract, as defined in section 741, the customer; and

''(B) includes any person described in subparagraph (A) which operates, or operates as, a multilateral clearing organization pursuant to section 409 of the Federal Deposit Insurance Corporation Improvement Act of 1991;''.

(4) DEFINITION OF UNINSURED STATE MEMBER BANK.—Section 101 of title 11, United States Code, is amended by inserting after paragraph (54) the following new paragraph—

''(54A) the term 'uninsured State member bank' means a State member bank (as defined in section 3 of the Federal Deposit Insurance Act) the deposits of which are not insured by the Federal Deposit Insurance Corporation; and''.

(5) SUBCHAPTER V OF CHAPTER 7.—

(A) IN GENERAL.—Section 103 of title 11, United States Code, is amended—

(i) by redesignating subsections (e) through (i) as subsections (f) through (j), respectively; and

(ii) by inserting after subsection (d) the following new subsection:

''(e) SCOPE OF APPLICATION.—Subchapter V of chapter 7 of this title shall apply only in a case under such chapter concerning the liquidation of an uninsured State member bank, or a corporation organized under section 25A of the Federal Reserve Act, which

operates, or operates as, a multilateral clearing organization pursuant to section 409 of the Federal Deposit Insurance Corporation Improvement Act of 1991.''.

(B) CLEARING BANK LIQUIDATION.—Chapter 7 of title 11, United States Code, is amended by adding at the end the following new subchapter:

''SUBCHAPTER V—CLEARING BANK LIQUIDATION

''§ 781. Definitions

''For purposes of this subchapter, the following definitions shall apply:

''(1) BOARD.—The term 'Board' means the Board of Governors of the Federal Reserve System.

''(2) DEPOSITORY INSTITUTION.—The term 'depository institution' has the same meaning as in section 3 of the Federal Deposit Insurance Act.

''(3) CLEARING BANK.—The term 'clearing bank' means an uninsured State member bank, or a corporation organized under section 25A of the Federal Reserve Act, which operates, or operates as, a multilateral clearing organization pursuant to section 409 of the Federal Deposit Insurance Corporation Improvement Act of 1991.

''§ 782. Selection of trustee

''(a) IN GENERAL.—

''(1) APPOINTMENT.—Notwithstanding any other provision of this title, the conservator or receiver who files the petition shall be the trustee under this chapter, unless the Board designates an alternative trustee.

''(2) SUCCESSOR.—The Board may designate a successor trustee if required.

''(b) AUTHORITY OF TRUSTEE.—Whenever the Board appoints or designates a trustee, chapter 3 and sections 704 and 705 of this title shall apply to the Board in the same way and to the same extent that they apply to a United States trustee.

''§ 783. Additional powers of trustee

''(a) DISTRIBUTION OF PROPERTY NOT OF THE ESTATE.—The trustee under this subchapter has power to distribute property not of the estate, including distributions to customers that are mandated by subchapters III and IV of this chapter.

''(b) DISPOSITION OF INSTITUTION.—The trustee under this subchapter may, after notice and a hearing—

''(1) sell the clearing bank to a depository institution or consortium of depository institutions (which consortium may agree on the allocation of the clearing bank among the consortium);

''(2) merge the clearing bank with a depository institution;

''(3) transfer contracts to the same extent as could a receiver for a depository institution under paragraphs (9) and (10) of section 11(e) of the Federal Deposit Insurance Act;

''(4) transfer assets or liabilities to a depository institution;

''(5) transfer assets and liabilities to a bridge bank as provided in paragraphs (1), (3)(A), (5), (6), of section 11(n) of the Federal Deposit Insurance Act, paragraphs (9) through (13) of such section, and subparagraphs (A) through (H) and subparagraph (K) of paragraph (4) of such section 11(n), except that—

''(A) the bridge bank to which such assets or liabilities are transferred shall be treated as a clearing bank for the purpose of this subsection; and

''(B) any references in any such provision of law to the Federal Deposit Insurance Corporation shall be construed to be references to the appointing agency and that references to deposit insurance shall be omitted.

''(c) CERTAIN TRANSFERS INCLUDED.—Any reference in this section to transfers of liabilities includes a ratable transfer of liabilities within a priority class.

''§ 784. Right to be heard

''The Board or a Federal reserve bank (in the case of a clearing bank that is a member of that bank) may raise and may appear and be heard on any issue in a case under this subchapter.''.

(6) DEFINITIONS OF CLEARING ORGANIZATION, CONTRACT MARKET, AND RELATED DEFINITIONS.—

(A) Section 761(2) of title 11, United States Code, is amended to read as follows:

''(2) 'clearing organization' means a derivatives clearing organization registered under the Act;''.

(B) Section 761(7) of title 11, United States Code, is amended to read as follows:

''(7) 'contract market' means a registered entity;''.

(C) Section 761(8) of title 11, United States Code, is amended to read as follows:

''(8) 'contract of sale', 'commodity', 'derivatives clearing organization', 'future delivery', 'board of trade', 'registered entity', and 'futures commission merchant' have the meanings assigned to those terms in the Act;''.

(e) CLERICAL AMENDMENT.—The table of sections for chapter 7 of title 11, United States Code, is amended by adding at the end the following new items:

''SUBCHAPTER V—CLEARING BANK LIQUIDATION

''Sec.
''781. Definitions.
''782. Selection of trustee.
''783. Additional powers of trustee.
''784. Right to be heard.''.

(g) RESOLUTION OF EDGE ACT CORPORATIONS.—The 16th undesignated paragraph of section 25A of the Federal Reserve Act (12 U.S.C. 624) is amended to read as follows:

''(16) APPOINTMENT OF RECEIVER OR CONSERVATOR.—

''(A) IN GENERAL.—The Board may appoint a conservator or receiver for a corporation organized under the provisions of this section to the same extent and in the same manner as the Comptroller of the Currency may appoint a conservator or receiver for a national bank, and the conservator or receiver for such corporation shall exercise the same powers, functions, and duties, subject to the same limitations, as a conservator or receiver for a national bank.

''(B) EQUIVALENT AUTHORITY.—The Board shall have the same authority with respect to any conservator or receiver appointed for a corporation organized under the provisions of this section under this paragraph and any such corporation as the Comptroller of the Currency has with respect to a conservator or receiver of a national bank and the national bank for which a conservator or receiver has been appointed.

''(C) TITLE 11 PETITIONS.—The Board may direct the conservator or receiver of a corporation organized under the provisions of this section to file a petition pursuant to title 11, United States Code, in which case, title 11, United States Code, shall apply to the corporation in lieu of otherwise applicable Federal or State insolvency law.''.

(g) DERIVATIVES CLEARING ORGANIZATIONS.—The Commodity Exchange Act (7 U.S.C. 1 et seq.) is amended by inserting after section 5a (as added by section 112) the following new section:

''SEC. 5b. DERIVATIVES CLEARING ORGANIZATIONS.

''(a) REGISTRATION REQUIREMENT.—It shall be unlawful for a derivatives clearing organization, unless registered with the Commission, directly or indirectly to make use of the mails or any means or instrumentality of interstate commerce to perform the functions of a derivatives clearing organization described in section 1a(9) with respect to a contract of sale of a commodity for future delivery, or option on such a contract or on a commodity, in each case unless the contract or option—

''(1) is excluded from this Act by subsection (a)(1)(C)(i), (c), (d), (f), or (h) of section 2, or exempted under section 2(g) or 4(c); or

''(2) is a security futures product cleared by a clearing agency registered under the Securities Exchange Act of 1934.

''(b) VOLUNTARY REGISTRATION.—A derivatives clearing organization that clears agreements, contracts, or transactions excluded from this Act by subsection (c), (d), (f), or (h) of section 2 of this Act, or exempted under section 2(g) or 4(c) or other over-the-counter derivative instruments (as defined in the Federal Deposit Insurance Corporation Improvement Act of 1991) may register with the Commission as a derivatives clearing organization.

''(c) REGISTRATION OF DERIVATIVES CLEARING ORGANIZATIONS.—

''(1) APPLICATION.—A person desiring to register as a derivatives clearing organization shall submit to the Commission an application in such form and containing such information as the Commission may require for the purpose of making the determinations required for approval under paragraph (2).

''(2) CORE PRINCIPLES.—

''(A) IN GENERAL.—To be registered and to maintain registration as a derivatives clearing organization, an applicant shall demonstrate to the Commission that the applicant complies with the core principles specified in this paragraph. The applicant shall have reasonable discretion in establishing the manner in which it complies with the core principles.

''(B) FINANCIAL RESOURCES.—The applicant shall demonstrate that the applicant has adequate financial, operational, and managerial resources to discharge the responsibilities of a derivatives clearing organization.

''(C) PARTICIPANT AND PRODUCT ELIGIBILITY.—The applicant shall establish—

''(i) appropriate admission and continuing eligibility standards (including appropriate minimum financial requirements) for members of and participants in the organization; and

''(ii) appropriate standards for determining eligibility of agreements, contracts, or transactions submitted to the applicant.

''(D) RISK MANAGEMENT.—The applicant shall have the ability to manage the risks associated with discharging the responsibilities of a derivatives clearing organization through the use of appropriate tools and procedures.

''(E) SETTLEMENT PROCEDURES.—The applicant shall have the ability to—

''(i) complete settlements on a timely basis under varying circumstances;

''(ii) maintain an adequate record of the flow of funds associated with each transaction that the applicant clears; and

''(iii) comply with the terms and conditions of any permitted netting or offset arrangements with other clearing organizations.

''(F) TREATMENT OF FUNDS.—The applicant shall have standards and procedures designed to protect and ensure the safety of member and participant funds.

''(G) DEFAULT RULES AND PROCEDURES.—The applicant shall have rules and procedures designed to allow for efficient, fair, and safe management of events when members or participants become insolvent or otherwise default on their obligations to the derivatives clearing organization.

''(H) RULE ENFORCEMENT.—The applicant shall—

''(i) maintain adequate arrangements and resources for the effective monitoring and enforcement of compliance with rules of the applicant and for resolution of disputes; and

''(ii) have the authority and ability to discipline, limit, suspend, or terminate a member's or participant's activities for violations of rules of the applicant.

''(I) SYSTEM SAFEGUARDS.—The applicant shall demonstrate that the applicant—

''(i) has established and will maintain a program of oversight and risk analysis to ensure that the automated systems of the applicant function properly and have adequate capacity and security; and

''(ii) has established and will maintain emergency procedures and a plan for disaster recovery, and will periodically test backup facilities sufficient to ensure daily processing, clearing, and settlement of transactions.

''(J) REPORTING.—The applicant shall provide to the Commission all information necessary for the Commission to conduct the oversight function of the applicant with respect to the activities of the derivatives clearing organization.

''(K) RECORDKEEPING.—The applicant shall maintain records of all activities related to the business of the applicant as a derivatives clearing organization in a form and manner acceptable to the Commission for a period of 5 years.

''(L) PUBLIC INFORMATION.—The applicant shall make information concerning the rules and operating procedures governing the clearing and settlement systems (including default procedures) available to market participants.

''(M) INFORMATION SHARING.—The applicant shall—

''(i) enter into and abide by the terms of all appropriate and applicable domestic and international information-sharing agreements; and

''(ii) use relevant information obtained from the agreements in carrying out the clearing organization's risk management program.

''(N) ANTITRUST CONSIDERATIONS.—Unless appropriate to achieve the purposes of this Act, the derivatives clearing organization shall avoid—

''(i) adopting any rule or taking any action that results in any unreasonable restraint of trade; or

''(ii) imposing any material anticompetitive burden on trading on the contract market.

''(3) ORDERS CONCERNING COMPETITION.—A derivatives clearing organization may request the Commission to issue an order concerning whether a rule or practice of the applicant is the least anticompetitive means of achieving the objectives, purposes, and policies of this Act.

''(d) EXISTING DERIVATIVES CLEARING ORGANIZATIONS.—A derivatives clearing organization shall be deemed to be registered under this section to the extent that the derivatives clearing organization clears agreements, contracts, or transactions for a board of trade that has been designated by the Commission as a contract market for such agreements, contracts, or transactions before the date of enactment of this section.

''(e) APPOINTMENT OF TRUSTEE.—

''(1) IN GENERAL.—If a proceeding under section 5e results in the suspension or revocation of the registration of a derivatives clearing organization, or if a derivatives clearing organization withdraws from registration, the Commission, on notice to the derivatives clearing organization, may apply to the appropriate United States district court where the derivatives clearing organization is located for the appointment of a trustee.

''(2) ASSUMPTION OF JURISDICTION.—If the Commission applies for appointment of a trustee under paragraph (1)—

''(A) the court may take exclusive jurisdiction over the derivatives clearing organization and the records and assets of the derivatives clearing organization, wherever located; and

''(B) if the court takes jurisdiction under subparagraph (A), the court shall appoint the Commission, or a person designated by the Commission, as trustee with power to take possession and continue to operate or terminate the operations of the derivatives clearing organization in an orderly manner for the protection of participants, subject to such terms and conditions as the court may prescribe.

''(f) LINKING OF REGULATED CLEARING FACILITIES.—

''(1) IN GENERAL.—The Commission shall facilitate the linking or coordination of derivatives clearing organizations registered under this Act with other regulated clearance facilities for the coordinated settlement of cleared transactions.

''(2) COORDINATION.—In carrying out paragraph (1), the Commission shall coordinate with the Federal banking agencies and the Securities and Exchange Commission.''.

SEC. 114. COMMON PROVISIONS APPLICABLE TO REGISTERED ENTITIES.

The Commodity Exchange Act (7 U.S.C. 1 et seq.) is amended by inserting after section 5b (as added by section 113(g)) the following:

''SEC. 5c. COMMON PROVISIONS APPLICABLE TO REGISTERED ENTITIES.

''(a) ACCEPTABLE BUSINESS PRACTICES UNDER CORE PRINCIPLES.—

''(1) IN GENERAL.—Consistent with the purposes of this Act, the Commission may issue interpretations, or approve interpretations submitted to the Commission, of sections 5(d), 5a(d), and 5b(d)(2) to describe what would constitute an acceptable business practice under such sections.

''(2) EFFECT OF INTERPRETATION.—An interpretation issued under paragraph (1) shall not provide the exclusive means for complying with such sections.

''(b) DELEGATION OF FUNCTIONS UNDER CORE PRINCIPLES.—

''(1) IN GENERAL.—A contract market or derivatives transaction execution facility may comply with any applicable core principle through delegation of any relevant function to a registered futures association or another registered entity.

''(2) RESPONSIBILITY.—A contract market or derivatives transaction execution facility that delegates a function under paragraph (1) shall remain responsible for carrying out the function.

''(c) NEW CONTRACTS, NEW RULES, AND RULE AMENDMENTS.—

''(1) IN GENERAL.—Subject to paragraph (2), a registered entity may elect to list for trading or accept for clearing any new contract or other instrument, or may elect to approve and implement any new rule or rule amendment, by providing to the Commission (and the Secretary of the Treasury, in the case of a contract of sale for future delivery of a government security (or option thereon) or a rule or rule amendment specifically related to such a contract) a written certification that the new contract or instrument or clearing of the new contract or instrument, new rule, or rule amendment complies with this Act (including regulations under this Act).

''(2) PRIOR APPROVAL.—

''(A) IN GENERAL.—A registered entity may request that the Commission grant prior approval to any new contract or other instrument, new rule, or rule amendment.

''(B) PRIOR APPROVAL REQUIRED.—Notwithstanding any other provision of this section, a designated contract market shall submit to the Commission for prior approval each rule amendment that materially changes the terms and conditions, as determined by the Commission, in any contract of sale for future delivery of a commodity specifically enumerated in section 1a(4) (or any option thereon) traded through its facilities if the rule amendment applies to contracts and delivery months which have already been listed for trading and have open interest.

''(C) DEADLINE.—If prior approval is requested under subparagraph (A), the Commission shall take final action on the request not later than 90 days after submission of the request, unless the person submitting the request agrees to an extension of the time limitation established under this subparagraph.

''(3) APPROVAL.—The Commission shall approve any such new contract or instrument, new rule, or rule amendment unless the Commission finds that the new contract or instrument, new rule, or rule amendment would violate this Act.

''(d) VIOLATION OF CORE PRINCIPLES.—

''(1) IN GENERAL.—If the Commission determines, on the basis of substantial evidence, that a registered entity is violating any applicable core principle specified in section 5(d), 5a(d), or 5b(d)(2), the Commission shall—

''(A) notify the registered entity in writing of the determination; and

''(B) afford the registered entity an opportunity to make appropriate changes to bring the registered entity into compliance with the core principles.

''(2) FAILURE TO MAKE CHANGES.—If, not later than 30 days after receiving a notification under paragraph (1), a registered entity fails to make changes that, in the opinion of the Commission, are necessary to comply with the core principles, the Commission may take further action in accordance with this Act.

''(e) RESERVATION OF EMERGENCY AUTHORITY.—Nothing in this section shall limit or in any way affect the emergency powers of the Commission provided in section 8a(9).''.

SEC. 115. EXEMPT BOARDS OF TRADE.

The Commodity Exchange Act (7 U.S.C. 1 et seq.) is amended by inserting after section 5c (as added by section 114) the following:

''SEC. 5d. EXEMPT BOARDS OF TRADE.

''(a) ELECTION TO REGISTER WITH THE COMMISSION.—A board of trade that meets the requirements of subsection (b) of this section may operate as an exempt board of trade on receipt from the board of trade of a notice, provided in such manner as the Commission may by rule or regulation prescribe, that the board of trade elects to operate as an exempt board of trade. Except as otherwise provided in this section, no provision of this Act (other than subparagraphs (C) and (D) of section 2(a)(1) and section 12(e)(2)(B)) shall apply with respect to a contract of sale (or option on such a contract) of a commodity for future delivery traded on or through the facilities of an exempt board of trade.

''(b) CRITERIA FOR EXEMPTION.—To qualify for an exemption under subsection (a), a board of trade shall limit trading on or through the facilities of the board of trade to contracts of sale of a commodity for future delivery (or options on such contracts)—

''(1) for which the underlying commodity has—

''(A) a nearly inexhaustible deliverable supply;

''(B) a deliverable supply that is sufficiently large, and a cash market sufficiently liquid, to render any contract traded on the commodity highly unlikely to be susceptible to the threat of manipulation; or

''(C) no cash market;

''(2) that are entered into only between persons that are eligible contract participants at the time at which the persons enter into the contract; and

''(3) that are not contracts of sale (or options on such a contract) for future delivery of any security, including any group or index of securities or any interest in, or based on the value of, any security or any group or index of securities.

''(c) ANTIMANIPULATION REQUIREMENTS.—A party to a contract for sale of a commodity for future delivery (or option on such a contract) that is traded on an exempt board of trade shall be subject to sections 4b, 4c(b), 4o, 6(c), and 9(a)(2), and the Commission shall enforce those provisions with respect to any such trading.

''(d) PRICE DISCOVERY.—If the Commission finds that an exempt board of trade is a significant source of price discovery for transactions in the cash market for the commodity underlying any contract, agreement, or transaction traded on or through the facilities of the board of trade, the board of trade shall disseminate publicly on a daily basis trading volume, opening and closing price ranges, open interest, and other trading data as appropriate to the market.

''(e) JURISDICTION.—The Commission shall have exclusive jurisdiction over any account, agreement, or transaction involving a contract of sale of a commodity for future delivery, or option on such a contract or on a commodity, to the extent that the account, agreement, or transaction is traded on an exempt board of trade.

''(f) SUBSIDIARIES.—A board of trade that is designated as a contract market or registered as a derivatives transaction execution facility may operate an exempt board of trade by establishing a separate subsidiary or other legal entity and otherwise satisfying the requirements of this section.

''(g) An exempt board of trade that meets the requirements of subsection (b) shall not represent to any person that the board of trade is registered with, or designated, recognized, licensed, or approved by the Commission.''.

SEC. 116. SUSPENSION OR REVOCATION OF DESIGNATION AS CONTRACT MARKET.

Section 5e of the Commodity Exchange Act (7 U.S.C. 7b) (as redesignated by section 111(1)) is amended to read as follows:

''SEC. 5e. SUSPENSION OR REVOCATION OF DESIGNATION AS REGISTERED ENTITY.

''The failure of a registered entity to comply with any provision of this Act, or any regulation or order of the Commission under this Act, shall be cause for the suspension of the registered entity for a period not to exceed 180 days, or revocation of designation as a registered entity in accordance with the procedures and subject to the judicial review provided in section 6(b).''.

SEC. 117. AUTHORIZATION OF APPROPRIATIONS.

Section 12(d) of the Commodity Exchange Act (7 U.S.C. 16(d)) is amended by striking ''2000'' and inserting ''2005''.

SEC. 118. PREEMPTION.

Section 12 of the Commodity Exchange Act (7 U.S.C. 16(e)) is amended by striking subsection (e) and inserting the following:

''(e) RELATION TO OTHER LAW, DEPARTMENTS, OR AGENCIES.—

''(1) Nothing in this Act shall supersede or preempt—

''(A) criminal prosecution under any Federal criminal statute;

''(B) the application of any Federal or State statute (except as provided in paragraph (2)), including any rule or regulation thereunder, to any transaction in or involving any commodity, product, right, service, or interest—

''(i) that is not conducted on or subject to the rules of a registered entity or exempt board of trade;

''(ii) (except as otherwise specified by the Commission by rule or regulation) that is not conducted on or subject to the rules of any board of trade, exchange, or market located outside the United States, its territories or possessions; or

''(iii) that is not subject to regulation by the Commission under section 4c or 19; or

''(C) the application of any Federal or State statute, including any rule or regulation thereunder, to any person required to be registered or designated under this Act who shall fail or refuse to obtain such registration or designation.

''(2) This Act shall supersede and preempt the application of any State or local law that prohibits or regulates gaming or the operation of bucket shops (other than antifraud provisions of general applicability) in the case of—

''(A) an electronic trading facility under section 2(e);

''(B) an agreement, contract, or transaction that is excluded or exempt under section 2(c), 2(d), 2(f), 2(g), or 2(h) or is covered by the terms of an exemption granted by the Commission under section 4(c) (regardless of whether any such agreement, contract, or transaction is otherwise subject to this Act).''.

SEC. 119. PREDISPUTE RESOLUTION AGREEMENTS FOR INSTITUTIONAL CUSTOMERS.

Section 14 of the Commodity Exchange Act (7 U.S.C. 18) is amended by striking subsection (g) and inserting the following:

''(g) PREDISPUTE RESOLUTION AGREEMENTS FOR INSTITUTIONAL CUSTOMERS.—Nothing in this section prohibits a registered futures commission merchant from requiring a customer that is an eligible contract participant, as a condition to the commission merchant's conducting a transaction for the customer, to enter into an agreement waiving the right to file a claim under this section.''.

SEC. 120. CONSIDERATION OF COSTS AND BENEFITS AND ANTITRUST LAWS.

Section 15 of the Commodity Exchange Act (7 U.S.C. 19) is amended by striking ''SEC. 15. The Commission'' and inserting the following:

''SEC. 15. CONSIDERATION OF COSTS AND BENEFITS AND ANTITRUST LAWS.

''(a) COSTS AND BENEFITS.—

''(1) IN GENERAL.—Before promulgating a regulation under this Act or issuing an order (except as provided in paragraph (3)), the Commission shall consider the costs and benefits of the action of the Commission.

''(2) CONSIDERATIONS.—The costs and benefits of the proposed Commission action shall be evaluated in light of—

''(A) considerations of protection of market participants and the public;

''(B) considerations of the efficiency, competitiveness, and financial integrity of futures markets;

''(C) considerations of price discovery;

''(D) considerations of sound risk management practices; and

''(E) other public interest considerations.

''(3) APPLICABILITY.—This subsection does not apply to the following actions of the Commission:

''(A) An order that initiates, is part of, or is the result of an adjudicatory or investigative process of the Commission.

''(B) An emergency action.

''(C) A finding of fact regarding compliance with a requirement of the Commission.

''(b) ANTITRUST LAWS.—The Commission''.

SEC. 121. CONTRACT ENFORCEMENT BETWEEN ELIGIBLE COUNTERPARTIES.

Section 22(a) of the Commodity Exchange Act (7 U.S.C. 25(a)) is amended by adding at the end the following:

''(4) CONTRACT ENFORCEMENT BETWEEN ELIGIBLE COUNTERPARTIES.—No agreement, contract, or transaction between eligible contract participants or persons reasonably believed to be eligible contract participants shall be void, voidable, or unenforceable, and no such party shall be entitled to rescind, or recover any payment made with respect to, such an agreement, contract, or transaction, under this section or any other provision of Federal or State law, based solely on the failure of the agreement, contract, or transaction to comply with the terms or conditions of an exemption or exclusion from any provision of this Act or regulations of the Commission.''.

SEC. 122. SPECIAL PROCEDURES TO ENCOURAGE AND FACILITATE BONA FIDE HEDGING BY AGRICULTURAL PRODUCERS.

The Commodity Exchange Act, as otherwise amended by this Act, is amended by inserting after section 4o the following:

''SEC. 4p. SPECIAL PROCEDURES TO ENCOURAGE AND FACILITATE BONA FIDE HEDGING BY AGRICULTURAL PRODUCERS.

''(a) AUTHORITY.—The Commission shall consider issuing rules or orders which—

''(1) prescribe procedures under which each contract market is to provide for orderly delivery, including temporary storage costs, of any agricultural commodity enumerated in section 1a(4) which is the subject of a contract for purchase or sale for future delivery;

''(2) increase the ease with which domestic agricultural producers may participate in contract markets, including by addressing cost and margin requirements, so as to better enable the producers to hedge price risk associated with their production;

''(3) provide flexibility in the minimum quantities of such agricultural commodities that may be the subject of a contract for purchase or sale for future delivery that is traded on a contract market, to better allow domestic agricultural producers to hedge such price risk; and

''(4) encourage contract markets to provide information and otherwise facilitate the participation of domestic agricultural producers in contract markets.

''(b) REPORT.—Within 1 year after the date of enactment of this section, the Commission shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the steps it has taken to implement this section and on the activities of contract markets pursuant to this section.''.

SEC. 123. RULE OF CONSTRUCTION.

Except as expressly provided in this Act or an amendment made by this Act, nothing in this Act or an amendment made by the Act supersedes, affects, or otherwise limits or expands the scope and applicability of laws governing the Securities and Exchange Commission.

SEC. 124. TECHNICAL AND CONFORMING AMENDMENTS.

(a) COMMODITY EXCHANGE ACT.—

(1) Section 1a of the Commodity Exchange Act (7 U.S.C. 1a), as amended by section 101, is amended—

(A) in paragraphs (5), (6), (16), (17), (20), and (23), by inserting ''or derivatives transaction execution facility'' after ''contract market'' each place it appears; and

(B) in paragraph (24)—

(i) in the paragraph heading, by striking ''CONTRACT MARKET'' and inserting ''REGISTERED ENTITY'';

(ii) by striking ''contract market'' each place it appears and inserting ''registered entity''; and

(iii) by adding at the end the following:

''A participant in an alternative trading system that is designated as a contract market pursuant to section 5f is deemed a member of

the contract market for purposes of transactions in security futures products through the contract market.''.

(2) Section 2 of the Commodity Exchange Act (7 U.S.C. 2, 2a, 4, 4a, 3) is amended—

(A) by striking ''SEC. 2. (a)(1)(A)(i) The'' and inserting the following:

''SEC. 2. JURISDICTION OF COMMISSION; LIABILITY OF PRINCIPAL FOR ACT OF AGENT; COMMODITY FUTURES TRADING COMMISSION; TRANSACTION IN INTERSTATE COMMERCE.

''(a) JURISDICTION OF COMMISSION; COMMODITY FUTURES TRADING COMMISSION.—

''(1) JURISDICTION OF COMMISSION.—

''(A) IN GENERAL.—The''; and

(B) in subsection (a)(1)—

(i) in subparagraph (A) (as amended by subparagraph (A) of this paragraph)—

(II) by striking ''subparagraph (B) of this subparagraph'' and inserting ''subparagraphs (C) and (D) of this paragraph and subsections (c) through (i) of this section'';

(III) by striking ''contract market designated pursuant to section 5 of this Act'' and inserting ''contract market designated or derivatives transaction execution facility registered pursuant to section 5 or 5a'';

(IV) by striking clause (ii); and

(V) in clause (iii), by striking ''(iii) The'' and inserting the following:

''(B) LIABILITY OF PRINCIPAL FOR ACT OF AGENT.—The''; and

(ii) in subparagraph (B)—

(I) by striking ''(B)'' and inserting ''(C)'';

(II) in clause (v)—

(aa) by striking ''section 3 of the Securities Act of 1933''; and

(bb) by inserting ''or subparagraph (D)'' after ''subparagraph''; and

(III) by moving clauses (i) through (v) 4 ems to the right;

(C) in subsection (a)(7), by striking ''contract market'' and inserting ''registered entity'';

(D) in subsection (a)(8)(B)(ii)—

(i) in the first sentence, by striking ''designation as a contract market'' and inserting ''designation or registration as a contract market or derivatives transaction execution facility'';

(ii) in the second sentence, by striking ''designate a board of trade as a contract market'' and inserting ''designate or register a board of trade as a contract market or derivatives transaction execution facility''; and

(iii) in the fourth sentence, by striking ''designating, or refusing, suspending, or revoking the designation of, a board of trade as a contract market involving transactions for future delivery referred to in this clause or in considering possible emergency action under section 8a(9) of this Act'' and inserting ''designating, registering, or refusing, suspending, or revoking the designation or registration of, a board of trade as a contract market or derivatives transaction execution facility involving transactions for future delivery referred to in this clause or in considering any possible action under this Act (including without limitation emergency action under section 8a(9))'', and by striking ''designation, suspension, revocation, or emergency action'' and inserting ''designation, registration, suspension, revocation, or action''; and

(E) in subsection (a), by moving paragraphs (2) through (9) 2 ems to the right.

(3) Section 4 of the Commodity Exchange Act (7 U.S.C. 6) is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking ''designated by the Commission as a 'contract market' for'' and inserting ''designated or registered by the Commission as a contract market or derivatives transaction execution facility for'';

(ii) in paragraph (2), by striking ''member of such''; and

(iii) in paragraph (3), by inserting ''or derivatives transaction execution facility'' after ''contract market''; and

(B) in subsection (c)—

(i) in paragraph (1)—

(I) by striking ''designated as a contract market'' and inserting ''designated or registered as a contract market or derivatives transaction execution facility''; and

(II) by striking ''section 2(a)(1)(B)'' and inserting ''subparagraphs (C)(ii) and (D) of section 2(a)(1), except that the Commission and the Securities and Exchange Commission may by rule, regulation, or order jointly exclude any agreement, contract, or transaction from section 2(a)(1)(D)''; and

(ii) in paragraph (2)(B)(ii), by inserting ''or derivatives transaction execution facility'' after ''contract market''.

(4) Section 4a of the Commodity Exchange Act (7 U.S.C. 6a) is amended—

(A) in subsection (a)—

(i) in the first sentence, by inserting ''or derivatives transaction execution facilities'' after ''contract markets''; and

(ii) in the second sentence, by inserting ''or derivatives transaction execution facility'' after ''contract market'';

(B) in subsection (b)—

(i) in paragraph (1), by inserting '', or derivatives transaction execution facility or facilities,'' after ''markets''; and

(ii) in paragraph (2), by inserting ''or derivatives transaction execution facility'' after ''contract market''; and

(C) in subsection (e)—

(i) by striking ''contract market or'' each place it appears and inserting ''contract market, derivatives transaction execution facility, or'';

(ii) by striking ''licensed or designated'' each place it appears and inserting ''licensed, designated, or registered''; and

(iii) by striking ''contract market, or'' and inserting ''contract market or derivatives transaction execution facility, or''.

(5) Section 4b(a) of the Commodity Exchange Act (7 U.S.C. 6b(a)) is amended by striking ''contract market'' each place it appears and inserting ''registered entity''.

(6) Sections 4c(g), 4d, 4e, and 4f of the Commodity Exchange Act (7 U.S.C. 6c(g), 6d, 6e, 6f) are amended by inserting ''or derivatives transaction execution facility'' after ''contract market'' each place it appears.

(7) Section 4g of the Commodity Exchange Act (7 U.S.C. 6g) is amended—

(A) in subsection (b), by striking ''clearinghouse and contract market'' and inserting ''registered entity''; and

(B) in subsection (f), by striking ''clearinghouses, contract markets, and exchanges'' and inserting ''registered entities''.

(8) Section 4h of the Commodity Exchange Act (7 U.S.C. 6h) is amended by striking ''contract market'' each place it appears and inserting ''registered entity''.

(9) Section 4i of the Commodity Exchange Act (7 U.S.C. 6i) is amended in the first sentence by inserting ''or derivatives transaction execution facility'' after ''contract market''.

(10) Section 4l of the Commodity Exchange Act (7 U.S.C. 6l) is amended by inserting ''or derivatives transaction execution facilities'' after ''contract markets'' each place it appears.

(11) Section 4p of the Commodity Exchange Act (7 U.S.C. 6p) is amended—

(A) in the third sentence of subsection (a), by striking ''Act or contract markets'' and inserting ''Act, contract markets, or derivatives transaction execution facilities''; and

(B) in subsection (b), by inserting ''derivatives transaction execution facility,'' after ''contract market,''.

(12) Section 6 of the Commodity Exchange Act (7 U.S.C. 8, 9, 9a, 9b, 13b, 15) is amended—

(A) in subsection (a)—

(i) in the first sentence—

(I) by striking ''board of trade desiring to be designated a 'contract market' shall make application to the Commission for such designation'' and inserting ''person desiring to be designated or registered as a contract market or derivatives transaction execution facility shall make application to the Commission for the designation or registration'';

(II) by striking ''above conditions'' and inserting ''conditions set forth in this Act''; and

(III) by striking ''above requirements'' and inserting ''the requirements of this Act'';

(ii) in the second sentence, by striking ''designation as a contract market within one year'' and inserting ''designation or registration as a contract market or derivatives transaction execution facility within 180 days'';

(iii) in the third sentence—

(I) by striking ''board of trade'' and inserting ''person''; and

(II) by striking ''one-year period'' and inserting ''180-day period''; and

(iv) in the last sentence, by striking ''designate as a 'contract market' any board of trade that has made application therefor, such board of trade'' and inserting ''designate or register as a contract market or derivatives transaction execution facility any person that has made application therefor, the person'';

(B) in subsection (b)—

(i) in the first sentence—

(I) by striking ''designation of any board of trade as a 'contract market' upon'' and inserting ''designation or registration of any contract market or derivatives transaction execution facility on'';

(II) by striking ''board of trade'' each place it appears and inserting ''contract market or derivatives transaction execution facility''; and

(III) by striking ''designation as set forth in section 5 of this Act'' and inserting ''designation or registration as set forth in sections 5 through 5b or section 5f'';

(ii) in the second sentence—

(I) by striking ''board of trade'' the first place it appears and inserting ''contract market or derivatives transaction execution facility''; and

(II) by striking ''board of trade'' the second and third places it appears and inserting ''person''; and

(iii) in the last sentence, by striking ''board of trade'' each place it appears and inserting ''person'';

(C) in subsection (c)—

(i) by striking ''contract market'' each place it appears and inserting ''registered entity'';

(ii) by striking ''contract markets'' each place it appears and inserting ''registered entities''; and

(iii) by striking ''trading privileges'' each place it appears and inserting ''privileges'';

(D) in subsection (d), by striking ''contract market'' each place it appears and inserting ''registered entity''; and

(E) in subsection (e), by striking ''trading on all contract markets'' each place it appears and inserting ''the privileges of all registered entities''.

(13) Section 6a of the Commodity Exchange Act (7 U.S.C. 10a) is amended—

(A) in the first sentence of subsection (a), by striking ''designated as a 'contract market' shall'' and inserting ''designated or registered as a contract market or a derivatives transaction execution facility''; and

(B) in subsection (b), by striking ''designated as a contract market'' and inserting

''designated or registered as a contract market or a derivatives transaction execution facility''.

(14) Section 6b of the Commodity Exchange Act (7 U.S.C. 13a) is amended—

(A) by striking ''contract market'' each place it appears and inserting ''registered entity'';

(B) in the first sentence, by striking ''designation as set forth in section 5 of this Act'' and inserting ''designation or registration as set forth in sections 5 through 5c''; and

(C) in the last sentence, by striking ''the contract market's ability'' and inserting ''the ability of the registered entity''.

(15) Section 6c(a) of the Commodity Exchange Act (7 U.S.C. 13a–1(a)) by striking ''contract market'' and inserting ''registered entity''.

(16) Section 6d(1) of the Commodity Exchange Act (7 U.S.C. 13a–2(1)) is amended by inserting ''derivatives transaction execution facility,'' after ''contract market,''.

(17) Section 7 of the Commodity Exchange Act (7 U.S.C. 11) is amended—

(A) in the first sentence—

(i) by striking ''board of trade'' and inserting ''person'';

(ii) by inserting ''or registered'' after ''designated'';

(iii) by inserting ''or registration'' after ''designation'' each place it appears; and

(iv) by striking ''contract market'' each place it appears and inserting ''registered entity'';

(B) in the second sentence—

(i) by striking ''designation of such board of trade as a contract market'' and inserting ''designation or registration of the registered entity''; and

(ii) by striking ''contract markets'' and inserting ''registered entities''; and

(C) in the last sentence—

(i) by striking ''board of trade'' and inserting ''person''; and

(ii) by striking ''designated again a contract market'' and inserting ''designated or registered again a registered entity''.

(18) Section 8(c) of the Commodity Exchange Act (7 U.S.C. 12(c)) is amended in the first sentence by striking ''board of trade'' and inserting ''registered entity''.

(19) Section 8a of the Commodity Exchange Act (7 U.S.C. 12a) is amended—

(A) by striking ''contract market'' each place it appears and inserting ''registered entity''; and

(B) in paragraph (2)(F), by striking ''trading privileges'' and inserting ''privileges''.

(20) Sections 8b and 8c(e) of the Commodity Exchange Act (7 U.S.C. 12b, 12c(e)) are amended by striking ''contract market'' each place it appears and inserting ''registered entity''.

(21) Section 8e of the Commodity Exchange Act (7 U.S.C. 12e) is repealed.

(22) Section 9 of the Commodity Exchange Act (7 U.S.C. 13) is amended by striking ''contract market'' each place it appears and inserting ''registered entity''.

(23) Section 14 of the Commodity Exchange Act (7 U.S.C. 18) is amended—

(A) in subsection (a)(1)(B), by striking ''contract market'' and inserting ''registered entity''; and

(B) in subsection (f), by striking ''contract markets'' and inserting ''registered entities''.

(24) Section 17 of the Commodity Exchange Act (7 U.S.C. 21) is amended by striking ''contract market'' each place it appears and inserting ''registered entity''.

(25) Section 22 of the Commodity Exchange Act (7 U.S.C. 25) is amended—

(A) in subsection (a)—

(i) in paragraph (1)—

(I) by striking ''contract market, clearing organization of a contract market, licensed board of trade,'' and inserting ''registered entity''; and

(II) in subparagraph (C)(i), by striking ''contract market'' and inserting ''registered entity'';

(ii) in paragraph (2), by striking ''sections 5a(11),'' and inserting ''sections 5(d)(13), 5b(b)(1)(E),''; and

(iii) in paragraph (3), by striking ''contract market'' and inserting ''registered entity''; and

(B) in subsection (b)—

(i) in paragraph (1)—

(I) by striking ''contract market or clearing organization of a contract market'' and inserting ''registered entity'';

(II) by striking ''section 5a(8) and section 5a(9) of this Act'' and inserting ''sections 5 through 5c'';

(III) by striking ''contract market, clearing organization of a contract market, or licensed board of trade'' and inserting ''registered entity''; and

(IV) by striking ''contract market or licensed board of trade'' and inserting ''registered entity'';

(ii) in paragraph (3)—

(I) by striking ''a contract market, clearing organization, licensed board of trade,'' and inserting ''registered entity''; and

(II) by striking ''contract market, licensed board of trade'' and inserting ''registered entity'';

(iii) in paragraph (4), by striking ''contract market, licensed board of trade, clearing organization,'' and inserting ''registered entity''; and

(iv) in paragraph (5), by striking ''contract market, licensed board of trade, clearing organization,'' and inserting ''registered entity''.

(b) FEDERAL DEPOSIT INSURANCE CORPORATION IMPROVEMENT ACT OF 1991.—Section 402(2) of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4402(2)) is amended by striking subparagraph (B) and inserting the following:

''(B) that is registered as a derivatives clearing organization under section 5b of the Commodity Exchange Act.''.

(c) TAX TREATMENT OF SECURITIES FUTURES CONTRACTS.—

(1) IN GENERAL.—Subpart IV of subchapter P of chapter 1 of the Internal Revenue Code of 1986 (relating to special rules for determining gains and losses) is amended by inserting after section 1234A the following new section:

''SEC. 1234B. GAINS OR LOSSES FROM SECURITIES FUTURES CONTRACTS.

''(a) TREATMENT OF GAIN OR LOSS.—

''(1) IN GENERAL.—Gain or loss attributable to the sale or exchange of a securities futures contract shall be considered gain or loss from the sale or exchange of property which has the same character as the property to which the contract relates has in the hands of the taxpayer (or would have in the hands of the taxpayer if acquired by the taxpayer).

''(2) NONAPPLICATION OF SUBSECTION.—This subsection shall not apply to—

''(A) a contract which constitutes property described in paragraph (1) or (7) of section 1221(a), and

''(B) any income derived in connection with a contract which, without regard to this subsection, is treated as other than gain from the sale or exchange of a capital asset.

''(b) SHORT-TERM GAINS AND LOSSES.—Except as provided in the regulations under section 1092(b) or this section, if gain or loss on the sale or exchange of a securities futures contract to sell property is considered as gain or loss from the sale or exchange of a capital asset, such gain or loss shall be treated as short-term capital gain or loss.

''(c) SECURITIES FUTURES CONTRACT.—For purposes of this section, the term 'securities futures contract' means any security future (as defined in section 3(a)(55)(A) of the Securities Exchange Act of 1934, as in effect on the date of the enactment of this section).

''(d) CONTRACTS NOT TREATED AS COMMODITY FUTURES CONTRACTS.—For purposes of this title, a securities futures contract shall not be treated as a commodity futures contract.

''(e) REGULATIONS.—The Secretary shall prescribe such regulations as may be appropriate to provide for the proper treatment of securities futures contracts under this title.''

(2) TERMINATIONS, ETC.—Section 1234A of such Code is amended—

(A) by inserting ''(other than a securities futures contract, as defined in section 1234B)'' after ''right or obligation'' in paragraph (1),

(B) by striking ''or'' at the end of paragraph (1),

(C) by adding ''or'' at the end of paragraph (2), and

(D) by inserting after paragraph (2) the following new paragraph:

''(3) a securities futures contract (as so defined) which is a capital asset in the hands of the taxpayer,''.

(3) NONRECOGNITION UNDER SECTION 1032.—The second sentence of section 1032(a) of such Code is amended by inserting '', or with respect to a securities futures contract (as defined in section 1234B),'' after ''an option''.

(4) TREATMENT UNDER WASH SALES RULES.—Section 1091 of such Code is amended by adding at the end the following new subsection:

''(f) CASH SETTLEMENT.—This section shall not fail to apply to a contract or option to acquire or sell stock or securities solely by reason of the fact that the contract or option settles in (or could be settled in) cash or property other than such stock or securities.''

(5) TREATMENT UNDER STRADDLE RULES.—Clause (i) of section 1092(d)(3)(B) of such Code is amended by striking ''or'' at the end of subclause (I), by redesignating subclause (II) as subclause (III), and by inserting after subclause (I) the following new subclause:

''(II) a securities futures contract (as defined in section 1234B) with respect to such stock or substantially identical stock or securities, or''.

(6) TREATMENT UNDER SHORT SALES RULES.—Paragraph (2) of section 1233(e) of such Code is amended by striking ''and'' at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting ''; and'', and by adding at the end the following:

''(D) a securities futures contract (as defined in section 1234B) to acquire substantially identical property shall be treated as substantially identical property.''

(7) TREATMENT UNDER SECTION 1256.—

(A)(i) Subsection (b) of section 1256 of such Code is amended by striking ''and'' at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting '', and'', and by adding at the end the following:

''(5) any dealer securities futures contract. The term 'section 1256 contract' shall not include any securities futures contract or option to enter into such a contract unless such contract or option is a dealer securities futures contract.''

(ii) Subsection (g) of section 1256 of such Code is amended by adding at the end the following new paragraph:

''(9) DEALER SECURITIES FUTURES CONTRACT.—

''(A) IN GENERAL.—The term 'dealer securities futures contract' means, with respect to any dealer, any securities futures contract,

and any option to enter into such a contract, which—

''(i) is entered into by such dealer (or, in the case of an option, is purchased or granted by such dealer) in the normal course of his activity of dealing in such contracts or options, as the case may be, and

''(ii) is traded on a qualified board or exchange.

''(B) DEALER.—For purposes of subparagraph (A), a person shall be treated as a dealer in securities futures contracts or options on such contracts if the Secretary determines that such person performs, with respect to such contracts or options, as the case may be, functions similar to the persons described in paragraph (8)(A). Such determination shall be made to the extent appropriate to carry out the purposes of this section.

''(C) SECURITIES FUTURES CONTRACT.—The term 'securities futures contract' has the meaning given to such term by section 1234B.''

(B) Paragraph (4) of section 1256(f) of such Code is amended—

(i) by inserting '', or dealer securities futures contracts,'' after ''dealer equity options'' in the text, and

(ii) by inserting ''AND DEALER SECURITIES FUTURES CONTRACTS'' after ''DEALER EQUITY OPTIONS'' in the heading.

(C) Paragraph (6) of section 1256(g) of such Code is amended to read as follows:

''(6) EQUITY OPTION.—The term 'equity option' means any option—

''(A) to buy or sell stock, or

''(B) the value of which is determined directly or indirectly by reference to any stock or any narrow-based security index (as defined in section 3(a)(55) of the Securities Exchange Act of 1934, as in effect on the date of the enactment of this paragraph).

The term 'equity option' includes such an option with respect to a group of stocks only if such group meets the requirements for a narrow-based security index (as so defined).''

(D) The Secretary of the Treasury or his delegate shall make the determinations under section 1256(g)(9)(B) of the Internal Revenue Code of 1986, as added by this Act, not later than July 1, 2001.

(8) CONFORMING AMENDMENTS.—

(A) Section 1223 of such Code is amended by redesignating paragraph (16) as paragraph (17) and by inserting after paragraph (15) the following new paragraph:

''(16) If the security to which a securities futures contract (as defined in section 1234B) relates (other than a contract to which section 1256 applies) is acquired in satisfaction of such contract, in determining the period for which the taxpayer has held such security, there shall be included the period for which the taxpayer held such contract if such contract was a capital asset in the hands of the taxpayer.''.

(B) The table of sections for subpart IV of subchapter P of chapter 1 of such Code is amended by inserting after the item relating to section 1234A the following new item:

''Sec. 1234B. Securities futures contracts.''

(9) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act.

(d) DESIGNATION OF CONTRACT MARKETS.—Section 7701 of the Internal Revenue Code of 1986 is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

''(m) DESIGNATION OF CONTRACT MARKETS.—Any designation by the Commodity Futures Trading Commission of a contract market which could not have been made under the law in effect on the day before the date of the enactment of the Commodity Futures Modernization Act of 2000 shall apply for purposes of this title except to the extent provided in regulations prescribed by the Secretary.''

SEC. 125. PRIVACY.

The Commodity Exchange Act (7 U.S.C. 1 et seq.) is amended by inserting after section 5f (as added by section 222) the following:

''SEC. 5g. PRIVACY.

''(a) TREATMENT AS FINANCIAL INSTITUTIONS.—Notwithstanding section 509(3)(B) of the Gramm-Leach-Bliley Act, any futures commission merchant, commodity trading advisor, commodity pool operator, or introducing broker that is subject to the jurisdiction of the Commission under this Act with respect to any financial activity shall be treated as a financial institution for purposes of title V of such Act with respect to such financial activity.

''(b) TREATMENT OF CFTC AS FEDERAL FUNCTIONAL REGULATOR.—For purposes of title V of such Act, the Commission shall be treated as a Federal functional regulator within the meaning of section 509(2) of such Act and shall prescribe regulations under such title within 6 months after the date of enactment of this section.''.

SEC. 126. REPORT TO CONGRESS.

(a) The Commodity Futures Trading Commission (in this section referred to as the ''Commission'') shall undertake and complete a study of the Commodity Exchange Act (in this section referred to as ''the Act'') and the Commission's rules, regulations and orders governing the conduct of persons required to be registered under the Act, not later than 1 year after the date of the enactment of this Act. The study shall identify—

(1) the core principles and interpretations of acceptable business practices that the Commission has adopted or intends to adopt to replace the provisions of the Act and the Commission's rules and regulations thereunder;

(2) the rules and regulations that the Commission has determined must be retained and the reasons therefor;

(3) the extent to which the Commission believes it can effect the changes identified in paragraph (1) of this subsection through its exemptive authority under section 4(c) of the Act; and

(4) the regulatory functions the Commission currently performs that can be delegated to a registered futures association (within the meaning of the Act) and the regulatory functions that the Commission has determined must be retained and the reasons therefor.

(b) In conducting the study, the Commission shall solicit the views of the public as well as Commission registrants, registered entities, and registered futures associations (all within the meaning of the Act).

(c) The Commission shall transmit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report of the results of its study, which shall include an analysis of comments received.

SEC. 127. INTERNATIONAL ACTIVITIES OF THE COMMODITY FUTURES TRADING COMMISSION.

(a) FINDINGS.—The Congress finds that—

(1) derivatives markets serving United States industry are increasingly global in scope;

(2) developments in data processing and communications technologies enable users of risk management services to analyze and compare those services on a worldwide basis;

(3) financial services regulatory policy must be flexible to account for rapidly changing derivatives industry business practices;

(4) regulatory impediments to the operation of global business interests can compromise the competitiveness of United States businesses;

(5) events that disrupt financial markets and economies are often global in scope, require rapid regulatory response, and coordinated regulatory effort across international jurisdictions;

(6) through its membership in the International Organisation of Securities Commissions, the Commodity Futures Trading Commission has promoted beneficial communication among market regulators and international regulatory cooperation; and

(7) the Commodity Futures Trading Commission and other United States financial regulators and self-regulatory organizations should continue to foster productive and cooperative working relationships with their counterparts in foreign jurisdictions.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that, consistent with its responsibilities under the Commodity Exchange Act, the Commodity Futures Trading Commission should, as part of its international activities, continue to coordinate with foreign regulatory authorities, to participate in international regulatory organizations and forums, and to provide technical assistance to foreign government authorities, in order to encourage—

(1) the facilitation of cross-border transactions through the removal or lessening of any unnecessary legal or practical obstacles;

(2) the development of internationally accepted regulatory standards of best practice;

(3) the enhancement of international supervisory cooperation and emergency procedures;

(4) the strengthening of international cooperation for customer and market protection; and

(5) improvements in the quality and timeliness of international information sharing.

SEC. 128. RULES OF CONSTRUCTION.

(a) FINANCIAL INSTITUTION ACTIVITIES.—No provision of this Act, or any amendment made by this Act to any other provision of law, shall be construed as authorizing, supporting the authorization for, or implying any prior authorization for, any financial institution (as defined in section 1a(15) of the Commodity Exchange Act), or any subsidiary of such financial institution, to engage in any activity or transaction or to hold any security or other asset.

(b) DEPOSITORY INSTITUTIONS.—Section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828) is amended by adding at the end the following new subsection:

''(v) RULES OF CONSTRUCTION.—

''(1) IN GENERAL.—No depository institution may take delivery of an equity security under a security futures product (as defined in section 3(a)(56) of the Securities Exchange Act of 1934).

''(2) ADDITIONAL RULE.—Paragraph (1) shall not be construed as creating any inference that a depository institution may take delivery of, or make any investment in, an equity security under any other circumstance.''.

TITLE II—COORDINATED REGULATION OF SECURITY FUTURES PRODUCTS

Subtitle A—Securities Law Amendments

SEC. 201. DEFINITIONS UNDER THE SECURITIES EXCHANGE ACT OF 1934.

Section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)) is amended—

(1) in paragraph (10), by inserting ''security future,'' after ''treasury stock,'';

(2) by striking paragraph (11) and inserting the following:

''(11) The term 'equity security' means any stock or similar security; or any security future on any such security; or any security convertible, with or without consideration, into such a security, or carrying any warrant or right to subscribe to or purchase such a

security; or any such warrant or right; or any put, call, straddle, option, or privilege on any such security; or any other security which the Commission shall deem to be of similar nature and consider necessary or appropriate, by such rules and regulations as it may prescribe in the public interest or for the protection of investors, to treat as an equity security.'';

(3) in paragraph (13), by adding at the end the following: ''For security futures products, such term includes any contract, agreement, or transaction for future delivery.'';

(4) in paragraph (14), by adding at the end the following: ''For security futures products, such term includes any contract, agreement, or transaction for future delivery.''; and

(5) by adding at the end the following:

''(55)(A) The term 'security future' means a contract of sale for future delivery of a single security or of a narrow-based security index, including any interest therein or based on the value thereof, except an exempted security under section 3(a)(12) of the Securities Exchange Act of 1934 as in effect on the date of enactment of the Futures Trading Act of 1982 (other than any municipal security as defined in section 3(a)(29) as in effect on the date of enactment of the Futures Trading Act of 1982). The term 'security future' does not include any agreement, contract, or transaction excluded under subsection (c), (d), (f), or (h) of section 2 of the Commodity Exchange Act as in effect on the date of enactment of the Commodity Futures Modernization Act of 2000.

''(B) The term 'narrow-based security index' means an index—

''(i) that has 9 or fewer component securities;

''(ii) in which a component security comprises more than 30 percent of the index's weighting;

''(iii) in which the 5 highest weighted component securities in the aggregate comprise more than 60 percent of the index's weighting; or

''(iv) in which the lowest weighted component securities comprising, in the aggregate, 25 percent of the index's weighting have an aggregate dollar value of average daily trading volume of less than $50,000,000 (or in the case of an index with 15 or more component securities, $30,000,000), except that if there are two or more securities with equal weighting that could be included in the calculation of the lowest weighted component securities comprising, in the aggregate, 25 percent of the index's weighting, such securities shall be ranked from lowest to highest dollar value of average daily trading volume and shall be included in the calculation based on their ranking starting with the lowest ranked security.

''(C) Notwithstanding subparagraph (B), an index is not a narrow-based security index if—

''(i)(I) it has at least 9 component securities;

''(II) no component security comprises more than 30 percent of the index's weighting; and

''(III) each component security is—

''(aa) registered pursuant to section 12 of this title;

''(bb) 1 of 750 securities with the largest market capitalization; and

''(cc) 1 of 675 securities with the largest dollar value of average daily trading volume;

''(ii) it is a contract of sale for future delivery with respect to which a board of trade was designated as a contract market by the Commodity Futures Trading Commission prior to the date of enactment of the Commodity Futures Modernization Act of 2000;

''(iii)(I) it traded on a designated contract market or registered derivatives transaction execution facility for at least 30 days as a contract of sale for future delivery that was not a narrow-based security index; and

''(II) it has been a narrow-based security index for no more than 45 business days over 3 consecutive calendar months;

''(iv) it is traded on or subject to the rules of a foreign board of trade and meets such requirements as are jointly established by rule or regulation by the Commission and the Commodity Futures Trading Commission;

''(v) no more than 18 months have passed since enactment of the Commodity Futures Modernization Act of 2000 and it is (I) traded on or subject to the rules of a foreign board of trade; (II) the offer and sale in the United States of a contract of sale for future delivery on such index was authorized prior to the effective date of the Commodity Futures Modernization Act of 2000; and (III) the conditions of such authorization continue to be met; or

''(vi) it is traded on or subject to the rules of a board of trade and meets such requirements as are jointly established by rule, regulation, or order by the Commission and the Commodity Futures Trading Commission.

''(D) Within 1 year after the enactment of the Commodity Futures Modernization Act of 2000, the Commission and the Commodity Futures Trading Commission jointly shall adopt rules or regulations that set forth the requirements under clause (iv) of subparagraph (C).

''(E) An index that is a narrow-based security index solely because it was a narrow-based security index for more than 45 business days over 3 consecutive calendar months pursuant to clause (iii) of subparagraph (C) shall not be a narrow-based security index for the 3 following calendar months.

''(F) For purposes of subparagraphs (B) and (C) of this paragraph—

''(i) the dollar value of average daily trading volume and the market capitalization shall be calculated as of the preceding 6 full calendar months; and

''(ii) the Commission and the Commodity Futures Trading Commission shall, by rule or regulation, jointly specify the method to be used to determine market capitalization and dollar value of average daily trading volume.

''(56) The term 'security futures product' means a security future or any put, call, straddle, option, or privilege on any security future.

''(57)(A) The term 'margin', when used with respect to a security futures product, means the amount, type, and form of collateral required to secure any extension or maintenance of credit, or the amount, type, and form of collateral required as a performance bond related to the purchase, sale, or carrying of a security futures product.

''(B) The terms 'margin level' and 'level of margin', when used with respect to a security futures product, mean the amount of margin required to secure any extension or maintenance of credit, or the amount of margin required as a performance bond related to the purchase, sale, or carrying of a security futures product.

''(C) The terms 'higher margin level' and 'higher level of margin', when used with respect to a security futures product, mean a margin level established by a national securities exchange registered pursuant to section 6(g) that is higher than the minimum amount established and in effect pursuant to section 7(c)(2)(B).''.

SEC. 202. REGULATORY RELIEF FOR MARKETS TRADING SECURITY FUTURES PRODUCTS.

(a) EXPEDITED REGISTRATION AND EXEMPTION.—Section 6 of the Securities Exchange Act of 1934 (15 U.S.C. 78f) is amended by adding at the end the following:

''(g) NOTICE REGISTRATION OF SECURITY FUTURES PRODUCT EXCHANGES.—

''(1) REGISTRATION REQUIRED.—An exchange that lists or trades security futures products may register as a national securities exchange solely for the purposes of trading security futures products if—

''(A) the exchange is a board of trade, as that term is defined by the Commodity Exchange Act (7 U.S.C. 1a(2)), that—

''(i) has been designated a contract market by the Commodity Futures Trading Commission and such designation is not suspended by order of the Commodity Futures Trading Commission; or

''(ii) is registered as a derivative transaction execution facility under section 5a of the Commodity Exchange Act and such registration is not suspended by the Commodity Futures Trading Commission; and

''(B) such exchange does not serve as a market place for transactions in securities other than—

''(i) security futures products; or

''(ii) futures on exempted securities or groups or indexes of securities or options thereon that have been authorized under section 2(a)(1)(C) of the Commodity Exchange Act.

''(2) REGISTRATION BY NOTICE FILING.—

''(A) FORM AND CONTENT.—An exchange required to register only because such exchange lists or trades security futures products may register for purposes of this section by filing with the Commission a written notice in such form as the Commission, by rule, may prescribe containing the rules of the exchange and such other information and documents concerning such exchange, comparable to the information and documents required for national securities exchanges under section 6(a), as the Commission, by rule, may prescribe as necessary or appropriate in the public interest or for the protection of investors. If such exchange has filed documents with the Commodity Futures Trading Commission, to the extent that such documents contain information satisfying the Commission's informational requirements, copies of such documents may be filed with the Commission in lieu of the required written notice.

''(B) IMMEDIATE EFFECTIVENESS.—Such registration shall be effective contemporaneously with the submission of notice, in written or electronic form, to the Commission, except that such registration shall not be effective if such registration would be subject to suspension or revocation.

''(C) TERMINATION.—Such registration shall be terminated immediately if any of the conditions for registration set forth in this subsection are no longer satisfied.

''(3) PUBLIC AVAILABILITY.—The Commission shall promptly publish in the Federal Register an acknowledgment of receipt of all notices the Commission receives under this subsection and shall make all such notices available to the public.

''(4) EXEMPTION OF EXCHANGES FROM SPECIFIED PROVISIONS.—

''(A) TRANSACTION EXEMPTIONS.—An exchange that is registered under paragraph (1) of this subsection shall be exempt from, and shall not be required to enforce compliance by its members with, and its members shall not, solely with respect to those transactions effected on such exchange in security futures products, be required to comply with, the following provisions of this title and the rules thereunder:

''(i) Subsections (b)(2), (b)(3), (b)(4), (b)(7), (b)(9), (c), (d), and (e) of this section.

''(ii) Section 8.

''(iii) Section 11.

''(iv) Subsections (d), (f), and (k) of section 17.

''(v) Subsections (a), (f), and (h) of section 19.

''(B) RULE CHANGE EXEMPTIONS.—An exchange that registered under paragraph (1) of this subsection shall also be exempt from submitting proposed rule changes pursuant to section 19(b) of this title, except that—

''(i) such exchange shall file proposed rule changes related to higher margin levels, fraud or manipulation, recordkeeping, reporting, listing standards, or decimal pricing for security futures products, sales practices for security futures products for persons who effect transactions in security futures products, or rules effectuating such exchange's obligation to enforce the securities laws pursuant to section 19(b)(7);

''(ii) such exchange shall file pursuant to sections 19(b)(1) and 19(b)(2) proposed rule changes related to margin, except for changes resulting in higher margin levels; and

''(iii) such exchange shall file pursuant to section 19(b)(1) proposed rule changes that have been abrogated by the Commission pursuant to section 19(b)(7)(C).

''(5) TRADING IN SECURITY FUTURES PRODUCTS.—

''(A) IN GENERAL.—Subject to subparagraph (B), it shall be unlawful for any person to execute or trade a security futures product until the later of—

''(i) 1 year after the date of enactment of the Commodity Futures Modernization Act of 2000; or

''(ii) such date that a futures association registered under section 17 of the Commodity Exchange Act has met the requirements set forth in section 15A(k)(2) of this title.

''(B) PRINCIPAL-TO-PRINCIPAL TRANSACTIONS.—Notwithstanding subparagraph (A), a person may execute or trade a security futures product transaction if—

''(i) the transaction is entered into—

''(I) on a principal-to-principal basis between parties trading for their own accounts or as described in section 1a(12)(B)(ii) of the Commodity Exchange Act; and

''(II) only between eligible contract participants (as defined in subparagraphs (A), (B)(ii), and (C) of such section 1a(12)) at the time at which the persons enter into the agreement, contract, or transaction; and

''(ii) the transaction is entered into on or after the later of—

''(I) 8 months after the date of enactment of the Commodity Futures Modernization Act of 2000; or

''(II) such date that a futures association registered under section 17 of the Commodity Exchange Act has met the requirements set forth in section 15A(k)(2) of this title.''.

(b) COMMISSION REVIEW OF PROPOSED RULE CHANGES.—

(1) EXPEDITED REVIEW.—Section 19(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(b)) is amended by adding at the end the following:

''(7) SECURITY FUTURES PRODUCT RULE CHANGES.—

''(A) FILING REQUIRED.—A self-regulatory organization that is an exchange registered with the Commission pursuant to section 6(g) of this title or that is a national securities association registered pursuant to section 15A(k) of this title shall file with the Commission, in accordance with such rules as the Commission may prescribe, copies of any proposed rule change or any proposed change in, addition to, or deletion from the rules of such self-regulatory organization (hereinafter in this paragraph collectively referred to as a 'proposed rule change') that relates to higher margin levels, fraud or manipulation, recordkeeping, reporting, listing standards, or decimal pricing for security futures products, sales practices for security futures products for persons who effect transactions in security futures products, or rules effectuating such self-regulatory organization's obligation to enforce the securities laws. Such proposed rule change shall be accompanied by a concise general statement of the basis and purpose of such proposed rule change. The Commission shall, upon the filing of any proposed rule change, promptly publish notice thereof together with the terms of substance of the proposed rule change or a description of the subjects and issues involved. The Commission shall give interested persons an opportunity to submit data, views, and arguments concerning such proposed rule change.

''(B) FILING WITH CFTC.—A proposed rule change filed with the Commission pursuant to subparagraph (A) shall be filed concurrently with the Commodity Futures Trading Commission. Such proposed rule change may take effect upon filing of a written certification with the Commodity Futures Trading Commission under section 5c(c) of the Commodity Exchange Act, upon a determination by the Commodity Futures Trading Commission that review of the proposed rule change is not necessary, or upon approval of the proposed rule change by the Commodity Futures Trading Commission.

''(C) ABROGATION OF RULE CHANGES.—Any proposed rule change of a self-regulatory organization that has taken effect pursuant to subparagraph (B) may be enforced by such self-regulatory organization to the extent such rule is not inconsistent with the provisions of this title, the rules and regulations thereunder, and applicable Federal law. At any time within 60 days of the date of the filing of a written certification with the Commodity Futures Trading Commission under section 5c(c) of the Commodity Exchange Act, the date the Commodity Futures Trading Commission determines that review of such proposed rule change is not necessary, or the date the Commodity Futures Trading Commission approves such proposed rule change, the Commission, after consultation with the Commodity Futures Trading Commission, summarily may abrogate the proposed rule change and require that the proposed rule change be refiled in accordance with the provisions of paragraph (1), if it appears to the Commission that such proposed rule change unduly burdens competition or efficiency, conflicts with the securities laws, or is inconsistent with the public interest and the protection of investors. Commission action pursuant to the preceding sentence shall not affect the validity or force of the rule change during the period it was in effect and shall not be reviewable under section 25 nor deemed to be a final agency action for purposes of section 704 of title 5, United States Code.

''(D) REVIEW OF RESUBMITTED ABROGATED RULES.—

''(i) PROCEEDINGS.—Within 35 days of the date of publication of notice of the filing of a proposed rule change that is abrogated in accordance with subparagraph (C) and refiled in accordance with paragraph (1), or within such longer period as the Commission may designate up to 90 days after such date if the Commission finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall—

''(I) by order approve such proposed rule change; or

''(II) after consultation with the Commodity Futures Trading Commission, institute proceedings to determine whether the proposed rule change should be disapproved. Proceedings under subclause (II) shall include notice of the grounds for disapproval under consideration and opportunity for hearing and be concluded within 180 days after the date of publication of notice of the filing of the proposed rule change. At the conclusion of such proceedings, the Commission, by order, shall approve or disapprove such proposed rule change. The Commission may extend the time for conclusion of such proceedings for up to 60 days if the Commission finds good cause for such extension and publishes its reasons for so finding or for such longer period as to which the self-regulatory organization consents.

''(ii) GROUNDS FOR APPROVAL.—The Commission shall approve a proposed rule change of a self-regulatory organization under this subparagraph if the Commission finds that such proposed rule change does not unduly burden competition or efficiency, does not conflict with the securities laws, and is not inconsistent with the public interest or the protection of investors. The Commission shall disapprove such a proposed rule change of a self-regulatory organization if it does not make such finding. The Commission shall not approve any proposed rule change prior to the 30th day after the date of publication of notice of the filing thereof, unless the Commission finds good cause for so doing and publishes its reasons for so finding.''.

(2) DECIMAL PRICING PROVISIONS.—Section 19(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(b)) is amended by inserting after paragraph (7), as added by paragraph (1), the following:

''(8) DECIMAL PRICING.—Not later than 9 months after the date on which trading in any security futures product commences under this title, all self-regulatory organizations listing or trading security futures products shall file proposed rule changes necessary to implement decimal pricing of security futures products. The Commission may not require such rules to contain equal minimum increments in such decimal pricing.''.

(3) CONSULTATION PROVISIONS.—Section 19(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(b)) is amended by inserting after paragraph (8), as added by paragraph (2), the following:

''(9) CONSULTATION WITH CFTC.—

''(A) CONSULTATION REQUIRED.—The Commission shall consult with and consider the views of the Commodity Futures Trading Commission prior to approving or disapproving a proposed rule change filed by a national securities association registered pursuant to section 15A(a) or a national securities exchange subject to the provisions of subsection (a) that primarily concerns conduct related to transactions in security futures products, except where the Commission determines that an emergency exists requiring expeditious or summary action and publishes its reasons therefor.

''(B) RESPONSES TO CFTC COMMENTS AND FINDINGS.—If the Commodity Futures Trading Commission comments in writing to the Commission on a proposed rule that has been published for comment, the Commission shall respond in writing to such written comment before approving or disapproving the proposed rule. If the Commodity Futures Trading Commission determines, and notifies the Commission, that such rule, if implemented or as applied, would—

''(i) adversely affect the liquidity or efficiency of the market for security futures products; or

''(ii) impose any burden on competition not necessary or appropriate in furtherance of the purposes of this section,

the Commission shall, prior to approving or disapproving the proposed rule, find that such rule is necessary and appropriate in furtherance of the purposes of this section notwithstanding the Commodity Futures Trading Commission's determination.''.

(c) REVIEW OF DISCIPLINARY PROCEEDINGS.—Section 19(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(d)) is amended by adding at the end the following:

''(3) The provisions of this subsection shall apply to an exchange registered pursuant to section 6(g) of this title or a national securities association registered pursuant to section 15A(k) of this title only to the extent that such exchange or association imposes any final disciplinary sanction for—

''(A) a violation of the Federal securities laws or the rules and regulations thereunder; or

''(B) a violation of a rule of such exchange or association, as to which a proposed change would be required to be filed under section 19 of this title, except that, to the extent that the exchange or association rule violation relates to any account, agreement, or transaction, this subsection shall apply only to the extent such violation involves a security futures product.''.

SEC. 203. REGULATORY RELIEF FOR INTERMEDIARIES TRADING SECURITY FUTURES PRODUCTS.

(a) EXPEDITED REGISTRATION AND EXEMPTIONS.—

(1) AMENDMENT.—Section 15(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b)) is amended by adding at the end the following:

''(11) BROKER/DEALER REGISTRATION WITH RESPECT TO TRANSACTIONS IN SECURITY FUTURES PRODUCTS.—

''(A) NOTICE REGISTRATION.—

''(i) CONTENTS OF NOTICE.—Notwithstanding paragraphs (1) and (2), a broker or dealer required to register only because it effects transactions in security futures products on an exchange registered pursuant to section 6(g) may register for purposes of this section by filing with the Commission a written notice in such form and containing such information concerning such broker or dealer and any persons associated with such broker or dealer as the Commission, by rule, may prescribe as necessary or appropriate in the public interest or for the protection of investors. A broker or dealer may not register under this paragraph unless that broker or dealer is a member of a national securities association registered under section 15A(k).

''(ii) IMMEDIATE EFFECTIVENESS.—Such registration shall be effective contemporaneously with the submission of notice, in written or electronic form, to the Commission, except that such registration shall not be effective if the registration would be subject to suspension or revocation under paragraph (4).

''(iii) SUSPENSION.—Such registration shall be suspended immediately if a national securities association registered pursuant to section 15A(k) of this title suspends the membership of that broker or dealer.

''(iv) TERMINATION.—Such registration shall be terminated immediately if any of the above stated conditions for registration set forth in this paragraph are no longer satisfied.

''(B) EXEMPTIONS FOR REGISTERED BROKERS AND DEALERS.—A broker or dealer registered pursuant to the requirements of subparagraph (A) shall be exempt from the following provisions of this title and the rules thereunder with respect to transactions in security futures products:

''(i) Section 8.

''(ii) Section 11.

''(iii) Subsections (c)(3) and (c)(5) of this section.

''(iv) Section 15B.

''(v) Section 15C.

''(vi) Subsections (d), (e), (f), (g), (h), and (i) of section 17.''.

(2) CONFORMING AMENDMENT.—Section 28(e) of the Securities Exchange Act of 1934 (15 U.S.C. 78bb(e)) is amended by adding at the end the following:

''(4) The provisions of this subsection shall not apply with regard to securities that are security futures products.''.

(b) FLOOR BROKERS AND FLOOR TRADERS.—Section 15(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b)) is amended by inserting after paragraph (11), as added by subsection (a), the following:

''(12) EXEMPTION FOR SECURITY FUTURES PRODUCT EXCHANGE MEMBERS.—

''(A) REGISTRATION EXEMPTION.—A natural person shall be exempt from the registration requirements of this section if such person—

''(i) is a member of a designated contract market registered with the Commission as an exchange pursuant to section 6(g);

''(ii) effects transactions only in securities on the exchange of which such person is a member; and

''(iii) does not directly accept or solicit orders from public customers or provide advice to public customers in connection with the trading of security futures products.

''(B) OTHER EXEMPTIONS.—A natural person exempt from registration pursuant to subparagraph (A) shall also be exempt from the following provisions of this title and the rules thereunder:

''(i) Section 8.

''(ii) Section 11.

''(iii) Subsections (c)(3), (c)(5), and (e) of this section.

''(iv) Section 15B.

''(v) Section 15C.

''(vi) Subsections (d), (e), (f), (g), (h), and (i) of section 17.''.

(c) LIMITED PURPOSE NATIONAL SECURITIES ASSOCIATION.—Section 15A of the Securities Exchange Act of 1934 (15 U.S.C. 78o–3) is amended by adding at the end the following:

''(k) LIMITED PURPOSE NATIONAL SECURITIES ASSOCIATION.—

''(1) REGULATION OF MEMBERS WITH RESPECT TO SECURITY FUTURES PRODUCTS.—A futures association registered under section 17 of the Commodity Exchange Act shall be a registered national securities association for the limited purpose of regulating the activities of members who are registered as brokers or dealers in security futures products pursuant to section 15(b)(11).

''(2) REQUIREMENTS FOR REGISTRATION.—Such a securities association shall—

''(A) be so organized and have the capacity to carry out the purposes of the securities laws applicable to security futures products and to comply, and (subject to any rule or order of the Commission pursuant to section 19(g)(2)) to enforce compliance by its members and persons associated with its members, with the provisions of the securities laws applicable to security futures products, the rules and regulations thereunder, and its rules;

''(B) have rules that—

''(i) are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest, including rules governing sales practices and the advertising of security futures products reasonably comparable to those of other national securities associations registered pursuant to subsection (a) that are applicable to security futures products; and

''(ii) are not designed to regulate by virtue of any authority conferred by this title matters not related to the purposes of this title or the administration of the association;

''(C) have rules that provide that (subject to any rule or order of the Commission pursuant to section 19(g)(2)) its members and persons associated with its members shall be appropriately disciplined for violation of any provision of the securities laws applicable to security futures products, the rules or regulations thereunder, or the rules of the association, by expulsion, suspension, limitation of activities, functions, and operations, fine, censure, being suspended or barred from being associated with a member, or any other fitting sanction; and

''(D) have rules that ensure that members and natural persons associated with members meet such standards of training, experience, and competence necessary to effect transactions in security futures products and are tested for their knowledge of securities and security futures products.

''(3) EXEMPTION FROM RULE CHANGE SUBMISSION.—Such a securities association shall be exempt from submitting proposed rule changes pursuant to section 19(b) of this title, except that—

''(A) the association shall file proposed rule changes related to higher margin levels, fraud or manipulation, recordkeeping, reporting, listing standards, or decimal pricing for security futures products, sales practices for, advertising of, or standards of training, experience, competence, or other qualifications for security futures products for persons who effect transactions in security futures products, or rules effectuating the association's obligation to enforce the securities laws pursuant to section 19(b)(7);

''(B) the association shall file pursuant to sections 19(b)(1) and 19(b)(2) proposed rule changes related to margin, except for changes resulting in higher margin levels; and

''(C) the association shall file pursuant to section 19(b)(1) proposed rule changes that have been abrogated by the Commission pursuant to section 19(b)(7)(C).

''(4) OTHER EXEMPTIONS.—Such a securities association shall be exempt from and shall not be required to enforce compliance by its members, and its members shall not, solely with respect to their transactions effected in security futures products, be required to comply, with the following provisions of this title and the rules thereunder:

''(A) Section 8.

''(B) Subsections (b)(1), (b)(3), (b)(4), (b)(5), (b)(8), (b)(10), (b)(11), (b)(12), (b)(13), (c), (d), (e), (f), (g), (h), and (i) of this section.

''(C) Subsections (d), (f), and (k) of section 17.

''(D) Subsections (a), (f), and (h) of section 19.''.

(d) EXEMPTION UNDER THE SECURITIES INVESTOR PROTECTION ACT OF 1970.—

(1) Section 16(14) of the Securities Investor Protection Act of 1970 (15 U.S.C. 78lll(14)) is amended by inserting ''or any security future as that term is defined in section 3(a)(55)(A) of the Securities Exchange Act of 1934,'' after ''certificate of deposit for a security,''.

(2) Section 3(a)(2)(A) of the Securities Investor Protection Act of 1970 (15 U.S.C. 78ccc(a)(2)(A)) is amended—

(A) in clause (i), by striking ''and'' after the semicolon;

(B) in clause (ii), by striking the period and inserting ''; and'';

(C) by adding at the end the following:

''(iii) persons who are registered as a broker or dealer pursuant to section 15(b)(11)(A) of the Securities Exchange Act of 1934.''.

SEC. 204. SPECIAL PROVISIONS FOR INTERAGENCY COOPERATION.

Section 17(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78q(b)) is amended—

(1) by striking ''(b) All'' and inserting the following:

''(b) RECORDS SUBJECT TO EXAMINATION.—

''(1) PROCEDURES FOR COOPERATION WITH OTHER AGENCIES.—All'';

(2) by striking ''prior to conducting any such examination of a registered clearing''

and inserting the following: ''prior to conducting any such examination of a—

''(A) registered clearing'';

(3) by redesignating the last sentence as paragraph (4)(C);

(4) by striking the period at the end of the first sentence and inserting the following: ''; or

''(B) broker or dealer registered pursuant to section 15(b)(11), exchange registered pursuant to section 6(g), or national securities association registered pursuant to section 15A(k) gives notice to the Commodity Futures Trading Commission of such proposed examination and consults with the Commodity Futures Trading Commission concerning the feasibility and desirability of coordinating such examination with examinations conducted by the Commodity Futures Trading Commission in order to avoid unnecessary regulatory duplication or undue regulatory burdens for such broker or dealer or exchange.'';

(5) by adding at the end the following new paragraphs:

''(2) FURNISHING DATA AND REPORTS TO CFTC.—The Commission shall notify the Commodity Futures Trading Commission of any examination conducted of any broker or dealer registered pursuant to section 15(b)(11), exchange registered pursuant to section 6(g), or national securities association registered pursuant to section 15A(k) and, upon request, furnish to the Commodity Futures Trading Commission any examination report and data supplied to, or prepared by, the Commission in connection with such examination.

''(3) USE OF CFTC REPORTS.—Prior to conducting an examination under paragraph (1), the Commission shall use the reports of examinations, if the information available therein is sufficient for the purposes of the examination, of—

''(A) any broker or dealer registered pursuant to section 15(b)(11);

''(B) exchange registered pursuant to section 6(g); or

''(C) national securities association registered pursuant to section 15A(k);

that is made by the Commodity Futures Trading Commission, a national securities association registered pursuant to section 15A(k), or an exchange registered pursuant to section 6(g).

''(4) RULES OF CONSTRUCTION.—

''(A) Notwithstanding any other provision of this subsection, the records of a broker or dealer registered pursuant to section 15(b)(11), an exchange registered pursuant to section 6(g), or a national securities association registered pursuant to section 15A(k) described in this subparagraph shall not be subject to routine periodic examinations by the Commission.

''(B) Any recordkeeping rules adopted under this subsection for a broker or dealer registered pursuant to section 15(b)(11), an exchange registered pursuant to section 6(g), or a national securities association registered pursuant to section 15A(k) shall be limited to records with respect to persons, accounts, agreements, and transactions involving security futures products.''; and

(6) in paragraph (4)(C) (as redesignated by paragraph (3) of this section), by striking ''Nothing in the proviso to the preceding sentence'' and inserting ''Nothing in the proviso in paragraph (1)''.

SEC. 205. MAINTENANCE OF MARKET INTEGRITY FOR SECURITY FUTURES PRODUCTS.

(a) ADDITION OF SECURITY FUTURES PRODUCTS TO OPTION-SPECIFIC ENFORCEMENT PROVISIONS.—

(1) PROHIBITION AGAINST MANIPULATION.—Section 9(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78i(b)) is amended—

(A) in paragraph (1)—

(i) by inserting ''(A)'' after ''acquires''; and

(ii) by striking ''; or'' and inserting ''; or (B) any security futures product on the security; or'';

(B) in paragraph (2)—

(i) by inserting ''(A)'' after ''interest in any''; and

(ii) by striking ''; or'' and inserting ''; or (B) such security futures product; or''; and

(C) in paragraph (3)—

(i) by inserting ''(A)'' after ''interest in any''; and

(ii) by inserting ''; or (B) such security futures product'' after ''privilege''.

(2) MANIPULATION IN OPTIONS AND OTHER DERIVATIVE PRODUCTS.—Section 9(g) of the Securities Exchange Act of 1934 (15 U.S.C. 78i(g)) is amended—

(A) by inserting ''(1)'' after ''(g)'';

(B) by inserting ''other than a security futures product'' after ''future delivery''; and

(C) by adding at the end following:

''(2) Notwithstanding the Commodity Exchange Act, the Commission shall have the authority to regulate the trading of any security futures product to the extent provided in the securities laws.''.

(3) LIABILITY OF CONTROLLING PERSONS AND PERSONS WHO AID AND ABET VIOLATIONS.—Section 20(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78t(d)) is amended by striking ''or privilege'' and inserting '', privilege, or security futures product''.

(4) LIABILITY TO CONTEMPORANEOUS TRADERS FOR INSIDER TRADING.—Section 21A(a)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78u–1(a)(1)) is amended by striking ''standardized options, the Commission—'' and inserting ''standardized options or security futures products, the Commission—''.

(5) ENFORCEMENT CONSULTATION.—Section 21 of the Securities Exchange Act of 1934 (15 U.S.C. 78u) is amended by adding at the end the following:

''(i) INFORMATION TO CFTC.—The Commission shall provide the Commodity Futures Trading Commission with notice of the commencement of any proceeding and a copy of any order entered by the Commission against any broker or dealer registered pursuant to section 15(b)(11), any exchange registered pursuant to section 6(g), or any national securities association registered pursuant to section 15A(k).''.

SEC. 206. SPECIAL PROVISIONS FOR THE TRADING OF SECURITY FUTURES PRODUCTS.

(a) LISTING STANDARDS AND CONDITIONS FOR TRADING.—Section 6 of the Securities Exchange Act of 1934 (15 U.S.C. 78f) is amended by inserting after subsection (g), as added by section 202, the following:

''(h) TRADING IN SECURITY FUTURES PRODUCTS.—

''(1) TRADING ON EXCHANGE OR ASSOCIATION REQUIRED.—It shall be unlawful for any person to effect transactions in security futures products that are not listed on a national securities exchange or a national securities association registered pursuant to section 15A(a).

''(2) LISTING STANDARDS REQUIRED.—Except as otherwise provided in paragraph (7), a national securities exchange or a national securities association registered pursuant to section 15A(a) may trade only security futures products that (A) conform with listing standards that such exchange or association files with the Commission under section 19(b) and (B) meet the criteria specified in section 2(a)(1)(D)(i) of the Commodity Exchange Act.

''(3) REQUIREMENTS FOR LISTING STANDARDS AND CONDITIONS FOR TRADING.—Such listing standards shall—

''(A) except as otherwise provided in a rule, regulation, or order issued pursuant to paragraph (4), require that any security underlying the security future, including each component security of a narrow-based security index, be registered pursuant to section 12 of this title;

''(B) require that if the security futures product is not cash settled, the market on which the security futures product is traded have arrangements in place with a registered clearing agency for the payment and delivery of the securities underlying the security futures product;

''(C) be no less restrictive than comparable listing standards for options traded on a national securities exchange or national securities association registered pursuant to section 15A(a) of this title;

''(D) except as otherwise provided in a rule, regulation, or order issued pursuant to paragraph (4), require that the security future be based upon common stock and such other equity securities as the Commission and the Commodity Futures Trading Commission jointly determine appropriate;

''(E) require that the security futures product is cleared by a clearing agency that has in place provisions for linked and coordinated clearing with other clearing agencies that clear security futures products, which permits the security futures product to be purchased on one market and offset on another market that trades such product;

''(F) require that only a broker or dealer subject to suitability rules comparable to those of a national securities association registered pursuant to section 15A(a) effect transactions in the security futures product;

''(G) require that the security futures product be subject to the prohibition against dual trading in section 4j of the Commodity Exchange Act (7 U.S.C. 6j) and the rules and regulations thereunder or the provisions of section 11(a) of this title and the rules and regulations thereunder, except to the extent otherwise permitted under this title and the rules and regulations thereunder;

''(H) require that trading in the security futures product not be readily susceptible to manipulation of the price of such security futures product, nor to causing or being used in the manipulation of the price of any underlying security, option on such security, or option on a group or index including such securities;

''(I) require that procedures be in place for coordinated surveillance among the market on which the security futures product is traded, any market on which any security underlying the security futures product is traded, and other markets on which any related security is traded to detect manipulation and insider trading;

''(J) require that the market on which the security futures product is traded has in place audit trails necessary or appropriate to facilitate the coordinated surveillance required in subparagraph (I);

''(K) require that the market on which the security futures product is traded has in place procedures to coordinate trading halts between such market and any market on which any security underlying the security futures product is traded and other markets on which any related security is traded; and

''(L) require that the margin requirements for a security futures product comply with the regulations prescribed pursuant to section 7(c)(2)(B), except that nothing in this subparagraph shall be construed to prevent a national securities exchange or national securities association from requiring higher margin levels for a security futures product when it deems such action to be necessary or appropriate.

''(4) AUTHORITY TO MODIFY CERTAIN LISTING STANDARD REQUIREMENTS.—

''(A) AUTHORITY TO MODIFY.—The Commission and the Commodity Futures Trading Commission, by rule, regulation, or order,

may jointly modify the listing standard requirements specified in subparagraph (A) or (D) of paragraph (3) to the extent such modification fosters the development of fair and orderly markets in security futures products, is necessary or appropriate in the public interest, and is consistent with the protection of investors.

''(B) AUTHORITY TO GRANT EXEMPTIONS.—The Commission and the Commodity Futures Trading Commission, by order, may jointly exempt any person from compliance with the listing standard requirement specified in subparagraph (E) of paragraph (3) to the extent such exemption fosters the development of fair and orderly markets in security futures products, is necessary or appropriate in the public interest, and is consistent with the protection of investors.

''(5) REQUIREMENTS FOR OTHER PERSONS TRADING SECURITY FUTURE PRODUCTS.—It shall be unlawful for any person (other than a national securities exchange or a national securities association registered pursuant to section 15A(a)) to constitute, maintain, or provide a marketplace or facilities for bringing together purchasers and sellers of security future products or to otherwise perform with respect to security future products the functions commonly performed by a stock exchange as that term is generally understood, unless a national securities association registered pursuant to section 15A(a) or a national securities exchange of which such person is a member—

''(A) has in place procedures for coordinated surveillance among such person, the market trading the securities underlying the security future products, and other markets trading related securities to detect manipulation and insider trading;

''(B) has rules to require audit trails necessary or appropriate to facilitate the coordinated surveillance required in subparagraph (A); and

''(C) has rules to require such person to coordinate trading halts with markets trading the securities underlying the security future products and other markets trading related securities.

''(6) DEFERRAL OF OPTIONS ON SECURITY FUTURES TRADING.—No person shall offer to enter into, enter into, or confirm the execution of any put, call, straddle, option, or privilege on a security future, except that, after 3 years after the date of enactment of this subsection, the Commission and the Commodity Futures Trading Commission may by order jointly determine to permit trading of puts, calls, straddles, options, or privileges on any security future authorized to be traded under the provisions of this Act and the Commodity Exchange Act.

''(7) DEFERRAL OF LINKED AND COORDINATED CLEARING.—

''(A) Notwithstanding paragraph (2), until the compliance date, a national securities exchange or national securities association registered pursuant to section 15A(a) may trade a security futures product that does not—

''(i) conform with any listing standard promulgated to meet the requirement specified in subparagraph (E) of paragraph (3); or

''(ii) meet the criterion specified in section 2(a)(1)(D)(i)(IV) of the Commodity Exchange Act.

''(B) The Commission and the Commodity Futures Trading Commission shall jointly publish in the Federal Register a notice of the compliance date no later than 165 days before the compliance date.

''(C) For purposes of this paragraph, the term 'compliance date' means the later of—

''(i) 180 days after the end of the first full calendar month period in which the average aggregate comparable share volume for all security futures products based on single equity securities traded on all national securities exchanges, any national securities associations registered pursuant to section 15A(a), and all other persons equals or exceeds 10 percent of the average aggregate comparable share volume of options on single equity securities traded on all national securities exchanges and any national securities associations registered pursuant to section 15A(a); or

''(ii) 2 years after the date on which trading in any security futures product commences under this title.''.

(b) MARGIN.—Section 7 of the Securities Exchange Act of 1934 (15 U.S.C. 78g) is amended—

(1) in subsection (a), by inserting ''or a security futures product'' after ''exempted security'';

(2) in subsection (c)(1)(A), by inserting ''except as provided in paragraph (2),'' after ''security),'';

(3) by redesignating paragraph (2) of subsection (c) as paragraph (3) of such subsection; and

(4) by inserting after paragraph (1) of such subsection the following:

''(2) MARGIN REGULATIONS.—

''(A) COMPLIANCE WITH MARGIN RULES REQUIRED.—It shall be unlawful for any broker, dealer, or member of a national securities exchange to, directly or indirectly, extend or maintain credit to or for, or collect margin from any customer on, any security futures product unless such activities comply with the regulations—

''(i) which the Board shall prescribe pursuant to subparagraph (B); or

''(ii) if the Board determines to delegate the authority to prescribe such regulations, which the Commission and the Commodity Futures Trading Commission shall jointly prescribe pursuant to subparagraph (B).

If the Board delegates the authority to prescribe such regulations under clause (ii) and the Commission and the Commodity Futures Trading Commission have not jointly prescribed such regulations within a reasonable period of time after the date of such delegation, the Board shall prescribe such regulations pursuant to subparagraph (B).

''(B) CRITERIA FOR ISSUANCE OF RULES.—The Board shall prescribe, or, if the authority is delegated pursuant to subparagraph (A)(ii), the Commission and the Commodity Futures Trading Commission shall jointly prescribe, such regulations to establish margin requirements, including the establishment of levels of margin (initial and maintenance) for security futures products under such terms, and at such levels, as the Board deems appropriate, or as the Commission and the Commodity Futures Trading Commission jointly deem appropriate—

''(i) to preserve the financial integrity of markets trading security futures products;

''(ii) to prevent systemic risk;

''(iii) to require that—

''(I) the margin requirements for a security future product be consistent with the margin requirements for comparable option contracts traded on any exchange registered pursuant to section 6(a) of this title; and

''(II) initial and maintenance margin levels for a security future product not be lower than the lowest level of margin, exclusive of premium, required for any comparable option contract traded on any exchange registered pursuant to section 6(a) of this title, other than an option on a security future;

except that nothing in this subparagraph shall be construed to prevent a national securities exchange or national securities association from requiring higher margin levels for a security future product when it deems such action to be necessary or appropriate; and

''(iv) to ensure that the margin requirements (other than levels of margin), including the type, form, and use of collateral for security futures products, are and remain consistent with the requirements established by the Board, pursuant to subparagraphs (A) and (B) of paragraph (1).''.

(c) INCORPORATION OF SECURITY FUTURES PRODUCTS INTO THE NATIONAL MARKET SYSTEM.—Section 11A of the Securities Exchange Act of 1934 (15 U.S.C. 78k–1) is amended by adding at the end the following:

''(e) NATIONAL MARKETS SYSTEM FOR SECURITY FUTURES PRODUCTS.—

''(1) CONSULTATION AND COOPERATION REQUIRED.—With respect to security futures products, the Commission and the Commodity Futures Trading Commission shall consult and cooperate so that, to the maximum extent practicable, their respective regulatory responsibilities may be fulfilled and the rules and regulations applicable to security futures products may foster a national market system for security futures products if the Commission and the Commodity Futures Trading Commission jointly determine that such a system would be consistent with the congressional findings in subsection (a)(1). In accordance with this objective, the Commission shall, at least 15 days prior to the issuance for public comment of any proposed rule or regulation under this section concerning security futures products, consult and request the views of the Commodity Futures Trading Commission.

''(2) APPLICATION OF RULES BY ORDER OF CFTC.—No rule adopted pursuant to this section shall be applied to any person with respect to the trading of security futures products on an exchange that is registered under section 6(g) unless the Commodity Futures Trading Commission has issued an order directing that such rule is applicable to such persons.''.

(d) INCORPORATION OF SECURITY FUTURES PRODUCTS INTO THE NATIONAL SYSTEM FOR CLEARANCE AND SETTLEMENT.—Section 17A(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78q–1(b)) is amended by adding at the end the following:

''(7)(A) A clearing agency that is regulated directly or indirectly by the Commodity Futures Trading Commission through its association with a designated contract market for security futures products that is a national securities exchange registered pursuant to section 6(g), and that would be required to register pursuant to paragraph (1) of this subsection only because it performs the functions of a clearing agency with respect to security futures products effected pursuant to the rules of the designated contract market with which such agency is associated, is exempted from the provisions of this section and the rules and regulations thereunder, except that if such a clearing agency performs the functions of a clearing agency with respect to a security futures product that is not cash settled, it must have arrangements in place with a registered clearing agency to effect the payment and delivery of the securities underlying the security futures product.

''(B) Any clearing agency that performs the functions of a clearing agency with respect to security futures products must coordinate with and develop fair and reasonable links with any and all other clearing agencies that perform the functions of a clearing agency with respect to security futures products, in order to permit, as of the compliance date (as defined in section 6(h)(6)(C)), security futures products to be purchased on one market and offset on another market that trades such products.''.

(e) MARKET EMERGENCY POWERS AND CIRCUIT BREAKERS.—Section 12(k) of the Securities Exchange Act of 1934 (15 U.S.C. 78l(k)) is amended—

(1) in paragraph (1), by adding at the end the following: ''If the actions described in subparagraph (A) or (B) involve a security futures product, the Commission shall consult with and consider the views of the Commodity Futures Trading Commission.''; and

(2) in paragraph (2)(B), by inserting after the first sentence the following: ''If the actions described in subparagraph (A) involve a security futures product, the Commission shall consult with and consider the views of the Commodity Futures Trading Commission.''.

(f) TRANSACTION FEES.—Section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) is amended

(1) in subsection (a), by inserting ''and assessments'' after ''fees'';

(2) in subsections (b), (c), and (d)(1), by striking ''and other evidences of indebtedness'' and inserting ''other evidences of indebtedness, and security futures products'';

(3) in subsection (f), by inserting ''or assessment'' after ''fee'';

(4) in subsection (g), by inserting ''and assessment'' after ''fee'';

(5) by redesignating subsections (e), (f), and (g) as subsections (f), (g), and (h), respectively; and

(6) by inserting after subsection (d) the following new subsection:

''(e) ASSESSMENTS ON SECURITY FUTURES TRANSACTIONS.—Each national securities exchange and national securities association shall pay to the Commission an assessment equal to $0.02 for each round turn transaction (treated as including one purchase and one sale of a contract of sale for future delivery) on a security future traded on such national securities exchange or by or through any member of such association otherwise than on a national securities exchange, except that for fiscal year 2007 or any succeeding fiscal year such assessment shall be equal to $0.0075 for each such transaction. Assessments collected pursuant to this subsection shall be deposited and collected as general revenue of the Treasury.''.

(g) EXEMPTION FROM SHORT SALE PROVISIONS.—Section 10(a) of the Securities Exchange Act of 1934 (15 U.S.C 78j(a)) is amended—

(1) by inserting ''(1)'' after ''(a)''; and

(2) by adding at the end the following:

''(2) Paragraph (1) of this subsection shall not apply to security futures products.''.

(h) RULEMAKING AUTHORITY TO ADDRESS DUPLICATIVE REGULATION OF DUAL REGISTRANTS.—Section 15(c)(3) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(c)(3))is amended—

(1) by inserting ''(A)'' after ''(3)''; and

(2) by adding at the end the following:

''(B) Consistent with this title, the Commission, in consultation with the Commodity Futures Trading Commission, shall issue such rules, regulations, or orders as are necessary to avoid duplicative or conflicting regulations applicable to any broker or dealer registered with the Commission pursuant to section 15(b) (except paragraph (11) thereof), that is also registered with the Commodity Futures Trading Commission pursuant to section 4f(a) of the Commodity Exchange Act (except paragraph (2) thereof), with respect to the application of (i) the provisions of section 8, section 15(c)(3), and section 17 of this title and the rules and regulations thereunder related to the treatment of customer funds, securities, or property, maintenance of books and records, financial reporting, or other financial responsibility rules, involving security futures products and (ii) similar provisions of the Commodity Exchange Act and rules and regulations thereunder involving security futures products.''.

(i) OBLIGATION TO ADDRESS DUPLICATIVE REGULATION OF DUAL REGISTRANTS.—Section 6 of the Securities Exchange Act of 1934 (15 U.S.C 78f) is amended by inserting after subsection (h), as added by subsection (a), the following:

''(i) Consistent with this title, each national securities exchange registered pursuant to subsection (a) of this section shall issue such rules as are necessary to avoid duplicative or conflicting rules applicable to any broker or dealer registered with the Commission pursuant to section 15(b) (except paragraph (11) thereof), that is also registered with the Commodity Futures Trading Commission pursuant to section 4f(a) of the Commodity Exchange Act (except paragraph (2) thereof), with respect to the application of—

(1) rules of such national securities exchange of the type specified in section 15(c)(3)(B) involving security futures products; and

(2) similar rules of national securities exchanges registered pursuant to section 6(g) and national securities associations registered pursuant to section 15A(k) involving security futures products.''.

(j) OBLIGATION TO ADDRESS DUPLICATIVE REGULATION OF DUAL REGISTRANTS.—Section 15A of the Securities Exchange Act of 1934 (15 U.S.C 78o–3) is amended by inserting after subsection (k), as added by section 203, the following:

''(l) Consistent with this title, each national securities association registered pursuant to subsection (a) of this section shall issue such rules as are necessary to avoid duplicative or conflicting rules applicable to any broker or dealer registered with the Commission pursuant to section 15(b) (except paragraph (11) thereof), that is also registered with the Commodity Futures Trading Commission pursuant to section 4f(a) of the Commodity Exchange Act (except paragraph (2) thereof), with respect to the application of—

''(1) rules of such national securities association of the type specified in section 15(c)(3)(B) involving security futures products; and

''(2) similar rules of national securities associations registered pursuant to subsection (k) of this section and national securities exchanges registered pursuant to section 6(g) involving security futures products.''.

(k) OBLIGATION TO PUT IN PLACE PROCEDURES AND ADOPT RULES.—

(1) NATIONAL SECURITIES ASSOCIATIONS.—Section 15A of the Securities Exchange Act of 1934 (15 U.S.C. 78o–3) is amended by inserting after subsection (l), as added by subsection (j) of this section, the following new subsection:

''(m) PROCEDURES AND RULES FOR SECURITY FUTURE PRODUCTS.—A national securities association registered pursuant to subsection (a) shall, not later than 8 months after the date of enactment of the Commodity Futures Modernization Act of 2000, implement the procedures specified in section 6(h)(5)(A) of this title and adopt the rules specified in subparagraphs (B) and (C) of section 6(h)(5) of this title.''.

(2) NATIONAL SECURITIES EXCHANGES.—Section 6 of the Securities Exchange Act of 1934 (15 U.S.C. 78o-3) is amended by inserting after subsection (i), as added by subsection (i) of this section, the following new subsection:

''(j) PROCEDURES AND RULES FOR SECURITY FUTURE PRODUCTS.—A national securities exchange registered pursuant to subsection (a) shall implement the procedures specified in section 6(h)(5)(A) of this title and adopt the rules specified in subparagraphs (B) and (C) of section 6(h)(5) of this title not later than 8 months after the date of receipt of a request from an alternative trading system for such implementation and rules.''.

(l) OBLIGATION TO ADDRESS SECURITY FUTURES PRODUCTS TRADED ON FOREIGN EXCHANGES.—Section 6 of the Securities Exchange Act of 1934 (15 U.S.C. 78f) is amended by adding after subsection (i), as added by subsection (i), the following—

''(j)(1) To the extent necessary or appropriate in the public interest, to promote fair competition, and consistent with the protection of investors and the maintenance of fair and orderly markets, the Commission and the Commodity Futures Trading Commission shall jointly issue such rules, regulations, or orders as are necessary and appropriate to permit the offer and sale of a security futures product traded on or subject to the rules of a foreign board of trade to United States persons.

''(2) The rules, regulations, or orders adopted under paragraph (1) shall take into account, as appropriate, the nature and size of the markets that the securities underlying the security futures product reflect.''.

SEC. 207. CLEARANCE AND SETTLEMENT.

Section 17A(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78q–1(b)) is amended—

(1) in paragraph (3)(A), by inserting ''and derivative agreements, contracts, and transactions'' after ''prompt and accurate clearance and settlement of securities transactions'';

(2) in paragraph (3)(F), by inserting ''and, to the extent applicable, derivative agreements, contracts, and transactions'' after ''designed to promote the prompt and accurate clearance and settlement of securities transactions''; and

(3) by inserting after paragraph (7), as added by section 206(d), the following:

''(8) A registered clearing agency shall be permitted to provide facilities for the clearance and settlement of any derivative agreements, contracts, or transactions that are excluded from the Commodity Exchange Act, subject to the requirements of this section and to such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of this title.''.

SEC. 208. AMENDMENTS RELATING TO REGISTRATION AND DISCLOSURE ISSUES UNDER THE SECURITIES ACT OF 1933 AND THE SECURITIES EXCHANGE ACT OF 1934.

(a) AMENDMENTS TO THE SECURITIES ACT OF 1933.—

(1) TREATMENT OF SECURITY FUTURES PRODUCTS.—Section 2(a) of the Securities Act of 1933 (15 U.S.C. 77b(a)) is amended—

(A) in paragraph (1), by inserting ''security future,'' after ''treasury stock,'';

(B) in paragraph (3), by adding at the end the following: ''Any offer or sale of a security futures product by or on behalf of the issuer of the securities underlying the security futures product, an affiliate of the issuer, or an underwriter, shall constitute a contract for sale of, sale of, offer for sale, or offer to sell the underlying securities.'';

(C) by adding at the end the following:

''(16) The terms 'security future', 'narrow-based security index', and 'security futures product' have the same meanings as provided in section 3(a)(55) of the Securities Exchange Act of 1934.''.

(2) EXEMPTION FROM REGISTRATION.—Section 3(a) of the Securities Act of 1933 (15 U.S.C. 77c(a)) is amended by adding at the end the following:

''(14) Any security futures product that is—

''(A) cleared by a clearing agency registered under section 17A of the Securities

Exchange Act of 1934 or exempt from registration under subsection (b)(7) of such section 17A; and

''(B) traded on a national securities exchange or a national securities association registered pursuant to section 15A(a) of the Securities Exchange Act of 1934.''.

(3) CONFORMING AMENDMENT.—Section 12(a)(2) of the Securities Act of 1933 (15 U.S.C. 77l(a)(2)) is amended by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (14)''.

(b) AMENDMENTS TO THE SECURITIES EXCHANGE ACT OF 1934.—

(1) EXEMPTION FROM REGISTRATION.—Section 12(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78l(a)) is amended by adding at the end the following: ''The provisions of this subsection shall not apply in respect of a security futures product traded on a national securities exchange.''.

(2) EXEMPTIONS FROM REPORTING REQUIREMENT.—Section 12(g)(5) of the Securities Exchange Act of 1934 (15 U.S.C. 78l(g)(5)) is amended by adding at the end the following: ''For purposes of this subsection, a security futures product shall not be considered a class of equity security of the issuer of the securities underlying the security futures product.''.

(3) TRANSACTIONS BY CORPORATE INSIDERS.—Section 16 of the Securities Exchange Act of 1934 (15 U.S.C. 78p) is amended by adding at the end the following:

''(f) TREATMENT OF TRANSACTIONS IN SECURITY FUTURES PRODUCTS.—The provisions of this section shall apply to ownership of and transactions in security futures products as if they were ownership of and transactions in the underlying equity security. The Commission may adopt such rules and regulations as it deems necessary or appropriate in the public interest to carry out the purposes of this section.''.

SEC. 209. AMENDMENTS TO THE INVESTMENT COMPANY ACT OF 1940 AND THE INVESTMENT ADVISERS ACT OF 1940.

(a) DEFINITIONS UNDER THE INVESTMENT COMPANY ACT OF 1940 AND THE INVESTMENT ADVISERS ACT OF 1940.—

(1) Section 2(a)(36) of the Investment Company Act of 1940 (15 U.S.C. 80a–2(a)(36)) is amended by inserting ''security future,'' after ''treasury stock,''.

(2) Section 202(a)(18) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2(a)(18)) is amended by inserting ''security future,'' after ''treasury stock,''.

(3) Section 2(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–2(a)) is amended by adding at the end the following:

''(52) The terms 'security future' and 'narrow-based security index' have the same meanings as provided in section 3(a)(55) of the Securities Exchange Act of 1934.''.

(4) Section 202(a) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2(a)) is amended by adding at the end the following:

''(27) The terms 'security future' and 'narrow-based security index' have the same meanings as provided in section 3(a)(55) of the Securities Exchange Act of 1934.''.

(b) OTHER PROVISION.—Section 203(b) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3(b)) is amended—

(1) by striking ''or'' at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting ''; or''; and

(3) by adding at the end the following:

''(6) any investment adviser that is registered with the Commodity Futures Trading Commission as a commodity trading advisor whose business does not consist primarily of acting as an investment adviser, as defined in section 202(a)(11) of this title, and that does not act as an investment adviser to—

''(A) an investment company registered under title I of this Act; or

''(B) a company which has elected to be a business development company pursuant to section 54 of title I of this Act and has not withdrawn its election.''.

SEC. 210. PREEMPTION OF STATE LAWS.

Section 28(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78bb(a)) is amended—

(1) in the last sentence—

(A) by inserting ''subject to this title'' after ''privilege, or other security''; and

(B) by striking ''any such instrument, if such instrument is traded pursuant to rules and regulations of a self-regulatory organization that are filed with the Commission pursuant to section 19(b) of this Act'' and inserting ''any such security''; and

(2) by adding at the end the following new sentence: ''No provision of State law regarding the offer, sale, or distribution of securities shall apply to any transaction in a security futures product, except that this sentence shall not be construed as limiting any State antifraud law of general applicability.''.

Subtitle B—Amendments to the Commodity Exchange Act

SEC. 221. JURISDICTION OF SECURITIES AND EXCHANGE COMMISSION; OTHER PROVISIONS.

(a) JURISDICTION OF SECURITIES AND EXCHANGE COMMISSION.—

(1) Section 2(a)(1)(C) of the Commodity Exchange Act (7 U.S.C. 2a) (as redesignated by section 124(a)(2)(C)) is amended—

(A) in clause (ii)—

(i) by inserting ''or register a derivatives transaction execution facility that trades or executes,'' after ''contract market in,'';

(ii) by inserting after ''contracts) for future delivery'' the following: '', and no derivatives transaction execution facility shall trade or execute such contracts of sale (or options on such contracts) for future delivery,'';

(iii) by striking ''making such application demonstrates and the Commission expressly finds that the specific contract (or option on such contract) with respect to which the application has been made meets'' and inserting ''or the derivatives transaction execution facility, and the applicable contract, meet'';

(iv) by striking subclause (III) of clause (ii) and inserting the following:

''(III) Such group or index of securities shall not constitute a narrow-based security index.'';

(B) by striking clause (iii);

(C) by striking clause (iv) and inserting the following:

''(iii) If, in its discretion, the Commission determines that a stock index futures contract, notwithstanding its conformance with the requirements in clause (ii) of this subparagraph, can reasonably be used as a surrogate for trading a security (including a security futures product), it may, by order, require such contract and any option thereon be traded and regulated as security futures products as defined in section 3(a)(56) of the Securities Exchange Act of 1934 and section 1a(32) of this Act subject to all rules and regulations applicable to security futures products under this Act and the securities laws as defined in section 3(a)(47) of the Securities Exchange Act of 1934.''; and

(D) by redesignating clause (v) as clause (iv).

(2) Section 2(a)(1) of the Commodity Exchange Act (7 U.S.C. 2, 2a, 4) is amended by adding at the end the following:

''(D)(i) Notwithstanding any other provision of this Act, the Securities and Exchange Commission shall have jurisdiction and authority over security futures as defined in section 3(a)(55) of the Securities Exchange Act of 1934, section 2(a)(16) of the Securities Act of 1933, section 2(a)(52) of the Investment Company Act of 1940, and section 202(a)(27) of the Investment Advisers Act of 1940, options on security futures, and persons effecting transactions in security futures and options thereon, and this Act shall apply to and the Commission shall have jurisdiction with respect to accounts, agreements (including any transaction which is of the character of, or is commonly known to the trade as, an 'option', 'privilege', 'indemnity', 'bid', 'offer', 'put', 'call', 'advance guaranty', or 'decline guaranty') and transactions involving, and may designate a board of trade as a contract market in, or register a derivatives transaction execution facility that trades or executes, a security futures product as defined in section 1a(32) of this Act: *Provided, however,* That, except as provided in clause (vi) of this subparagraph, no board of trade shall be designated as a contract market with respect to, or registered as a derivatives transaction execution facility for, any such contracts of sale for future delivery unless the board of trade and the applicable contract meet the following criteria:

''(I) Except as otherwise provided in a rule, regulation, or order issued pursuant to clause (v) of this subparagraph, any security underlying the security future, including each component security of a narrow-based security index, is registered pursuant to section 12 of the Securities Exchange Act of 1934.

''(II) If the security futures product is not cash settled, the board of trade on which the security futures product is traded has arrangements in place with a clearing agency registered pursuant to section 17A of the Securities Exchange Act of 1934 for the payment and delivery of the securities underlying the security futures product.

''(III) Except as otherwise provided in a rule, regulation, or order issued pursuant to clause (v) of this subparagraph, the security future is based upon common stock and such other equity securities as the Commission and the Securities and Exchange Commission jointly determine appropriate.

''(IV) The security futures product is cleared by a clearing agency that has in place provisions for linked and coordinated clearing with other clearing agencies that clear security futures products, which permits the security futures product to be purchased on a designated contract market, registered derivatives transaction execution facility, national securities exchange registered under section 6(a) of the Securities Exchange Act of 1934, or national securities association registered pursuant to section 15A(a) of the Securities Exchange Act of 1934 and offset on another designated contract market, registered derivatives transaction execution facility, national securities exchange registered under section 6(a) of the Securities Exchange Act of 1934, or national securities association registered pursuant to section 15A(a) of the Securities Exchange Act of 1934.

''(V) Only futures commission merchants, introducing brokers, commodity trading advisors, commodity pool operators or associated persons subject to suitability rules comparable to those of a national securities association registered pursuant to section 15A(a) of the Securities Exchange Act of 1934 solicit, accept any order for, or otherwise deal in any transaction in or in connection with the security futures product.

''(VI) The security futures product is subject to a prohibition against dual trading in section 4j of this Act and the rules and regulations thereunder or the provisions of section 11(a) of the Securities Exchange Act of

1934 and the rules and regulations thereunder, except to the extent otherwise permitted under the Securities Exchange Act of 1934 and the rules and regulations thereunder.

''(VII) Trading in the security futures product is not readily susceptible to manipulation of the price of such security futures product, nor to causing or being used in the manipulation of the price of any underlying security, option on such security, or option on a group or index including such securities;

''(VIII) The board of trade on which the security futures product is traded has procedures in place for coordinated surveillance among such board of trade, any market on which any security underlying the security futures product is traded, and other markets on which any related security is traded to detect manipulation and insider trading, except that, if the board of trade is an alternative trading system, a national securities association registered pursuant to section 15A(a) of the Securities Exchange Act of 1934 or national securities exchange registered pursuant to section 6(a) of the Securities Exchange Act of 1934 of which such alternative trading system is a member has in place such procedures.

''(IX) The board of trade on which the security futures product is traded has in place audit trails necessary or appropriate to facilitate the coordinated surveillance required in subclause (VIII), except that, if the board of trade is an alternative trading system, a national securities association registered pursuant to section 15A(a) of the Securities Exchange Act of 1934 or national securities exchange registered pursuant to section 6(a) of the Securities Exchange Act of 1934 of which such alternative trading system is a member has rules to require such audit trails.

''(X) The board of trade on which the security futures product is traded has in place procedures to coordinate trading halts between such board of trade and markets on which any security underlying the security futures product is traded and other markets on which any related security is traded, except that, if the board of trade is an alternative trading system, a national securities association registered pursuant to section 15A(a) of the Securities Exchange Act of 1934 or national securities exchange registered pursuant to section 6(a) of the Securities Exchange Act of 1934 of which such alternative trading system is a member has rules to require such coordinated trading halts.

''(XI) The margin requirements for a security futures product comply with the regulations prescribed pursuant to section 7(c)(2)(B) of the Securities Exchange Act of 1934, except that nothing in this subclause shall be construed to prevent a board of trade from requiring higher margin levels for a security futures product when it deems such action to be necessary or appropriate.

''(ii) It shall be unlawful for any person to offer, to enter into, to execute, to confirm the execution of, or to conduct any office or business anywhere in the United States, its territories or possessions, for the purpose of soliciting, or accepting any order for, or otherwise dealing in, any transaction in, or in connection with, a security futures product unless—

''(I) the transaction is conducted on or subject to the rules of a board of trade that—

''(aa) has been designated by the Commission as a contract market in such security futures product; or

''(bb) is a registered derivatives transaction execution facility for the security futures product that has provided a certification with respect to the security futures product pursuant to clause (vii);

''(II) the contract is executed or consummated by, through, or with a member of the contract market or registered derivatives transaction execution facility; and

''(III) the security futures product is evidenced by a record in writing which shows the date, the parties to such security futures product and their addresses, the property covered, and its price, and each contract market member or registered derivatives transaction execution facility member shall keep the record for a period of 3 years from the date of the transaction, or for a longer period if the Commission so directs, which record shall at all times be open to the inspection of any duly authorized representative of the Commission.

''(iii)(I) Except as provided in subclause (II) but notwithstanding any other provision of this Act, no person shall offer to enter into, enter into, or confirm the execution of any option on a security future.

''(II) After 3 years after the date of the enactment of the Commodity Futures Modernization Act of 2000, the Commission and the Securities and Exchange Commission may by order jointly determine to permit trading of options on any security future authorized to be traded under the provisions of this Act and the Securities Exchange Act of 1934.

''(iv)(I) All relevant records of a futures commission merchant or introducing broker registered pursuant to section 4f(a)(2), floor broker or floor trader exempt from registration pursuant to section 4f(a)(3), associated person exempt from registration pursuant to section 4k(6), or board of trade designated as a contract market in a security futures product pursuant to section 5f shall be subject to such reasonable periodic or special examinations by representatives of the Commission as the Commission deems necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of this Act, and the Commission, before conducting any such examination, shall give notice to the Securities and Exchange Commission of the proposed examination and consult with the Securities and Exchange Commission concerning the feasibility and desirability of coordinating the examination with examinations conducted by the Securities and Exchange Commission in order to avoid unnecessary regulatory duplication or undue regulatory burdens for the registrant or board of trade.

''(II) The Commission shall notify the Securities and Exchange Commission of any examination conducted of any futures commission merchant or introducing broker registered pursuant to section 4f(a)(2), floor broker or floor trader exempt from registration pursuant to section 4f(a)(3), associated person exempt from registration pursuant to section 4k(6), or board of trade designated as a contract market in a security futures product pursuant to section 5f, and, upon request, furnish to the Securities and Exchange Commission any examination report and data supplied to the Commission in connection with the examination.

''(III) Before conducting an examination under subclause (I), the Commission shall use the reports of examinations, unless the information sought is unavailable in the reports, of any futures commission merchant or introducing broker registered pursuant to section 4f(a)(2), floor broker or floor trader exempt from registration pursuant to section 4f(a)(3), associated person exempt from registration pursuant to section 4k(6), or board of trade designated as a contract market in a security futures product pursuant to section 5f that is made by the Securities and Exchange Commission, a national securities association registered pursuant to section 15A(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–3(a)), or a national securities exchange registered pursuant to section 6(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78f(a)).

''(IV) Any records required under this subsection for a futures commission merchant or introducing broker registered pursuant to section 4f(a)(2), floor broker or floor trader exempt from registration pursuant to section 4f(a)(3), associated person exempt from registration pursuant to section 4k(6), or board of trade designated as a contract market in a security futures product pursuant to section 5f, shall be limited to records with respect to accounts, agreements, and transactions involving security futures products.

''(v)(I) The Commission and the Securities and Exchange Commission, by rule, regulation, or order, may jointly modify the criteria specified in subclause (I) or (III) of clause (i), including the trading of security futures based on securities other than equity securities, to the extent such modification fosters the development of fair and orderly markets in security futures products, is necessary or appropriate in the public interest, and is consistent with the protection of investors.

''(II) The Commission and the Securities and Exchange Commission, by order, may jointly exempt any person from compliance with the criterion specified in clause (i)(IV) to the extent such exemption fosters the development of fair and orderly markets in security futures products, is necessary or appropriate in the public interest, and is consistent with the protection of investors.

''(vi)(I) Notwithstanding clauses (i) and (vii), until the compliance date, a board of trade shall not be required to meet the criterion specified in clause (i)(IV).

''(II) The Commission and the Securities and Exchange Commission shall jointly publish in the Federal Register a notice of the compliance date no later than 165 days before the compliance date.

''(III) For purposes of this clause, the term 'compliance date' means the later of—

''(aa) 180 days after the end of the first full calendar month period in which the average aggregate comparable share volume for all security futures products based on single equity securities traded on all designated contract markets and registered derivatives transaction execution facilities equals or exceeds 10 percent of the average aggregate comparable share volume of options on single equity securities traded on all national securities exchanges registered pursuant to section 6(a) of the Securities Exchange Act of 1934 and any national securities associations registered pursuant to section 15A(a) of such Act; or

''(bb) 2 years after the date on which trading in any security futures product commences under this Act.

''(vii) It shall be unlawful for a board of trade to trade or execute a security futures product unless the board of trade has provided the Commission with a certification that the specific security futures product and the board of trade, as applicable, meet the criteria specified in subclauses (I) through (XI) of clause (i), except as otherwise provided in clause (vi).''.

(b) MARGIN ON SECURITY FUTURES.—Section 2(a)(1)(C)(vi) of the Commodity Exchange Act (7 U.S.C. 2a(vi)) (as redesignated by section 124) is amended—

(1) by redesignating subclause (V) as subclause (VI); and

(2) by striking ''(vi)(I)'' and all that follows through subclause (IV) and inserting the following:

''(v)(I) Notwithstanding any other provision of this Act, any contract market in a stock index futures contract (or option

thereon) other than a security futures product, or any derivatives transaction execution facility on which such contract or option is traded, shall file with the Board of Governors of the Federal Reserve System any rule establishing or changing the levels of margin (initial and maintenance) for such stock index futures contract (or option thereon) other than security futures products.

''(II) The Board may at any time request any contract market to set the margin for any stock index futures contract (or option thereon), other than for any security futures product, at such levels as the Board in its judgment determines are appropriate to preserve the financial integrity of the contract market or its clearing system or to prevent systemic risk. If the contract market or derivatives transaction execution facility fails to do so within the time specified by the Board in its request, the Board may direct the contract market to alter or supplement the rules of the contract market as specified in the request.

''(III) Subject to such conditions as the Board may determine, the Board may delegate any or all of its authority, relating to margin for any stock index futures contract (or option thereon), other than security futures products, under this clause to the Commission.

''(IV) It shall be unlawful for any futures commission merchant to, directly or indirectly, extend or maintain credit to or for, or collect margin from any customer on any security futures product unless such activities comply with the regulations prescribed pursuant to section 7(c)(2)(B) of the Securities Exchange Act of 1934.

''(V) Nothing in this clause shall supersede or limit the authority granted to the Commission in section 8a(9) to direct a contract market or registered derivatives transaction execution facility, on finding an emergency to exist, to raise temporary margin levels on any futures contract, or option on the contract covered by this clause, or on any security futures product.''.

(c) DUAL TRADING.—Section 4j of the Commodity Exchange Act (7 U.S.C. 6j) is amended to read as follows:

''SEC. 4j. RESTRICTIONS ON DUAL TRADING IN SECURITY FUTURES PRODUCTS ON DESIGNATED CONTRACT MARKETS AND REGISTERED DERIVATIVES TRANSACTION EXECUTION FACILITIES.

''(a) The Commission shall issue regulations to prohibit the privilege of dual trading in security futures products on each contract market and registered derivatives transaction execution facility. The regulations issued by the Commission under this section—

''(1) shall provide that the prohibition of dual trading thereunder shall take effect upon issuance of the regulations; and

''(2) shall provide exceptions, as the Commission determines appropriate, to ensure fairness and orderly trading in security futures product markets, including—

''(A) exceptions for spread transactions and the correction of trading errors;

''(B) allowance for a customer to designate in writing not less than once annually a named floor broker to execute orders for such customer, notwithstanding the regulations to prohibit the privilege of dual trading required under this section; and

''(C) other measures reasonably designed to accommodate unique or special characteristics of individual boards of trade or contract markets, to address emergency or unusual market conditions, or otherwise to further the public interest consistent with the purposes of this section.

''(b) As used in this section, the term 'dual trading' means the execution of customer orders by a floor broker during the same trading session in which the floor broker executes any trade in the same contract market or registered derivatives transaction execution facility for—

''(1) the account of such floor broker;

''(2) an account for which such floor broker has trading discretion; or

''(3) an account controlled by a person with whom such floor broker has a relationship through membership in a broker association.

''(c) As used in this section, the term 'broker association' shall include two or more contract market members or registered derivatives transaction execution facility members with floor trading privileges of whom at least one is acting as a floor broker, who—

''(1) engage in floor brokerage activity on behalf of the same employer,

''(2) have an employer and employee relationship which relates to floor brokerage activity,

''(3) share profits and losses associated with their brokerage or trading activity, or

''(4) regularly share a deck of orders.''.

(d) EXEMPTION FROM REGISTRATION FOR INVESTMENT ADVISERS.—Section 4m of the Commodity Exchange Act (7 U.S.C. 6m) is amended by adding at the end the following:

''(3) Subsection (1) of this section shall not apply to any commodity trading advisor that is registered with the Securities and Exchange Commission as an investment adviser whose business does not consist primarily of acting as a commodity trading advisor, as defined in section 1a(6), and that does not act as a commodity trading advisor to any investment trust, syndicate, or similar form of enterprise that is engaged primarily in trading in any commodity for future delivery on or subject to the rules of any contract market or registered derivatives transaction execution facility.''.

(e) EXEMPTION FROM INVESTIGATIONS OF MARKETS IN UNDERLYING SECURITIES.—Section 16 of the Commodity Exchange Act (7 U.S.C. 20) is amended by adding at the end the following:

''(e) This section shall not apply to investigations involving any security underlying a security futures product.''.

(f) RULEMAKING AUTHORITY TO ADDRESS DUPLICATIVE REGULATION OF DUAL REGISTRANTS.—Section 4d of the Commodity Exchange Act (7 U.S.C. 6d) is amended—

(1) by inserting ''(a)'' before the first undesignated paragraph;

(2) by inserting ''(b)'' before the second undesignated paragraph; and

(3) by adding at the end the following:

''(c) Consistent with this Act, the Commission, in consultation with the Securities and Exchange Commission, shall issue such rules, regulations, or orders as are necessary to avoid duplicative or conflicting regulations applicable to any futures commission merchant registered with the Commission pursuant to section 4f(a) (except paragraph (2) thereof), that is also registered with the Securities and Exchange Commission pursuant to section 15(b) of the Securities Exchange Act (except paragraph (11) thereof), involving the application of—

''(1) section 8, section 15(c)(3), and section 17 of the Securities Exchange Act of 1934 and the rules and regulations thereunder related to the treatment of customer funds, securities, or property, maintenance of books and records, financial reporting or other financial responsibility rules (as defined in section 3(a)(40) of the Securities Exchange Act of 1934), involving security futures products; and

''(2) similar provisions of this Act and the rules and regulations thereunder involving security futures products.''.

(g) OBLIGATION TO ADDRESS DUPLICATIVE REGULATION OF DUAL REGISTRANTS.—Section 17 of the Commodity Exchange Act (7 U.S.C. 21) is amended by adding at the end the following:

''(r) Consistent with this Act, each futures association registered under this section shall issue such rules as are necessary to avoid duplicative or conflicting rules applicable to any futures commission merchant registered with the Commission pursuant to section 4f(a) of this Act (except paragraph (2) thereof), that is also registered with the Securities and Exchange Commission pursuant to section 15(b) of the Securities and Exchange Act of 1934 (except paragraph (11) thereof), with respect to the application of—

''(1) rules of such futures association of the type specified in section 4d(3) of this Act involving security futures products; and

''(2) similar rules of national securities associations registered pursuant to section 15A(a) of the Securities and Exchange Act of 1934 involving security futures products.''.

(h) OBLIGATION TO ADDRESS DUPLICATIVE REGULATION OF DUAL REGISTRANTS.—Section 5c of the Commodity Exchange Act (as added by section 114) is amended by adding at the end the following new subsection:

''(f) Consistent with this Act, each designated contract market and registered derivatives transaction execution facility shall issue such rules as are necessary to avoid duplicative or conflicting rules applicable to any futures commission merchant registered with the Commission pursuant to section 4f(a) of this Act (except paragraph (2) thereof), that is also registered with the Securities and Exchange Commission pursuant to section 15(b) of the Securities Exchange Act of 1934 (except paragraph (11) thereof) with respect to the application of—

''(1) rules of such designated contract market or registered derivatives transaction execution facility of the type specified in section 4d(3) of this Act involving security futures products; and

''(2) similar rules of national securities associations registered pursuant to section 15A(a) of the Securities Exchange Act of 1934 and national securities exchanges registered pursuant to section 6(g) of such Act involving security futures products.''.

(i) OBLIGATION TO ADDRESS SECURITY FUTURES PRODUCTS TRADED ON FOREIGN EXCHANGES.—Section 2(a)(1) of the Commodity Exchange Act (7 U.S.C. 2, 2a, and 4)) is amended by adding at the end the following:

''(E)(i) To the extent necessary or appropriate in the public interest, to promote fair competition, and consistent with the protection of investors and the maintenance of fair and orderly markets, the Commission and the Securities and Exchange Commission shall jointly issue such rules, regulations, or orders as are necessary and appropriate to permit the offer and sale of a security futures product traded on or subject to the rules of a foreign board of trade to United States persons.

''(ii) The rules, regulations, or orders adopted under clause (i) shall take into account, as appropriate, the nature and size of the markets that the securities underlying the security futures product reflects.''.

(j) SECURITY FUTURES PRODUCTS TRADED ON FOREIGN BOARDS OF TRADE.—Section 2(a)(1) of the Commodity Exchange Act (7 U.S.C. 2, 2a, and 4) is amended by adding at the end the following:

''(F)(i) Nothing in this Act is intended to prohibit a futures commission merchant from carrying security futures products traded on or subject to the rules of a foreign board of trade in the accounts of persons located outside of the United States.

''(ii) Nothing in this Act is intended to prohibit any person located in the United States from purchasing or carrying securities futures products traded on or subject to the

rules of a foreign board of trade, exchange, or market to the same extent such person may be authorized to purchase or carry other securities traded on a foreign board of trade, exchange, or market.''.

SEC. 222. APPLICATION OF THE COMMODITY EXCHANGE ACT TO NATIONAL SECURITIES EXCHANGES AND NATIONAL SECURITIES ASSOCIATIONS THAT TRADE SECURITY FUTURES.

(a) NOTICE DESIGNATION OF NATIONAL SECURITIES EXCHANGES AND NATIONAL SECURITIES ASSOCIATIONS.—The Commodity Exchange Act is amended by inserting after section 5e (7 U.S.C. 7b), as redesignated by section 111(1), the following:

''SEC. 5f. DESIGNATION OF SECURITIES EXCHANGES AND ASSOCIATIONS AS CONTRACT MARKETS.

''(a) Any board of trade that is registered with the Securities and Exchange Commission as a national securities exchange, is a national securities association registered pursuant to section 15A(a) of the Securities Exchange Act of 1934, or is an alternative trading system shall be a designated contract market in security futures products if—

''(1) such national securities exchange, national securities association, or alternative trading system lists or trades no other contracts of sale for future delivery, except for security futures products;

''(2) such national securities exchange, national securities association, or alternative trading system files written notice with the Commission in such form as the Commission, by rule, may prescribe containing such information as the Commission, by rule, may prescribe as necessary or appropriate in the public interest or for the protection of customers; and

''(3) the registration of such national securities exchange, national securities association, or alternative trading system is not suspended pursuant to an order by the Securities and Exchange Commission.

Such designation shall be effective contemporaneously with the submission of notice, in written or electronic form, to the Commission.

''(b)(1) A national securities exchange, national securities association, or alternative trading system that is designated as a contract market pursuant to section 5f shall be exempt from the following provisions of this Act and the rules thereunder:

''(A) Subsections (c), (e), and (g) of section 4c.

''(B) Section 4j.

''(C) Section 5.

''(D) Section 5c.

''(E) Section 6a.

''(F) Section 8(d).

''(G) Section 9(f).

''(H) Section 16.

''(2) An alternative trading system that is a designated contract market under this section shall be required to be a member of a futures association registered under section 17 and shall be exempt from any provision of this Act that would require such alternative trading system to—

''(A) set rules governing the conduct of subscribers other than the conduct of such subscribers' trading on such alternative trading system; or

''(B) discipline subscribers other than by exclusion from trading.

''(3) To the extent that an alternative trading system is exempt from any provision of this Act pursuant to paragraph (2) of this subsection, the futures association registered under section 17 of which the alternative trading system is a member shall set rules governing the conduct of subscribers to the alternative trading system and discipline the subscribers.

''(4)(A) Except as provided in subparagraph (B), but notwithstanding any other provision of this Act, the Commission, by rule, regulation, or order, may conditionally or unconditionally exempt any designated contract market in security futures subject to the designation requirement of this section from any provision of this Act or of any rule or regulation thereunder, to the extent such exemption is necessary or appropriate in the public interest and is consistent with the protection of investors.

''(B) The Commission shall, by rule or regulation, determine the procedures under which an exemptive order under this section is granted and may, in its sole discretion, decline to entertain any application for an order of exemption under this section.

''(C) An alternative trading system shall not be deemed to be an exchange for any purpose as a result of the designation of such alternative trading system as a contract market under this section.''.

(b) NOTICE REGISTRATION OF CERTAIN SECURITIES BROKER–DEALERS; EXEMPTION FROM REGISTRATION FOR CERTAIN SECURITIES BROKER–DEALERS.—Section 4f(a) of the Commodity Exchange Act (7 U.S.C. 6f(a)) is amended—

(1) by inserting ''(1)'' after ''(a)''; and

(2) by adding at the end the following:

''(2) Notwithstanding paragraph (1), and except as provided in paragraph (3), any broker or dealer that is registered with the Securities and Exchange Commission shall be registered as a futures commission merchant or introducing broker, as applicable, if—

''(A) the broker or dealer limits its solicitation of orders, acceptance of orders, or execution of orders, or placing of orders on behalf of others involving any contracts of sale of any commodity for future delivery, on or subject to the rules of any contract market or registered derivatives transaction execution facility to security futures products;

''(B) the broker or dealer files written notice with the Commission in such form as the Commission, by rule, may prescribe containing such information as the Commission, by rule, may prescribe as necessary or appropriate in the public interest or for the protection of investors;

''(C) the registration of the broker or dealer is not suspended pursuant to an order of the Securities and Exchange Commission; and

''(D) the broker or dealer is a member of a national securities association registered pursuant to section 15A(a) of the Securities Exchange Act of 1934.

The registration shall be effective contemporaneously with the submission of notice, in written or electronic form, to the Commission.

''(3) A floor broker or floor trader shall be exempt from the registration requirements of section 4e and paragraph (1) of this subsection if—

''(A) the floor broker or floor trader is a broker or dealer registered with the Securities and Exchange Commission;

''(B) the floor broker or floor trader limits its solicitation of orders, acceptance of orders, or execution of orders, or placing of orders on behalf of others involving any contracts of sale of any commodity for future delivery, on or subject to the rules of any contract market to security futures products; and

''(C) the registration of the floor broker or floor trader is not suspended pursuant to an order of the Securities and Exchange Commission.''.

(c) EXEMPTION FOR SECURITIES BROKER-DEALERS FROM CERTAIN PROVISIONS OF THE COMMODITY EXCHANGE ACT.—Section 4f(a) of the Commodity Exchange Act (7 U.S.C. 6f(a)) is amended by inserting after paragraph (3), as added by subsection (b), the following:

''(4)(A) A broker or dealer that is registered as a futures commission merchant or introducing broker pursuant to paragraph (2), or that is a floor broker or floor trader exempt from registration pursuant to paragraph (3), shall be exempt from the following provisions of this Act and the rules thereunder:

''(i) Subsections (b), (d), (e), and (g) of section 4c.

''(ii) Sections 4d, 4e, and 4h.

''(iii) Subsections (b) and (c) of this section.

''(iv) Section 4j.

''(v) Section 4k(1).

''(vi) Section 4p.

''(vii) Section 6d.

''(viii) Subsections (d) and (g) of section 8.

''(ix) Section 16.

''(B)(i) Except as provided in clause (ii) of this subparagraph, but notwithstanding any other provision of this Act, the Commission, by rule, regulation, or order, may conditionally or unconditionally exempt any broker or dealer subject to the registration requirement of paragraph (2), or any broker or dealer exempt from registration pursuant to paragraph (3), from any provision of this Act or of any rule or regulation thereunder, to the extent the exemption is necessary or appropriate in the public interest and is consistent with the protection of investors.

''(ii) The Commission shall, by rule or regulation, determine the procedures under which an exemptive order under this section shall be granted and may, in its sole discretion, decline to entertain any application for an order of exemption under this section.

''(C)(i) A broker or dealer that is registered as a futures commission merchant or introducing broker pursuant to paragraph (2) or an associated person thereof, or that is a floor broker or floor trader exempt from registration pursuant to paragraph (3), shall not be required to become a member of any futures association registered under section 17.

''(ii) No futures association registered under section 17 shall limit its members from carrying an account, accepting an order, or transacting business with a broker or dealer that is registered as a futures commission merchant or introducing broker pursuant to paragraph (2) or an associated person thereof, or that is a floor broker or floor trader exempt from registration pursuant to paragraph (3).''.

(d) EXEMPTIONS FOR ASSOCIATED PERSONS OF SECURITIES BROKER-DEALERS.—Section 4k of the Commodity Exchange Act (7 U.S.C. 6k), is amended by inserting after paragraph (4), as added by subsection (c), the following:

''(5) Any associated person of a broker or dealer that is registered with the Securities and Exchange Commission, and who limits its solicitation of orders, acceptance of orders, or execution of orders, or placing of orders on behalf of others involving any contracts of sale of any commodity for future delivery or any option on such a contract, on or subject to the rules of any contract market or registered derivatives transaction execution facility to security futures products, shall be exempt from the following provisions of this Act and the rules thereunder:

''(A) Subsections (b), (d), (e), and (g) of section 4c.

''(B) Sections 4d, 4e, and 4h.

''(C) Subsections (b) and (c) of section 4f.

''(D) Section 4j.

''(E) Paragraph (1) of this section.

''(F) Section 4p.

''(G) Section 6d.

''(H) Subsections (d) and (g) of section 8.

''(I) Section 16.''.

SEC. 223. NOTIFICATION OF INVESTIGATIONS AND ENFORCEMENT ACTIONS.

(a) Section 8(a) of the Commodity Exchange Act (7 U.S.C. 12(a)) is amended by adding at the end the following:

''(3) The Commission shall provide the Securities and Exchange Commission with notice of the commencement of any proceeding and a copy of any order entered by the Commission against any futures commission merchant or introducing broker registered pursuant to section 4f(a)(2), any floor broker or floor trader exempt from registration pursuant to section 4f(a)(3), any associated person exempt from registration pursuant to section 4k(6), or any board of trade designated as a contract market pursuant to section 5f.''.

(b) Section 6 of the Commodity Exchange Act (7 U.S.C. 8, 9, 9a, 9b, 13b, 15) is amended by adding at the end the following:

''(g) The Commission shall provide the Securities and Exchange Commission with notice of the commencement of any proceeding and a copy of any order entered by the Commission pursuant to subsections (c) and (d) of this section against any futures commission merchant or introducing broker registered pursuant to section 4f(a)(2), any floor broker or floor trader exempt from registration pursuant to section 4f(a)(3), any associated person exempt from registration pursuant to section 4k(6), or any board of trade designated as a contract market pursuant to section 5f.''.

(c) Section 6c of the Commodity Exchange Act (7 U.S.C. 13a–1) is amended by adding at the end the following:

''(h) The Commission shall provide the Securities and Exchange Commission with notice of the commencement of any proceeding and a copy of any order entered by the Commission against any futures commission merchant or introducing broker registered pursuant to section 4f(a)(2), any floor broker or floor trader exempt from registration pursuant to section 4f(a)(3), any associated person exempt from registration pursuant to section 4k(6), or any board of trade designated as a contract market pursuant to section 5f.''.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to the rule, the gentleman from Texas (Mr. COMBEST) and the gentleman from Texas (Mr. STENHOLM) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. COMBEST).

Mr. COMBEST. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa (Mr. LEACH) from the Committee on Banking and Financial Services have control of 5 minutes of my time and that he be permitted to yield blocks of time.

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

There was no objection.

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

Mr. Speaker, today the House considers a bill that addresses another of the contentious areas where capital and investment needs of American business intersect with the needs of managing economic risk in a global market.

Although the issues in this bill do not have the long history associated with Glass-Steagall reforms, the process that we hope to be culminating this afternoon actually began in 1989. Then it took the Congress 3 years to broker a solution on how to deal with over-the-counter financial instruments that had many of the economic characteristics of agricultural futures. While the Futures Trading Practices Act of 1992 proved temporary, we hope that today's legislation will be more lasting.

Let me emphasize at the outset of this bill it aligns itself closely with the recommendations of the President's Working Group on Financial Services. The Department of the Treasury, the Federal Reserve, the Securities and Exchange Commission and the Commodity Futures Trading Commission compromise the President's Working Group.

The PWG urged the Congress to steer clear of allowing over-the-counter financial instruments to be offered to unsuspecting individuals who could lose their life's savings by picking an unsuitable investment. These are the so-called ''retail customers,'' and in all instances this bill has followed the PWG's advice.

Indeed, the three committees of jurisdiction here in the House have taken a cautious approach, while making the three remain reforms the centerpiece of this legislation.

First, we provide legal certainty to the vast multi-trillion dollar derivative markets, but we make certain that only highly sophisticated, deep-pocketed companies and individuals may participate in these markets.

Second, we provide the U.S. derivatives industry the ability to trade single stock futures, but only under the watchful eyes of Federal securities and futures regulators.

Third, we allow U.S. futures exchanges to set their own course in operating their derivatives markets under CFTC oversight, but without the burdens of a regulatory regime designed for the mid-20th century.

These accomplishments were realized even though three committees shared legislative jurisdiction over these matters. The Committee on Agriculture, whose jurisdiction grew from the 150-year-old agricultural futures markets, understands the urgency of giving legal certainty to a $90 trillion swaps market. The Committee on Commerce, with jurisdiction over the securities laws, knows that if U.S. financial firms are to compete in global markets, single stock futures must be allowed to trade here in this country. And the Committee on Banking and Financial Services accepts the nexus between traditional banking activities and the tools of risk management that are not of their making.

In conclusion, Mr. Speaker, I urge my colleagues to adopt this sound legislation. It rounds out many of the historic financial reforms passed by the 106th Congress. To fail to pass this legislation this year will put our financial services industry at a severe competitive disadvantage in the world market. That is why it is so important that the House get this bill to the other body now, where it may be considered and sent on to the President.

Finally, Mr. Speaker, I would simply say in recognition, the gentleman from Illinois (Mr. EWING), the chairman of the subcommittee with this jurisdiction, has not spent simply days, weeks or months on this bill, he has spent years on drafting this. We all regrettably know that the gentleman from Illinois (Mr. EWING) is finalizing his congressional career at the end of this term. This, I think, could be his legacy. There have been countless hours that he has put in on this work. I commend the gentleman very much for what it is that he has done.

I also want to thank the staff on all of the committees for the countless numbers of hours that they have put in over the past several weeks to try to get us to this point today.

Mr. Speaker, I ask unanimous consent that the gentleman from Illinois (Mr. EWING) control the balance of the time that is allotted to the Committee on Agriculture.

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

There was no objection.

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

Mr. Speaker, I rise in support of H.R. 4541. It is an important piece of legislation and has a number of components that will improve the business environment for the derivatives portion of our Nation's financial services industry. While I support the bill, I do have some reservations.

Mr. Speaker, in its early stages, this bill was built from agreements developed between regulators and the President's Working Group on Financial Markets; between the over-the-counter derivatives industry and our futures exchanges; between the Securities and Exchange Commission and the Commodity Futures Trading Commission; and between the three committees of jurisdiction.

Mr. Speaker, for a time, the bill's development was the focus of a bipartisan group of members from the three committees that conducted the committee markups; but in a bizarre twist, the leadership intervened and decided to substitute partisan negotiations in place of the bipartisan discussions that were already under way and that were yielding productive results.

Mr. Speaker, the leadership's partisan diversion in this matter was clearly unnecessary. In my view, it slowed the process of developing a consensus bill, and consequently it nearly cost us our opportunity to move this legislation forward. The process has also had the effect of detracting from confidence in the final product.

Nevertheless, Mr. Speaker, the bill tackles and accomplishes the three main tasks that the Committee on Agriculture set for itself at the beginning of this process: modernizing our Commodity Exchange Act regulatory system, providing legal certainty for our over-the-counter derivatives market, and repealing the outdated prohibition on the trading of single stock futures in the United States.

Mr. Speaker, I want to compliment the CFTC for their help. The commission deserves special credit for the design of the new futures market regulatory scheme.

The bill reforms futures trading regulation by freeing the CFTC from the task of prescribing the rules and procedures that exchanges must follow. With the bill's enactment, the CFTC's primary role will be to examine and enforce trading entities' compliance with core principles of self-regulatory responsibility. Exchanges will be able to design their businesses the best they can, by adopting practices that are in compliance with these principles.

The enforcement provisions of H.R. 4541, as reported by the Committee on Agriculture, caused the CFTC to be concerned that it would lack sufficient authority to bring enforcement action against a registered entity that fails to abide by core principles. I am pleased to say that since that time, the bill's provisions have been modified to meet the concerns of the CFTC. At the same time, provisions have been added to clarify that registered entities will have some flexibility in meeting core principles.

Mr. Speaker, the bill before the House repeals the outdated ban on single stock futures. We have never had a better opportunity to eliminate this barrier to progress. With all the things we do trade in this country today, not just corn, cotton, wheat, soybeans, interest rates, currencies, sugar, crude oil and milk futures, but futures on heating degree days, on catastrophic insurance and Iowa crop yields and many other commodities, the ban is particularly absurd.

Our Nation is the capital of financial innovation; but we ban futures trading on two things, just two things: onions and single stock futures. The agreements in this bill that will allow trading in single stock futures are an important development, and I am grateful for the work of the SEC and the CFTC in developing their agreement.

Mr. Speaker, sections 102 through 106 of the bill provide the legal certainty for over-the-counter derivatives recommended by the President's Working Group and sought by the over-the-counter industry. Section 107 is intended to further bolster that certainty with regard to swap transactions. The application of section 107 is limited to bilateral, individually negotiated transactions, not entered into on a transaction facility.

Mr. Speaker, as the Treasury Department said for the Committee on Agriculture's record earlier this year, ''The changes resulting from technology, globalization and financial innovation have made it increasingly important that our regulatory and legal framework keeps pace with rapid progress in the marketplace.''

Mr. Speaker, the place of our financial industry in worldwide competition depends on us. We should move this bill forward.

I would, however, be much more comfortable if we had been given the opportunity to analyze the bill and expose it to greater public scrutiny. Our work product would benefit, since the issues involved are complicated and very technical in nature. However, I have decided after listening to the regulators and the industry representatives involved that expediency is more important than a careful analytical process. I can easily understand how another decision could be reached on this legislation.

Mr. Speaker, despite my reservations, I do want to especially commend the leaders of the House committees who worked on this bill, and particularly recognize the gentleman from Texas (Chairman COMBEST) for his leadership. Special recognition must be reserved for our subcommittee chairman, the gentleman from Illinois (Mr. EWING). His leadership over a number of years has been key to laying the groundwork for and designing the architecture of the delicate agreements that hold H.R. 4541 together. He is a true consensus builder, and the bill before us is a tribute to his service.

Mr. Speaker, I urge my colleagues to pass this bill, and at this time I ask the gentleman from Illinois (Chairman EWING) if he will join me in a colloquy.

Mr. Speaker, the bill before us seeks to modernize regulation of futures markets by replacing rigid governmentally imposed restrictions with flexible, but comprehensive, core principles that registered entities must comply with in the conduct of administering trading.

Does the chairman of the subcommittee agree that the bill is meant to provide this flexibility while also maintaining the ability of the CFTC to compel compliance with their provisions?

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

Mr. STENHOLM. I yield to the gentleman from Illinois.

Mr. EWING. Mr. Speaker, as included in the bill before us, the core principles will be, by their nature, flexible standards. Accordingly, a regulated entity would have reasonable discretion in making determinations as to how it will meet these requirements. Regulated entities will be able to exercise reasonable discretion in interpreting the language of a core principle to the extent such language includes discretionary language. However, the commission retains its clear authority to issue interpretations by rule, regulation, or order.

Mr. STENHOLM. Mr. Speaker, reclaiming my time, I thank the chairman for his answer, and for his work on the bill. I again encourage the support of this legislation.

Mr. Speaker, I include for the RECORD the statement of administration policy in support of the legislation before us.

STATEMENT OF ADMINISTRATION POLICY

H.R. 4541—Commodity Futures Modernization Act of 2000

(Rep Ewing (R) Illinois and 3 cosponsors)

The Administration strongly supports the version of H.R. 4541, the Commodity Futures Modernization Act of 2000, that the Administration understands will be considered on the House floor. This legislation would reauthorize the Commodity Futures Trading Commission (CFTC) and modernize the Nation's legal and regulatory framework regarding over-the-counter (OTC) derivatives transactions and markets. In so doing, H.R. 4541 also would implement many of the unanimous recommendations regarding the treatment of OTC derivatives made by the President's Working Group on Financial Markets, which includes the Secretary of the Treasury and the Chairmen of the Federal Reserve Board of Governors, the Securities and Exchange Commission, and the Commodity Futures Trading Commission.

It is important that this legislation be enacted this year because of the meaningful steps it would take in helping to: promote innovation; enhance the transparency and efficiency of derivative markets; maintain the competitiveness of U.S. businesses and markets; and, potentially, reduce systemic risk. H.R. 4541 would accomplish these goals while assuring adequate customer protection for small investors and protecting the integrity of the underlying securities and futures markets. A failure to modernize the Nation's framework for OTC derivatives during this legislative session would deprive American markets and businesses of these important benefits that could result in the movement of these markets to overseas locations with more updated regulatory regimes. The Administration looks forward to working with members of Congress to improve certain aspects of the bill as it continues through the legislative process.

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

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

Mr. Speaker, I truly appreciate all of the hard work from majority and minority members and staff of my committee, the Committee on Banking and Financial Services and the Committee on Commerce. I also must say that the Treasury Department, the Commodity Futures Trading Commission, the Securities and Exchange Commission, and the Federal Reserve have cooperated greatly in working through this process.

Mr. Speaker, the President's Working Group report on OTC derivatives was requested by the House and Senate Committee on Agriculture chairmen in September of 1998 and presented to the committee in November of 1999. This report laid the groundwork for many of the legal certainty provisions and other provisions included in H.R. 4541.

The President's Working Group report pointed out two issues apart from the legal certainty that also deserve congressional close attention. Regulatory relief for the domestic futures exchanges was of great importance to ensure the U.S. futures exchanges can compete globally.

□ 1815

Chairman Greenspan said it most clearly in past testimony, ''Already the

largest futures exchange in the world is no longer in America's heartland; instead, it is now in the heart of Europe. To be sure, no U.S. exchange has yet to lose a major contract to a foreign competitor. But it would be a serious mistake for us to wait for such unmistakable evidence of a loss of international competitiveness before acting.''

While the President's working group report did not give details on regulatory relief for futures exchanges, it did conclude that the Commodities Future Trading Commission should provide appropriate regulatory relief for the exchange-traded financial futures.

The CFTC took the initiative to develop a far-reaching staff proposal to provide regulatory relief for domestic futures exchanges. I am extremely impressed with the CFTC's commitment to work with the industry and with others and the President's working group members in creating its proposal. I particularly pay tribute to the chairman, Mr. Rainer, for his work.

H.R. 4541 incorporates much of the framework put forward by the CFTC.

The final aspect of the CEA modernization that I would like to address is the Shad/Johnson Accord. The President's working group members believed that the current prohibition on single stock futures could be repealed if issues about integrity of the underlying securities market and regulatory arbitrage are resolved.

The gentleman from Texas (Chairman COMBEST); the gentleman from Texas (Mr. STENHOLM), the ranking member; the gentleman from Virginia (Chairman BLILEY); and I all sent a letter to Chairman Levitt of the SEC and Chairman Rainer of the CFTC asking them to create and present a plan regarding the Shad/Johnson.

The agencies agreed that they would share jurisdiction on regulating these products; that dual trading would be banned; that margins would be set equivalent to the levels on option markets; and that the SEC would enforce the insider trading laws on these products.

The CFTC and the SEC's language is the basis for the current reform of the Shad/Johnson; however, a tax provision was added to ensure parity between the single stock futures and options trading and a section 31 fee currently assessed on securities will also be assessed on single stock futures.

Banking modernization was enacted last year. It is time for the financial industry to move onto CEA modernization.

I made it clear that I was interested in a comprehensive bill, and I believe this bill displays a substantial cooperative effort among the House Committee on Agriculture, the Committee on Banking and Financial Services, the Committee on Commerce to substantially address the most important reforms for the U.S. financial industry. For the first time, members of the President's working group, many of the futures exchanges and many over-the-counter parties have agreed on a majority of the bill.

America's financial industry is involved in a global battle. If the U.S. futures exchange, the OTC industry are to compete with new electronic exchanges and other foreign competition, such as the EUREX, we need to send a clear message that the United States will have a fair and competitive regulatory system.

Finally, I would like to thank the gentleman from Texas (Chairman ARCHER) and the joint tax staff for all of their hard work in crafting the legislative language to address the tax treatment for security future products.

Mr. Speaker, I submit the following explanation from the gentleman from Texas (Mr. ARCHER) that describes the tax language that is contained in this bill for the RECORD:

COMMITTEE ON WAYS AND MEANS,
HOUSE OF REPRESENTATIVES,
October 19, 2000.

Hon. LARRY COMBEST,
Chairman, Committee on Agriculture, Washington, DC.

DEAR LARRY: I understand that H.R. 4541, the ''Commodities Futures Modernization Act of 2000,'' is scheduled for consideration by the House today. One of the issues raised by the bill has been the tax treatment of transactions involving security futures contracts. Time constrains have prevented the Committee on Ways and Means from formally considering this legislation. Nonetheless, I have been asked to provide you with statutory language that addresses the tax treatment of security futures contracts, and I understand that the language I provided has been included in the bill.

To provide assistance in interpreting the statutory language, I am attaching a technical explanation prepared by the staff of the Joint Committee on Taxation. I would appreciate your introducing this letter and explanation into the record during consideration of H.R. 4541. Thank you very much for your assistance in this regard.

With Best Personal Regards,
Sincerely,

BIL ARCHER,
Chairman.

TECHNICAL EXPLANATION OF THE TAX PROVISIONS OF H.R. 4541, THE ''COMMODITY FUTURES MODERNIZATION ACT OF 2000''

PREPARED BY THE STAFF OF THE JOINT COMMITTEE ON TAXATION

I. INTRODUCTION

This document[1] prepared by the staff of the Joint Committee on Taxation provides a technical explanation of the tax provisions of H.R. 4541, the ''Commodity Futures Modernization Act of 2000.'' The bill is scheduled for consideration by the House of Representatives on October 19, 2000. The non-tax portions of the bill provides for exchange trading a ''securities futures contract'', which will be a contract for future delivery of a single security or a narrow-based security index. The bill provides for the tax treatment of these instruments in a manner generally consistent with the present-law treatment of transactions in stock and stock options.

II. EXPLANATION OF THE TAX PROVISIONS OF THE BILL

TAX TREATMENT OF SECURITIES FUTURES CONTRACTS (SEC. 124(C) AND (D) OF H.R. 4541 AND SECS. 1234B AND 1256 OF THE CODE)

Present Law

In general

Generally, gain or loss from the sale of property, including stock, is recognized at the time of sale or other disposition of the property, unless there is a specific statutory provision for nonrecognition (sec. 1001).

Gains and losses from the sale or exchange of capital assets are subject to special rules. In the case of individuals, net capital gain is generally subject to a maximum tax rate of 20 percent (sec. 1(h)). Net capital gain is the excess of net long-term capital gains over net short-term capital losses. Also, capital losses are allowed only to the extent of capital gains plus, in the case of individuals, $3,000 (sec. 1211). Capital losses of individuals may be carried forward indefinitely and capital losses of corporations may be carried back three years and forward five years (sec. 1212).

Generally, in order for gains or losses on a sale or exchange of a capital asset to be long-term capital gains or losses, the asset must be held for more than one year (sec. 1222).[2] A capital asset generally includes all property held by the taxpayer except certain enumerated types of property such as inventory (sec. 1221).

Section 1256 contracts

Special rules apply to ''section 1256 contracts,'' which include regulated futures contracts, certain foreign currency contracts, nonequity options, and dealer equity options. Each section 1256 contract is treated as if it were sold (and repurchased) for its fair market value on the last business day of the year (i.e., ''marked to market''). Any gain or loss with respect to a section 1256 contract which is subject to the mark-market rule is treated as if 40 percent of capital gain or loss. This results in a maximum rate of 27.84 percent on such gain for taxpayers other than corporations. The mark-to-market rule (and the special 60/40 capital treatment) is inapplicable to hedging transactions.

A ''regulated futures contract'' is a contract (1) which is traded on or subject to the rules of a national securities exchange registered with the Securities Exchange Commission, a domestic board of trade designated a contract market by the Commodities Futures Trading Commission, or similar exchange, board of trade, or market, and (2) with respect to which the amount required to be deposited and which may be withdrawn depends on a system of marking to market.

A ''dealer equity option'' means, with respect to an options dealer, an equity option purchased in the normal course of the activity of dealing in options and listed on the qualified board or exchange on which the options dealer is registered. An equity option is an option to buy or sell stock or an option the value of which is determined by reference to any stock, group or stocks, or stock index, other than an option on certain broad-based groups of stock or stock index.[3]

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[1] This document may be cited as follows: Joint Committee on Taxation, ''Technical Explanation of the Tax Provisions of H.R. 4541, the 'Commodity Futures Modernization Act of 2000' '' (JCX–108–00), October 19, 2000.

[2] The holding period for futures transactions in a commodity is 6 months. The 6-month holding period does not apply to futures which are subject to the mark-to-market rules of section 1256, discussed below.

[3] Rev. Rul. 94–63, 1994–2 C.B. 188, provides that the determination made by the Securities and Exchange Commission will determine whether or not an option is ''broad based''.

An options dealer is any person who is registered with an appropriate national securities exchange as a market maker or specialist in listed options, or who the Secretary of the Treasury determines performs functions similar to market makers and specialists.[4]

Mark to market accounting for dealers in securities

Under present law, a dealer in securities must compute its income from dealing in securities pursuant to the mark-to-market method of accounting (sec. 475). Gains and losses are treated as ordinary income and loss. Traders in securities, and dealers and traders in commodities may elect to use this method of accounting, including the ordinary income treatment. Section 1256 contracts are not treated as securities for purposes of section 475.[5]

Short sales

In case of a ''short sale'' (i.e., where the taxpayer sells borrowed property and later closes the sale by repaying the lender with substantially identical property), any gain or loss on the closing transaction is considered gain or loss from the sale or exchange of a capital asset if the property used to close the short sale is a capital asset in the hands of the taxpayer, but the gain is ordinarily treated as short-term gain (sec. 1233(a)).

The Internal Revenue Code (the ''Code'') also contains several rules intended to prevent the transformation of short-term capital gain into the long-term capital gain or long-term capital loss into short-term capital loss by simultaneously holding property and selling short substantially identical property (sec. 1233(b) and (d)). Under these rules, if a taxpayer holds property for less than the long-term holding period and sells short substantially identical property, any gain or loss upon the closing of the short sale is considered short-term capital gain, and the holding period of the substantially identical property is generally considered to begin on the date of the closing of the short-term sale. Also, if a taxpayer has held property for more than the long-term holding period and sells short substantially identical property, any loss on the closing of the short sale is considered a long-term capital loss.

For purposes of these short sale rules, property includes stock, securities, and commodity futures, but commodity futures are not considered substantially identical if they call for delivery in different months.

For purposes of the short-sale rules relating to short-term gains, the acquisition of an option to sell at a fixed price is treated as a short sale, and the exercise or failure to exercise the option is considered a closing of the short sale.[6]

The Code also treats a taxpayer as recognizing gain where the taxpayer holds appreciated property and enters into a short sale of the same or substantially identical property, or enters into a contract to sell the same or substantially identical property (sec. 1259).

Wash sales

The wash-sale rule (sec. 1091) disallows certain losses from the disposition of stock or securities if substantially identical stock or securities (or an option or contract to acquire such property) are acquired by the taxpayer during the period beginning 30 days before the date of sale and ending 30 days after such date of sale. Commodity futures are not treated as stock or securities for purposes of this rule. The basis of the substantially identical stock or securities is adjusted to include the disallowed loss.

Similar rules apply to disallow any loss realized on the closing of a short sale of stock or securities where substantially identical stock or securities are sold (or a short sale, option or contract to sell is entered into) during the applicable period before and after the closing of the short sale.

Straddle rules

If a taxpayer realizes a loss with respect to a position in a straddle, the taxpayer may recognize that loss for the taxable year only to the extent that the loss exceeds the unrecognized gain (if any) with respect to offsetting positions in the straddle (sec. 1092). Disallowed losses are carried forward to the succeeding taxable year and are subject to the same limitation in that taxable year.

A ''straddle'' generally refers to offsetting positions with respect to actively traded personal property. Positions are offsetting if there is a substantial diminution of risk of loss from holding one position by reason of holding one or more other positions in personal property. A ''position'' in personal property is an interest (including a futures or forward contract or option) in personal property.

The straddle rules provide that the Secretary of the Treasury may issue regulations applying the short sale holding period rules to positions in a straddle. Temporary regulations have been issued setting forth the holding period rules applicable to positions in a straddle.[7] To the extent these rules apply to a position, the rules in section 1233(b) and (d) do not apply.

The straddle rules generally do not apply to positions in stock. However the straddle rules apply if one of the positions is stock and at least one of the offsetting positions is either (1) an option with respect to stock or (2) a position with respect to substantially similar or related property (other than stock) as defined in Treasury regulations. Under property Treasury regulations, a position with respect to substantially similar or related property does not include stock or a short sale of stock, but includes any other position with respect to substantially similar or related property.[8]

If a straddle consists of both positions that are section 1256 contracts and positions that are not such contracts, the taxpayer may designate the positions as a mixed straddle. Positions in a mixed straddle are not subject to the mark-to-mark rule of section 1256, but instead are subject to rules written under regulations to prevent the deferral of tax or the conversion of short-term capital gain to long-term capital gain or long-term capital loss into short-term capital loss.

Transactions by a corporation in its own stock

A corporation does not recognize gain or loss on the receipt of money or other property in exchange for its own stock. Likewise, a corporation does not recognize gain or loss when it redeems its stock with cash, for less or more than it received when the stock was issued. In addition, a corporation does not recognize gain or loss on any lapse or acquisition of an option to buy or sell its stock (sec. 1032).

Explanation of the Tax Provisions of the Bill

In general

Except in the case of dealer securities futures contracts described below, securities futures contracts are not treated as section 1256 contracts. Thus, holders of these contracts are not subject to the mark-to-market rules of section 1256 and are not eligible for 60-percent long-term capital gain treatment under section 1256. Instead, gain or loss on these contracts will be recognized under the general rules relating to the disposition of property.[9]

A securities futures contract is defined in section 3(a)(55)(A) of the Securities Exchange Act of 1934, as added by the bill. In general, that definition provides that a securities futures contract means a contract of sale for future delivery of a single security or a narrow-based security index. A securities future contract will not be treated as a commodities futures contract for purposes of the Code.

Treatment of gains and losses

The bill provides that any gain or loss from the sale or exchange of a securities futures contract (other than a dealer securities futures contract) will be considered as gain or loss from the sale or exchange of property which has the same character as the property to which the contract relates has (or would have) in the hands of the taxpayer. Thus, if the underlying security would be a capital asset in the taxpayer's hands, then gain or loss from the sale or exchange of the securities futures contract would be capital gain or loss. The bill also provides that the termination of a securities futures which is a capital asset will be treated as a sale or exchange of the contract.

Capital gain treatment will not apply to contracts which themselves are not capital assets because of the exceptions of the definition of a capital asset relating to inventory (sec. 1221(a)(1)) or hedging (sec. 1221(a)(7)), or to any income derived in connection with a contract which would otherwise be treated as ordinary income.

Except as otherwise provided in regulations under section 1092(b) (which treats certain losses from a straddle as long-term capital losses) and section 1234B, as added by the bill, any capital gain or loss from the sale or exchange of a securities futures contract to sell property (i.e., the short side of a securities futures contract) will be short-term capital gain or loss. In other words, a securities futures contract to sell property is treated as equivalent to a short sale of the underlying property.

Wash sale rules

The bill clarifies that, under the wash sale rules, a contract or option to acquire or sell stock or securities shall include options and contracts that are (or may be) settled in cash or property other than the stock or securities to which the contract relates. Thus, for example, the acquisition, within the period set forth in section 1091, of a securities futures contract to acquire stock of a corporation could cause the taxpayer's loss on the sale of stock in that corporation to be disallowed, notwithstanding that the contract may be settled in cash.

Short sale rules

In applying the short sale rules, a securities futures contract to acquire property will be treated in manner similar to the property itself. Thus, for example, the holding of a securities futures contract to acquire property

[4] A special rule provides that any gain or loss with respect to dealer equity options which are allocable to limited partners or limited entrepreneurs are treated as short-term capital gain or loss and do not qualify for the 60 percent long-term, 40 percent short-term capital gain or loss treatment of section 1256(a)(3).

[5] As discussed above, dealers in equity options are subject to mark-to-market accounting and the special capital gain rules of section 1256.

[6] An exception applies to an option to sell acquired on the same day as the property identified as intended to be used (and is so used) in exercising the option is acquired (sec. 1233(c)).

[7] Reg. sec. 1.1092(b)–2T.

[8] Prop. Reg. sec. 1.1092(d)–2(c).

[9] Any securities futures contract which is not a section 1256 contract will be treated a ''security'' for purposes of section 475. Thus, for example, traders in securities future contracts which are not section 1256 contracts could elect to have section 475 apply.

and the short sale of property which is substantially identical to the property under the contract will result in the application of the rules of section 1233(b).[10] In addition, as stated above, a securities futures contract to sell is treated in a manner similar to a short sale of the property.

Straddle rules

Stock which is part of a straddle at least one of the offsetting positions of which is a securities futures contract with respect to the stock or substantially identical stock will be subject to the straddle rules of section 1092. Treasury regulations under section 1092 applying the principles of the section 1233(b) and (d) short sale rules to positions in a straddle will also apply.

For example, assume a taxpayer holds a long-term position in actively traded stock (which is a capital asset in the taxpayer's hands) and enters into a securities futures contract to sell substantially identical stock (at a time when the position in the stock has not appreciated in value so that the constructive sale rules of section 1259 do not apply). The taxpayer has a straddle. Treasury regulations prescribed under section 1092(b) applying the principles of section 1233(d) will apply, so that any loss on closing the securities futures contract will be a long-term capital loss.

Section 1032

A corporation will not recognize gain or loss on transactions in securities futures contracts with respect to its own stock.

Holding period

If property is delivered in a satisfaction of a securities futures contract to acquire property (other than a contract to which section 1256 applies), the holding period for the property will include the period the taxpayer held the contract, provided that the contract was a capital asset in the hands of the taxpayer.

Regulations

The Secretary of the Treasury or his delegate has the authority to prescribe regulations to provide for the proper treatment of securities futures contracts under provisions of the Internal Revenue Code.

Dealers in securities futures contracts

In general, the bill provides that securities futures contracts and options on such contracts are not section 1256 contracts. The bill provides, however, that ''dealer securities futures contracts'' will be treated as section 1256 contracts.

The term ''dealer securities futures contract'' means a securities futures contract which is entered into by a dealer in the normal course of his or her trade or business activity of dealing in such contracts, and is traded on a qualified board of trade or exchange. The term also includes any option to enter into securities futures contracts purchased or granted by a dealer in the normal course of his or her trade or business activity of dealing in such options. The determination of who is to be treated as a dealer in securities futures contracts is to be made by the Secretary of the Treasury or his delegate not later than July 1, 2001. Accordingly, the bill authorizes the Secretary to treat a person as a dealer in securities futures contracts or options on such contracts if the Secretary determines that the person performs, with respect to such contracts or options, functions similar to an equity options dealer, as defined under present law.

[10] Because securities futures contracts are not treated as futures contracts with respect to commodities, the rule providing that commodity futures are not substantially identical if they call for delivery in different months does not apply.

The determination of who is a dealer in securities futures contracts is to be made in a manner that is appropriate to carry out the purpose of the provision, which generally is to provide comparable tax treatment between dealers in securities futures contracts, on the one hand, and dealers in equity options, on the other. Although traders in securities futures contracts (and options on such contracts) may not have the same market-making obligations as market makers or specialists in equity options, many traders are expected to perform analogous functions to such market makers or specialists by providing market liquidity for securities futures contracts (and options) even in the absence of a legal obligation to do so. Accordingly, the absence of market-making obligations is not inconsistent with a determination that a class of traders are dealers in securities futures contracts (and options), if the relevant factors, including providing market liquidity for such contracts (and options), indicate that the market functions of the traders is comparable to that of equity options dealers.

As in the case of dealer equity options, gains and losses allocated to any limited partner or limited entrepreneur with respect to a dealer securities futures contract will be treated as short-term capital gain or loss.

Treatment of options under section 1256

The bill modifies the definition of ''equity option'' for purposes of section 1256 to take into account changes made by the non-tax provisions of the bill. Only options dealers are eligible for section 1256 with respect to equity options. The term ''equity option'' is modified to include an option to buy or sell stock, or an option the value of which is determined, directly or indirectly, by reference to any stock, or any ''narrow-based security index,'' as defined in section 3(a)(55) of the Securities Exchange Act of 1934 (as modified by the bill). An equity option includes an option with respect to a group of stocks only if the group meets the requirements for a narrow-based security index.

As under present law, listed options that are not ''equity options'' are considered ''nonequity options'' to which section 1256 applies for all taxpayers. For example, options relating to broad-based groups of stocks and broad based stock indexes will continue to be treated as nonequity options under section 1256.

Definition of contract markets

The non-tax provisions of the bill designate certain new contract markets. The new contract markets will be contract markets for purposes of the Code, except to the extent provided in Treasury regulations.

Effective date

These provisions will take effect on the date of enactment of the bill.

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

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

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

Mr. LEACH. Last year, after nearly 2 decades of work, the United States Congress passed the Financial Modernization Act to bring our Nation's banking and securities laws in line with the realities of the marketplace. In the few days left for legislation in this Congress, an analogous opportunity presents itself to modernize the Commodity Exchange Act that governs the trading of futures and options.

At issue is the question of whether an appropriate regulatory framework can be established to deal not only with certain problems that confront today's risk management markets, but new dilemmas that appear on the horizon.

Legislation of this nature involves different committees with different concerns and sometimes competitive jurisdictional interests. From the perspective of the Committee on Banking and Financial Services, I would like to express my respect for the initial Committee on Agriculture product. That Committee's product, led by the gentleman from Texas (Chairman COMBEST) and the gentleman from Texas (Mr. EWING), reflected a credible way of dealing with a number of concerns that have developed during much of the last of the decade as derivatives-related products have grown. Nonetheless, the Committee on Banking and Financial Services believes that some modifications to H.R. 4541 were in order; and in July, a number of clarifying approaches were adopted on a bipartisan manner.

The fact is that the CEA, or Commodity Exchange Act, is an awkward legislative vehicle designed in an era in which financial products have of a nature now in place were neither in existence nor much contemplated. Indeed, the Commodities Future Trading Commission was fundamentally designed to supervise agriculture and commodities markets, not financial institutions.

Because of anachronistic constraints established under the Commodity Exchange Act, legal uncertainty exists for trillions of dollars of existing contractual obligations. This bill resolves this uncertainty for the benefit of customers of many of these products, but it does not fully resolve the certain issue for some kinds of future activities.

While I would have wished that more could have been achieved, it should be clear that no additional legal uncertainty is created under the bill and progressive strides have been made on the fundamental aspects of the legal certainty issue.

Mr. Speaker, at this point let me just conclude by thanking the staff of the committees of jurisdiction, the staffs frankly of the professional parts of the United States Government, the Treasury, the Fed, the SEC, that have put forth a great deal of effort and input into this legislative vehicle. Most of all, I think it has to be stressed that one Member of this body has contributed significantly to the embellishment of this institution, this legislative vehicle and I personally want to thank the gentleman from Texas (Mr. EWING) for everything he has done to bring this forth in such a responsible, decent and credible way.

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

Mr. STENHOLM. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I thank the gentleman from Texas for yielding me the time, and I thank him for the

excellent work that he has contributed to this product, along with the gentleman from Iowa (Mr. LEACH), the gentleman from Virginia (Mr. BLILEY) and all across the spectrum of the House and the Senate.

Mr. Speaker, I rise in reluctant support for this bill today, because of the fact that I still have some very serious concerns about both the process that has brought this bill to the floor and some of its provisions.

Mr. Speaker, to the extent to which the bill has been made minimally acceptable to those of us on the Committee on Commerce who work for it, the gentleman from Michigan (Mr. DINGELL) and I, the gentleman from New York (Mr. TOWNS) who has spent a lot of time on this bill, I want to thank especially Consuela Washington for her excellent work and Jeff Duncan, from my staff, and the staff of the gentleman from New York (Mr. TOWNS) for their excellent work in trying to improve this piece of legislation, as best as it could have been improved and still pass the House floor.

What we are doing in this bill is saying, okay, we are going to take OTC swaps between eligible contract participants out of the CEA. They are excluded from the act. Now, I do not have any problem with that. If the swap dealers feel more comfortable with a statutory exclusion for sophisticated counterparties instead of the CFTC exemptive authority and the Committee on Agriculture is willing to agree to an exclusion that makes sense, that is fine with me. However, I am not willing to allow legal certainty to become a guise for sweeping exemptions from the antifraud or market manipulation provisions of the securities laws. I do not think that is wise.

Mr. Speaker, while some earlier drafts of this bill would have done precisely that, the bill we are considering today does not, and that is a good thing. That is why I am willing to support the legal certainty language today. However, I do have some concern about how we have defined eligible contract participants, that is, the sophisticated institutions that will be allowed to play in the swaps market with little or no regulation, I might add.

The bill before us today lowers the threshold for who will be an eligible contract participant far below what the Committee on Commerce had allowed. By the way, we agreed upon that, Democrat and Republican, from the gentleman from Virginia (Mr. BLILEY) to the gentleman from Michigan (Mr. DINGELL), that was our standard. I feel that this will now create a regulatory gap for retail swap participants that ultimately must be addressed.

For example, under one part of this definition, an individual with total assets in excess of only $5 million who uses a swap to manage certain risks is an eligible contract participant for that swap. I think that threshold is simply too low.

I believe that the original Committee on Commerce investor protection provisions should have been fully restored. Moreover, the bill should clarify explicitly that counterparties who may enter into transactions with retail-eligible contract participants are subject for such transactions to the antifraud authority of their primary regulators.

Mr. Speaker, let me turn to the provisions of this bill that would allow the trading of stock futures. These new products that would trade on exchanges and compete directly with stocks and stock options.

Now, I have serious reservations about the impact of single stock futures on our securities markets, and in all likelihood these products are going to be used principally by day traders and other speculators. There is nothing inherently wrong with speculation. It can be an important source of liquidity in the financial markets, but one of the purposes of the Federal securities laws has traditionally been to control excessive speculation and excessive and artificial volatility in the markets and to limit the potential for markets to be manipulated or used to carry out insider trading or other fraudulent schemes.

Mr. Speaker, I support this bill. I hope it receives its support of the full House. It is much better than it had been, but there could have been greater consumer protections built in.

Mr. EWING. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. BLILEY), the distinguished chairman of the Committee on Commerce.

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

Mr. Speaker, as we considered H.R. 4541 in the Committee on Commerce, I had two priorities. First, that security-future products be traded in decimals with no government-mandated minimal increments. We have recently witnessed the beginning of decimal trading in the securities markets. When securities are priced in free market increments, spreads narrow and investors win. These efficiencies should accrue to the security futures market as well.

Second, electronic communications networks, ECNs, should have the ability to trade security future products. ECNs have provided increased competition and liquidity in the securities marketplace. Competition brings investors enhanced services and cheaper transactions. These benefits should certainly be extended to the market for security future products.

I am pleased these two provisions are in the bill we are considering today.

I thank my colleagues, the gentleman from Texas (Chairman COMBEST) and the gentleman from Texas (Mr. EWING), the chairman of the Subcommittee on Risk Management, Research and Specialty Crops; the gentleman from Iowa (Chairman LEACH); and the gentleman from Louisiana (Mr. BAKER), chairman of the Subcommittee on Capital Markets, Securities and Government Sponsored Enterprises; as well as the gentleman from Ohio (Mr. OXLEY), my good friend, chairman of the Subcommittee on Finance and Hazardous Materials, for their fine work and constructive participation in this developing this legislation.

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

Mr. STENHOLM. Mr. Speaker, I yield 2 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 thank my good friend for yielding me the time.

Mr. Speaker, I rise to hold my nose at and to support this legislation. It just barely meets the standards in which legislation may be considered acceptable.

□ 1830

It does so only because the matter is going to go to the Senate, where I hope that the very visible and very obvious remaining defects are corrected.

There are a number of problems.

First of all, the bill almost died because of flawed procedure. Subject to action by the committees after just one bipartisan meeting, which from all counts was constructive, Democratic staff were booted out of the negotiations on this bill, at the direction of the Republican leadership.

This is not a surprise to me because it has happened on many other occasions. However, 2 weeks ago, the Committee on Agriculture majority staff started circulating drafts of legislation for Democratic review and comment. I salute them and thank them for that.

The development of these events and the willingness of the Committee on Agriculture to make significant changes in the bill in response to our comments have made it possible for me to support the bill at this point in the process. I want to commend and thank both the majority and the minority on the Committee on Agriculture for the remarkable consideration and courtesy which was shown.

This has gone from being an extraordinarily bad piece of legislation to being a bill which is worth moving to the next stage. It does not provide necessary investor protections, and it does not assure in the fullest that we will not have excessive speculation which will put the markets at risk in this country.

For reasons not adequately explained, greedy brokers and banks are arguably relieved of selected statutory and regulatory restraints on their behavior. These must be addressed before the bill becomes law. But I support passage of this bill at this time as a step forward, and as part of moving the process forward, as it should be.

But I want to make it very clear, I am still holding my nose. It will not be possible to support this bill if it is not

significantly improved at the next stage of the process.

Mr. Speaker, I would like to address my principal concerns with this bill.

First, I support legal certainty under the Commodity Exchange Act (CEA) for swaps entered into between professional traders and similar sophisticated parties who have the means to protect themselves. However, the Republican negotiations have produced a bill that also excludes retail swaps from the CEA. Brokers can sell swaps to retail investors (in this market that means investors with $5 million in assets) without the antimanipulation and antifraud protections that otherwise would apply under that Act. The bill does not provide any substitute protections. This needs more work. I would like to clarify for the record that it is the intent of Congress in passing this legislation that counterparties who may enter into transactions with retail ''eligible contract participants'' are subject for such transactions to the antifraud authority of their primary regulator. This bill should not be interpreted as declaring open season on investors.

Second, Section 107 provides a redundant exclusion for a broad range of swap transactions. I would have preferred that this section be deleted and that we defer instead to the bill's carefully crafted exclusions for specific groups of products. However, as amended by the agreement we reached last night, I will support its inclusion. I want it clearly understood that the limitations on this exclusion are strict. To qualify for the Section 107 exclusion, each of the material economic terms of the swap must be individually negotiated, not passively accepted, by the parties. In contrast to the products for which the Section 107 exclusion is designed, exchange-traded products may have some terms that are standardized and some that can be negotiated on behalf of the purchaser or seller by an agent. Section 107 clarifies that exchange-traded products, such as security futures products, do not fall within the exclusion. Moreover, the Section 107 exclusion would not apply to an electronic system where a user passively could accept contract terms as opposed to actively negotiating every material economic term. Section 107 should not be construed to affect the applicability of other exclusions in the bill, such as the one found in Section 103 conditionally excluding certain transactions on electronic trading facilities from the CEA. Finally, Section 107 should not be construed to narrow or broaden the conditions that apply to such exclusions.

Third, H.R. 4541 establishes a comprehensive regulatory system for the regulation of security futures products. It rests on a system of joint regulation by the CFTC and SEC, both of whom are assigned specific tasks designed to maintain fair and orderly markets for single stock futures and futures or groups or indexes of securities. Under this system, it is clear that intermediaries that trade securities futures products must register with the SEC as broker-dealers, although it allows futures market intermediaries that are regulated by the CFTC to register with the SEC on a streamlined basis as notice registrants.

In the middle of the night, language was stripped from the bill with the result that banks would now be exempted from the rules that apply to everyone else. As a result a bank selling securities futures could register with the CFTC as a futures commission merchant but, unlike other entities, not have to notice register with the SEC. Effectively, half of the regulatory framework that we have negotiated over many months would disappear. There is no public interest to be served in eliminating SEC oversight over issues such as insider trading frauds, market manipulation, and customer sales practice rules just because a bank traded the security.

I want to make the following observations about this seeming travesty:

1. There are not many bank FCM's left.

2. I do not believe any responsible financial services lawyer will recommend that the bank FCM not file a broker-dealer notice registration with the SEC.

3. Given the clear findings of the Congress, which has expressly concluded that a security future is a security, the SEC would be on solid legal standing should it proceed by rule to require bank FCM's to register as broker-dealers through the streamlined notice process.

4. Similarly, the CFTC would be on solid legal standing should it bar bank FCM's from selling security futures unless they have notice registered with the SEC.

Fourth, also last night, language was added on page 227 of the bill that has the effect of creating a major competitive advantage for foreign futures exchanges trading single stock futures based on U.S. securities. That provision, a new Section 2(a)(1)(F)(ii) of the Commodity Exchange Act, permits any retail customer in the U.S. to purchase single stock futures on U.S. stocks sold by a foreign board of trade without regard to any of the regulatory constraints imposed on U.S. exchanges. Because of this change, U.S. exchanges will not face direct electronic competition on U.S. trading terminals from foreign exchanges that can cut margins, fees, and regulatory costs. This provision, for which no one will now claim responsibility, undoes much of the good work in this legislation to ensure fair competition and consistent market integrity and investor protections. This provision should be deleted from the bill.

With these serious reservations, I support passage of this legislation.

Mr. LEACH. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from New Jersey (Mrs. ROUKEMA), the subcommittee chairman.

(Mrs. ROUKEMA asked and was given permission to revise and extend her remarks.)

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

Mr. Speaker, I want to associate myself with the remarks of the chairman of the Committee on Banking and Financial Services, with which I agree.

I do want to make a couple of statements here. What we are doing here today is very essential in terms of improving and clarifying the legal uncertainty under the Commodity Exchange Act. That has been pointed out.

We are also talking about a modernized economy, not only here in the United States but in the global economy. As has been mentioned, the derivatives and the swap agreements are growing throughout, and we need this clarification of legal certainty.

But as a member of the Committee on Banking and Financial Services, I also want to say that this legislation would ensure that derivatives engaged in by financial institutions would continue to be regulated by the appropriate bank regulatory agencies. I must stress that this law would in no way reduce the appropriate oversight of these products.

Mr. Speaker, I will work in the next Congress to revisit these issues as the market continues to grow, but this is an essential first step.

Mr. Speaker. I rise as a Member of the Banking Committee in support of H.R. 4541, the Commodity Futures Modernization Act of 2000. This is an important piece of legislation that addresses a host of issues relating to products and transactions that form a critical part of our nation's economy. Today I want to focus on the regulatory treatment of one type of product: over-the-counter derivatives contracts that are currently traded among large financial institutions throughout the world. These derivatives, which include swap agreements, various options, and hybrid instruments, are used by large financial institutions to manage and control various risks—particularly interest rate risk. These instruments help maintain a safe and sound banking system.

However, there have been questions about the legal certainty of these derivatives because their status under the commodity Exchange Act is unclear. This uncertainty is a result of the law not keeping up with the marketplace. This bill would go a long way to address the question of legal certainty of these instruments traded among large institutions in the wholesale market by exempting these products from the Commodity Exchange Act. This legislation would ensure that these derivatives engaged in by financial institutions would continue to be regulated by the appropriate bank regulatory agencies. I must stress that this law would in no way reduce appropriate oversight of these products, but would ensure that our financial institutions would not be subject to a burdensome additional layer of regulation solely as a result of participating in this derivatives activity.

I want to note that I support the additional provisions that were passed out of the Banking Committee earlier this year that would have provided clarification for a broader market of products identified as ''banking products.'' I will work in the next Congress to revisit these issues as the market continues to grow. This is an essential first step. But I want to thank the chairmen of the Agriculture Committee, the Commerce Committee, and the Banking Committee for working together to bring this bill to the floor and addressing the most critical component of the ''legal certainty'' issue. This bill would ensure the continued ability of large financial institutions to manage risks with derivatives, and I support its passage.

Mr. EWING. Mr. Speaker, I yield 1½ minutes to the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Speaker, I want to thank the gentleman from Illinois for yielding time to me.

Mr. Speaker, I rise today in support of H.R. 4541, the Commodity Futures Modernization Act, which provides for the deregulation and modernization of the U.S. futures industry.

It also reforms the antiquated Shad-Johnson accord to allow U.S. futures

exchanges to trade single stock futures.

Finally, the bill provides legal certainty for the $90 trillion financial derivatives industry that really has become critical to the operation of American finance and industry.

This important legislation was negotiated between the Committee on Agriculture, the Committee on Banking and Financial Services, and the Committee on Commerce to provide real reform. It places our financial industry on solid ground for the highly competitive future. Without it, many of these important financial products will move overseas, threatening the growth of the American economy.

I especially want to compliment my good friend, the gentleman from Illinois (Mr. EWING), who worked tirelessly on this bill. The gentleman from Illinois is retiring this year, and his leadership on this issue will be sorely missed. I think this landmark legislation is a compliment to his years of service as a legislator.

I also want to congratulate all of the chairmen of the relevant committees, the three committees and subcommittees, and their ranking members for their efforts in bringing this bill together so it can be on the floor today.

The Commodity Futures Modernization Act is right for our economy and it is right for our financial industry. I am proud to lend my support to this important bill.

Mr. STENHOLM. Mr. Speaker, I yield 1 minute to the gentleman from Maine (Mr. BALDACCI).

Mr. BALDACCI. Mr. Speaker, I thank the gentleman for yielding time to me, and also for his leadership on the Committee on Agriculture, and for working to fashion the bipartisan measure that is before us today.

Also, I commend the gentleman from Illinois (Chairman EWING) for his leadership and support on the committee. Having been a member of the committee, to end up working on a bill like this, I am very proud of the part that I have played in that effort.

Mr. Speaker, I rise in support of the Commodity Futures Modernization Act. The legislation has been a product of a lot of hard work over several years, and the reforms are a long time in coming. But between now and when the committee dealt with it, it has been undergoing some changes, which is not really surprising. However, some of what I supported has been taken out. I hope we can continue working on this when we revisit one of those issues.

With respect to the definition of eligible contract participants, the CFTC has the broad authority to determine that other persons are eligible beyond those specifically listed. It is my understanding that the commodity trading advisors, with over $25 million in client assets under management, are among those other persons which the CFTC should determine to meet the requirements.

Mr. LEACH. Mr. Speaker, I yield 1 minute to my distinguished colleague, the gentleman from Pennsylvania (Mr. TOOMEY).

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

Mr. Speaker, over the last 20 years, American and international financial markets have changed dramatically. Opportunities for investors have expanded tremendously. New access to capital has empowered entrepreneurs. The ability to hedge financial and commodity price risk has stabilized earnings and encouraged investment.

This democratization of the capital markets has been driven largely by the development and application of derivative transactions, especially over-the-counter derivatives.

I worked in the derivative sector of the financial services industry for 7 years in the 1980s and 1990s. I marvel now at how widespread, sophisticated, and indispensable these products have become since then.

Today we are going to pass a Commodity Exchange Act that will eliminate most of the cloud of legal and regulatory uncertainty that has shadowed these products since their invention. For that reason, I urge my colleagues to vote yes on this bill.

It is not, however, a perfect bill. I hope the other body will eliminate the remaining legal uncertainty that will still shadow the use of these transactions by retail customers. I hope that they will allow greater flexibility in the electronic trading of the over-the-counter derivatives.

Today we do have a good bill. It will strengthen the ability of American financial institutions to compete in a vital sector of finance. I urge its passage.

Mr. STENHOLM. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I would just close by encouraging all of my colleagues to support this bill, and again commend the gentleman from Illinois (Mr. EWING) for his tireless work in putting together a package that has brought three different committees together under a most strange situation, but one in which we do have the opportunity to pass legislation of some extreme importance.

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

Mr. Speaker, in closing, let me say that this has been a great experience. I have had wonderful cooperation from both sides of the aisle, from chairmen and subcommittee chairmen and ranking members on those committees.

I think it is important today to recognize that we are here at a time and a place when this legislation, so badly needed by our financial industry, can pass through this House and be considered in the other body.

When we realize how long it takes us sometimes to move complicated pieces of legislation, such as the Banking Reform Act of last year, we should recognize that now is the time to move this legislation before we have a new administration, before we have new chairmen, before we have whoever may be in control of this Congress after the next election.

We have come together. We have grappled with the issues. We have reached a good conclusion and devised a good bill for our financial industry. I thank everyone again, and I ask for a positive vote on this bill.

Mr. OXLEY. Mr. Speaker, during this Congress, we have made historic progress in enacting legislation to modernize and improve our financial markets. We enacted Gramm-Leach-Bliley, and finally repealed the outdated restrictions against affiliations among banks, securities firms, and insurance firms, paving the way for new efficiencies and innovations in our marketplace.

We enacted E-SIGN, facilitating the growth of electronic commerce in not only the financial marketplace, but indeed the entire U.S. marketplace.

And today we are taking a step toward further improving the competitiveness of U.S. markets in the financial arena. H.R. 4541 serves three important functions. It promotes regulatory efficiency, enhances legal certainly in the derivatives market, and stimulates competition.

This bill enhances regulatory efficiency in the futures market by streamlining the regulations of the CFTC. I support this prudent approach to deregulation.

It enhances legal certainty in the derivatives market by explicitly carving out derivatives transactions from CFTC regulation. I welcome the resulting legal certainty, which is vital to the continued growth of an industry that is so fundamentally important to the financial health of U.S. companies, and, indeed, the global financial marketplace.

The legislation also promotes competition both domestically and internationally by lifting a ban on a type of financial product that could serve important functions in our markets and abroad. While current law bans the trading of futures on individual securities and on narrow-based indices in the U.S. overseas markets for these security futures products are rapidly developing. It is important for our markets to be able to compete for this business, because I strongly believe that in a fair competitive environment, our markets will always win.

This legislation authorizes the trading of securities futures products on futures exchanges, options exchanges, equity exchanges and, importantly, Alternative Trading Systems. The broad spectrum of competition that this legislation will foster will serve the market well.

I would like to thank my colleagues for their good work on this legislation. In particular I thank Chairman BLILEY, CHAIRMAN COMBEST, Chairman LEACH, Chairman EWING and Chairman BAKER for the leadership they have displayed in moving this bill forward. The bill certainly reflects the hard work these gentlemen have put into it. This is good policy and I urge each of you to support it.

Mr. BAKER. Mr. Speaker, Commodity Exchange Act reform is long overdue.

The CEA has become an obstacle to the competitiveness of the US futures industry. It prohibits US futures exchanges from offering single stock futures while the same products are being created in London for international investors. It burdens futures exchanges with regulation that amounts to micromanagement, and that increases the cost of managing risk

for American companies and financial institutions.

Even worse, some at the CFTC have tried to apply CFTC regulations—which don't even work well for the futures business—to banking activities, including bank deposits and swaps. Banks don't need a second regulator, not for their deposits and not for their swap business. CFTC regulation for swaps is so inappropriate that, if swaps were ever found to be futures contracts regulated by the CFTC, many of them would be illegal and unenforceable under CFTC rules. Swaps aren't futures and swaps aren't securities, and we must make that clear in federal law.

The House Banking Committee, under the able leadership of Chairman LEACH at our July 27 mark-up of this bill, added provisions to the House Agriculture Committee version that dealt with many of these problems. Our approach wasn't the most clear and straightforward, and I'll be the first to admit it. I would have preferred—and I still prefer—to simply add a definition of futures contracts to the Commodity Exchange Act so the questions of legal certainty for swaps would be completely resolved. But the Banking Committee approach was still effective, and it was included in the compromise version of this bill that was agreed to by Committee Chairmen from the House and Senate last week.

In the bill going to the floor today, those protections for swaps are gone. This bill does not create legal certainty for all swap participants. It does not protect banks from duplicate regulation by the CFTC and SEC. It is not good enough to become law.

Furthermore, the CFTC, an agency in search of a mission, will become an unwanted and unneeded regulator of e-commerce, particularly in the realm of financial services. The Bill contains a definition of electronic trading facility, and while it rules out CFTC regulation of some electronic trading, it opens the door to CFTC regulation of other electronic facilities. I wonder whether the e-commerce community is even aware of how this legislation might constrain the growth of electronic finance. We should not build a regulatory structure before it even exists, especially whether other countries are promoting unrestricted growth of such financial e-commerce platforms. We should not build a regulatory structure for e-commerce before we even know what it looks like.

It is evident that these problems will not be solved on the House side. They must be tackled by the House working together with the Senate, and in particular with Senate Banking Committee Chairman PHIL GRAMM. I look forward to productive discussions with the Senator that will enable the Congress to adopt responsible guidelines for financial products.

Mr. DAVIS of Illinois. Mr. Speaker, I rise today in strong support of H.R. 4541, the Commodity Futures Modernization Act of 2000. I represent the 7th Congressional District of Illinois, which is home to the Chicago Mercantile Exchange and the Chicago Board of Trade—two of this country's premier derivatives exchanges. While I have the honor of representing them in Congress, they and the rest of the U.S. markets represent us all over the world. I believe that it is in this nation's best economic interests for U.S. financial markets to grow and prosper and once again lead the world.

This legislation helps us to do that. This much-needed legislation would provide regulatory reform to U.S. futures exchanges, provide legal certainty to the U.S. derivatives market, and finally lift the 19-year ban on single stock futures, allowing U.S. investors access to these products and expanding our markets.

The threat to U.S. markets has increased in just the last month. The London International Financial Futures Exchange announced that it would begin trading single stock futures on U.S. based company stocks in January 2001. In just three months, futures on the stock of AT&T, Citigroup, Cisco, Systems, Exxon Mobil, and Merck will be traded in London. If H.R. 4541 does not pass, U.S. markets will continue to be prohibited from offering these products—handcuffed from competing with foreign exchanges for a U.S. market that should be traded here at home.

Let me be clear, this is not just an Illinois issue. Futures exchanges are a huge part of what makes the entire U.S. economy robust and vibrant. If we fail to lift the ban on single stock futures, if we fail to provide regulatory reform, and if we fail to provide legal certainty to U.S. derivatives markets, then the consequences could be devastating. For example, U.S. exchanges will be rendered completely unable to compete. Without this legislation, single stock futures, which are based on assets developed and produced in the United States, may never be traded in this country.

We all need to ensure that the U.S. financial services industry remain competitive in the global marketplace. Therefore, I urge you to join with me in passing this important legislation.

Mr. BARRETT of Nebraska. Mr. Speaker, I rise today in support of H.R. 4541, the Commodity Futures Modernization Act of 2000. I commend Chairman EWING and his staff for their hard work and leadership as we debate this legislation.

The House Agriculture Committee has worked together with the Banking and Financial Services and Commerce Committees to draft a bill that will discourage fraud and manipulation, but encourage technology, competition and a sound business environment. Our farmers and ranchers are now more dependent on a sound futures market than ever before. I am pleased that this legislation will allow our agriculture producers access to a risk management tool as we move into the 21st century.

Mr. Speaker, this legislation will provide our financial institutions with the tools needed to conduct trading practices in a friendly manner. This bill also brings our U.S. exchanges onto a level playing field with foreign exchanges. American agriculture producers are becoming more involved in futures markets. It is important that we establish regulations that are fair and will allow our farmers to use the futures market as intended.

In my home state of Nebraska, I try to encourage the use of the futures market to provide procedures with yet another valuable risk tool. When Congress approves this legislation, the Commodity Exchange Act reauthorization will be complete. I then fully expect the Commodity Futures Trading Commission (CFTC) to regulate the U.S. futures and related markets and protect the interests of those who use the markets.

The Commodity Futures Modernization Act of 2000 accomplishes three main goals. First, this bill establishes legal certainty for over-the-counter derivatives. Second, this legislation provides regulatory relief to futures exchanges and their customers. This relief will transform the CFTC from a frontline regulatory role to more of an oversight role. Third, this act will reform the Shad-Johnson Jurisdictional Accord to make clear rules of regulation between agencies.

Mr. Speaker, I urge my colleagues to support the Commodity Futures Modernization Act and allow our American farmers and ranchers to make use of the commodity futures market.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Illinois (Mr. EWING) that the House suspend the rules and pass the bill, H.R. 4541, as amended.

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

Mr. EWING. 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 377, nays 4, not voting 51, as follows:

[Roll No. 540]

YEAS—377

Abercrombie	Carson	Fossella
Aderholt	Castle	Fowler
Allen	Chabot	Frank (MA)
Andrews	Chambliss	Frelinghuysen
Archer	Clayton	Frost
Armey	Clement	Gallegly
Baca	Clyburn	Ganske
Bachus	Coble	Gejdenson
Baird	Coburn	Gekas
Baldacci	Collins	Gibbons
Baldwin	Combest	Gilchrest
Ballenger	Condit	Gillmor
Barcia	Cook	Gilman
Barr	Costello	Gonzalez
Barrett (NE)	Cox	Goode
Barrett (WI)	Coyne	Goodlatte
Bartlett	Cramer	Goodling
Barton	Crane	Gordon
Bass	Crowley	Goss
Becerra	Cubin	Graham
Bentsen	Cummings	Granger
Bereuter	Cunningham	Green (WI)
Berkley	Danner	Greenwood
Berman	Davis (FL)	Gutierrez
Berry	Deal	Gutknecht
Biggert	DeGette	Hall (OH)
Bilbray	Delahunt	Hall (TX)
Bishop	DeLauro	Hastings (FL)
Blagojevich	Deutsch	Hastings (WA)
Bliley	Dickey	Hayes
Blumenauer	Dicks	Hayworth
Blunt	Dingell	Hefley
Boehlert	Dixon	Herger
Boehner	Doggett	Hill (IN)
Bonilla	Dooley	Hill (MT)
Bonior	Doolittle	Hilleary
Bono	Doyle	Hilliard
Borski	Dreier	Hinchey
Boswell	Duncan	Hinojosa
Boyd	Dunn	Hobson
Brady (TX)	Edwards	Hoeffel
Brown (FL)	Ehlers	Hoekstra
Brown (OH)	Ehrlich	Holden
Bryant	Emerson	Holt
Burr	Engel	Hooley
Burton	English	Horn
Buyer	Eshoo	Hostettler
Callahan	Etheridge	Houghton
Calvert	Evans	Hoyer
Camp	Ewing	Hulshof
Canady	Farr	Hunter
Cannon	Fattah	Hutchinson
Capps	Fletcher	Hyde
Capuano	Foley	Inslee
Cardin	Ford	Isakson

Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
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
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Ose
Packard
Pallone
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Sherman
Sherwood
Shimkus
Shows
Simpson
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—4

DeFazio
Paul
Smith (MI)
Taylor (MS)

NOT VOTING—51

Ackerman
Baker
Bilirakis
Boucher
Brady (PA)
Campbell
Chenoweth-Hage
Clay
Conyers
Cooksey
Davis (IL)
Davis (VA)
DeLay
DeMint
Diaz-Balart
Everett
Filner
Forbes
Franks (NJ)
Gephardt
Green (TX)
Hansen
Jackson-Lee (TX)
Jones (OH)
Klink
Lazio
Lewis (CA)
Lipinski
McCollum
McInnis
McIntosh
Metcalf
Miller (FL)
Oberstar
Owens
Oxley
Pascrell
Rodriguez
Rogan
Rush
Sanchez
Shaw
Shays
Shuster
Sisisky
Spratt
Talent
Thompson (MS)
Turner
Weygand
Wise

□ 1902

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. DIAZ-BALART. Mr. Speaker, on rollcall vote 540, H.R. 4541, the Commodity Futures Modernization Act of 2000, I was in my district on official business. Had I been present, I would have voted "yea."

Mr. FILNER. Mr. Speaker, on rollcall No. 540, I had to return to my Congressional District on official business and missed this vote. Had I been present, I would have voted "yea."

Ms. SANCHEZ. Mr. Speaker, during rollcall vote No. 540 on H.R. 4541 I was unavoidably detained. Had I been present, I would have voted "yea."

GENERAL LEAVE

Mr. EWING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 4541, the bill just considered.

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

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 4811, FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS APPROPRIATIONS ACT, 2001

Mr. CALLAHAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4811), making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MS. PELOSI

Ms. PELOSI. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Ms. PELOSI moves that the managers on the part of the House at the Conference on the disagreeing votes of the two Houses on the bill H.R. 4811, making appropriations for Foreign Operations, Export Financing, and related programs for the year ending September 30, 2001 be instructed to insist on the highest possible funding level for Debt Restructuring, and on provisions authorizing a United States contribution to the Highly Indebted Poor Countries Trust Fund without unnecessary legislative restrictions.

The SPEAKER pro tempore. The gentlewoman from California (Ms. PELOSI) will be recognized for 30 minutes and the gentleman from Alabama (Mr. CALLAHAN) will be recognized for 30 minutes.

The Chair recognizes the gentlewoman from California (Ms. PELOSI).

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

I offer this motion to emphasize that it is imperative that the conference agreement on the fiscal year 2001 Foreign Operations bill provide both the highest possible funding level for debt restructuring, and for the authorization for a United States contribution to the Highly Indebted Poor Countries Trust Fund, HIPC, without unnecessary legislative restrictions.

Just a few weeks ago, Mr. Speaker, this House had a passionate debate about debt relief and a historic vote in favor of funding this much-needed relief. As a result, the House bill now contains full funding for the amount requested in fiscal year 2001 for a U.S. contribution to the HIPC Trust Fund. However, the bill is still short of the full pending request for debt restructuring by some $238 million. The Senate bill contains even less than the House bill.

In addition, both the House and Senate appropriations bills contain unnecessary legislative restrictions on U.S. participation in the HIPC Trust Fund, such as a moratorium on new lending and other eligibility restrictions. Just yesterday, the chairman of the Senate Committee on Foreign Relations, Senator HELMS, and the chairman of the Senate Committee on Banking, Senator GRAMM, sent a letter to Secretary Summers outlining 17 specific conditions for debt relief that must be met prior to U.S. participation in the Trust Fund. The conditions outlined in their letter would require the IMF to completely revamp their lending procedures, and would also eliminate 36 of the 41 of the countries currently eligible for debt relief.

The House sent a strong signal of support for debt relief earlier this year. If we are serious about providing real debt relief, it is essential that the conference agreement on the bill fully fund debt relief and authorize a U.S. contribution to the HIPC Trust Fund without unnecessary restrictions. My motion instructs conferees to insist on these items.

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

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

I think, Mr. Speaker, that the authorizing committee, the Committee on Banking and Financial Services, has some minor objections to a provision contained therein, but I do not have, and I think that we can certainly work with that committee to work out the differences and, therefore, I will accept the motion.

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

Ms. PELOSI. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. WATERS), a leader on this issue from the authorizing committee.

Ms. WATERS. Mr. Speaker, I thank the gentlewoman for yielding me this

time, and again I rise to commend the gentlewoman from California (Ms. PELOSI) for the wonderful work that she has done on this very important issue.

It is extremely important for our conferees to be instructed to do everything that can be done to honor the full request of the President. This has been described as one of those issues that has brought us all together, and I am very pleased and proud that I have received many calls of compliments from other countries, and of course a lot of religious organizations under Jubilee 2000, as well as nongovernment organizations, commending us all for the debate that we had on this issue, commending us all for rising above petty differences and coming together around one of the most important issues of our time.

Because of the work that we are doing, we are going to be able to get some of these countries out from under this debt that is drowning them, and I am very appreciative for the opportunity to support this motion to instruct our conferees.

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

In closing, I just want to commend the gentlewoman from California (Ms. WATERS) for her leadership. It was her amendment which increased the funding in the original bill when it was on the floor. I also want to thank the chairman of the committee for accepting this motion.

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

The SPEAKER pro tempore (Mr. GUTKNECHT). Without objection, the previous question is ordered on the motion.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentlewoman from California (Ms. PELOSI).

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. CALLAHAN, PORTER, WOLF, PACKARD, KNOLLENBERG, KINGSTON, LEWIS of California, WICKER, YOUNG of Florida, Ms. PELOSI, Mrs. LOWEY, Mr. JACKSON of Illinois, Ms. KILPATRICK, Mr. SABO, and Mr. OBEY.

There was no objection.

LEGISLATIVE PROGRAM

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

Mr. BONIOR. Mr. Speaker, I would like to inquire of the distinguished gentleman from Texas (Mr. BONILLA) of the schedule for the rest of today and the remainder of the week.

Mr. BONILLA. Mr. Chairman, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. BONILLA. Mr. Speaker, I thank the gentleman for yielding, and, Mr. Speaker, I am pleased to announce that the House has completed its legislative business for the week. The House will not be in session tomorrow. The House will next meet on Monday, October 23, at 12:30 p.m. for morning hour and 2 p.m. for legislative business.

The House will consider a number of measures under suspension of the rules, a list of which will be distributed to Members' offices tomorrow. On Monday, there will be no votes in the House. Any requests for recorded votes on Monday will be rolled until Tuesday after 2 p.m.

On Tuesday and the balance of the week the House will consider the following measures:

H.R. 4656, the Lake Tahoe Basin School Site Land Conveyance Act;

H.R. 4577, the Departments of Labor, Health and Human Services, and Education Appropriations Conference Report;

H.R. 4942, the District of Columbia Appropriations Conference Report;

H.R. 2614, the Certified Development Company Program Improvements Act of 2000 Conference Report;

And the Foreign Operations Appropriations Conference Report.

Mr. Speaker, the House will also consider any other conference reports that may become available throughout the week.

Mr. BONIOR. Mr. Speaker, reclaiming my time, if I could inquire of the gentleman from Texas, are there any other bills on next Tuesday that the gentleman expects to bring to the floor other than the suspension bills?

Mr. BONILLA. If the gentleman will continue to yield, the Foreign Ops bill is expected to be filed Monday evening. In terms of additional suspensions, is that specifically what the gentleman is inquiring about?

Mr. BONIOR. Other bills besides the suspension bills.

Mr. BONILLA. The Committee on Rules is meeting on Monday night, and we hope to have the Foreign Ops bill ready for Tuesday.

Mr. BONIOR. So we expect to have the Foreign Ops bill on the floor on Tuesday?

Mr. BONILLA. That is correct.

Mr. BONIOR. Are there any votes besides the suspensions that are going to occur before 6 p.m.?

Mr. BONILLA. Yes, we do expect votes at 2 p.m. on Tuesday.

Mr. BONIOR. But beyond suspension bills, does the gentleman expect votes on other bills before 6?

Mr. BONILLA. It is possible that nonsuspension bills will be held as of 2 p.m. on Tuesday.

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Mr. BONIOR. Mr. Speaker, could the gentleman tell me when we expect to adjourn sine die?

Mr. BONILLA. I wish I could. At this point, the remainder of the schedule has not been determined.

Mr. BONIOR. May I ask the distinguished gentleman from Texas when we expect to vote on the minimum wage bill?

Mr. BONILLA. At this point that has not been determined.

Mr. BONIOR. How about the prescription drug bill?

Mr. BONILLA. At this point that has not been determined.

Mr. BONIOR. How about the HMO bill?

Mr. BONILLA. Same answer.

Mr. BONIOR. How about the education program that we talked about in the debate a little earlier this afternoon?

Mr. BONILLA. Same answer.

Mr. BONIOR. Well, Mr. Speaker, I just want to say, and I will end with this comment, we are here 19 days into the fiscal year, the President has received and signed three appropriations bills out of 13, and the work of the country is not done. The work on key issues like minimum wage, HMO reform, prescription drugs, hate crimes, and the list goes on, is not done. We are taking a 5-day period before we vote. We will not come back until next Tuesday.

I just want to make it very clear this evening so no one misunderstands that these CR's will not be tolerated by us or by the President of the United States beyond Wednesday. We are going to do them in 24-hour increments, and we are going to get the work of the country done.

I just want to tell my friend from Texas and his colleagues and my colleagues here on this side of the aisle, we will not yield and we will not leave here until we get some of these major issues done.

We want the minimum wage done. I am not going to limit myself to what we want done, but I will tell you we will not leave here certainly if the educational pieces are not done; and that includes 100,000 teachers, the construction for modernization of our schools, as well as the after-school program and teacher certification. Those are key pieces to what we think we should be able to accomplish as a Congress.

And so, anyway, my colleagues are forewarned of our concern, and we hope that we can do this in an expeditious manner to take care of the needs of the country and so we can get back to our home districts and do not expect a CR to run beyond 24 hours if in fact the business of the House is not done.

Mr. Speaker, I yield to my friend, the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I thank the gentleman for yielding.

I would like to take this opportunity to give the House a status report on what is probably the major bill that still remains before we get out of here on the appropriations front. We had yet another meeting of the Labor-HHS conference, the seventh meeting we have had, I believe. And at the beginning of the meeting, we were told by the Senate Chair of the conference that he

would not sign a conference report one dime above the level contained in the conference report for Labor, Health, and Education.

At that point, frankly, I asked if I could be pointed in the direction of whatever room or whatever person would be in a position to negotiate so that we could reach an agreement on that bill. And at that point the White House and those of us on our side of the aisle, myself and the Senator representing the Senate caucus, laid a compromise on the table which was in essence a 20 percent reduction in the amount of funding that we have been asking but insisting that we still meet the needs on school construction, on class size reduction, on teacher training, on after-school programs, on Pell, and on IDEA.

We presented the offer, which is a 20 percent movement on our part, and we asked him to please be prepared to sit down at 10 o'clock Monday morning to deal with this issue so that we can get some movement. And it is my earnest hope that we do not have to wait until Wednesday or Thursday or Friday to begin serious negotiations on this. We have moved. And as far as I am concerned, we need to see movement on the other side.

Mr. BONIOR. Mr. Speaker, I thank my colleagues for their comments.

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

Mr. BONIOR. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. I did not have a chance to listen to all of the discussion on the schedule, but I just have a question either for you or Mr. OBEY. We are trying our darnedest to have the Labor-HHS bill filed by Monday night. That would require the presence of the principals here tomorrow and possibly Saturday.

I wonder if that would be possible for the minority principals to be here?

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

Mr. BONIOR. I yield to the gentleman from Wisconsin.

Mr. OBEY. As the gentleman well knows, we have stayed here for three weekends waiting to find someone to negotiate with. And as the gentleman also well knows, no one with the power to make decisions on the issues has been here.

I do not have any intention of sitting around for another weekend waiting for the persons who have the authority to make the decisions to come around.

It is obvious that the chairman from the other body is not prepared to make any movement whatsoever in negotiations. It is also obvious that it is the leadership of both caucuses that is making the decision about what the contents are in these bills.

And so far as I know, they are going to be roaming around the country again, which is their right, performing their duties on behalf of candidates running for reelection. But I am not about to again not go to my own district waiting for meetings that will not happen.

We asked that people be prepared to meet at 10 o'clock Monday morning. We laid an offer on the table. We are giving their side and both the Senate and the House Chambers an opportunity to respond to it, and we have asked and Senator STEVENS has indicated that he would like to meet on Monday to discuss this.

My question would be, when will the Speaker and the majority leader and the majority whip in this House and the majority leader on the Senate side and the majority whip on the Senate side be available next week so that we can in fact get these decisions made?

You and I know that if we could work out a deal between the two of us we would have it done in an hour. We know that. But every time we try to get a decision out of the Committee on Appropriations, we get vetoed by somebody on your side.

The House made an offer to us of several billion dollars earlier in the week. That was taken off the table tonight by the Senate chairman of the subcommittee. That is not a way to negotiate. I do not think the gentleman from Florida would negotiate that way, and we did not appreciate being stiffed on it this evening.

So we will be prepared to meet anytime that your leadership is in town in both Chambers so that when we get stiffed again, we can go to someone else who has the authority to provide some movement. I hope it is by Monday, but I frankly would be surprised if even then we get movement from them.

Mr. YOUNG of Florida. If the gentleman would yield further, the principals that are necessary to conclude this agreement on the Labor, Health and Human Services bill will be available tomorrow or Saturday.

Mr. OBEY. Would you name them, please.

Mr. YOUNG Of Florida. I'm sorry, I didn't hear you. Could you say that again?

Mr. OBEY. Would you name who would be available tomorrow?

Mr. YOUNG of Florida. The gentleman knows who the principals are that need to be here.

Mr. OBEY. We just met with the principals and got stiffed. We were just told by the principal from your party on the Senate side I would not move one dollar. And we were asked by the Senate chairman of the Committee on Appropriations to sit down and meet Monday. I expect and I hope that we will find him more reasonable than we have found the principals that we have been dealing with.

We had seven meetings with the principals and we have gotten the same thing out of them every time, no movement. That is not the way we are going to end this session.

Mr. YOUNG of Florida. Mr. Speaker, if the gentleman would yield further, I want to respond to my friend from Wisconsin that he knows who the principals are. He also knows who the one big principal is at the White House. And I think he also knows that we finally, just this evening, got the offer from the White House that we have been waiting for for quite some time.

It is essential, if we are going to negotiate, we need an offer and a response.

Mr. OBEY. You got the offer. We are waiting for your response. We were told that we would get it on Monday. And I am relying on Senator STEVENS, he is a man of good faith, and I am relying on you to be ready Monday to deal with it. But I have been here for a month.

The Speaker has gone to his district; he has gone all over the country campaigning for people. The majority leader has. The majority whip has. I have been stuck here like a fugitive on a chain gang waiting for somebody in the leadership on your side of the aisle with the power to negotiate to actually engage in negotiations. And, as you know, all we get is no, no, no.

We have moved 20 percent off our position. But we are not going to leave here, as the distinguished minority whip says, until we get a Labor-HHS bill that provides an additional ability to reduce class size, to train more teachers in a better fashion, to provide for after-school centers, to provide for the same level of Pell Grant funding that you yourself said you wanted in May, and to provide additional funding for the disabled.

That is what we are asking for, along with the school construction. And we moved 20 percent from our position today. The only answer we got from your side is no movement. And so there is no point in meeting with the same four people all around because we get no new results.

So what we are hoping is that we will get different results by moving it to a different level, and that is what we have been told would take place on Monday.

Mr. YOUNG of Florida. Mr. Speaker, if the gentleman would further yield, after sifting through everything that I have heard from my dear friend from Wisconsin, I think the answer to my question is, no. He would not be available tomorrow or Saturday or Sunday, but he would be available Monday. And if that is the best we can do, that is the best we can do.

Mr. OBEY. The gentleman knows that I said on this floor and I said to you that I would be prepared to be here any day, Saturday, Sunday or Monday, if your leadership was prepared to be here. Because it is obvious they are the people making the decisions and they have stripped you of all ability to make decisions without checking with them and then they vetoed virtually every decision that you made.

Mr. YOUNG of Florida. We are in a position now that we are dealing with the White House. And we finally, just a few minutes ago, got an offer from the White House. The gentleman can stand there and raise his voice all he wants.

We just got the offer from the White House.

Now, we would like to have an hour or two to look at it. We would like to meet tomorrow to try to give a response. Hopefully, we can agree to it.

Mr. OBEY. Are we supposed to meet with Senator SPECTER again who says there is no give? We were told we should meet with people at a higher level on Monday. That is what we are doing.

As you well know, your leadership has kept you on a tight leash, and every time we try to negotiate something with the Committee on Appropriations, we are told it is vetoed by your leadership.

If the gentleman from Illinois (Mr. HASTERT) will be in town, if the gentleman from Texas (Mr. ARMEY) will be in town, if the gentleman from Texas (Mr. DELAY) will be in town so the people with the real power over there can make some decisions, you bet I will be in town. But absent their participation in that room, I am not going to waste my time again waiting for a call that has not come. I have waited for three weeks, and I am tired of it.

Mr. YOUNG of Florida. Well, as the gentleman knows, the names that he mentioned are not members of the Committee on Appropriations.

Mr. OBEY. But they do make the choices, do they not? Do you deny that?

Mr. YOUNG of Florida. They are leaders. They have the right, and they have the power to make certain decisions, of course, the same as your leadership does. It is a two-sided coin.

Mr. OBEY. The difference is our leadership has given us the power to negotiate.

Mr. YOUNG of Florida. The gentleman is not available. That is the answer. The gentleman is not available.

The SPEAKER pro tempore (Mr. GUTKNECHT). The gentleman from Michigan (Mr. BONIOR) controls the time.

Mr. BONIOR. Since you mentioned our leadership, I would like to, if I could, register a polite complaint, as well.

Since I am the author of the minimum wage bill, I have not been asked to participate in any meetings on this bill that has been languishing now for months and months and months. I am waiting for an opportunity to participate in trying to resolve that. And in waiting for that, we are denying the people who are working so hard in our country for $5.15 an hour, there is about 10 million of them out there that have been denied about $2,000, which is a huge percent of their disposable income while we wait and we wait.

We think that there ought to be some movement here. We are willing to be here and meet on that. I have been willing to meet on that for months now. We have not had a meeting on the minimum wage. We have not had a meeting on prescription drugs. We have not had a meeting on some of these other issues that are important to us, like hate crimes and other things. And we certainly have not been able to do the things we need to do on education.

So we are ready to go, and we have been ready to go. I hope we made our point very clear today that this is unacceptable, that three out of 13 bills is unacceptable 3 weeks into the new fiscal year and these other major issues that you guys and you women are campaigning on all over the country with ads you refuse to take up. They are basic issues of justice and equity for poor people, whether they are an HMO bill or a prescription drug bill or a minimum wage bill or basic education issues. We want to do them.

□ 1930

We hope that you do, too.

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

Mr. BONIOR. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I just want to make it clear I will be happy to cancel my plane in 5 minutes if the Republican leadership of this House will be here tomorrow so that every time we get a, well-we-have-to-check-with-upstairs response from the gentleman, we can get that response from the boys upstairs. We keep being told those issues are being kicked upstairs into different rooms, but we cannot find who is in those rooms.

ADJOURNMENT TO MONDAY, OCTOBER 23, 2000

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debates.

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

There was no objection.

HOUR OF MEETING ON TUESDAY, OCTOBER 24, 2000

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, October 23, 2000, it adjourn to meet at 10:30 a.m. on Tuesday, October 24, 2000, for morning hour debates.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

KRISTEN'S ACT

Mr. CANADY of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2780) to authorize the Attorney General to provide grants for organizations to find missing adults.

The Clerk read as follows:

H.R. 2780

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 ''Kristen's Act''.

SEC. 2. GRANTS FOR THE ASSISTANCE OF ORGANIZATIONS TO FIND MISSING ADULTS.

(a) IN GENERAL.—The Attorney General may make grants to public agencies or nonprofit private organizations, or combinations thereof, for programs—

(1) to assist law enforcement and families in locating missing adults;

(2) to maintain a national, interconnected database for the purpose of tracking missing adults who are determined by law enforcement to be endangered due to age, diminished mental capacity, or the circumstances of disappearance, when foul play is suspected or circumstances are unknown;

(3) to maintain statistical information of adults reported as missing;

(4) to provide informational resources and referrals to families of missing adults;

(5) to assist in public notification and victim advocacy related to missing adults; and

(6) to establish and maintain a national clearinghouse for missing adults.

(b) REGULATIONS.—The Attorney General may make such rules and regulations as may be necessary to carry out this Act.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act $1,000,000 each year for fiscal years 2001 through 2004.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. CANADY) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. CANADY).

GENERAL LEAVE

Mr. CANADY of Florida. 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. 2780, the bill now under consideration.

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

There was no objection.

Mr. CANADY of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2780, Kristen's Act, which was introduced by the gentlewoman from North Carolina (Mrs. MYRICK). Each year about 1 million people are reported missing in the United States and about 42 percent of those are adults. The many Federal, State and local law enforcement agencies across the country dutifully enter these missing person reports in the FBI's national missing persons database and most of them are

quickly found within a day or two. Still, many children and adults are not found right away and that is one reason Congress acted to create the Center for Missing and Exploited Children.

The Center acts as a clearinghouse for missing child cases and provides much needed support to families whose children are missing. The Center has helped locate thousands of missing children and reunited them with their families. Unfortunately, there is no such clearinghouse for missing adults. Once the names of these missing adults are entered into the FBI's National Crime Information Center computer, there is little else the families can do but wait and hope that their loved ones will be found.

Kristen's Act would establish the first national clearinghouse for missing adults. It would authorize grants to States to, one, assist law enforcement and families in locating missing adults; two, create a national database for the purpose of tracking missing adults who are determined by law enforcement to be in danger due to age, mental capacity or the circumstances of their disappearance; three, maintain statistics on missing adults; four, provide informational resources and referrals to families of missing adults; and five, assist in public notification and victim advocacy on this issue.

Congress can and should do more to help families locate their missing adult relatives. Kristen's Act would provide an infrastructure that will supplement the existing FBI missing persons database and help State and local law enforcement agencies work with families to help to locate their loved ones.

Mr. Speaker, I want to thank the gentlewoman from North Carolina (Mrs. MYRICK) for her outstanding leadership on this issue and I urge all of my colleagues to support this important legislation.

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 H.R. 2780, also known as Kristen's Act. H.R. 2780 authorizes the Attorney General to make grants to public agencies or nonprofit private organizations to maintain a national database for tracking missing adults determined to be in danger due to age, diminished mental capacity, when foul play may be involved or when the circumstances of the disappearance are unknown.

It also authorizes grants to assist law enforcement and families in locating missing adults; provide informational resources to families of missing adults and for other related purposes. The bill authorizes $1 million each year for fiscal years 2001 through 2004 to carry out the purposes of this legislation. The bill is named after Kristen Moderfferi of Charlotte, North Carolina, who at age 18 disappeared after leaving her job one day. Sadly, because she was just 18 her family could not benefit from the great work of the National Center for Missing and Exploited Children.

H.R. 2780 is designed to assist law enforcement and families of missing persons for those over the age of 17 in a manner similar to that provided by the National Center for Missing and Exploited Children. Although we have not had hearings on this bill and I generally do not support consideration of legislation without hearings, I am familiar with the valuable services provided by the National Center for Missing and Exploited Children for which we have had hearings and support similar efforts for missing adults who are in danger due to age, diminished capacity or foul play. Accordingly, I urge my colleagues to vote for the bill.

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

Mr. CANADY of Florida. Mr. Speaker, I yield such time as she may consume to the gentlewoman from North Carolina (Mrs. MYRICK), the sponsor of this legislation.

Mrs. MYRICK. Mr. Speaker, I would like to thank the chairman, the gentleman from Florida (Mr. CANADY), for bringing this bill forward as well.

Mr. Speaker, I too rise in support of Kristen's Act. I introduced it because Kristen Moderfferi, who was a constituent of ours in Charlotte, North Carolina, disappeared in 1997. She was a very bright, hard-working young lady and attended North Carolina State University. She had just finished her freshman year; and like so many other college students, she decided she wanted to go to another city to spend the summer and work and have a new experience. So she moved to San Francisco. She enrolled in photography class at Berkeley and got a job at a local coffee shop. She began settling in and making new friends.

However, on Monday, June 23, which was just a mere 3 weeks after her 18th birthday, she left her job at the coffee shop and headed to the beach for the afternoon. She has not been seen since.

When her panicked parents called the National Center for Missing and Exploited Children, they heard the unbelievable words, I am sorry we cannot help you. They were shocked to discover that because Kristen was 18 the Center could not place her picture and story into its national database, or offer any assistance whatsoever. In fact, there is no national agency in the United States to help locate missing adults.

Unfortunately, the Moderfferis are not alone. The families of thousands of missing adults have found that law enforcement and other agencies respond very differently when the person who has disappeared is not a child. So that is why I introduced Kristen's Act. It will provide funding to establish a national clearinghouse for missing adults whose disappearance is determined by law enforcement to be foul play. As with the National Center for Missing and Exploited Children, this bill will provide assistance to law enforcement and families in missing persons cases of those over the age of 17. It is simply unfair that people must cope with a missing family member, which is so traumatic, and I know personally what the Moderfferis have gone through, and have to conduct the search on their own without skills or resources.

I will say that the Moderfferis literally went to the ends of the Earth to just exhaust every opportunity they could to try and find their daughter, and were completely frustrated at most every turn.

Kristen's Act does send a message to these families that they deserve help to locate endangered and involuntarily missing loved ones.

Endangered missing adults, regardless of their age, should receive not only the benefit of a search effort by the local law enforcement but also the help of an experienced national organization.

By passing this bill today, families will never again have to hear they cannot be assisted because their loved one is too old.

Mr. SCOTT. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. LAMPSON), who is the chairman and founder of the Congressional Caucus for Missing and Exploited Children and a leading supporter of the National Center for Missing and Exploited Children.

Mr. LAMPSON. Mr. Speaker, I thank the gentleman from Virginia (Mr. SCOTT), for yielding me this time, and I also want to thank the gentlewoman from North Carolina (Mrs. MYRICK) for all the good work she has done on this bill, and others as well.

Mr. Speaker, as a cosponsor of this bill, I rise in support of Kristen's Act, a bill to authorize the Attorney General to make grants to public agencies or nonprofit private organizations to assist law enforcement and families in locating missing adults and to maintain a national interconnected database tracking missing adults who are determined by law enforcement to be in danger due to age, diminished mental capacity or the circumstances of disappearance when foul play might be suspected. This bill will also maintain statistical information of adults reported as missing; assist in public notification and victim advocacy related to missing adults, and establish and maintain a national clearinghouse for missing adults.

As the gentleman from Virginia (Mr. SCOTT) said, I am the chairman and founder of the Congressional Caucus on Missing and Exploited Children and I work very closely with the National Center for Missing and Exploited Children. I do realize, however, that specialized services to locate and recover missing adults are few and far between. While adults have a legal right to disappear without notifying friends and family, this does not lessen the frustration others face when determining whether foul play is involved.

I met with Kristen Moderfferi's parents in 1999, and what they have lived

through is tragic. Their daughter disappeared 3 weeks after her 18th birthday and while the National Center for Missing and Exploited Children was able to refer them to other assisting organizations, the center was unable to work directly on the case as its mandate is for children under the age of 18. A congressionally authorized clearinghouse for missing adults is necessary to assist people like Kristen's parents. I do not want to look into the faces of any more parents whose grown-up children are missing or some place where they should not be. The tragedy is too difficult to live with.

Mr. Speaker, I strongly encourage all of my colleagues to support Kristen's Act.

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

Mr. Speaker, I want to thank the gentlewoman from North Carolina (Mrs. MYRICK) for her leadership on this issue and also the gentleman from Texas (Mr. LAMPSON) for his leadership.

I would also like to take the opportunity to say a word about the gentleman from Florida (Mr. CANADY), with whom I served as ranking member of the Subcommittee on the Constitution for 2 years. We considered a lot of very contentious and controversial issues. And we did not agree very often, but as we disagreed we were able to do that, I think, in a constructive and conscientious way of being able to disagree without being disagreeable.

I know the gentleman from Florida (Mr. CANADY) is not seeking reelection, and I wanted to wish him well in the future.

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

Mr. CANADY of Florida. 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 very gracious remarks and express to him my gratitude for the good working relationship we have had as members of the Committee on the Judiciary.

Mr. HYDE. Mr. Speaker, I rise in support of H.R. 2780—"Kristen's Act"—which was introduced by the Gentlelady from North Carolina, SUE MYRICK. Today, there are approximately 100,000 people who have been reported as missing to the FBI's National Crime Information Center. About 42,000 of them are adults. The families of missing children can—and often do—turn to the Center for Missing and Exploited Children, the very successful national clearinghouse for missing child cases. The Center has helped locate thousands of missing children and provides much needed support to the bereaved families who are searching for them.

Kristen's Act would establish the first national clearinghouse for missing adults. It would authorize grants to states to (1) assist law enforcement and families in locating missing adults; (2) create a national database for the purpose of tracking missing adults who are determined by law enforcement to be endangered due to age, mental capacity, or the circumstances of their disappearance; (3) maintain statistics on missing adults; (4) provide informational resources and referrals to families of missing adults; and (5) assist in public notification and victim advocacy of this issue.

The need for this legislation was brought home to me by the case of Brian Welzien, a 21-year-old student at Northern Illinois University, who disappeared without a trace after celebrating at a restaurant in Chicago last New year's Eve. His disappearance was inexplicable. He was a good student and good son. He was immediately reported missing by his family, but they had nowhere to turn for help and support beyond reporting that he was missing. Tragically, his body washed ashore three-and-half months later on a Lake Michigan beach near Gary, Ind. Had there been a national center for missing adults, perhaps more could have been done to find him before he died.

Congress can and should do more to help families locate their missing husbands, wives, brothers and sisters. Kristen's Act will go a long way in providing the infrastructure to help locate them before tragedy happens.

Mr. Speaker, I thank Mrs. MYRICK for her leadership on this issue, and I urge all my colleagues to support this legislation.

Mr. CANADY of Florida. 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 Florida (Mr. CANADY) that the House suspend the rules and pass the bill, H.R. 2780.

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.

□ 1945

EXPRESSING SUPPORT OF CONGRESS FOR ACTIVITIES REGARDING MULTIPLE SCLEROSIS

Mr. TAUZIN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 271) expressing the support of Congress for activities to increase public awareness of multiple sclerosis.

The Clerk read as follows:

H. CON. RES. 271

Whereas multiple sclerosis is a chronic and often disabling disease of the central nervous system which often first appears in people between the ages of 20 and 40, with lifelong physical and emotional effects;

Whereas multiple sclerosis is twice as common in women as in men;

Whereas an estimated 250,000 to 350,000 individuals suffer from multiple sclerosis nationally;

Whereas symptoms of multiple sclerosis can be mild, such as numbness in the limbs, or severe, such as paralysis or loss of vision;

Whereas the progress, severity, and specific symptoms of multiple sclerosis in any one person cannot yet be predicted;

Whereas the annual cost to each affected individual averages $34,000, and the total cost can exceed $2 million over an individual's lifetime;

Whereas the annual cost of treating all people who suffer from multiple sclerosis in the United States is nearly $9 billion;

Whereas the cause of multiple sclerosis remains unknown, but genetic factors are believed to play a role in determining a person's risk for developing multiple sclerosis;

Whereas many of the symptoms of multiple sclerosis can be treated with medications and rehabilitative therapy;

Whereas new treatments exist that can slow the course of the disease, and reduce its severity;

Whereas medical experts recommend that all people newly diagnosed with relapse-remitting multiple sclerosis begin disease-modifying therapy;

Whereas finding the genes responsible for susceptibility to multiple sclerosis may lead to the development of new and more effective ways to treat the disease;

Whereas increased funding for the National Institutes of Health would provide the opportunity for research and the creation of programs to increase awareness, prevention, and education; and

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

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that—

(1) all Americans should take an active role in the fight to end the devastating effects of multiple sclerosis on individuals, their families, and the economy;

(2) the role played by national and community organizations and health care professionals in promoting the importance of continued funding for research, and in providing information about and access to the best medical treatment and support services for people with multiple sclerosis should be recognized and applauded;

(3) the Federal Government has a responsibility to—

(A) continue to fund research so that the causes of, and improved treatment for, multiple sclerosis may be discovered;

(B) continue to consider ways to improve access to, and the quality of, health care services for people with multiple sclerosis;

(C) endeavor to raise public awareness about the symptoms of multiple sclerosis; and

(D) endeavor to raise health professional's awareness about diagnosis of multiple sclerosis and the best course of treatment for people with the disease.

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

The Chair recognizes the gentleman from Louisiana (Mr. TAUZIN).

GENERAL LEAVE

Mr. TAUZIN. 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 House Concurrent Resolution 271.

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

There was no objection.

Mr. TAUZIN. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I rise in support of H.Con.Res. 271, which expresses the support of Congress for activities to increase public awareness of multiple sclerosis. I salute the gentleman from Rhode Island (Mr. WEYGAND), the gentleman from Illinois (Mr. SHIMKUS), the

gentlewoman from Maryland (Mrs. MORELLA), and the gentleman from New Jersey (Mr. SMITH) for their work in bringing this resolution to the floor today.

Multiple sclerosis is a chronic, often disabling, disease of the central nervous system. Symptoms may be mild, such as numbness in the limbs, or they can be terribly severe, like paralysis or loss of vision.

Most people with MS are diagnosed between the ages of 20 and 40, but the unpredictable physical and emotional threats can be lifelong. The progress, severity, and specific symptoms of MS for any person cannot yet be predicted; but advances in research and treatment are giving hope to those who have been afflicted by the disease.

Thanks to the dedication of Congress over the last 6 years in doubling the budget of the NIH, many advances have been made in the war against MS. Over the last decade, for instance, our knowledge of the immune system has grown at an amazing rate. Major gains have been made in recognizing and defining the role of the system in the development of MS lesions, giving scientists the ability to devise ways to alter the immune response.

New imaging tools, such as Magnetic Resonance Imaging, have redefined the natural history and are proving invaluable in monitoring the disease activity. Scientists are now able, for example, to visualize and follow the development of MS lesions in the brain and spinal cord using MRIs, and this ability is a tremendous aid in the assessment of new therapies and can speed the process of evaluating new treatments.

With all the important contributions made by bioimaging and bioengineering in the field of MS diagnostics, we would be remiss at this time if we did not make reference to the House-passed National Institute of Biomedical Imaging and Engineering Establishment Act, H.R. 1795, which was sponsored by my colleague on the Committee on Commerce, the gentleman from North Carolina (Mr. BURR). Magnetic resonance imaging and computed tomography have revolutionized the practice of medicine in the past quarter century; yet there is still not a center at NIH that brings imaging and engineering into focus.

Mr. Speaker, I encourage Members to communicate with those in the other body concerning the importance of enacting H.R. 1795, and ask that we all join together in voting for this concurrent resolution, H. Con. Res. 271, to express our strong support for increasing public awareness of multiple sclerosis and hopefully an end to the dreaded disease through proper treatment, diagnosis, and, eventually one day, prevention.

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 am pleased to support the resolution introduced by the gentleman from Rhode Island (Mr. WEYGAND), which focuses our attention on a serious chronic illness that currently affects as many as one-third of a million individuals in this country, mostly women.

Multiple sclerosis is an autoimmune disorder that alters the lives of those afflicted by it in profound and tragically unpredictable ways. It is notoriously difficult to diagnose because its constellation of symptoms vary from patient to patient and often mimic other illnesses.

Once it is diagnosed, it is impossible to predict the severity or the course of the illness. The range of symptoms patients may experience is broad: extreme fatigue, impaired vision, loss of balance and muscle coordination, slurred speech, tremors, stiffness, difficulty walking, short-term memory loss, mood swings, and, in severe cases, partial or complete paralysis.

Again, Mr. Speaker, individuals have no way of knowing whether or when they may experience these symptoms. The uncertainty around MS obviously heightens the trauma for patients and their families, and it creates unique challenges for providers and researchers alike.

There is no cure for MS, yet; but there have been significant advances in treating and understanding this illness. The Nation owes a debt of gratitude to the National Multiple Sclerosis Society, which not only funds groundbreaking research into the causes and treatment of MS, but raises public awareness and advocates for more public sector involvement to combat this disease.

The resolution offered by the gentleman from Rhode Island (Mr. WEYGAND) affirms that we are listening to the MS Society, to women and men with MS and their families, and to the researchers, including researchers at the National Institutes of Health funded by taxpayers working hard to beat this illness.

While I believe, Mr. Speaker, that the Weygand resolution is important, we should be doing so much more on health care in this Chamber. We should be passing a prescription drug benefit for Medicare beneficiaries and do something about high prescription drug prices. That is the best thing we could do for people that are victims of multiple sclerosis. We should be passing a Patients' Bill of Rights. That is the second best thing we should do for people afflicted with multiple sclerosis.

This resolution helps, but this Congress should get back to town, get back to work, pass the Patients' Bill of Rights, pass the prescription drug legislation, and pass this concurrent resolution, H.Con.Res. 271.

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

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 3 minutes to my friend, the gentleman from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. Mr. Speaker, I thank my friend from Louisiana for yielding me time.

Mr. Speaker, as a cosponsor of this resolution, I rise in support of it and of the goals that it puts before Congress and the country. MS affects my family, and over the last few years, I have learned a lot about the disease and about the efforts under way to fight it.

I would like to make just three brief points on this resolution.

First, there are some truly heroic efforts going on every day all around the country to battle this disease. MS Societies in community after community help raise funds for research, help increase awareness, and help MS patients and their families to deal with the challenges that this disease brings.

At the National Institutes of Health and other institutions, some of the country's best minds and most caring people are working hard every day to find answers to the many questions which remain about this disease. I think it is appropriate for us to recognize and honor those efforts.

Secondly, this Congress is on track to double over 5 years' medical research funding at NIH. Much of the medical research is conducted by private companies and researchers; but the Federal Government has an important role to play, and we have got to pull our weight if we are to find answers to diseases such as MS. I am proud this Congress has set doubling the funding for NIH as a goal, and we are on our way at achieving it.

Third, there are some unnecessary impediments to providing MS patients with the best possible treatments, and we have to commit to removing those impediments as soon as possible. There are drugs, for example, that have shown very promising results in Canada and Europe, but are unavailable to patients in the United States because of FDA's interpretation of the Orphan Drug Act, which, in my view, is misguided and certainly contrary to the intentions of Congress when it originally passed the Orphan Drug Act.

I have introduced legislation on this matter and the Committee on Commerce has begun to look into it, but for those of us concerned about fighting MS and a host of other diseases, correcting this problem with the Orphan Drug Act must be a priority in the next Congress.

I certainly look forward to working with my friend from Louisiana and all of my colleagues to making sure that very soon MS is a disease of the past.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. MILLENDER-MCDONALD), who strongly supports the Patients' Bill of Rights and prescription drug legislation and worked on this issue also.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I thank the gentleman in charge of this resolution on the other side, as well as the gentleman from Ohio (Mr. BROWN) on this side.

Mr. Speaker, I do rise in support of this concurrent resolution. I had several friends who were stricken by this disease in their early to late twenties, so it has become second nature to me in trying to fight to ensure that we get the type of support and the type of funding for such a disease.

Mr. Speaker, we recognize that multiple sclerosis is twice as common in women as in men, and while we tend to recognize the importance of fighting this disease for everyone, it is clearly one that poses a problem with women who have been stricken with this disease. My friend, who had three children, once she received word that she had this, her husband left her and she was there with this disease with the three children. So it is very devastating to know that I speak from a personal standpoint, in a sense, that young women who had finished school with me were stricken with this.

We also recognize, Mr. Speaker, that an estimated 250,000 to 350,000 individuals suffer with multiple sclerosis nationwide, and this is why there is a critical need for the Patients' Bill of Rights and for prescription drugs, because it is tremendously expensive to have the medicine to treat this type of disease. Oft times death comes.

So I come today to just simply say I too support this resolution, and suggest that we must do everything we can to provide the funding and the support for those who have been stricken with this very deadly disease.

Mr. TAUZIN. Mr. Speaker, I am now very pleased to yield 5 minutes to the gentlewoman from Maryland (Mrs. MORELLA), whose district includes the National Institutes of Health, whose husband serves on the board of the Children's Inn at NIH with my own wife Cecile, and who does such a great job in representing and promoting the interests of our great National Institutes of Health in Maryland.

Mrs. MORELLA. Mr. Speaker, I thank the gentleman for yielding me time and for his very laudatory introduction. I appreciate that very much, and appreciate his handling this bill on the floor and his support of it. I also want to thank the gentleman from Ohio (Mr. BROWN) for his work on health, which has been extraordinary.

As a cosponsor of H. Con. Res. 271, I am delighted to be here to express my very strong support of it. It expresses the support of Congress for activities to increase public awareness of multiple sclerosis, and it calls on Congress to increase funding for the National Institutes of Health. In fact, we have been doing that, and I must commend this House of Representatives for embarking on that 5-year plan to double the budget by 2003 for the National Institutes of Health.

I represent the National Institutes of Health, as the gentleman from Louisiana (Mr. TAUZIN) has mentioned, and have been a lead in getting a letter out to our colleagues, which over 100 have signed, to the gentleman from Illinois (Mr. PORTER), who chairs an appropriations subcommittee, asking for continuation of that plan.

As I mentioned, we have been on the right road to success, and I urge our conference committee on the appropriations of the Labor-HHS bill to continue the commitment and fund NIH $20.5 billion, which is a full 15 percent increase, an increase of $2.7 billion.

I am pleased to note that the National Institute of Neurological Disorders and Stroke, which funds the research on MS, has seen corresponding increases of 15.1 percent, bringing the fiscal year 2000 budget to $1.35 billion.

But let us look at the real cost of neurological disorders, which number more than 600. They strike an estimated 50 million Americans each year. They exact an incalculable personal toll and an annual economic cost of hundreds of billions of dollars in medical expenses and lost productivity. In fact, MS costs an individual an average of $34,000 annually for therapy and treatment, and impacts as many as 350,000 Americans.

With passage of this resolution, we will speed up the race to find a cure for MS. Passage of this resolution is vital because we also need to increase public awareness of MS.

MS is an autoimmune disease in which the symptoms are believed to occur when the immune system turns against itself. MS is a life-long, unpredictable disease that randomly attacks the central nervous system, brain and spinal cord, and more than twice as many women as men have MS.

Passage of H. Con. Res. 271 will leverage H.R. 4665, the Children's Health Act of 2000, which was recently passed by this House.

Title XIX of this bill, NIH Initiative on Autoimmune Diseases, requires the director of NIH to expand, intensify and coordinate the activities of NIH with respect to autoimmune diseases. This includes forming an Autoimmune Diseases Coordinating Committee and Advisory Council that will develop a plan for NIH activities related to autoimmune diseases and to require different institutes within NIH to provide a detailed report to Congress specifying how funds were spent on autoimmune diseases.

□ 2000

Mr. Speaker, H. Con. Res. 271 is a good bill. We must not forget that virtually every hour someone is newly diagnosed with MS.

I would also like to take a moment and salute the National Multiple Sclerosis Society for the work they have done over the past 50 years to find a cure for MS and to improve the quality of life for people with MS and their families.

Mr. Speaker, I urge my colleagues to support H. Con. Res. 271 to support the health of our Nation's citizens, and I particularly want to thank the gentleman from Louisiana (Mr. TAUZIN) for affording me this time at this hour for this important resolution.

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

Mr. Speaker, I ask the House to support H. Con. Res. 271, a resolution sponsored by the gentleman from Rhode Island (Mr. WEYGAND). This resolution brings attention to a very particularly serious disease, multiple sclerosis, that hits one third of a million Americans, especially women.

It is important that this body encourage more research from whether it is a Multiple Sclerosis Society or the National Institutes of Health. It is also important, Mr. Speaker, that this Congress complete its work before it goes home, before it adjourns sine die, that it complete its work on prescription drug legislation and complete its work on a patients' bill of rights.

Those two pieces of legislation will do more for patients suffering from multiple sclerosis than anything else we can do. It will do more for patients suffering from a whole host of very serious diseases. This Congress has passed resolutions addressing in the last month, but the Congress has failed to do the real work that we are here for, and that is to provide prescription drugs for, and under Medicare for, senior citizens to deal with the high costs of prescription drugs and to pass a patients' bill of rights, which will turn the authority of medical decisions to doctors and nurses and to patients and to take that authority and take the decision-making away from insurance company bureaucrats.

While I ask Congress to pass H. Con. Res. 271, I also ask this body to pass a prescription drug bill and the patients' bill of rights.

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

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

Mr. Speaker, in closing, let me first commend my friend, the gentleman from Ohio (Mr. BROWN) for his attention to this resolution and for his help in supporting and getting this adopted by the House tonight. This is indeed an important statement by the House of Representatives about our interests and the Nation's interests in finding better cures, therapies and, hopefully, preventive techniques for this awful disease.

I also want to say that it is our extreme hope that we could agree on a prescription drug proposal this year before we leave, too. I know those negotiations are going on. I would hope we could complete them before we leave, and I certainly hope, as we all do, we could agree on HMO reform before we leave.

I can assure the gentleman that if, for obvious reasons, we are incapable of reaching final accord with the White House and the Members of the other body on these two important issues, they are going to rank high on our committee's agenda next year, and we are going to address those concerns as rapidly as we can next year.

But I want to again commend the gentleman and my friends on both sides of the aisle tonight for their support of this important concurrent resolution. I particularly again want to congratulate Tony Morella and his wife, the gentlewoman from Maryland, (Mrs. MORELLA) who represents NIH for their extraordinary dedication to that facility. That facility daily finds cures and therapies and saves lives, and it is incredible for its work, particularly with children stricken with awful diseases. I want to again thank that incredible couple, CONNIE and TONY MORELLA, for their excellent representation of that facility here in this Chamber.

Mr. Speaker, NIH always enjoys great bipartisan support, and it will continue to do so as we struggle to find answers to these terrible diseases that ravage our population. Mr. Speaker, I urge adoption of the resolution.

Mr. WEYGAND. Mr. Speaker, there are many individuals to thank today who have fought for the arrival of this Resolution on the House floor this evening.

On this side of the Capitol, the Democratic Whip DAVID BONIOR and his staff helped move this bill to the floor today. Also, my friend and colleague, Chief Deputy Whip for the Majority, ROY BLUNT, and his staff—Trevor Blackann in particular, also helped us immensely.

Many other members of congress and their staff have played a crucial role here, and I especially want to thank Ranking Member SHERROD BROWN and Chairman BILIRAKIS for moving this bill from the Commerce Committee's Subcommittee on health and Environment.

Karl Moeller of my staff deserves a great deal of recognition for all of his efforts as well.

In the other body, Senator JACK REED introduced our Resolution and worked to pass this measure with bipartisan support. I would like to praise his work on behalf of MS patients everywhere.

Most importantly, however, is the effort put forward by the Rhode Island chapter of the National Multiple Sclerosis Society and their members in Rhode Island.

This Resolution is the culmination of a grass-roots effort, and a clear example of bipartisanship and democracy at work.

While I was passing through the metal detectors in the Rhode Island Airport, I met a security guard, Walter Shepherd, whose daughter lived with MS and whose very close friend still suffers from this illness. Mr. Shepherd asked me and JACK REED what we were doing to help.

For Walter, and the hundreds of thousands of others who are impacted by this illness, this resolution is on the floor today as a sign that Congress knows of the battle they fight and win each day.

There is a great deal of uncertainty for someone facing the early stages of a chronic illness.

MS patients may first call their doctor because of some difficulty with their coordination.

Or perhaps they see an eye doctor because of a problem with their vision—only to learn that these are signs of a much more serious disease.

350,000 Americans have felt that uncertainty first hand, and now live every day of their life with MS.

In Rhode Island, 3,000 people fight this illness. And for each, there are friends and family who fight by their side.

As MS patients know, the nerve fibers in the body's central nervous system are coated with a fatty sheath that protects our nerves from damage. Multiple Sclerosis attacks the protective sheath around the nervous system, and this results in endless complications for MS patients.

Muscles, vital organs, and normal body functions are the primary targets of this illness. But just as harmful are the by-products of its progressive attack—pain, paralysis, blindness, an inability to walk, and even the loss of independence.

Health insurance costs, medical bills, the need for physical therapy and costly medications—all of these concerns come into play when a patient is faced with a disease that has an annual cost per patient of some $34,000.

But there is hope. Our federal commitment to finding treatments for such illnesses should remain paramount as we finalize legislation in these final days of this session of Congress.

The good news is that with each day that passes, MS is brought closer to extinction.

This illness, once treated with herbs and X-rays, is now able to be stabilized by modern medications.

Because of modern medical treatments and therapies, patients with MS are able to live full and productive lives, and have seen their life expectancy increase with each new technology.

And while there isn't a cure today, I believe that day is coming quickly.

To reach this goal, I have joined with many others in Congress to double the budget of the National Institutes of Health.

Many members and I, in both the House and in the other body, see this increase as an investment against human suffering.

NIH researchers, working primarily in hospitals, research laboratories and teaching facilities across the nation, are looking for cures to thousands upon thousands of illnesses.

While research on MS at the NIH is ongoing, I want to commend the National Multiple Sclerosis Society and its members for realizing that NIH research on any number of neurological illnesses might find the cure for MS.

Our federal commitment to all medical research at the NIH must be supported. We have seen time and again that it is far less costly, in terms of dollars and suffering, to research and prevent an illness than to treat the symptoms.

And finally, as the House sponsor of this legislation, I encourage medical professionals in our communities to learn more about this illness, and to support efforts that will bring an end to this disease.

Mr. SHIMKUS. Mr. Speaker, I rise in support of this resolution which draws attention to the chronic and often crippling disease of multiple sclerosis.

This issue is very personal to me, as I have known two people who suffered from this illness. The sister of one of my staffers, Mary Uram, ailed with MS for over a decade before she passed away. Another friend of mine died at an early age due to this debilitating disease.

Generally, people are diagnosed with MS between the ages of 20 and 40, but the physical and emotional effects can be lifelong. MS is devastating—not only to their medical well-being but also to the personal and financial stability of the individual and those caring for them. Often, this ailment can result in loss of employment and isolation from a community.

It is fortunate that advances in research and treatment are giving hope to those affected by the disease. This resolution will help to increase awareness and demonstrate Congressional support for research into the causes and possible treatments for MS. It will also recognize the significant contributions of national and community organizations in this effort.

I would like to end by commending Representative BOB WEYGAND and his staffer, Karl, on their hard work in brining this bipartisan bill to the floor.

Mr. DINGELL. Mr. Speaker, I rise in support of H. Con. Res. 271: ''Expressing the Sense of the Congress for Activities to Increase Public Awareness of Multiple Sclerosis.'' This resolution, introduced by Mr. WEYGAND, addresses a disease that can strike any American.

Multiple sclerosis is an often debilitating, chronic disease of the central nervous system, which strikes individuals in their third, fourth and fifth decades of life. Its onset can be elusive, and the course of the disease unpredictable; symptoms come and go, and can range in severity from mild numbness in the limbs to paralysis. However, the toll of multiple sclerosis on America's public health is real.

H. Con. Res. 271 identifies the need for varied approaches to fighting this still somewhat mysterious disease. It highlights the need for an increase in Federally-funded research into causes and treatments of multiple sclerosis, including identification of genetic factors and development of more effective therapies. The bill also recognizes the importance of getting the most up-to-date medical information to health professionals and the American public. These initiatives may enhance the quality of patient care, which is the third part of the equation. H. Con. Res. 271 promotes increased and equal access to quality health care for all individuals diagnosed with multiple sclerosis. This is something I endorse for our entire nation, and setting up model programs around diseases as ravaging as multiple sclerosis is an excellent place to start.

I support this resolution, and hope my colleagues will do so as well.

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

The SPEAKER pro tempore (Mr. GIBBONS). The question is on the motion offered by the gentleman from Louisiana (Mr. TAUZIN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 271.

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.

AMENDING CONSUMER PRODUCTS SAFETY ACT TO INCLUDE REGULATION OF LOW-SPEED ELECTRIC BICYCLES

Mr. TAUZIN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2592) to amend the Consumer Products Safety Act to provide that low-speed electric bicycles are consumer products subject to such Act, as amended.

The Clerk read as follows:

H.R. 2593

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

SECTION 1. CONSUMER PRODUCT SAFETY ACT.

The Consumer Product Safety Act (15 U.S.C. 2051 et seq.) is amended by adding at the end the following:

''LOW-SPEED ELECTRIC BICYCLES

''SEC. 38. (a) Notwithstanding any other provision of law, low-speed electric bicycles are consumer products within the meaning of section 3(a)(1) and shall be subject to the Commission regulations published at section 1500.18(a)(12) and part 1512 of 16 C.F.R.

''(b) For the purpose of this section, the term 'low-speed electric bicycle' means a two- or three-wheeled vehicle with fully operable pedals and an electric motor of less than 750 watts (1 h.p.), whose maximum speed on a paved level surface, when powered solely by such a motor while ridden by an operator who weighs 170 pounds, is less than 20 mph.

''(c) To further protect the safety of consumers who ride low-speed electric bicycles, the Commission may promulgate new or amended requirements applicable to such vehicles as necessary and appropriate.

''(d) This section shall supersede any State law or requirement with respect to low-speed electric bicycles to the extent that such State law or requirement is more stringent than the Federal law or requirements referred to in subsection (a).''.

SEC. 2. MOTOR VEHICLE SAFETY STANDARDS.

For purposes of motor vehicle safety standards issued and enforced pursuant to chapter 301 of title 49, United States Code, a low-speed electric bicycle (as defined in section 38(b) of the Consumer Product Safety Act) shall not be considered a motor vehicle as defined by section 30102(6) of title 49, United States Code.

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

The Chair recognizes the gentleman from Louisiana (Mr. TAUZIN).

GENERAL LEAVE

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to insert extraneous material on H.R. 2592, as amended.

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

There was no objection.

Mr. TAUZIN. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I rise in support of H.R. 2592, a bill introduced by the gentleman from California (Mr. ROGAN), to remove unnecessary regulation of electric bicycles. The bill has benefitted from a full dose of regular order and enjoys a support of my colleagues on both sides of the aisle.

Electric bicycles are a great means of transportation and recreation. In particular, older and disabled riders who do not have the physical strength to ride a bicycle uphills without motorized assistance will benefit from these low-speed electric bicycles. These bikes are also used by law enforcement agencies to increase their patrol range while doing community policing.

Electric bikes help commuters who cannot afford automobile transportation or who work in traffic congested areas. Electric bikes are good for the environment. They are good for reducing traffic and they are good for recreation.

Unfortunately, low-speed electric-powered bicycles are currently regulated by the National Highway Traffic Safety Administration as motor vehicles instead of as bicycles. NHTSA does not want to focus on this. In fact, NHTSA does agree it does not make any sense to regulate these bicycles as motor vehicles, but it is required to by current law.

If NHTSA were to strictly enforce its regulations for electric bicycles, the bikes would be required to meet all sorts of standards that are designed for cars, but do not make sense for bicycles.

Since low-powered electric bicycles are used in the same manner as human-powered bicycles and travel at the same maximum speed, it is just plain common sense they should be regulated like human-powered bicycles.

In our committee hearings, there was bipartisan consensus that regulation of electric bikes should be transferred from NHTSA to the Consumer Products Safety Commission. The CPSC can then regulate them in the same way it regulates regular bicycles, or they can develop any regulations in addition that they might find necessary.

Mr. Speaker, it is a short bill. It is simple, but it is effective. It will make it easier for people to own and to use these electric bicycles.

Mr. Speaker, I want to add that I tried one of these out. Now, I am not, thankfully, yet so old or so out of shape that I think I should have one like this, but let me tell my colleagues, it is an excellent piece of equipment. With just a switch, a little switch that bicycle will add a little extra power to the peddles going up a hill. It feels like you are on a regular flat surface.

It will literally help a great many people in our society who need that little extra help in using a bicycle as recreation or use them to get around town or to work or, indeed, in some cases for the kinds of exercise they need to keep themselves healthy.

I am telling my colleagues when I am ready for it, I am going to get one. It is a really neat little device.

The gentleman from California (Mr. ROGAN) has done a good job in bringing this bill forward so that we can properly put this bicycle under the Consumer Products Safety Commission where it belongs, where it can be regulated as a human-powered bicycle. We urge support for this legislation.

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 as the gentleman from Louisiana (Mr. TAUZIN), my friend, did in support of H.R. 2592. This legislation transfers responsibility for regulating low-speed electric bicycles to the Consumer Products Safety Commission. Currently, the National Highway Safety Administration, NHTSA, has jurisdiction over these bicycles, which are designed to operate at speeds of less than 20 miles per hour, approximately the same speed as human-powered bicycles.

The CPSC, the Consumer Products Safety Commission, and NHTSA support this common sense proposal. NHTSA has never attempted to issue a safety standard for these bikes and, I would say, for good reason. If NHTSA were to establish an electric bicycle standard, they would be subject to motor vehicle requirements that would significantly drive up the costs of these bicycles.

Mr. Speaker, the CPSC, which currently regulates human-powered bicycles, is the appropriate agency to regulate electric bikes that operate at comparable speeds. These are bicycles not motor vehicles and, therefore, they should be regulated by the agency with responsibility for bicycles.

Mr. Speaker, this legislation has bipartisan support. Our colleague, the gentlewoman from California (Mrs. CAPPS) who is on the Committee on Commerce, has worked hard for this bill. It is also cosponsored by the gentleman from Michigan (Mr. DINGELL); the gentleman from Texas (Mr. HALL), also on our committee; the gentlewoman from California (Ms. WOOLSEY); the gentleman from Connecticut (Mr. MALONEY); the gentleman from Minnesota (Mr. OBERSTAR); and the gentleman from California (Mr. BERMAN).

Mr. Speaker, I urge my colleagues to support H.R. 2592.

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

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

Mr. Speaker, I just briefly want to say this is not obviously the most important bill that will come before Congress, but it is a good example of how the law is just wrong and common sense requires the law to be changed. So we change it tonight, and hopefully with the small change, we will make a consumer product that is going to be extremely helpful to many citizens of this country available to them and affordable for them. And just this small act by Congress, I think, is going to mean an awful lot to a lot of people, and I urge adoption of the bill.

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 Louisiana (Mr. TAUZIN) that the House suspend the rules and pass the bill, H.R. 2592, 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. HORN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 3062.

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

There was no objection.

DISTRICT OF COLUMBIA PERFORMANCE ACCOUNTABILITY PLAN AMENDMENTS ACT OF 2000

Mr. HORN. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform be discharged from further consideration of Senate bill (S. 3062) to modify the date on which the Mayor of the District of Columbia submits a performance accountability plan to Congress, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

Ms. MILLENDER-MCDONALD. Mr. Speaker, reserving the right to object, but I do not plan to object. I take this time to engage the gentleman from California (Mr. HORN) in a colloquy for a brief explanation of his unanimous consent request.

Mr. HORN. Mr. Speaker, will the gentlewoman yield?

Ms. MILLENDER-MCDONALD. I yield to the gentleman from California.

Mr. HORN. Mr. Speaker, I rise in support of S. 3062, the District of Columbia Performance Accountability Plan Amendments Act of 2000. This bill contains technical amendments to the District of Columbia's performance plan requirements, which will allow the city to reform its management system more effectively.

Mr. Speaker, just as the Government Performance and Results Act of 1993 redesigned the management practices and accountability at Federal agencies, the District of Columbia Financial Responsibility and Management Assistance Act of 1995 requires that the city submit performance accountability plans to Congress preceding each fiscal year.

These plans set objective and measurable goals for the District's agencies and the departments, and establish a system of accountability in the city's daily operations.

Mr. Speaker, it also requires that after each fiscal year, the city must submit to Congress a performance accountability report evaluating its ability to meet the performance goals of the prior fiscal year.

This act has provided the city with the means to establish a system of performance budgeting. However, the Mayor of the District of Columbia requested that Congress make some minor changes to the law to improve the efficiency of this process. Therefore, S. 3062 changes the submission deadline for the annual performance accountability plan from March 1 of each year to be concurrent with the submission of the District's budget to Congress.

This change will tie the District of Columbia's budget to its performance accountability measures. This bill also streamlines the performance goal submission requirements set out in the act so that there is one set of measurable and ambitious goals.

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This is critical to ensuring that the managers of the District of Columbia government have a clear understanding of the goals which they are expected to meet.

Furthermore, this bill will impose no additional regulatory burdens on the District, and will eventually reduce the paperwork burden by creating a single integrated document as a result of the performance budgeting process.

I urge all of my colleagues to join me in voting in support of this legislation to help the District of Columbia move closer to an effective budgeting process.

Ms. MILLENDER-MCDONALD. Mr. Speaker, further reserving the right to object, S. 3062 was introduced on September 18, 2000, by Senators VOINIVICH and DURBIN. Together, these two Senators worked with the Mayor's Office to draft the technical changes to the performance plan submission requirements, and bipartisan support appears to exist in both houses for this legislation.

The legislative changes include, one, changing the deadline for submission from March 1 of each year to be concurrent with the submission of the D.C. budget to Congress each year; and two, getting rid of the multiple performance goals for each measure in exchange for one ambitious goal per performance measure.

With this, Mr. Speaker, I do urge the House to adopt this legislation.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 3062

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

SECTION 1. DISTRICT OF COLUMBIA PERFORMANCE ACCOUNTABILITY PLAN.

Section 456 of the District of Columbia Home Rule Act (section 47–231 et seq. of the District of Columbia Code) is amended—

(1) in subsection (a)—

(A) in paragraph (1) by striking ''Not later than March 1 of each year (beginning with 1998)'' and inserting ''Concurrent with the submission of the District of Columbia budget to Congress each year (beginning with 2001)''; and

(B) in paragraph (2)(A) by striking ''that describe an acceptable level of performance by the government and a superior level of performance by the government''; and

(2) in subsection (b)—

(A) in paragraph (1) by striking ''1999'' and inserting ''2001''; and

(B) in paragraph (2)(A) by striking ''for an acceptable level of performance by the government and a superior level of performance by the government''.

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.

FREEDMEN'S BUREAU RECORDS PRESERVATION ACT OF 2000

Mr. HORN. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform be discharged from further consideration of the bill (H.R. 5157) to amend title 44, United States Code, to ensure preservation of the records of the Freedmen's Bureau, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

Ms. MILLENDER-MCDONALD. Mr. Speaker, reserving the right to object, I do not by any means plan to object, but I yield to the gentleman from California (Mr. HORN) for a brief explanation of the bill.

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

Mr. Speaker, H.R. 5157, the Freedmen's Bureau Records Preservation Act of 2000, represents a bipartisan effort to safeguard important links to the past. These records document how the 38th Congress responded to the enormous social and economic upheaval in the aftermath of the Civil War.

The Subcommittee on Government Management, Information and Technology, which I chair, held a hearing on this bill on October 18, 2000. The subcommittee heard testimony from a number of very distinguished scholars and witnesses, including the President of Howard University, H. Patrick Swygert.

President Swygert testified about the importance of safeguarding these uniquely valuable records, which are deteriorating due to the passage of time.

From 1865 to 1872, the Freedmen's Bureau helped better the lives of former slaves and others who had been impoverished by the war. These Bureau records are in many instances the only link many Americans have with their past and our past, especially those who are descended from former slaves.

H.R. 5157 would require the Archivist of the United States to preserve these irreplaceable documents. The bill would also require the Archivist of the United States to develop partnerships with educational institutions such as Howard University and others to index the records so they may be more readily accessible to anyone who is interested in this important period of the Nation's history.

I congratulate the authors of this legislation, my colleague, the gentlewoman from California (Ms. MILLENDER-MCDONALD), and the gentleman from Oklahoma (Mr. WATTS), chairman of the House Republican Conference, for bringing this important issue to the forefront.

I urge my colleagues to support this bill. It is an important first step toward ensuring that a momentous part of America's history will be protected, preserved, and never forgotten.

Ms. MILLENDER-MCDONALD. Mr. Speaker, further reserving the right to object, I would like to simply thank the gentleman from California (Mr. HORN), and tonight I introduce H.R. 5157, introduced along with my dear friend and colleague, the gentleman from Oklahoma (Mr. WATTS).

This bill is known as the Freedmen's Bureau Preservation Act of 2000. The Bureau of Refugees, Freedmen, and Abandoned Lands, properly called the Freedmen's Bureau, was established in the War Department by an act of this government on March 3, 1865.

This act was the culmination of several years of efforts as the U.S. Government, embroiled in Civil War, sought to settle ''the slave problem'' for the United States.

From 1619 to 1800, more than 660,000 African men, women, and children were torn from their homelands in West Africa, herded onto ships, and brought to North America as slaves. While the southern economy was flourishing from slave labor, the country simultaneously was building a new democracy based on the principles of liberty and individual freedom.

As the democracy debate clarified issues of government and citizenship, grave contradictions were drawn between slavery and our Nation's first principle of individual freedom. As President Lincoln said, the government could not endure permanently half slave and half free.

On July 4 of 1861, President Lincoln, in a speech to Congress, said that the war was ''* * * a people's contest * * * a struggle for maintaining in the world, that form and substance of government, whose leading object is to elevate the condition of men. * * *'' And this war between the States was, among other things, a war about the condition of the slaves.

This very body was engaged in the overwhelming challenge of moving millions of slaves from bondage to freedom. In March of 1864, the House passed a bill by a slender majority of two that established a Bureau of Freedmen in the War Department.

The Senate reported a substitute bill to the House too late for action attaching the Bureau to the Treasury Department. After the 1864 elections, the House and Senate conferred and proposed a bureau independent of either War or Treasury.

In the political machinations between these elected representatives, the Senate could not agree with the House. A new conference committee was appointed which finally in 1865 established in the War Department a Bureau of Refugees, Freedmen, and Abandoned Lands. Thus, the War Department set about the enormous task of documenting, supervising, and managing the transition of slaves from bondage to freedom.

The Bureau deployed field offices in Alabama, Arkansas, the District of Columbia, Florida, Georgia, Kentucky, Louisiana, Maryland, Delaware, Mississippi, Missouri, North and South Carolina, Tennessee, Texas, and Virginia.

These offices were responsible for all relief and educational activities relating to refugees and freedmen, including issuing rations, clothing, and medicine. The Bureau also assumed custody of confiscated lands or property in the former Confederate States, border States, the District of Columbia, and Indian territory.

The Bureau records that were created and maintained became the documented history of the greatest social undertaking in this country's history. During this tumultuous period of transformation between 1865 and 1872, the Freedmen's Bureau recorded the movements of slaves from community to community and States to States. For historians and genealogists, these records provided the critical link between the Civil War and the 1870 census, the first one to list African-Americans by name.

Former slaves, recognized formally in government records only by sex, age, and color, were named in the Bureau records as individuals in marriage, government ration lists, lists of colored persons, labor contracts, indentured contracts for minors, medical records, and as victims of violence.

Many historical and genealogical associations like the African-American Historical and Genealogical Society, the African-American Research Project, the Association for the Study of African-American Life and History, the Internet-based Afrigeneas, and annual gatherings like the family reunions have popularized African-American genealogy and historical research.

African-Americans, like many other Americans, look to official records for their ancestors. As ship manifests are the vital link between European-Americans and their European ancestors, the Freedmen's Bureau records are the link for African-Americans to their slave and African ancestors.

The original Freedmen's Bureau records presently are preserved at the National Archives and Records Administration here in Washington. Greater access to these records is a high priority for millions of Americans interested in Civil War and post-Civil War history, and millions of African-Americans interested in their family genealogy. There are many historians, genealogists, and family researchers interested in exploring the vast contents of these records.

Therefore, Mr. Speaker, H.R. 5157 calls on the Archivist to microfilm the Freedmen's Bureau records, create a surname index, and put the index online. Innovative imaging and indexing technologies can make these records easily accessible to the public, including historians, genealogists, novice genealogy enthusiasts, and students.

With that, Mr. Speaker, as a Member of the House of Representatives, a descendent of slaves, and a genealogy enthusiast, I urge the passage of this legislation so that the period in our history can become known even further to American citizens interested in our past.

Let me thank the gentleman from California (Mr. HORN), my colleague and friend, for his sensitivity and support of this legislation.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 5157

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 ''Freedmen's Bureau Records Preservation Act of 2000''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) From 1619 to 1800 more than 660,000 African men, women, and children were torn from their homelands in west Africa and herded onto ships for transport to North America as slaves.

(2) Between 10 and 15 percent of these Africans died during the journey across the Atlantic Ocean.

(3) The institution of slavery robbed Africans of their natural rights and divided this Nation over the meaning of freedom, the principle upon which this Nation was founded.

(4) Paraphrasing President Abraham Lincoln, the Government could not endure permanently half slave and half free.

(5) The United States waged the Civil War to free the Nation's slaves, preserve the Nation, and embrace all people as citizens regardless of race in a system of inclusive freedom for all.

(6) On January 1, 1863, President Abraham Lincoln issued the Emancipation Proclamation, which declared that individuals held as slaves within the rebellious States ''are, and henceforward shall be free''.

(7) On April 9, 1865, General Robert E. Lee surrendered the Confederate Army to General Ulysses S. Grant, thereby ending the Civil War.

(8) In 1865, the Congress established in the War Department the Bureau of Refugees, Freedmen, and Abandoned Lands, commonly referred to as the ''Freedmen's Bureau'', to supervise and manage all matters relating to refugees and freedmen, and to supervise abandoned and confiscated property.

(9) The records of the Freedmen's Bureau are a vital source of information for historians and genealogists.

(10) These records contain a wide range of data about the African-American experience during slavery and freedom, including in marriage records, labor contracts, Government rations and back pay records, and indentured contracts for minors.

(11) These records are maintained in Alabama, Arkansas, the District of Columbia, Florida, Georgia, Kentucky, Louisiana, Maryland, Delaware, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, Texas, and Virginia.

(12) All of these records are originals and, because they are deteriorating, require immediate attention.

(13) These records are an important link for African-Americans to their slave and African ancestors.

(14) Preserving the records of the Freedmen's Bureau is a high priority for millions of Americans interested in Civil War and post-Civil War era history.

SEC. 3. PRESERVATION OF FREEDMEN'S BUREAU RECORDS.

(a) IN GENERAL.—Chapter 29 of title 44, United States Code, is amended by adding at the end the following:

"§ 2910. Preservation of Freedmen's Bureau Records

''The Archivist shall preserve the records of the Bureau of Refugees, Freedmen, and Abandoned Lands, commonly referred to as the 'Freedmen's Bureau', by using—

''(1) available technology for restoration of the documents comprising these records so that they can be maintained for future generations; and

''(2) innovative imaging and indexing technologies to make these records easily accessible to the public, including historians, genealogists, novice genealogy enthusiasts, and students.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 29 of title 44, United States Code, is amended by adding at the end the following new item:

''2910. Preservation of freedmen's bureau records.''.

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

Mr. HORN. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

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

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Freedmen's Bureau Records Preservation Act of 2000''.

SEC. 2. PRESERVATION OF FREEDMEN'S BUREAU RECORDS.

(a) IN GENERAL.—Chapter 29 of title 44, United States Code, is amended by adding at the end the following:

"§ 2910. Preservation of Freedmen's Bureau records

''The Archivist shall preserve the records of the Bureau of Refugees, Freedmen, and Abandoned Lands, commonly referred to as the 'Freedmen's Bureau', by using—

''(1) microfilm technology for preservation of the documents comprising these records so that they can be maintained for future generations; and

''(2) the results of the pilot project with the University of Florida to create future partnerships with Howard University and other institutions for the purposes of indexing these records and making them more easily accessible to the public, including historians, genealogists, and students, and for any other purposes determined by the Archivist.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 29 of title 44, United States Code, is amended by adding at the end the following new item:

''2910. Preservation of Freedmen's Bureau records.''.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out section 2910 of title 44, United States Code (as added by section 2), a total of $3,000,000 for fiscal years 2001 through 2005.

Mr. HORN (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from California (Mr. HORN).

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

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

CONTINUATION OF EMERGENCY WITH RESPECT TO SIGNIFICANT NARCOTICS TRAFFICKERS CENTERED IN COLOMBIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106-303)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the Untied States:

Section 202(d) of the National Emergencies Act, 50 U.S.C. 1622(d) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the emergency declared with respect to significant narcotics traffickers centered in Colombia is to continue in effect for 1 year beyond October 21, 2000.

The circumstances that led to the declaration on October 21, 1995, of a national emergency have not been resolved. The actions of significant narcotics traffickers centered in Colombia continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States and to cause unparalleled violence, corruption, and harm in the United States and abroad. For these reasons, I have determined that it is necessary to maintain economic pressures on significant narcotics traffickers centered in Colombia by blocking their property subject to the jurisdiction of the United States and by depriving them of access to the United States market and financial system.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 19, 2000.*

DEPARTMENT OF TRANSPORTATION 1998 REPORTS ON ACTIVITIES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Transportation and Infrastructure and the Committee on Commerce:

To the Congress of the United States:

I transmit herewith the Department of Transportation's Calendar Year 1998 reports on Activities Under the National Traffic and Motor Vehicle Safety Act of 1966, the Highway Safety Act of 1966, and the Motor Vehicle Information and Cost Savings Act of 1972, as amended.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 18, 2000.*

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VICE PRESIDENT JEOPARDIZES NATIONAL SECURITY

(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, I am deeply troubled today to learn that Vice President GORE may have broken the law and jeopardized United States national security.

Mr. Speaker, U.S. weapons proliferation law requires that the Congress be notified of the terms of the letter of agreement which Mr. GORE signed with Russian Prime Minister Chernomyrdin regarding Russia's nuclear cooperation with Iran, a known terrorist nation.

What is worse is that, as a direct result of the secret agreement between Mr. GORE and the Prime Minister of Russia, Russia evaded U.S. sanctions against weapons proliferation.

Even the Secretary of State admitted that without this signed agreement, ''Russia's conventional arms sales to Iran would have been subject to sanctions based on various provisions of our laws.''

Mr. Speaker, it is appalling to me and to the American people that this type of deception and deceit has become so commonplace in this administration.

The flagrant deceit and illegal agreement made by the Vice President may have put our national security in deep jeopardy.

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.

ARMENIAN GENOCIDE RESOLUTION

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. Mr. Speaker, I want to express my intense disappointment with the decision by the Republican leadership today to pull the Armenian genocide resolution from consideration by the House of Representatives for the remainder of this session of Congress.

The Speaker promised to bring this resolution to the floor. His stated reason for not doing so is a request by President Clinton that it not be considered. Mr. Speaker, the State Department and President Clinton have opposed recognition of the Armenian genocide from day one. We all know that the State Department repeatedly uses national security as the reason to oppose most things Armenian.

What is really going on here is that the Speaker and the President and, therefore, the government of these United States, both Executive and Legislative, have succumbed to the threat of the Turkish government, threats by that government against American soldiers and American lives.

Mr. Speaker, this is shameful. Turkey is a bully. We have America, the most powerful country in the world, being told by the Republic of Turkey what we can talk about and what we can think, not only with regard to human rights violations, but with regard to the most heinous crime against humanity, genocide.

I would like to know what kind of ally threatens American lives if it does not get its way. With friends like that, as the saying goes, who needs enemies. It is not as if Turkey's membership in NATO and assistance as part of the NATO alliance only helps the United States. Turkey allows NATO to use its bases against Iraq because of Iraq's threats to Turkey, not Iraq's threats to the United States. Turkey allows NATO to use its bases out of its own self-interest.

If Turkey is going to abrogate all of its bilateral and multilateral agreements over the Armenian genocide resolution, well I do not think that is going to happen. I think not. These agreements exist because they are in Turkey's self-interest.

Mr. Speaker, what happened today on the House floor I think sets a terrible precedent. It means that Turkey can threaten us in other areas. For example, they can threaten not to negotiate a settlement on Cyprus and continue to occupy that nation. They can threaten the European Union if that organization does not allow them to become a member despite continued human rights violations against the Kurds and other minorities.

Mr. Speaker, we have heard these same Turkish threats before. In 1996, for example, this body voted overwhelmingly, 268 to 153, to adopt an amendment to reduce U.S. assistance to Turkey until it recognized the Armenian genocide.

The doomsday scenarios that the opponents of the resolution predicted in 1996 did not occur. I do not believe they would have occurred today if we had passed the Armenian genocide resolution.

The relationship between the United States and Turkey is mutually beneficial. It is simply not in Turkey's national interest to sever relations with the United States over a House Resolution.

This brings me back, Mr. Speaker, to the Armenian genocide resolution and the importance I believe it plays in our overall foreign policy. If America is going to live up to the standards we set for ourselves and continue to lead the world in affirming human rights everywhere, we need to stand up and recognize the Armenian catastrophe for what it was, the systemic elimination of a people.

The fact of the Armenian genocide is not in dispute. The fact that the American record on the U.S. response to the Armenian genocide is not in dispute and House Resolution 596 affirms these facts. The only step left is to reject the deniers of the genocide.

As Members of Congress, we should not ignore our Nation's history at the insistence of an ally out of geopolitical convenience. Congress should not be forced by a foreign government to deny or ignore the U.S. record and response to the events that took place in the Ottoman Empire from 1915 to 1923.

If the House of Representatives cannot speak to our historical experience because of threats from a foreign government, then what message do we send to our friends and our enemies alike?

Therefore, Mr. Speaker, I urge the gentleman from Illinois (Mr. HASTERT), Speaker of the House, to basically reconsider his decision and to allow House Resolution 596 to come to the floor. I assure the Speaker that it will pass overwhelmingly. The votes were there today if the Speaker had only let the resolution come to the floor.

To do anything else would establish a dangerous precedent for how history will be recorded with regard to current and future actions of Congress and the administration in response to man's inhumanity to man.

The bottom line, Mr. Speaker, is, if we do not recognize the Armenia genocide, other genocides will occur. The fact of the matter is that those who forget history are condemned to repeat it.

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

(Mr. CANADY of Florida 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 Michigan (Ms. STABENOW) is recognized for 5 minutes.

(Ms. STABENOW addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. PRYCE) is recognized for 5 minutes.

(Ms. PRYCE of Ohio addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

CONGRATULATING CALIFORNIA STATE UNIVERSITY DOMINGUEZ HILLS ON 40TH ANNIVERSARY

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. Mr. Speaker, today I rise to congratulate one of the premier universities within the California State University system, Cal State Dominguez Hills, located in my district, on 40 years of exemplary higher learning.

In its 40th-year celebration, we reflect back on the many who have passed through her doors. California State University has produced over 29,000 graduates with baccalaureate degrees, 12,000 graduates with master's degrees, and 12,000 elementary and secondary school credentialed teachers.

Cal State Dominguez Hills is known throughout the State of California as the highest producer of credentialed teachers of any university in the State of California.

The student body of Cal State Dominguez Hills is the most diverse in the State and possibly in the country, reflecting the richness of a multicultural society.

The University is celebrating its 40th anniversary under the leadership of a newly appointed president, Dr. James E. Lyons, Sr. Dr. Lyons brings 16 years of presidential experience to the campus. He has served as president of Jackson State University in Mississippi and Bowie State University in Maryland.

An integral part of Dr. Lyon's vision for Dominguez Hills is building a model communiversity. The communiversity places emphasis on building partnerships that benefit the community and its people, focusing not only on their educational and cultural needs, but also serving as a major research institution for community and economic development.

In an effort to extend its services and resources into the community it serves, Cal State Dominguez Hills was the first in the Nation to develop a distance learning program. Forbes Magazine named Cal State Dominguez Hills one of the top 20 ''cyber'' universities in the country.

The distance learning program offers timely degree and certificate programs

and individual courses via cutting-edge technologies to working professionals, busy adults, and high school students.

Over the past 5 years, approximately 7,500 students have enrolled in the Dominguez Hills distance learning program. More than 3,000 of these students come from outside of California, and more than 400 of these students come from outside the United States.

The university's Young Scholars Program enables high school students who have limited access to advanced placement courses to earn college and advanced placement credits through the university.

In addition, Mr. Speaker, we have the California Math and Science Academy, a premier program where they take the top 10 percent of the students in the middle school and enroll them to complete their secondary education with 90 percent of them going on to the top Ivy League and other universities.

I, again, congratulate Cal State University Dominguez Hills on its 40th anniversary, the appointment of a new impressive president, Dr. Lyons, and the outstanding accomplishments of the Distance Learning Program and CAMS, California Academy of Math and Science.

These milestones add significantly to the university and the surrounding communities as they forge ahead with a mission to be a communiversity dedicated to preparing students for the opportunities to be successful in a world of unprecedented challenges and change.

IN MEMORY OF RONALD SCOTT OWENS

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

Mr. WELDON of Florida. Mr. Speaker, today I rise to salute Petty Officer Third Class Ronald Scott Owens, one of the 17 crewmen who gave his life last week in the defense of our Nation. Petty officer Owens' life was lost when terrorists attacked the U.S.S. *Cole*. On August 8 of this year Petty Officer Owens left for a 6-month tour of duty aboard the U.S.S. *Cole*, serving on board as an electronics warfare technician.

We as a Nation honor the life of this young Vero Beach resident and all those who were lost.

Scott was born on October 31, 1975, and died serving and defending his fellow countrymen on October 11.

This tragic event makes this the worst terrorist attack on the American military since the terrorist attack on a U.S. Air Force housing complex near Dhahran, Saudi Arabia in 1996. That event killed 19 troops, including several airmen from Florida.

Scott is remembered by his crew mates as an inspiration and one that was always there to help support his fellow crewmen.

He was known as a happy-go-lucky guy who knew how to make everyone feel special. He is also remembered for his volunteer work with the fire and rescue squad. He served his community both in uniform and out of uniform.

I cannot begin to state how profoundly saddened I was to learn of Scott's untimely death. My prayers and condolences go out to his wife, Jaime, his 4-year-old daughter, Isabella, his entire family and the community of Vero Beach that is dealing with the shock of this tragic news.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

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

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

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

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

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

FUTURE JUSTICES OF THE SUPREME COURT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentlewoman from California (Ms. PELOSI) is recognized for 60 minutes as the designee of the minority leader.

Ms. PELOSI. Mr. Speaker, in just a few short weeks, we will be electing a new President of the United States on Tuesday, November 7. This is the centerpiece of our democracy, the election of a President.

The President has his own powers according to the Constitution, but also the power of appointment of the third branch of government, the Supreme Court. So a great deal is at stake in this election: the presidency and the President's appointments to the court.

If the next President appoints just one or two more justices to the court, and they do not support some of our basic fundamental rights, fundamental rights could be abolished or curtailed. The Supreme Court's decisions affect all aspect of our lives including basic civil rights and day-to-day pursuit of life, liberty, and happiness.

□ 2045

It is significant to note, I think, that no Supreme Court justice has retired in 6 years, the longest interval without a new appointment in 177 years. In the last 50 years, every President except one has appointed at least one justice, and 8 of the last 10 Presidents have appointed 2 justices. Court watchers expect several justices to retire soon, and, thus, the next President is likely to appoint several justices to fill these vacancies.

I mention this, Mr. Speaker, because many have asked, well, how do these elections affect young people in our country? Well, the election of the President affects them very directly in the decisions that that President will make but also very directly in terms of his power of appointment of the court, the Supreme Court, and indeed many, many scores of Federal Court justices.

As I have said, the Supreme Court makes many decisions that fundamentally affect and change our lives, and so young people should be very interested in these judges, this President, and the decisions that this court will make because it will have an impact for generations to come.

Soon the court will be deciding cases governing civil rights, workers' rights, reproductive freedom, voting rights, and campaign finance reform. The court will decide Congress' authority to apply Federal laws protecting individuals and our environment to the States, including the Americans with Disabilities Act. The court will address electoral redistricting and minority voting rights, free speech, criminal cases involving unreasonable search and seizure, and the scope of Federal regulations, really protections and safeguards, for all Americans.

How do the courts' decisions on these issues affect our lives? For women, the court has an impact on reproductive freedom. For workers, the court affects the ability to sue employers who violate employees' civil rights. Again, for women, the court affects access to family planning clinics and access to safe and appropriate medical care. For gay and lesbian Americans, the court affects civil rights protections and equal opportunity. For people with disabilities, the court affects protections in the Americans with Disabilities Act.

I asked one volunteer in a political campaign why she was volunteering, and she said I have looked around, studied the issues, and I realize that people in politics make decisions about the air I breathe and the water I drink. The same applies to the Supreme Court, Mr. Speaker. The court affects the air we breathe and the water we drink by determining the legality of the Clean Air and Clean Water Act. This volunteer went on to say, so I guess I should be interested in politics, at least for as long as I drink water and I breathe air.

Young people should be, and we should all be interested in the court and the person who will name justices to that court for at least as long as we breathe air and drink water.

The two issues that I would like to just focus on, in the interest of time, because I know the hour is late, are a woman's right to choose and the issue of the protection of our environment and how those issues will be affected by

the court. The next President will likely appoint two, perhaps three Supreme Court justices, enough to overturn Roe v. Wade and allow States to enact severe and sweeping restrictions on women's reproductive rights. If the anti-choice majority maintains its control over the Senate, the Supreme Court nominations of an anti-choice President are likely to be quickly confirmed.

Governor George Bush is an anti-choice governor with a record to prove it. In 1999 alone, Governor Bush, along with Michigan's Governor Engler signed more anti-choice provisions into law than any other governor in the U.S. Governor Bush has said he believes Roe v. Wade went too far and has characterized the 1973 ruling as a reach. Governor Bush has also said that Justice Antonin Scalia, arguably the most ardent opponent of abortion on the Supreme Court, would be his model justice.

Governor Bush wants to end legal reproductive freedom in the U.S. AL GORE would protect a woman's right to choose. The choice is clear: Pro-choice Americans must understand that Governor Bush will use the power of the Presidency to end legal reproductive choice and take away a woman's right to choose.

In terms of the environment, moving on to that because I know that is an issue that young people are interested in as well, I mentioned that Governor Bush has said that his model justice was Justice Scalia. Sadly, Justice Scalia's environmental philosophy is just as dismal as some of the other issues that I mentioned here. Legal scholars who have studied the Supreme Court have found that Justice Scalia sided against the environment more than any other person in the history of the court.

How bad is his record? Eighty-seven percent of the time an environmental case came before the Supreme Court Justice Scalia decided against the environment. In Justice Scalia's world, citizens would not be allowed to stop pollution just because a company is poisoning their backyards. In a case decided earlier this year, a factory had dumped toxic mercury into a nearby river 489 times. How would you like that, Mr. Speaker, in your backyard? But even though the factory poisoned the river nearly 500 times, the Justice felt that the court was making it far too easy to halt an environmental crime.

So when we come to issues that young people are interested in, such as protecting the environment, this environment that we have only on loan because it belongs to them, it is their future, we must protect it in every way that we can. We can do that by our own personal behavior; through conservation; by the people we elect to office to make decisions about the environment; by the President of the United States, who leads the country in protecting our environment and the justices that he will appoint to the court who will make decisions about the air we breathe and the water we drink. For as long as we breathe air and drink water, Mr. Speaker, we should be very interested in those decisions.

Again, on the issue of a woman's right to choose, which I think is a matter that is at risk, we are at a crossroads and one that will be very much affected by the outcome of the election on November 7.

In the interest of time, I will not go into all the other issues, Mr. Speaker, except to say that November 7 is an important day, a day when we will be choosing not only a President but that President's appointees. There is a great deal at stake for young people. I hope they will pay attention to the election and its ramifications.

SOCIAL SECURITY

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

Mr. SMITH of Michigan. Mr. Speaker, we are having an election, and the election is important for many reasons. Regarding the discussion of appointing Supreme Court Justices, I would hope that whatever President we elect does not have a litmus test for those judges; that they should be some of the smartest, some of the most well-read literary law judges that we can find in the country. We have tried to help assure that by having the advice and consent of the Senate. What they do is interpret the Constitution, and I hope that is the kind of judges that we will have.

I rise tonight, Mr. Speaker, to talk about another issue that is sort of in this campaign and is being talked about by the Vice President and Governor Bush, and that is Social Security. Social Security is an issue that I have been studying since I came to Congress in 1993.

I introduced my first bill in 1993 on Social Security and my second bill in 1995. It is a 2-year session, so every session I have introduced a bill. The last four bills have been scored by the Social Security Administration to keep Social Security solvent, and we have done that without any tax increases, without any reduction in benefits for retirees or near-term retirees.

I was appointed chairman of a bipartisan Social Security task force where we studied for many months and had witnesses, expert witnesses from all around this country and, in fact, all around the world, talking about this situation with Social Security. I suspect it is sort of like an automobile mechanic. The more he understands how an internal combustion engine works, for example, the more he is concerned about keeping it lubricated and reducing the friction. So probably mechanics are pretty diligent in terms of greasing and lubrication. So, too, I have become sort of a mechanic with Social Security, knowing its internal operations, how it works, and some of the friction points that can develop. So I guess my colleagues can consider my presentation tonight sort of like they might consider the mechanic: they should take out what they think is pertinent but get a second opinion.

Social Security is probably America's most important program. We have almost a third of our retirees that depend on the Social Security check for 90 percent or more of their total retirement income.

Mr. Speaker, I would like to introduce Erika Ball. Erika is a page, and she is from Arizona. Sarah, come up in the limelight. You might as well, too, as long as you ladies are helping me. A little closer so we get you right in the picture. How many pages do we have?

Sarah Schleck is from the great State of Minnesota. Ladies, thank you for helping me with the charts tonight.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman will suspend.

Mr. SMITH of Michigan. That is not proper; is that right?

The SPEAKER pro tempore. Members are to address their remarks to the Chair and are reminded that only Members are allowed to address the Chamber.

Mr. SMITH of Michigan. Mr. Speaker, I considered myself an interpreter. I apologize for any infraction.

Let me start out with these charts. Social Security Benefit Guaranty Act. When Franklin Delano Roosevelt created the Social Security program over 6 decades ago, he wanted it to feature a personal investment component to build retirement income. Social Security was supposed to be one leg of a three-legged stool to support retirees. It was supposed to go hand-in-hand with personal savings and private pension plans.

In fact, researching the archives, it is interesting that in the debate in 1935 in the Senate, the Senate on two occasions voted to have it optional to have a personal retirement savings account. So individuals owned accounts. Even in that case they could only be used for retirement, but there would be some individual ownership. When they went to conference, the House and the Senate ended up having government do the whole thing.

It was made from the very beginning as a pay-as-you-go program, where existing workers paid in their Social Security tax and almost immediately those dollars were sent out to beneficiaries. So it was a pay-as-you-go program with existing workers paying in their taxes to pay for existing current retirees.

The system is really stretched to its limits, and the actuaries are concerned. They say that Social Security is insolvent. We just changed it in 1983, reduced benefits and increased taxes. Yet already they are predicting that it is going to run out of money if we continue the same structure. So we have

to make changes. We have to do it without reducing any benefits to existing or near-term retirees. We have to do it by making sure that we do not increase taxes on workers, and that means we have to get a better return on some of those tax dollars coming in.

Seventy-eight million baby boomers begin retiring in 2008. That means these high-income workers go out of the paying-in mode. In a sense what they pay in is related to how much they are making. They are at the top of the scale in terms of how much they are paying in taxes. Then they retire, and because the benefits are directly related to what they paid in in taxes, how much they were earning, so there is a relationship to benefits, they draw out more than maybe the average is drawing out. So a huge predicament, demographic problem.

Social Security trust funds go broke in 2037, although the crisis is going to arrive when there is less tax revenues coming in than for retirement purposes.

I will go through these slides rather quickly, but I just urge everybody, Mr. Speaker, to look and do a little studying and a little learning of the Social Security problem because it is probably one of the most significant financial challenges that Washington, that this House and the Senate and the President face.

Insolvency is certain. It is not some kind of a far-flung estimate. It is an absolute. We know how many people there are, and we know when they are going to retire. We know that people will live longer in retirement, and we know how much they will pay in and how much they are going to take out.

□ 2100

Payroll taxes will not cover benefits starting in 2015. And the shortfalls will add up to $120 trillion over the next 75 years, or actually when we run out of tax dollars covering benefits. So starting in 2015 to 2075, $120 trillion is going to be needed over and above what we are going to take in in Social Security taxes. And just to put that in some kind of perspective, since most of us do not know what a trillion dollars is, our annual budget is about $1.9 trillion for all expenditures of the Federal Government.

The coming Social Security crisis, our pay-as-you-go retirement system, will not meet the challenge of demographic change. I started talking about that. This is the number of workers per retiree. And since the number of workers contribute their taxes and it is combined to pay retirement benefits, it makes a difference. This represents what is happening as we reduce the number of workers for each retiree they are supporting.

In 1940, there were 38 retirees paying in their taxes to support each retiree. There were 34 workers supporting each retiree. So they could divide that retiree's benefits by 38 and that is what they were paying in. Today, there are three workers. So whatever a retiree gets on the average, you divide it by three and that is what the workers are paying in. By 2025 there are going to be two workers.

So together, if the retirement benefit is $1,200 a month, they are each one going to have to tribute $600 out of their paycheck to pay that retirement benefit. So the demographics are the serious problem, what is giving us a big bleak future that is represented on this chart by the red. And in 1983, we substantially increased the Social Security tax. So we went up to 12.4 percent and the 12.4 percent is now on most of the income you get. I have got a chart on that.

But that high tax increase in 1983 has resulted to more coming in in Social Security taxes that are needed for benefits, a surplus if you will. But the blue area up here, that surplus, only lasts until 2015. And then the bleak future is demonstrated in the red part of the graph. And this is where we are going to be $120 trillion short of what is needed to pay benefits over and above what is coming in in the Social Security tax, a huge challenge, a huge problem.

As I have studied this over the last 6 or 7 years, one of the things that has become very clear is we have got to get a better return on investment.

Economic growth will not fix Social Security. And so many people now are saying, well, look at this great economic growth. That is going to take care of Social Security. Since benefits are directly related to how much money you are making and if you have a job and start paying Social Security taxes, in the early years, the Social Security Administration is going to bring in more money, but since there is the direct relationship, when you retire, you are going to take out more money.

So, in the long-run, economic growth is not going to fix Social Security. Again, Social Security benefits are indexed to wage growth. When the economy grows, workers pay more in taxes but also will earn more in benefits when they retire.

Growth makes the numbers look better now but leaves a larger hole to fill later. And what concerns me is the administration has used these short-term advantages as an excuse to do nothing. I would suggest to you that we have missed a real opportunity in the last 8 years to fix Social Security.

When I introduced my first Social Security bill, that was scored to keep Social Security solvent until 1995, you did not have to be as aggressive in making changes to keep Social Security solvent for the next 100 years but you had to make a few more changes. And in fact, I ended up borrowing some money from the general fund in this last bill to keep Social Security solvent in a way to pay for the transition of some of those investments as we start getting real return on some of those investments.

My point is that the longer we wait, the more drastic the changes are going to have to be. And if you just review what this country has done, every time we have run into problems we have reduced benefits and increased taxes, one or the other, or both.

In 1978, that is what we did. In 1983, under the Greenspan Commission, that is what we did. In fact, this is when we reduced benefits by saying, look, we are going to add 2 years to the retirement, so, starting next year, we are gradually going raise it to making the maximum retirement eligibility age 67 rather than 66. But at the same time, that is when they jumped these taxes to account for the surpluses that we are having now.

There is no Social Security account with your name on it. These trust fund balances are available to finance future benefit payments and other trust fund expenditures but only in a bookkeeping sense. They are claims on the Treasury that when redeemed will have to be financed by raising taxes, borrowing from the public, or reducing benefits or reducing some other expenditures. And the source is President Clinton's Office of Management and Budget.

So we have a trust fund. They say, well, if somehow the Government pays back the trust fund, then we really will not run out of money until 2035. The argument is maybe complicated to make. But maybe think of it this way maybe: What would we do if we had no trust fund and then versus we have a trust fund? If we had no trust fund but wanted to meet our obligations of Social Security, which I think this House is going to do, we are either going to have to reduce benefits or increase taxes, like we did in 1983 and 1977, or we are going to have to reduce other expenditures. And that is the exact same three steps you take if you have a trust fund.

So the challenge for us is how do we come up with the money when we need the money.

Now getting a little bit into politics and the election trying to analyze Governor Bush's proposal and analyze Vice President GORE'S proposal. The Vice President says our current debt that we owe the public is $3.4 trillion. That is the Treasury debt. It does not include what we owe Social Security trust fund or the other trust fund. It is the debt that is owed to the public.

The Vice President is suggesting that by paying off this $3.4 trillion debt we can somehow accommodate the $46.6 trillion that is unfunded that is going to be what we are going to need over and before taxes up until the year 2057. So somehow this public debt at $3.4 trillion is going to somehow accommodate paying off what we need in extra money the $46.6 trillion.

I did another graph to sort of try to depict these same statistics trying to show that it is not going to work. But adding mother giant IOU to the trust fund does not help.

The actuaries and Alan Greenspan estimate that the unfunded liability of Social Security right now is $9 trillion.

In other words, to come up with $120 trillion over the next 75 years, you would need $9 trillion today with interest income on top of it earning something like 6½ to 7 percent real return to come up with $120 trillion you need over the next 75 years.

The bottom blue represents the $260 billion a year that we are paying in interest right now on the debt held by the public. So you have got $260 billion a year that we would save. And so maybe there is some rationale to say, well, let us use Social Security trust fund surpluses and use those Social Security trust fund dollars, write Social Security an IOU, use those dollars to pay down the public debt and then we will add an additional bonus to help cover Social Security by saying that we are going to use that savings every year for the next 57 years to help pay the Social Security bill.

But again, as you see, it does not do it. The $260 billion a year still leaves a $35 trillion shortfall just until 1957. And this is up until 1957 is when the Vice President says that his plan will keep Social Security solvent. The key, the challenge is coming up when you need the money, not writing giant IOUs to the trust fund.

The biggest risk I really think is doing nothing at all. Social Security, as I mentioned, has a total unfunded liability of over $9 trillion. The Social Security trust funds contain nothing but IOUs. There is a box down in Maryland where every time there is more money coming in than what is needed to pay out benefits, the Government writes an IOU and puts it in this steel box. And here again their IOUs, their bills, their notes from the U.S. Treasury I think they are going to be covered somehow. But the question is how do you cover them?

The economists say that if we were to borrow that $120 trillion from the public over the next 75 years, it would almost totally disrupt this economy with Government borrowing that much money. Some have suggested, well, we could cut down on some of the other spending.

I am sure, Mr. Speaker, people that have observed how spending is going up and the propensity of Congress to spend doubt whether we are going to take the whole Federal budget and do nothing with it except use it for Social Security.

That is why we have got to start investing this money and that is why the magic of compound interest can help us get out of the problem we are in. To keep paying promised Social Security benefits, the payroll tax will have to be increased by nearly 50 percent or benefits will have to be cut by 30 percent. And I say that is a no. We cannot do that. We are already increasing the taxes way too much on the American workers.

We have heard a lot of talk about the Social Security lockbox. It may be a little gimmicky, but it has accomplished a lot for us. When Republicans took the majority in 1995, we got together and here was a group of Republicans that had not been in the majority for almost 40 years in the House and we decided one thing we were going to do is work to balance the budget and part of that was not using the Social Security trust fund surplus for other Government spending.

The problem with this chamber, of course, once you start spending more money, if you spend it on a particular program for maybe 2 years, those recipients start hiring lobbyists to say, boy, this program is really important. We have got to continue this spending. So even the emergency spending has become routine spending and we continue to expand spending.

So one of the important things that it seems to me that we have got to do is have the discipline, have the intestinal fortitude to hold back on the growth of Government because it leaves that much more obligation to our kids and to our grandkids on top of the Social Security problem.

Vice President GORE has talked about the lockbox, but I would simply say that this chamber has passed the lockbox legislation. It is over in the Senate and right now there is, as I understand it, a problem, a filibuster. If Vice President GORE would urge his Senate colleagues on his side of the aisle to pass the lockbox, there is no question in my mind that it would pass through the Senate and we would send it to the President and I think the President would sign it.

Let me talk about the diminishing returns of your Social Security investment. On average, the average retiree today receives back a real return of 1.9 percent on the taxes that they and their employer put in, or if they are self-employed, all their taxes that they have put in.

This is what the middle light purple shows is the average of 1.9 percent. You see, some do not even break even. Some have a negative return. That is minorities. A young black worker, for example, on average is going to live 62½ years. That means they can work all their life but they die before they are eligible for benefits and they get nothing but a burial expense of something like $250.

□ 2115

So it is especially unfair to those particular groups that have a shorter lifespan right now.

The market for the last 100 years has been almost a return of 7 percent real return, and we will get into those figures a little bit. My grandson, well, I will wait until I get to the picture of my grandson, but it is the future generation at risk.

If we do not do something, I can see a generational warfare where the young workers of this country, if they are asked to pay 47 percent payroll tax without any changes, without adding prescription drugs or any extra benefits to Social Security, and the vice president also adds increased benefits on Social Security, but with doing no more adding of benefits the prediction is that to cover Medicare, medicaid and Social Security within the next 35 years we are going to have to have a payroll tax that is about 47 percent of what you make. Right now the payroll tax is 15 percent.

Under the current Social Security program, this is how many years you are going to have to live after retirement to break even with what you and your employer put into Social Security taxes, and this does not include that part of the Social Security tax that goes for insurance, goes for disability insurance. So that is taken out of the calculation. Nobody is touching that. Nobody is suggesting we do anything with that portion, that you are really buying insurance in case you become disabled or something. That stays in place and that is never touched as far as anything but an absolute insurance policy for disability.

If you were lucky enough to retire in 1940, it took 2 months to get everything back that you and your employer put in. Two years, 1960; 4 years 1980. If you retired in 1995, you are going to have to live 16 years after you retire to get everything back. If you retire in 2005, you are going to have to live 23 years. If you retire in 2015, 26 years.

Now our medical technology is doing great things. We have the nano technology. We have the new gene cataloging. Maybe it is possible to develop the kind of medical techniques that is going to allow you to live long enough after you retire to break even and get back everything you and your employer put in, but I will guarantee everybody, Mr. Speaker, that they also better do some extra saving now to account for the other two legs of that three-legged stool if they want to live in any kind of decent conditions if they are going to live that long.

Anyway, my point here is that it is a bad investment. It is a bad investment on Social Security and we are going to get into that.

These are my grandkids getting ready for Halloween. Bonnie and I have nine grandkids now so there are a few missing here, and I blew this picture up. I have the picture on my wall as I go out my door to make votes. Let me sort of, I think, brag a little bit. I have never taken any special interest PAC money because I sort of always have wanted the independence. So I make my decision looking at this picture and deciding what is going to be best for these kids and your kids, your grandkids 20, 30, 40 years from now. Sometimes you cannot tell for sure but at least you put that as sort of a criteria and you try to say, look, is this decision going to make America stronger; is it going to keep our economy going?

Well, that is Selena and James and Henry and George, he is a tiger, Emily, Clair, Francis and my grandson Nick Smith. My name is NICK SMITH so it is

sort of maybe that is my immortality, but even Nick at 13 years old is going to have to live that 26, 28 years after retirement to break even. That is under the existing program and that is assuming that somehow we are going to come up with the money, but if we do not get a better return on the investment of some of the money going in, then he may very well be asked to go up to 47 percent of what he makes on a payroll tax to cover medicaid and Social Security and Medicare. If he does that, then he is probably going to have to live 60 years after he retires.

Anyway, I put the picture up just to make every grandparent think that as they look at the possibility of somebody that might promise them more benefits, every grandparent has to also think, what is going to be the implication on their grandkids, and it is going to be huge if we continue to increase benefits, and that starts, of course, when the baby-boomers start retiring in 2008, 2009. This is what we have done on tax increases.

Just look at this a minute, Mr. Speaker. In 1940, we had a 2 percent rate. The employee paid 1 percent. The employer paid 1 percent. The base was on the first $3,000 so $30 for the employee, $30 for the employer for not more than $60 a year. 1960 upped it to 6 percent, the base was $4,800. The base was also raised. That meant $288 a year combined employer/employee; 1980, 10.16 percent, raised the base again to $25,900. That means employee/employer together paid $2,631 and today, of course, it is 12.4 percent of the first $76,200. That is a total of $9,449. A huge challenge of what I think happens down here at the bottom of this chart, if we continue to go like we have been, with politicians seeking rewards and getting on the front pages of the papers, they take home pork barrel projects and make promises of more benefits, but it all comes from somebody and the somebody is the American people that are paying taxes. So, again, I just urge our presidential candidates to move ahead.

Vice President GORE was at several meetings I was at at the White House and I thought we were close a couple of years ago to moving ahead with the Social Security problem, but you can understand that it is easy to demagog. With all the seniors that get Social Security and so many that are so dependent on Social Security, it is easy to scare people. The tendency somehow in this political bickering is to try to put the other person down somewhat.

This pie chart, back to how high taxes have gone, right now 78 percent of families pay more in payroll taxes than they pay in income taxes. Seventy-eight percent of American workers pay more in the Social Security tax than they do in the income tax, and I think that is a huge problem that should reinforce our determination not to yet again increase taxes.

Here are Governor Bush's six principles. They also happen to be my six principles. They also happen to be the principles of the gentleman from Arizona (Mr. KOLBE) and the gentleman from Texas (Mr. STENHOLM). They also happen to be Senator ROD GRAMS' principles from Minnesota. I borrowed some of the Senator's charts here. Protect the current and future beneficiaries; allow freedom of choice; preserve the safety net; make Americans better off, not worse off. Let me stop here a minute. On the personal investments, several suggestions. One suggestion, the way it worked out was that for every $3 you made in your private investments and they have to be safe investments, most of the bills, and my bill, call for indexed investments, and it is arranged that for every $3 you make on the stock market you would lose $2 of fixed Social Security benefits but still everybody would have a choice whether to go into the personal savings retirement program, where they own that particular retirement fund. It would become optional. But the point is, is that whether you lose $4 of Social Security benefits for every $5 you make in your investments or, in my case, you would lose Social Security with an assumption that you could make at least 4-point-some percent return on your investments. So almost in every case of every projection, individuals are better off and we will get to that with actual figures on some of the counties in America that had the option of going in to personal retirement accounts rather than going into the government's Social Security. No tax increases is pretty much an absolute what we have developed into all of these programs.

Personal retirement accounts, they do not come out of Social Security. So I have heard the vice president say, well, Governor Bush is taking the money out of Social Security but it sort of substitutes for Social Security. It stays within the Social Security system. It can only be used for retirement and it is limited to safe investments. Most of those, what I do is index stocks, index bonds and index global funds and other safe investments as determined by the Secretary of the Treasury would be the option, sort of like a 401(k), sort of like if you work in government the thrift savings accounts.

They become part of your Social Security retirement benefits. You own them. I think it is good to mention here that the Supreme Court on two occasions now has ruled that there is no entitlement, there is no connection between the Social Security taxes you pay in and your right to have any benefits. One is strictly a tax and the other is a benefit that is determined by Congress and the President. Likewise, if you happen to die before you reach retirement age, if it is money in your own account it goes into your estate, to your kids and your grandkids. It is limited to safe investments that will earn more than the 1.9 percent paid by Social Security.

I made this big because on my stump it has been used against me in my campaigns; well, the Congressman just wants to take away benefits or he wants to increase taxes, but all of these plans, no tax increases, no benefit cuts for retirees or near-term retirees. So it would be the younger worker that would have the option of the personal retirement investment accounts.

Personal retirement accounts offer more retirement security. If John Doe makes an average of $36,000 a year, he can expect monthly payments in a PRSA, a personal retirement account, of $6,514 from his personal retirement account as opposed to $1,280 from Social Security. This is just trying to demonstrate the magic of compound interest.

Choosing personal accounts, Galveston County, Texas, when we did the program in 1935 counties had the option of whether or not they wanted to put it into their personal retirement accounts or whether they wanted to put it into Social Security. Listen to this. Death benefits in Galveston, $75,000 death benefits under their personal investment accounts; Social Security $253. Disability benefits per month, Social Security $1,280; the Galveston plan, $2,749. Social Security $1,280, the same as the disability; but the retirement is $4,790 a month.

This is a statement by a young lady whose husband died, and she said thank God that some wise men privatized Social Security here. If I had regular Social Security, I would be broke. And after her husband died, Wendy Colehill used her death benefit check of $126,000 to pay for his funeral and enter college. Under Social Security she would have received a mere $255.

San Diego has the personal retirement accounts as opposed to Social Security and a 30-year-old employee who earns a salary of $30,000 for 35 years, $30,000 for 35 years and contributes 6 percent to his PRA would receive $3,000 per month in retirement and that compares to $1,077 in Social Security. The difference between San Diego's system of PRAs and Social Security is more than the difference in a check. It is also the difference between ownership and dependence on a bunch of politicians sometime to maybe make a decision like they did in 1977 and 1983 to cut benefits again.

□ 2130

I got this from Senator ROD GRAMS. This is a letter from Senator BOXER, BARBARA BOXER, Senator FEINSTEIN and Senator TED KENNEDY to President Clinton on April 22, 1999, in support of allowing San Diego to keep with their PRA system rather than go into Social Security.

They said in this letter, ''Millions of our constituents will receive higher retirement benefits from their current public pensions than they would under Social Security.'' They are going to do better. So even these people have said, look, that private investment is better. Let San Diego keep their system.

The United States trails many other countries in the world in terms of making this change. In the 18 years since Chile offered PRAs, 95 percent of the Chilean workers have created accounts. Their average rate of return has been 11.3 percent per year.

Among others, I visited Australia, Britain and Switzerland. They offer workers PRAs. I represented the United States in an international meeting where we all talked about our public pension retirement systems, and I was so impressed with what these other countries had done. Europe, for example, ended up with a 10 percent return on their second tier investments, and two out of three British workers enrolled in the second tier social security system chose to enroll in PRAs.

Here we have a socialist country, but they are saying, look, allow us at least in part to invest some of our money in our own accounts, in personal retirement accounts. British workers have enjoyed a 10 percent return on their pension investment over the past few years. The pool of PRAs in Britain exceeds nearly $1.4 trillion, and it is larger than their entire economy and larger than the private pensions of all other European countries combined. Very successful.

I sort of stuck this little chart on, and I do not know, Mr. Speaker, if the camera picks this up, but based on the family income of $58,475, the return on a PRA is even better. So without looking at this for a minute, if it is in there, the light blue is 2 percent of your income, and I will call it a pinkish-purple is if you invested 6 percent, and the dark purple is if you invested 10 percent of your income.

If you leave it in for 40 years, then 10 percent of the $58,000 a year would end up in 40 years worth $1,389,000. That means with 5 percent interest on that, you would not even have to touch the principal; you could get almost $70,000 a year just from interest at 5 percent.

Okay, if we can look at this little chart, and I will sort of explain it as we finish off here, the question is, what about a downturn in the stock market? You can invest in the stock market, but what if you have a crash? What if you have a crash like we did in 1917 or 1929 or 1978? What if the stock market really goes down?

This shows what has happened over the last 100 years in stock investments in the United States. You see a few dips, but it has never gone down below 3 percent. So at the very worse, over any 30-year average, any 30 years on average, it has never gone down to what the 1.9 percent return is on Social Security right now.

The average, if you take any 30-year period, and likewise, a 20-year period, you have never lost money, even putting that 20 years around the worst times in this country. If you put the 20 years or the 30 years any place around the Great Depression, you still have a positive return on that investment. The average return for any 30-year period for the last 120 years has been a return of 6.7 percent.

So, sometimes we get nervous and take our money out of the stock market, but the key to these kind of PRAs is it only can be used for retirement, so it tends to be long range.

Individuals would have the choice. So Governor Bush is saying, look, leave some choice for individuals, such as our thrift savings account. Do you want it a little more in stocks and a little less in bonds, or vice versa, and where do you want to put some of that money as an individual? So some people will end up better off than others.

I will finish up on my last chart by putting up a bunch of kids getting ready for Halloween. Their future is in our hands, Mr. Speaker, and I would hope that all of us would give some conviction.

We have done a fairly good job the last several years reducing spending. In 1993 we saw the largest tax increase in history. We decided 2 years later when the Republicans took the majority not to spend that tax increase and to hold government spending down. That has ended up in a surplus, along with just this tremendous system that we have got in this country, where those that work and save and try and invest end up better off than those that do not.

Like I say, we have used maybe some suggestions like the lockbox that kept us from spending the Social Security surplus. What we did last month as a Republican Conference is we decided, look, our line in the sand this year is going to take 90 percent of the surplus and use that to pay down the debt held by the public, and take the other 10 percent, and that is what we have been arguing about for the last month, what to do with that other 10 percent. But I think we have the President convinced now, because the public supports it, is using 90 percent of the surplus to pay down the public debt, and we have come a long ways.

That is what we are doing. But for my grandkids, for your kids and your grandkids and your great grandkids, please help us move ahead in dealing with Social Security and not continuing to put it off.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). The Chair reminds Members that it is not in order in debate to characterize the legislative positions of the Senate or of individual Senators.

CONCERNING THE ARMENIAN GENOCIDE

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

Mrs. MORELLA. Mr. Speaker, I want to applaud the gentleman from Michigan (Mr. SMITH) for his presentation, his visual aids, and the opportunity to see his grandchildren and to recognize that is why we are all here. We are here for the future.

This evening, Mr. Speaker, my special order is on a different matter. The House was scheduled to consider House Resolution 596 this evening, and I regret that it will not do so. That resolution calls upon the President to ensure that the foreign policy of the United States reflects understanding and sensitivity concerning issues related to human rights, ethnic cleansing and genocide documented in the United States record relating to the Armenian genocide.

More than 80 years ago the rulers of the Ottoman Empire made a decision to attempt to eliminate the Armenian people living under their rule. Between 1915 and 1923, nearly 1.5 million Armenian people died and another 500,000 were deported.

The resolution that we are not considering, that we would have, serves a dual purpose. First and foremost, it is to show respect and remembrance to those Armenian people and their families who suffered during those 8 years at the beginning of that century.

Secondly, it exemplifies that if we are ever to witness a universal respect for human rights, we have to begin by acknowledging the truth, and the truth is that governments still continue to commit atrocities against their own citizens while escaping the consequences of their actions, internally by means of repression, and externally, for reasons of political expediency.

The events that took place under the rule of the Ottoman Empire were real. Real people died, and the results were and still are shocking. If we in the Congress continue to react with silence regarding these events and are unwilling to stand up and publicly condemn these horrible occurrences, we effectively give our approval to abuses of power such as the Armenian genocide. We must let the truth about these events be known and continue to speak out against all instances of man's and woman's inhumanity to man- and womankind.

I regret that rather than deal honestly and objectively with the truth, the government of Turkey continues to deny the genocide for which its predecessor state bears responsibility. I regret that it is not politically convenient to affirm the genocide. I regret that this administration prefers political expediency to principle.

Today, nearly 1 million Armenian people live in the United States. They are a proud people, who spent 70 years fighting Stalinist domination, and, finally in the last decade, they have achieved freedom. But even that freedom will never allow them to forget the hardships suffered by their friends and family nearly a century ago, nor will they ever stop forcing us to recognize that these, and similar acts, must continue to be condemned by nations and people who hold the highest respect for human rights. The United States should do so.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GREEN of Texas (at the request of Mr. GEPHARDT) for today after 6:30 p.m. on account of official business.

Mr. PASCRELL (at the request of Mr. GEPHARDT) for today after 5:15 p.m. on account of official business.

Mrs. JONES of Ohio (at the request of Mr. GEPHARDT) for today on account of personal business.

Ms. JACKSON-LEE of Texas (at the request of Mr. GEPHARDT) for today after 5:30 p.m. on account of official business.

Mr. LEWIS of California (at the request of Mr. ARMEY) for today after 12:00 p.m. and the balance of the week on account of attending his brother's funeral.

Mr. DIAZ-BALART (at the request of Mr. ARMEY) for today after 4:00 p.m. on account of official business in the district.

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. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Ms. STABENOW, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

(The following Members (at the request of Mr. HORN) to revise and extend their remarks and include extraneous material:)

Ms. PRYCE of Ohio, for 5 minutes, October 24.

Mrs. BIGGERT, for 5 minutes, October 24.

Mrs. ROUKEMA, for 5 minutes, October 24.

Mr. WELDON of Florida, for 5 minutes, today.

Mrs. MORELLA, for 5 minutes, today.

Mrs. WILSON, for 5 minutes, today.

Mr. HILL of Montana, for 5 minutes, today.

Mrs. FOWLER, for 5 minutes, October 24.

Mr. CANADY of Florida, for 5 minutes, October 24.

Mr. HORN, for 5 minutes, October 24.

Mr. GIBBONS and to include extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $780.

SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 146. Concurrent Resolution condemning the assassination of Father John Kaiser and others in Kenya, and calling for a thorough investigation to be conducted in those cases, a report on the progress made in such an investigation to be submitted to Congress by December 15, 2000, and a final report on such an investigation to be made public, and for other purposes; to the Committee on International Relations.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1695. An act to provide for the conveyance of certain Federal public lands in the Ivanpah Valley, Nevada, to Clark County, Nevada, for the development of an airport facility, and for other purposes.

H.R. 2296. An act to amend the Revised Organic Act of the Virgin Islands to provide that the number of members on the legislature of the Virgin Islands and the number of such members constituting a quorum shall be determined by the laws of the Virgin Islands, and for other purposes.

H.R. 2348. An act to authorize the Bureau of Reclamation to provide cost sharing for the endangered fish recovery implementation programs for the Upper Colorado and San Juan River Basins.

H.R. 2607. An act to promote the development of the commercial space transportation industry, to authorize appropriations for the Office of the Associate Administrator for Commercial Space Transportation, to authorize appropriations for the Office of Space Commercialization, and for other purposes.

H.R. 3069. An act to authorize the Administrator of General Services to provide for redevelopment of the Southeast Federal Center in the District of Columbia.

H.R. 3244. An act to combat trafficking in persons, especially into the sex trade, slavery, and involuntary servitude, to reauthorize certain Federal programs to prevent violence against women, and for other purposes.

H.R. 4132. An act to reauthorize grants for water resources research and technology institutes established under the Water Resources Research Act of 1984.

H.R. 4205. An act to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

H.R. 4461. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes.

H.R. 4635. An act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes.

H.R. 4850. An act to increase, effective as of December 1, 2000, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

H.R. 5164. An act to amend title 49, United States Code, to require reports concerning defects in motor vehicles or tires or other motor vehicle equipment in foreign countries, and for other purposes.

H.R. 5212. An act 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.

H.J. Res. 114. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 406. An act to amend the Indian Health Care Improvement Act to make permanent the demonstration program that allows for direct billing of medicare, medicaid, and other third party payors, and to expand the eligibility under such program to other tribes and tribal organizations.

S. 1296. An act to designate portions of the lower Delaware River and associated tributaries as a component of the National Wild and Scenic Rivers system.

S. 1402. An act to amend title 38, United States Code, to increase the rates of educational assistance under the Montgomery GI Bill, to improve procedures for the adjustment of rates of pay for nurses employed by the Department of Veterans Affairs, to make other improvements in veterans educational assistance, health care, and benefits programs, and for other purposes.

S. 1455. An act to enhance protections against fraud in the offering of financial assistance for college education, and for other purposes.

S. 1705. An act to direct the Secretary of the Interior to enter into land exchanges to acquire from the private owner and to convey to the State of Idaho approximately 1,240 acres of land near the City of Rocks National Reserve, Idaho, and for other purposes.

S. 1707. An act to amend the Inspector General Act of 1978 (5 U.S.C. App.) to provide that certain designated Federal entities shall be establishments under such Act, and for other purposes.

S. 2102. An act to provide to the Timbisha Shoshone Tribe a permanent land base within its aboriginal homeland, and for other purposes.

S. 2412. An act to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2000, 2001, 2002, and 2003, and for other purposes.

S. 2498. An act to authorize the Smithsonian Institution to plan, design, construct, and equip laboratory, administrative, and support space to house base operations for the Smithsonian Astrophysical Observatory Submillimeter Array located on Mauna Kea at Hilo, Hawaii.

S. 2917. An act to settle the land claims of the Pueblo of Santo Domingo.

S. 3201. An act to rename the National Museum of American Art.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills of the House of the following titles:

On October 18, 2000:

H.R. 4516. Making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001, and for other purposes.

On October 19, 2000:

H.R. 707. To amend the Robert T. Stafford Disaster Relief and Emergency Assistance

Act to authorize a program for predisaster mitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, and for other purposes.

H.R. 1715. To extend and reauthorize the Defense Production Act of 1950.

H.R. 2389. To restore stability and predictability to the annual payments made to States and counties containing National Forest System lands and public domain lands managed by the Bureau of Land Management for use by the counties for the benefit of public schools, roads, and other purposes.

H.R. 34. To direct the Secretary of the Interior to make technical corrections to a map relating to the Coastal Barrier Resources System.

H.R. 208. To amend title 5, United States Code, to allow for the contribution of certain rollover distributions to accounts in the Thrift Savings Plan, to eliminate certain waiting-period requirements for participating in the Thrift Savings Plan, and for other purposes.

H.R. 1654. To authorize appropriations for the National Aeronautics and Space Administration for fiscal years 2000, 2001, and 2002, and for other purposes.

H.R. 2842. To amend chapter 89 of title 5, United States Code, concerning the Federal Employees Health Benefits (FEHB) Program, to enable the Federal Government to enroll an employee and his or her family in the FEHB Program when a State court orders the employee to provide health insurance coverage for a child of the employee but the employee fails to provide the coverage, and for other purposes.

H.R. 2883. To amend the Immigration and Nationality Act to modify the provisions governing acquisition of citizenship by children born outside of the United States, and for other purposes.

H.R. 2879. To provide for the placement at the Lincoln Memorial of a plaque commemorating the speech of Martin Luther King, Jr., known as the ''I Have A Dream'' speech.

H.R. 2984. To direct the Secretary of the Interior, through the Bureau of Reclamation, to convey to the Loup Basin Reclamation District, the Sargent River Irrigation District, and the Farwell Irrigation District, Nebraska, property comprising the assets of the Middle Loup Division of the Missouri River Basin Project, Nebraska.

H.R. 3235. To improve academic and social outcomes for youth and reduce both juvenile crime and the risk that youth will become victims of crime by providing productive activities conducted by law enforcement personnel during nonschool hours.

H.R. 3236. To authorize the Secretary of the Interior to enter into contracts with the Weber Basin Water Conservancy District, Utah, to use Weber Basin Project facilities for the impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes.

H.R. 3292. To provide for the establishment of the Cat Island National Wildlife Refuge in West Feliciana Parish, Louisiana.

H.R. 3468. To direct the Secretary of the Interior to convey certain water rights to Duchesne City, Utah.

H.R. 3577. To increase the amount authorized to be appropriated for the north side pumping division of the Minidoka reclamation project, Idaho.

H.R. 3767. 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.

H.R. 3986. To provide for a study of the engineering feasibility of a water exchange in lieu of electrification of the Chandler Pumping Plant at Prosser Diversion Dam, Washington.

H.R. 3995. To establish procedures governing the responsibilities of court-appointed receivers who administer departments, offices, and agencies of the District of Columbia government.

H.R. 4002. To amend the Foreign Assistance Act of 1961 to revise and improve provisions relating to famine prevention and freedom from hunger.

H.R. 4205. To authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

H.R. 4259. To require the Secretary of the Treasury to mint coins in commemoration of the National Museum of the American Indian of the Smithsonian Institution, and for other purposes.

H.R. 4386. To amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program, to amend the Public Health Service Act and the Federal Food, Drug, and Co Cosmetic Act with respect to surveillance and information concerning the relationship between cervical cancer and the human papillomavirus (HPV), and for other purposes.

H.R. 4389. To direct the Secretary of the Interior to convey certain water distribution facilities to the Northern Colorado Water Conservancy District.

H.R. 4681. To provide for the adjustment of status of certain Syrian nationals.

H.R. 4828. To designate the Steens Mountain Wilderness Area and the Steens Mountain Cooperative Management and Protection Area in Harney County, Oregon, and for other purposes.

H.R. 5417. To rename the Stewart B. McKinney Homeless Assistance Act as the ''McKinney-Vento Homeless Assistance Act''.

H.R. 5107. To make certain corrections in copyright law.

ADJOURNMENT

Mrs. MORELLA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 40 minutes p.m.), under its previous order, the House adjourned until Monday, October 23, 2000, at 12:30 p.m., for morning hour debates.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for official foreign travel during the third quarter of 2000, by Committees of the House of Representatives, pursuant to Public Law 95–384, are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2000

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Collin Peterson	7/29/00	7/31/00	Venezuela		222.50		(3)				222.50
	7/31/00	8/1/00	Colombia		193.00		(3)				193.00
	8/1/00	8/2/00	Nicaragua		284.00		(3)				284.00
	8/22/00	8/25/00	Ireland		843.00		(3)				843.00
	8/25/00	8/28/00	Russia		1,029.00		(3)				1,029.00
	8/28/00	8/30/00	Estonia		434.00		(3)				434.00
	8/30/00	8/31/00	Netherlands		492.00		(3)				492.00
	8/31/00	8/31/00	United Kingdom		622.00		(3)				622.00
Committee total					4,119.50						4,119.50

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

LARRY COMBEST, Chairman, Oct. 6, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, JOINT COMMITTEE ON TAXATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2000

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

FOR HOUSE COMMITTEES:
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return.☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BILL ROTH, Chairman, Oct. 13, 2000.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

10637. A letter from the Congressional Review Coordinator, Department of Agriculture, Animal and Plant Health Inspection Service, transmitting the Department's final rule—Citrus Canker; Payments for Commercial Citrus Tree Replacement [Docket No. 00–037–1] (RIN: 0579–AB15) received October 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10638. A communication from the President of the United States, transmitting a request to make available previously appropriated emergency funds for the Department of Defense pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended; (H. Doc. No. 106—302); to the Committee on Appropriations and ordered to be printed.

10639. A letter from the Multimedia Systems Manager, Department of the Air Force, Department of Defense, transmitting the Department's final rule—Release, Dissemination, and Sale of Visual Information Materials (RIN: 0701–AA–62) received October 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

10640. A letter from the Deputy Chief Counsel, Financial Management Service, Department of the Treasury, transmitting the Department's final rule—Depositaries and Financial Agents of the Government (RIN: 1510–AA75) received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

10641. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Increased Distributions to Owners of Certain HUD-Assisted Multifamily Rental Projects [Docket No. FR–4532–F–01] (RIN: 2502–AH46) received October 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

10642. A letter from the Acting Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Multiple Award Contracts (MAC); Governmentwide Agency Contracts (GWAC); and, Federal Supply Schedules (FSS)—received October 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10643. A letter from the Acting Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Mail Services User's Manual—received October 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10644. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—National Environmental Policy Act; Food Contact Substance Notification System; Confirmation of Effective Date [Docket No. 00N–0085] received October 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10645. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Dental Products Devices; Reclassification of Endosseous Dental Implant Accessories [Docket No. 98N–0753] received October 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10646. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Food Additives Permitted for Direct Addition to Food for Human Consumption; Sodium Stearoyl Lactylate [Docket No. 99F–3087] received October 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10647. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Texas; Water Heaters, Small Boilers, and Process Heaters; Agreed Orders; Major Stationary Sources of Nitrogen Oxides in the Beaumont/Port Arthur Ozone Nonattainment Area [TX–119–1–7448a; FRL–6886–1] received October 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10648. A letter from the Acting Secretary, Federal Trade Commission, transmitting the Commission's final rule—Rule Concerning Disclosures Reguarding Energy Consumption And Water Use Of Certain Home Appliances And Other Products Required Under The Energy Policy And Conservation Act (''Appliance Labeling Rule'')—received October 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10649. A letter from the Comptroller General, General Accounting Office, transmitting a list of all reports issued or released in August 2000, pursuant to 31 U.S.C. 719(h); to the Committee on Government Reform.

10650. A letter from the Executive Director, Committee For Purchase From People Who Are Blind or Severely Disabled, transmitting the Committee's final rule—Proposed Additions to and Deletions from Procurement List—received October 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

10651. A letter from the Executive Director, Federal Retirement Thrift Investment Board, transmitting a report on the Annual Inventory of Commercial Activities; to the Committee on Government Reform.

10652. A letter from the Acting Chairman, National Transportation Safety Board, transmitting the National Transportation Safety Board's Strategic Plan for September 2000; to the Committee on Government Reform.

10653. A letter from the Director, Office of Management and Budget, transmitting a copy of the report, ''Agency Compliance with Title II of the Unfunded Mandates Reform Act of 1995,'' pursuant to 2 U.S.C. 1538; to the Committee on Government Reform.

10654. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Managing Senior Executive Performance (RIN: 3206–AI57) received October 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

10655. A letter from the President, Republic of the Marshall Islands, transmitting a report Presented to the Congress of the United States of America Regarding Changed Circumstances Arising from the U.S. Nuclear Testing in the Marshall Islands, pursuant to 16 U.S.C. 3233(b); to the Committee on Resources.

10656. A letter from the Assistant Secretary for Policy, Management and Budget, Department of the Interior, transmitting the annual Report of Royalty Management and Delinquent Account Collection Activities FY 1999, pursuant to 30 U.S.C. 237; to the Committee on Resources.

10657. A letter from the Deputy Chief Counsel, Financial Management Service, Department of the Treasury, transmitting the Department's final rule—Acceptance of Bonds Secured by Government Obligations in Lieu of BONDS with Sureties (RIN: 1510–AA77) received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

10658. A letter from the Chief Counsel, Bureau of the Public Debt, Department of the Treasury, transmitting the Department's final rule—Collateral Acceptability and Valuation (RIN: 1535–AA00) received September 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

10659. A letter from the Director, United States Global Change Research Program, transmitting a copy of ''Our Changing Planet: the FY 2001 U.S. Global Change Research Program''; to the Committee on Science.

10660. A letter from the Commissioner, Social Security Administration, transmitting the report of Continuing Disability Reviews for the FY 1999, pursuant to Public Law 104—121, section 103(d)(2) (110 Stat. 850); to the Committee on Ways and Means.

10661. A letter from the Deputy Chief Counsel, Financial Management Service, Department of the Treasury, transmitting the Department's final rule—Payment of Federal Taxes and the Treasury Tax and Loan Program (RIN: 1510–AA76) received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10662. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation entitled the ''Supplemental Subsistence Benefit for Certian Members of the Armed Forces''; jointly to the Committees on Armed Services, Ways and Means, and Agriculture.

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. LEACH: Committee on Banking and Financial Services. Supplemental report on H.R. 4541. A bill to reauthorize and amend the Commodity Exchange Act to promote legal certainty, enhance competition, and reduce systemic risk in markets for futures and over-the-counter derivatives, and for other purposes (Rept. 106–711, Pt. 4).

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills refereed as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 4725. A bill to amend the Zuni Land Conservation Act of 1990 to provide for the expenditure of Zuni funds by that tribe, with amendments; referred to the Committee on Education and the Workforce for a period ending not later than October 23, 2000, for consideration of such provisions of the bill and amendments as fall within the jurisdiction of that committee pursuant to clause 1(g), rule X (Rept. 106–993, Pt. 1).

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. MOORE (for himself, Mr. JONES of North Carolina, Mrs. MORELLA, Mr. ETHERIDGE, Mr. CLEMENT, Mr. LAFALCE, and Mr. SNYDER):

H.R. 5499. A bill to reduce the impacts of hurricanes, tornadoes, and other windstorms through a program of research and development and technology transfer, and for other purposes; to the Committee on Science, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS (for himself, Mr. WEINER, and Mr. BENTSEN):

H.R. 5500. A bill to require the Attorney General to establish an office in the Department of Justice to monitor acts of international terrorism alleged to have been committed by Palestinian individuals or individuals acting on behalf of Palestinian organizations and to carry out certain other related activities; to the Committee on the Judiciary.

By Mr. DEMINT (for himself, Mr. SPENCE, Mr. SPRATT, Mr. CLYBURN, Mr. SANFORD, and Mr. GRAHAM):

H.R. 5501. A bill to amend title XVIII of the Social Security Act to preserve and provide for uniform coverage of drugs and biologicals under part B of the Medicare Program; to the Committee on Commerce, and in addition to the Committee on Ways and Means, 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. FILNER:

H.R. 5502. A bill to amend title 38, United States Code, to increase the maximum amount of a home loan guarantee available to a veteran; to the Committee on Veterans' Affairs.

By Mr. FOSSELLA:

H.R. 5503. A bill to direct the Secretary of Veteran Affairs to establish a national cemetery for veterans in the Staten Island, New York, metropolitan area; to the Committee on Veterans' Affairs.

By Mr. HOLT (for himself and Mrs. MORELLA):

H.R. 5504. A bill to improve the quality and scope of science and mathematics education; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, 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. HYDE (for himself and Mrs. MALONEY of New York):

H.R. 5505. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income the value of diplomas, medals, and amounts received as part of international awards recognizing individual achievement for physics, chemistry, medicine, literature, economics, and peace; to the Committee on Ways and Means.

By Mrs. JOHNSON of Connecticut:

H.R. 5506. A bill to amend the Internal Revenue Code of 1986 to expand the tip tax credit to employers of cosmetologists and to promote tax compliance in the cosmetology sector; to the Committee on Ways and Means.

By Mr. KASICH:

H.R. 5507. A bill to amend the Federal Election Campaign Act of 1971 to promote the disclosure of information on the financing of campaigns for Federal elections, and for other purposes; to the Committee on House Administration, 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 Ms. KILPATRICK:

H.R. 5508. A bill to amend the Public Health Service Act to establish a demonstration program to provide technical assistance to school-based health centers in order to assist such centers in developing and operating comprehensive computerized systems to maintain data on the patient populations served by the centers; to the Committee on Commerce.

By Mr. MALONEY of Connecticut:

H.R. 5509. A bill to amend the Internal Revenue Code of 1986 to increase the child tax credit to $2,000 per child; to the Committee on Ways and Means.

By Mr. METCALF (for himself, Ms. WATERS, and Mr. TRAFICANT):

H.R. 5510. A bill to convert from a convoluted and costly system for issuing circulating currency that requires an enormous amount of debt and annual interest to a more logical system that does not involve debt or interest in connection with the issuance of circulating currency, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. MINGE (for himself, Mrs. EMERSON, Ms. KAPTUR, Mr. BOEHLERT, Mr. OBERSTAR, Mr. THUNE, Mr. CONDIT, Mr. COOKSEY, Mr. PETERSON of Minnesota, Mr. GUTKNECHT, Mrs. CLAYTON, Mr. BEREUTER, Mr. POMEROY, Mr. BISHOP, Mr. BALDACCI, Mr. BERRY, Mr. BOSWELL, Mr. PHELPS, Mr. HILL of Indiana, Mr. KIND, Mr. EDWARDS, Mr. SAWYER, Mr. HINCHEY, Mr. WYNN, and Ms. HOOLEY of Oregon):

H.R. 5511. A bill to amend the Food Security Act of 1985 to establish the conservation security program; to the Committee on Agriculture.

By Mrs. MORELLA (for herself and Mr. GILMAN):

H.R. 5512. A bill to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices; to require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections; to provide certain authority for the Special Counsel, and for other purposes; to the Committee on Government Reform.

By Mr. OXLEY:

H.R. 5513. A bill to amend title 18, United States Code, to prohibit video voyeurism in the special maritime and territorial jurisdiction of the United States; to the Committee on the Judiciary.

By Mr. PALLONE:

H.R. 5514. A bill to amend the Federal Food, Drug, and Cosmetic Act to require the Secretary of Health and Human Services to establish a tolerance for the presence of methyl mercury in seafood, and for other purposes; to the Committee on Commerce.

By Mr. PASCRELL (for himself, Mr. ANDREWS, Mrs. CLAYTON, Mr. FRANKS of New Jersey, Mr. FRELINGHUYSEN, Mr. HOLT, and Mr. ROTHMAN):

H.R. 5515. A bill to limit the use of eminent domain under the Natural Gas Act to acquire certain State-owned property; to the Committee on Commerce.

By Mr. SENSENBRENNER (for himself, Ms. JACKSON-LEE of Texas, and Mrs. MORELLA):

H.R. 5516. A bill to require that Federal agencies be accountable for violations of antidiscrimination and whistelblower protection laws, and for other purposes; to the Committee on Government Reform, and in addition to the Committees on Commerce, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHERMAN (for himself, Mr. BLAGOJEVICH, Mr. HOEFFEL, Mrs. KELLY, Mrs. MYRICK, Mr. KIND, Mr. TANNER, Mr. MASCARA, Mrs. CHRISTENSEN, Mr. SKELTON, Mr. FALEOMAVAEGA, Mr. ETHERIDGE, Ms. SLAUGHTER, Ms. ESHOO, Mr. MCGOVERN, Ms. KILPATRICK, and Mr. INSLEE):

H.R. 5517. A bill to provide for the return of escheated property consisting of military medals to the military department which issued them, to authorize the military departments to donate such medals to appropriate museums and resource centers, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SOUDER (for himself, Mr. BURTON of Indiana, Mr. ROEMER, Ms. CARSON, Mr. MCINTOSH, Mr. HILL of Indiana, and Mr. HOSTETTLER):

H.R. 5518. A bill to authorize the Hoosier Automobile & Truck National Heritage Trail Area; to the Committee on Resources.

By Mr. STUPAK:

H.R. 5519. A bill to name the Department of Veterans Affairs outpatient clinic located in Menominee, Michigan, as the ''Fred W. Matz Department of Veterans Affairs Outpatient Clinic''; to the Committee on Veterans' Affairs.

By Mr. STUPAK:

H.R. 5520. A bill to name the Department of Veterans Affairs medical facility located in Iron Mountain, Michigan, as the ''Oscar G. JOHNSON Department of Veterans Affairs Medical Facility''; to the Committee on Veterans' Affairs.

By Mr. TOOMEY:

H.R. 5521. A bill to amend title 31, United States Code, to expand the types of Federal agencies that are required to prepare audited financial statements; to the Committee on Government Reform.

By Mr. WEINER (for himself, Mr. SALMON, Mr. DEUTSCH, Mr. ROGAN, Mr. CROWLEY, Mr. REYNOLDS, Mr. MCNULTY, Mr. FRANKS of New Jersey, Ms. BERKLEY, Mr. TANCREDO, Mr. HOEFFEL, Mr. DIAZ-BALART, Mr. WEXLER, Mr. KINGSTON, Mr. TRAFICANT, Mr. BENTSEN, Mr. BERMAN, Mr. TIAHRT, Mr. WAXMAN, Mrs. LOWEY, Mr. TURNER, Mr. WU, and Mr. TALENT):

H.R. 5522. A bill to prohibit United States assistance for the Palestinain Authority and for programs, projects, and activities in the West Bank and Gaza; to the Committee on International Relations.

By Mr. WELDON of Pennsylvania:

H.R. 5523. A bill to repeal the Indian racial preference laws of the United States; to the Committee on Resources, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H. Con. Res. 430. Concurrent resolution calling for the immediate release of all political prisoners in Cuba, including Dr. Oscar Elias Biscet, and for other purposes; to the Committee on International Relations.

By Mr. DELAHUNT (for himself, Mr. GEJDENSON, Mr. SAXTON, Mr. PALLONE, Ms. CARSON, Ms. LEE, Mr. FRANK of Massachusetts, Mr. DEFAZIO, Mr. FARR of California, Mr. HILLIARD, Mr. HINCHEY, Mr. BLUMENAUER, Mr. KUCINICH, Mr. WU, Mr. SMITH of Washington, Mr. BROWN of Ohio, Mr. UDALL of Colorado, and Ms. BALDWIN):

H. Con. Res. 431. Concurrent resolution expressing the sense of the Congress that the President should oppose a permanent seat on the United Nations Security Council for the Government of Japan until Japan's whaling activities comply with the requirements of the International Whaling Commission and Japan ends the commercialization of whale meat; to the Committee on International Relations.

By Mr. DREIER (for himself and Mr. BEREUTER):

H. Con. Res. 432. Concurrent resolution recognizing the founding of the Alliance for Reform and Democracy in Asia, and for other purposes; to the Committee on International Relations.

By Mr. LUTHER (for himself, Mr. BILBRAY, Mr. PICKERING, Mr. FROST, Mr. GREEN of Texas, Mr. LARGENT, Mr. SHIMKUS, and Mr. OXLEY):

H. Res. 643. A resolution expressing the sense of the House of Representatives with regard to Sam Boyden, who admirably notified transportation safety officials of a serious threat to American consumers; to the Committee on Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 234: Mr. COX.
H.R. 353: Mr. CARSON.
H.R. 363: Mr. GEJDENSON and Mr. BACA.
H.R. 443: Mr. LATOURETTE and Mr. SAXTON.
H.R. 531: Mr. GREEN of Texas, Mr. EVERETT, Mr. PASCRELL, Mr. LEWIS of California, Mr. RILEY, and Mr. ANDREWS.
H.R. 699: Mr. LEE.
H.R. 804: Mr. PHELPS.
H.R. 860: Mr. GEKAS.
H.R. 1228: Mr. TRAFICANT, Ms. STABENOW, Mrs. MORELLA, Ms. RIVERS, and Mr. WATT of North Carolina.
H.R. 1366: Mr. FORD and Mr. BERRY.
H.R. 1657: Mr. KLECZKA, and Mr. HOEFFEL, and Mr. LOBIONDO.
H.R. 1824: Mr. TIAHRT and Ms. GRANGER.
H.R. 2166: Mr. DEAL of Georgia, Mr. SANDLIN, Ms. ROYBAL-ALLARD, Ms. WATERS, and Mr. CONYERS.
H.R. 2268: Mr. BACA.
H.R. 2308: Mr. WELLER.
H.R. 2344: Mr. CARDIN, Mr. CUMMINGS, and Mr. ALLEN.
H.R. 2362: Mr. BILBRAY and Mr. SPENCE.
H.R. 2364: Mr. COX.
H.R. 2620: Mr. SESSIONS.
H.R. 2899: Ms. ROYBAL-ALLARD.
H.R. 2900: Mrs. CLAYTON and Ms. LOFGREN.
H.R. 2907: Mr. PAYNE.
H.R. 3305: Mr. LATOURETTE.
H.R. 3465: Mr. COX.
H.R. 3650: Ms. ROYBAL-ALLARD.
H.R. 3674: Mr. COX.
H.R. 3698: Mr. YOUNG of Alaska, Mr. UDALL of New Mexico, Mr. BALLENGER, and Mr. GOODLATTE.
H.R. 3825: Mr. UDALL of Colorado.
H.R. 3911: Mr. INSLEE.
H.R. 4029: Mr. MALONEY of Connecticut.
H.R. 4046: Mr. OLVER.
H.R. 4167: Ms. MCCARTHY of Missouri.
H.R. 4207: Mr. PALLONE.
H.R. 4253: Mr. MOLLOHAN.
H.R. 4301: Mr. BOYD, Mr. KLINK, Mr. BACHUS, Mr. SANDLIN, Mr. DEAL of Georgia, Mr. SHIMKUS, and Mrs. ROUKEMA.
H.R. 4310: Mr. SAXTON and Mr. WEXLER.
H.R. 4398: Mr. LAMPSON.
H.R. 4415: Mr. UDALL of Colorado, Ms. LOFGREN, and Mr. WAXMAN.
H.R. 4506: Mrs. FOWLER.
H.R. 4511: Mr. BARTLETT of Maryland.
H.R. 4536: Mr. UPTON.
H.R. 4543: Mr. FARR of California and Mr. BOEHNER.
H.R. 4654: Mr. FOLEY, Mrs. NORTHUP, Mr. TALENT, and Mr. HANSEN.
H.R. 4707: Mr. OLVER, Mr. WEINER, Mr. ORTIZ, Mr. KING, Mr. CUMMINGS, Mr. BACA, and Mr. MCNULTY.
H.R. 4728: Mr. GORDON and Mr. SESSIONS.
H.R. 4747: Mr. SCHAFFER and Mr. TANCREDO.
H.R. 4821: Mr. GUTIERREZ.
H.R. 4874: Mr. SPENCE and Mr. SANFORD.
H.R. 4951: Mr. WELDON of Pennsylvania.
H.R. 4961: Mr. FROST, Mr. PASCRELL, Mr. ABERCROMBIE, Mr. BENTSEN, Mrs. THURMAN, Mr. BACA, Mr. SABO, Mr. TURNER, Mr. FILNER, Mrs. MALONEY of New York, Mr. BRADY of Pennsylvania, Mr. BAIRD, Mr. MENENDEZ, Ms. DELAURO, Mr. GONZALEZ, Ms. SCHAKOWSKY, Mr. PASTOR, Ms. MCCARTHY of Missouri, and Mr. MCGOVERN.
H.R. 5009: Mr. EVANS.
H.R. 5027: Mr. STEARNS.
H.R. 5045: Mr. WAMP.
H.R. 5055: Mr. JOHN.
H.R. 5132: Mrs. CHRISTENSEN and Mr. BAIRD.
H.R. 5153: Mr. SANDERS.
H.R. 5155: Mr. REYES.
H.R. 5157: Mr. DAVIS of Virginia, Mr. HORN, and Mr. BURTON of Indiana.
H.R. 5185: Ms. PELOSI.
H.R. 5231: Mr. RAHALL and Ms. DANNER.
H.R. 5248: Mr. KNOLLENBERG.
H.R. 5265: Mr. LATHAM.
H.R. 5268: Mr. FROST, Mr. KING, Mr. SNYDER, Mr. TOWNS, Mr. KLINK, Mrs. JONES of Ohio, Ms. SANCHEZ, Mr. RAHALL, Mr. PASTOR, Ms. LOFGREN, and Mr. ROMERO-BARCELO.
H.R. 5306: Mr. LATHAM, Mr. BARR of Georgia, and Mr. COX.
H.R. 5309: Mrs. THURMAN.
H.R. 5315: Mr. MOORE, Mr. SANDLIN, Mrs. CLAYTON, Mr. MALONEY of Connecticut, Mr. WAXMAN, Ms. MCCARTHY of Missouri, Mr. ETHERIDGE, Mr. WYNN, Mr. PETERSON of Minnesota, Mrs. NAPOLITANO, Mr. FORD, Mr. JEFFERSON, Mr. MCINTYRE, Mr. POMEROY, Mr. BOSWELL, Mr. LAMPSON, Mr. HINOJOSA, Mr. THOMPSON of Mississippi, Mr. EDWARDS, Mr. GREEN of Texas, Mr. RODRIGUEZ, Mr. GONZALEZ, Mr. BAIRD, Mr. UDALL of New Mexico, Mr. HOEFFEL, Ms. VELAZQUEZ, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LARSON, Mr. KIND, Mrs. LOWEY, Mr. WU, Mr. UDALL of Colorado, Mr. SAWYER, Mr. GORDON, Mrs. THURMAN, Mr. LIPINSKI, Mr. PHELPS, Ms. SANCHEZ, Mr. COSTELLO, Mr. BARCIA, Mr. CONDIT, Ms. BERKLEY, Mr. INSLEE, Mr. FORBES, Mr. MOLLOHAN, Mr. PASCRELL, Mrs. MALONEY of New York, Mrs. CAPPS, Mr. BACA, Mr. BLAGOJEVICH, Mrs. MINK of Hawaii, Mr. FARR of California, Mr. BALDACCI, Ms. WOOLSEY, Mr. BENTSEN, Mr. CLEMENT, Mr. KLINK, Mr. BOUCHER, Mr. DEUTSCH, Mr. MORAN of Virginia, Mr. MCNULTY, Mr. REYES, Mr. GEPHARDT, Ms. SLAUGHTER, Mr. Andrews, Mr. ORTIZ, Mr. WEINER, Mr. HOYER, Mr. WISE, and Ms. STABENOW.
H.R. 5350: Mr. BARR of Georgia.
H.R. 5485: Mr. BOUCHER.
H.R. 5492: Mr. BROWN of Ohio.
H.R. 5495: Mr. SWEENEY.
H.J. Res. 91: Mr. DUNCAN.
H. Con. Res. 62: Mr. BOSWELL.
H. Con. Res. 337: Mr. COYNE, Ms. WOOLSEY, and Mr. MASCARA.
H. Con. Res. 355: Mr. SMITH of New Jersey.
H. Con. Res. 416: Ms. CARSON and Mr. BARR of Georgia.
H. Con. Res. 421: Mr. WAMP.
H. Con. Res. 426: Mr. BILIRAKIS, Ms. ESHOO, Mr. LARSON, Mr. GARY MILLER of California, Mr. KENNEDY of Rhode Island, Mr. BARR of Georgia, Mr. EVANS, Mr. TIAHRT, and Mr. BAIRD.
H. Res. 107: Mr. BONIOR, Mr. FATTAH, and Mr. JACKSON of Illinois.
H. Res. 146: Ms. MCCARTHY of Missouri and Mrs. TAUSCHER.
H. Res. 461: Mr. CROWLEY, Mr. FALEOMAVAEGA, Mr. SCHAFFER, Mr. MASCARA, Mr. RADANOVICH, Mr. JACKSON of Illinois, Mr. SHAYS, Mr. HOEFFEL, and Mr. CUMMINGS.
H. Res. 602: Mr. KUCINICH and Mr. WALSH.
H. Res. 635: Mr. WELLER, Mr. GONZALEZ, Mr. KENNEDY of Rhode Island, Mr. FILNER, Ms. HOOLEY of Oregon, Mr. FROST, Mr. COOK, Mr. METCALF, Mr. ALLEN, Mr. DEUTSCH, Mr. ROTHMAN, and Mr. SHERMAN.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H. Res. 398: Mr. PASCRELL.