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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.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 106th CONGRESS, SECOND SESSION

Vol. 146 WASHINGTON, THURSDAY, OCTOBER 19, 2000 No. 132

Senate

(Legislative day of Friday, September 22, 2000)

The Senate met at 10:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Holy, holy, holy, Lord God Almighty. Heaven and Earth are filled with Your glory. Praise and thanksgiving be to You, Lord most high. Ruler of the universe, reign in us. Creator of all, recreate our hearts to love You above all else. Provider of limitless blessings, may we never forget that we have been blessed to be a blessing. Sovereign of our Nation, we commit our lives to You. We surrender the false idols of our hearts: Pride, position, power, past accomplishments. Without You, we could not breathe a breath, think a thought, or devise a plan. May our only source of security be that we have been called to be both Your friends and Your servants. You are the reason for living, the only one we must please, and the one to whom we are ultimately accountable. With united minds and hearts, we dedicate the work of this Senate to You. Through our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JIM BUNNING, a Senator from the State of Kentucky, 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.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. BUNNING). Under the previous order, the leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER. The Senator from Missouri is recognized.

SCHEDULE

Mr. ASHCROFT. Mr. President, for the information of all Senators, the Senate will be in a period of morning business until 12:30 p.m. today. At 12:30, the Senate will recess for a party caucus meeting until 2:15 p.m. It is hoped that the Senate will receive the HUD-VA appropriations conference report and/or the continuing resolution from the House by early afternoon. The Senate may also have a procedural vote with respect to the bankruptcy reform bill during today's session. Therefore, Senators can expect up to three votes this afternoon. As usual, Senators will be notified as votes are scheduled.

I thank my colleagues for their attention.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 12:30 p.m., with Senators permitted to speak therein for up to 5 minutes each and with the time to be equally divided between the two leaders or their designees.

Under the previous order, the Senator from Missouri, Mr. ASHCROFT, is recognized to speak for 15 minutes.

The Senator from Missouri.

REMEMBERING GOVERNOR MEL CARNAHAN

Mr. ASHCROFT. Mr. President, today I rise with a deep sense of sadness. As you all are aware, on Monday night Missouri's Governor, Mel Carnahan, was killed in a tragic plane crash. Also killed in the crash were the Governor's son, Randy Carnahan, and the Governor's long-time aide, Chris Sifford. My wife Janet and I join with all Missourians in mourning these deaths. We express our deepest sympathies to the Carnahan and Sifford families. We will continue to pray that God will grant these families comfort, healing, and strength in this time of great sorrow. This is a time when the Carnahan and Sifford families must bear the burden of a tragedy so unexpected and so profound that each of us

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feels their loss. That our Senate campaign could have ended so tragically is shocking.

As the collective heart of Missouri mourns the loss of a leader, this is a time for unity and common purpose in Missouri. We, as both a State and Nation, join together to mourn the loss of Governor Carnahan—a committed public servant. Although we were competing for the same office, Governor Carnahan and I had a unique relationship united by the common bonds of public service and respect for the people of Missouri. We both were honored to be sons of educators. We both loved time spent with our families on our farms.

Governor Carnahan and I also shared a commitment to the greatest promise for our Nation's future: the education of our children. We committed to the commonsense idea that to continue our prosperity, we should invest part of the Federal surplus in educating America's children. That is a theme which I will pursue with intensity here in the Senate. Governor Carnahan has always been present and accounted for when duty called. He served as a member of the United States Air Force. He was a municipal judge. As a member of the State House of Representatives, he served as majority flood leader. He was elected State Treasurer in 1980, Lieutenant Governor in 1988, and Governor in 1992. He was highly respected and the State prospered during his time as Governor.

As we absorb the blow of this tragedy, we should be reminded of what truly is important in life—commitment to God, to family, and to our fellow citizens. These were the commitments of Mel Carnahan. He served the people of Missouri with dignity and honor for more than four decades. I will remember him, and all of Missouri will remember him, for his dedication to his family—as a husband, a father, and a grandfather. We are all grateful that Mel Carnahan was willing to spend his life serving the people and the State of Missouri. I again extend my deepest sympathies to Governor Carnahan's wife, Jean, and to his family. Our prayers are with them in this time of great loss.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I join my colleague from Missouri in telling the family of Mel Carnahan how deeply sorry we all are.

It must be a terribly difficult time for the citizens of his State, for his family, and for everyone who knew him. I hope we can carry on his tradition, one about which he talked so much in the last four decades, of making sure all of our children get a good education and the people of this great country have the opportunities about which he cared so deeply.

I thank the Senator from Missouri.

EDUCATION

Mrs. MURRAY. Mr. President, I have come to the floor today to talk about education.

In the past month, students across our country have gone back to school. They have entered schools where there are health and safety hazards, and they are trying to learn in classrooms that are overcrowded. They are competing for the time and attention of a teacher, and they are looking to us for support.

I am frustrated to say this, but as this session of Congress draws to a close, this Congress has done very little to support those children across this country. This Congress, for the first time in 30 years, has failed to reauthorize the Elementary and Secondary Education Act. That is a disservice to students who are trying to learn in overcrowded classrooms, to students who are stuck in crumbling schools, and to students who do not feel safe at school.

We can't pass ESEA reauthorization; it is too late. But we do have one place to make it up: in the final funding plan for the upcoming fiscal year.

There are kids out there counting on us to do the right thing, and we need to pass a budget that addresses their needs. That is why I have come to the floor today, to urge my colleagues to do just that.

As I look back on this session of Congress, I am frustrated by the way this process has broken down. We have been updating our national education policy for about 30 years. It has always been a bipartisan and productive process—but not this year. This year, the ESEA reauthorization was stalled by sharp partisanship. We had a chance to make a lot of progress, but this Congress failed.

We weren't able to update our Nation's education policy to meet the needs of today's classrooms. As a parent, as a former educator and a former school board member, that is discouraging. What is even more discouraging is some of the talk that we have heard on the campaign trail this year. Not long ago, Governor Bush said that our country is experiencing a ''recession in education.'' I have thought a lot about that statement. To the teachers who are working harder than ever, it certainly doesn't feel like a recession. In fact, I think Governor Bush has it exactly backward. A recession is where there is a slowdown in economic activity, when production and employment decline, when there isn't much demand, when workers are idle and factories are slow. That is a recession.

But that is not what is happening in education today at all. Our schools are not slowing down; they are working harder than ever. Our classrooms aren't empty; they are overcrowded. Our teachers aren't being idle because they are not needed; they are needed more now than ever. It is not that demand has slowed. The demands on our schools are higher than ever. The problem is our investment has not kept up. Any enterprise or business that wants to stay in business invests in its people, invests in the latest equipment, invests in capital projects, so that the capacity will keep up with the demand. That is what we have to do. But for some reason, when it comes to our schools, we have not made those investments. We have let schools that were built 40 or 50 years ago simply decline. We have let great educators leave the classroom because they are frustrated by a system that doesn't give them the support or respect they deserve.

Governor Bush, we are not in an education recession; we are in a period of explosive growth and growing demand in the classroom, and we need to make the investment to meet that growing demand. Governor Bush has the problem backward and that is why he has come up with the wrong solution. As a parent of two students who went to public school, I can tell you I don't want our next President to close down my school; I want him to make my school better. You don't do that by bashing public schools. You do it by investing in the things that we know work in the classroom.

I have said it before and I will say it again: Our schools are facing overwhelming challenges with inadequate resources. Our public schools are not failing, but by failing to invest in them this Congress is failing our public schools. We need to give our schools the resources, the tools, and the support to meet today's challenges.

There are important needs in my home State in classrooms. Sitting here in the Chamber, it is easy to forget the challenges that schools face across the country. If this Chamber is about to go into recess without making an investment in education, it needs to hear directly from people on the front line. So I decided to read a few letters I have received from students and teachers in my home State of Washington.

Kristen Jensen Story is a parent and a teacher at White Center Heights Elementary School in the Highline School District. At her school, the majority of the students live in public housing and come from homes where English is not the first language.

She tells me:

> We have been working hard to make sure these children succeed and become contributing citizens to our great Nation. The need for Federal public education funding is greater now than ever before.
>
> We have the money. The Federal budget is forecasted to have a $1.9 trillion surplus over the next decade. Make the funding of public education a national priority.

Let me read another letter. This one is from Becky Scheiderer, a teacher from the Bethel School District in Washington State.

She writes:

> Children cannot wait another session.

She goes on to explain some of the challenges her school is facing:

> Our students need to continue the successful programs, such as Title I, special education, and smaller class sizes to work with these students inclusively.

Our district is growing, and we need schools constructed soon.

Our teachers, students and staff need safe schools to work in for 7.5 hours a day.

The need for Federal funding is even greater now than ever before.

Those are some of the real challenges facing our schools, and you don't fix them by bashing educators; you fix them by making an investment in the things that we know work.

I want to turn to a few investments that we should be making in our final budget plan. It is our last chance this year to do the right thing for America's students. Let me start with making classrooms less crowded. We know our classrooms are overcrowded and we know that students can learn the basics, with fewer discipline problems, in less crowded classrooms.

Parents know it, students know it, teachers know it, and studies show it.

Two years ago, we made an investment in making classrooms less crowded. I am pleased to report that the investment is paying off for America's students. It is making a positive difference in their education. We gave local school districts the money to go out and hire more than 29,000 new qualified teachers for the early grades. And today, 1.7 million students are learning in less crowded classrooms.

Our goal is to hire 100,000 new teachers. You would think that with the success we have had so far, there would be no question that we would keep our commitment to reducing class size. But that is not the case in this Congress. Right now, there is no guarantee that schools across the country will have funding guaranteed to reduce classroom overcrowding. Some of my colleagues on the Republican side say we don't need to commit money for class size reduction. They say if schools want to hire teachers, let them take the money out of title VI funding.

Reducing overcrowding should not be done at the expense of something else. That money should be there—guaranteed to make a positive difference for students.

In this debate, two things have been forgotten. First, part of the Federal role is to help disadvantaged students. The class size program is set up to target funding to low-income schools. If you dump that program into a block grant, there is no guarantee that it will be focused toward disadvantaged students. Title I, homeless and migrant education programs are all targeted to ensure that disadvantaged students get the help they need. A block grant offers no guarantees.

The second point overlooked in this debate is the importance of accountability. Under a block grant, there is no guarantee this money will go to hire new teachers.

Block grants mean less accountability. Right now, we can show that money was spent and how it is making a difference. If the money is block granted, we have no idea if it is making classrooms less crowded. Today, everybody is talking about accountability, and the best way to ensure accountability is to show that Federal dollars are being spent in a specific, targeted way to reach a specific goal. If we put Federal education funding into a block grant, there is no way to keep that money accountable. Class size is just one of the areas in which we need to invest.

Let me mention another: school construction and modernization. Today, too many students enter school buildings that are crumbling or that have major safety hazards. In fact, 7 million students attend schools with safety code violations, including the presence of asbestos, lead paint, or radon in ceilings or walls. Almost 16 million students in this country attend schools without proper heating, ventilation, or air-conditioning. And too many of our schools don't have the technological infrastructure to meet our students' needs. For example, in our poorest schools, only 39 percent of classrooms have Internet access. We need to pass legislation that will give local school districts the financial help they need to build new schools and to modernize old ones.

I want to turn to teacher quality. We can help ensure that every teacher in America is fully qualified and has the tools and the support to help our children reach their full potential. Today, there are thousands of world-class, high-quality teachers in our schools. They are professionals. They care deeply about the quality of our children's education, and any of us would be lucky to have our children learn from them. But the current system makes it harder and harder for teachers to really do their best. Instead of offering them the support they need to make a difference, the current system puts roadblocks in front of too many teachers.

Teachers and parents have told me that the main challenges are the three R's: recruiting great teachers, retaining great teachers, and rewarding great teachers.

We need to recruit young people into the teaching profession. We need effective, ongoing, professional development programs that are aligned with local standards and curricula. We need efforts to boost pay for great teachers and to raise respect for educators. In the closing weeks of the 106th session, we should be supporting efforts to improve teacher quality.

Finally, the subject of accountability. We should not accept defeat or give up on our Nation's schools. We need to identify schools that need extra help and turn those schools around.

It is late in the legislative process, and we are in a rush to end this year's session. Let's remember one thing. America's students didn't create this rush. I am standing here today and I will be fighting to make sure that our students are not penalized because this Senate failed to do its work. I know my colleagues are eager to go home, but we still have time to do the right thing. We still have time to support the work that local educators, students, and parents are doing. The way to do it isn't to bash public schools but to put Federal dollars where they will help the most and to keep those dollars accountable. The way to do that is to invest in things that we know work, such as smaller classes, modern facilities, fully qualified teachers, and accountability. It is not too late to do the right thing.

Parents, teachers, and students across this country are counting on us to do our part as a responsible Federal partner. Let's not let them down.

Thank you, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLARD). Without objection, it is so ordered.

106TH CONGRESS

Mr. THOMAS. Mr. President, I think the focus today, as we move toward the appropriations bills, is education. It has been a focus during this whole Congress. I saw some figures that we spent a total, in the 106th Congress, of 5 weeks talking about education. That is indicative, I believe, of the importance all citizens place on education. I don't think anyone would say education isn't a very high priority for everyone.

The question is, How is the role of the Federal Government best created? In my view, one of the important things is to have some assistance from the Federal Government, to have some financial assistance. We also are in a system where people move about and are educated in one place and work in another place. There has to be some continuity or accountability that each of us is educated enough to be able to be successful.

One of the most important issues is who makes the decisions with regard to individual school systems. I think the Republicans, working on this side of the aisle, have had a very strong agenda for education, returning control to the parents for sending dollars to the classroom, dollars to States and local school boards so they can make the decisions that are necessary to be made in that particular school, give families greater educational choice, support exceptional teachers, and focus on basic academics, stressing accountability.

I have always thought, as a member of the Wyoming legislature, we cannot have a good school system without the dollars. Dollars alone do not necessarily result in a good school system. There has to be some accountability as well.

Of course, on the Federal level, the needs in Chugwater, WY, are quite different from those in Pittsburgh. Many

things are that way. There needs to be flexibility; in one particular school, perhaps what is most needed is to build a new school or replace the old school; in another school, what is needed is computers, teacher training, or more academic materials. ''One size fits all'' does not work. Frankly, that has been the underlying difficulty in this entire debate.

The President of the United States will be here this afternoon pushing for his plan so bureaucrats in Washington can decide and dictate what the Federal dollars are spent for. On the other side of that argument, we have given more dollars to the budget than even the President asked for. We are saying those ought to offer flexibility so local people can decide the best use for the dollars, yet with accountability for the taxpayers' dollars.

The Democratic approach has been a series of mandates: 100,000 federally funded teachers, federally funded school construction, federally funded afterschool. All those are fine if that is the priority in your particular school district. However, we are not in the business of having a bureaucracy in Washington make those decisions.

There have been difficulties moving forward:

The Taxpayer Relief Act, vetoed by the President, over $500 million in family tax relief—families could have used that money at any level to have supported schools;

Passing the Ed-Flex bill, with Federal requirements being waived if they are interfering with what they seek to do.

These are the items we are debating with regard to education.

We are, hopefully, near the end of this session. We will wind up next week. We have accomplished quite a number of things. Some people talk about a do-nothing Congress, which absolutely is not the case. The Republicans have balanced the budget, pushed forward and obtained the balanced budget in 1998, the first time since 1969 we have had a balanced budget. We saw that because of some restraints on spending, because of the flourishing economy bringing in more dollars. Nevertheless, it is the first time we have had enough dollars to balance the budget outside of Social Security dollars. We have changed the deficits to surpluses and lowered interest rates, paid down the debt $360 billion over the past 3 years.

In addition to that, of course, at the same time, Republicans have lowered the tax burden over the next 5 years. The tax cuts will provide the average household with almost $2,000 in tax relief. We enacted the $500 child tax credit that keeps $70 billion in the checking accounts for 25 million families. These are important things. We created the individual retirement accounts with IRAs to help families save more money, help people prepare for their own retirement, so that Social Security is a supplement, as it was designed to be.

The Republicans have stopped the raid on the Social Security trust fund and set aside Social Security funds so that they will be spent on Social Security and not borrowed and spent for other programs. We need to ensure that continues to be the case.

Welfare has been reformed and has helped Americans go back to work. In 1995, there were 13 million Americans on welfare. In 1996, there was reform, helping more than 6 million of those, nearly half, to be now employed—to be able to sustain themselves. That is really the purpose of Government programs. It is not to have a continuing source of relief but to provide an opportunity to help people help themselves, which not only is a good issue governmentally but, of course, individually it is something that is so important.

We strengthened the military. More needs to be done. We find ourselves in the situation where we have had more military deployments out of this country over the past 6 or 8 years than we have ever had in the past. We find ourselves, of course, in sort of a semipeaceful time but with a voluntary military, so we have to be able to compete somewhat with the private sector in pay so people will join. It is not only in the recruiting, of course, but the maintenance of people who have been trained so they will stay in the military. We have done that. We need to do more, of course.

We need to change the military. Our needs are different than they were 20 years ago. We are not going to see ourselves having to send 12 divisions with tanks somewhere. We are going to see ourselves with smaller, more flexible combat units moved quickly to a place with enough support to stay there for some time.

These are some of the things that continue to be important. I hope we continue to focus on them. Our job now, of course, is to get out about three or five more appropriations bills and fund those programs. I am a little discouraged at the amount of spending we have had this time. Much of that has come from pressure from that side of the aisle and the White House. They will not agree to appropriations bills unless they have all the things in them the President wants. He is entitled to do that. But this is one of the three units of Government, a separate unit. We ought to do those things we think are right and the President can do what he thinks is right. But I hope we do not get ourselves into a position where the President is deciding what we in the Congress do. That is not the system. We ought not be doing it that way.

I look forward to us moving forward, completing our work, and coming back with a new Congress, able to take a look at where we are going. I hope each of us, as Americans, gives some thought to where we would like to be, where we would like to see these various programs go—regardless of which you are looking at; whether you are looking at education; whether you are looking at reregulation of electricity; whether you are looking at the military. One of the difficulties is we move forward many times and make decisions that impact those issues without having a very clear-cut image of where we want to go. It is a little like Alice in Wonderland where she was wandering around and no one was able to tell her anything. She finally saw the Cheshire cat. There was a fork in the road and she said, ''Which one should I take?'' The cat said, ''Where are you going?'' ''I don't know,'' Alice replied. The cat said, ''Then it doesn't make any difference which road you take.''

That is true. So we need to come with an idea of what our goal or mission is, where we want to end up over a period of time in education, and what are the steps we can best take to ensure that happens. Regarding Social Security, where do we want to be in 20 years or 30 years? These people who are paying in 12.5 percent of their salaries into Social Security, are they going to have benefits 40 years from now when they are entitled to them? Not unless we make some changes.

The choices are fairly clear. You can raise taxes; people are not excited about that. You can cut benefits; that is probably not a good idea. One of the alternatives we are pursuing, and there may be others, is to take a portion of the Social Security dollars that have been paid in over time by younger people to make that decision for themselves—take a portion of that and have it invested on their behalf in their accounts in the private sector so the return, instead of being 2.5 percent, could be 5 percent or 6 percent.

People say: Well, look at the market now. Look at the market over time. The market over each 10-year period has grown fairly substantially.

So these are some of the things I hope we consider. I hope we consider them promptly so we are out next week.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, are we in morning business?

The PRESIDING OFFICER. We are in morning business.

Mr. KENNEDY. Is there a time limitation?

The PRESIDING OFFICER. The Senator has 31 minutes.

Mr. KENNEDY. I thank the Chair.

FOCUSING ON PRIORITIES

Mr. KENNEDY. Mr. President, as we are coming into the final hours, the final days of the Senate session, there are still a number of measures which

need focus and attention and priority. I welcome the leadership that is being provided now by the President and a number of our colleagues to try to make sure that before we leave town we try to remedy a situation that has developed since we passed the Balanced Budget Act in 1997. Included in that balanced budget effort were cuts that were directed to the health care providers. It was estimated at that particular time that the cuts would be about $100 billion. What we have found out over the last several years is that the projected cuts have been well over $200 billion. As a result, there have been unintended consequences that have developed.

It seems only fair that when we look at the steps that were taken in the past that resulted, and continue to result today, in some very dramatic adverse impacts to a number of different providers in our health care industry, that we remedy that situation. It is particularly important to remedy their situation when we have the fortuitous economic situation in terms of the surplus that we are faced with.

I doubt very much—in fact, I am quite sure—that if we had known in 1997 the actual impact the projected cuts were going to have on health care providers, that those particular provisions of the Balanced Budget Act would have been successful. I am sure they would not have been successful. I certainly would not have voted for those provisions.

But I welcome the opportunity to join with a number of our colleagues to try to remedy the situation. It is the responsible thing to do. It is absolutely necessary. It is not only affecting many of our excellent health care providers in our urban areas, but it also reaches out to many rural communities.

We have had an excellent presentation from our friends as to what these cuts have meant for rural health care and rural health care providers. Let me mention, for a few moments, what is happening to some of the different health care providers now.

We are very fortunate in Massachusetts to have some of the best teaching hospitals in the world. These teaching hospitals are the backbone of our quality health care system in America and the world.

We are facing many challenges in our health care system. The most obvious one today is a Medicare prescription drug benefit. That is the challenge that comes first to the minds of people when we talk about health care needs and needed changes in our Medicare system. That is a very legitimate challenge. We think of our Patients' Bill of Rights. Many of us deplore the fact that we have not addressed these issues in the Senate.

It is irresponsible that we have not taken action on a Patients' Bill of Rights. Although we have a majority of the Members of the House and a majority of the Members of the Senate in favor of a strong Patients' Bill of Rights, still we are denied the opportunity of addressing the issue. We know that every day we fail to do so, there are tens of thousands of Americans who are suffering as a result.

We are unable to free ourselves from the power of the HMO industry to successfully pass legislation that would allow doctors to make health care decisions, unfettered by the decisions of bean counters from the HMOs who are more interested in profits than in the health of individuals. That is certainly one very important issue. I think we fail in this Congress by the fact that we have not addressed it.

I am constantly amazed as I travel around my State, and the States of Pennsylvania and New York and a few other places where there are candidates running for Congress. One of the first pieces of legislation they say they support is a Patients' Bill of Rights, which obviously has nothing to do with the strong Patients' Bill of Rights that has been supported by more than 300 health providers representing women and children and the disabled, cancer research groups, the doctors, the nurses, the medical professionals. That is one issue. The second, as I mentioned, is a prescription drug benefit.

We also are now focusing on teaching hospitals. These are the hospitals that provide the training and teaching for our future medical professionals including doctors, some of the applied health professionals, and advanced practice nurses. We have the best teaching hospitals in the world. We ought to keep them healthy, not endanger them. By not providing a healthy and robust provision in legislation in these final 2 days, we risk endangering our teaching hospitals.

What do these teaching hospitals do? No. 1, they provide the best teaching. Secondly, they provide about 30 percent of the indigent care in our country, primarily—obviously—in the communities in which they serve. They play a very important role in providing health care to those who have no health insurance. Third, they are also the places that are developing the new technologies and techniques used in treating some of the most complicated cases. From there the research disseminates; other hospitals and other health care delivery centers benefit from the research done at teaching hospitals.

These teaching hospitals are really the jewels of our health care system, and we cannot put them at risk. And they are at risk. The proposal that is being advanced by the Republicans is basically a nice blank check to the HMOs, the industry that is leading the fight against the Patients' Bill of Rights. Yet there is no guarantee that they will continue to provide health care to people in our society or to Medicare recipients. More than 900,000 Medicare recipients will be dropped from HMOs next year. Yet we find the Republicans shoveling billions of dollars into HMO coffers without any assurance that they will use those resources to look after the elderly. The Republicans are shoveling the funds into HMOs rather than investing in a prescription drug program for our seniors.

We know we have the teaching hospitals on the one hand. Next we have the community hospitals. The community hospitals are the backbone of health care delivery in our communities. They are the primary health delivery provider in communities all across this country. They have an irreplaceable position. They are exceedingly hard pressed and stressed in being able to perform this function. They need some relief. Any legislation ought to have provisions in it to help provide needed assistance to community hospitals.

Then there is the home health care system—the visiting nurses, home health care agencies. We have seen a significant decline in home health care agencies and home health care services generally. At a time when our senior population is going to double over the next 20–25 years, we are seeing a significant decline in home health care services, which makes absolutely no sense. We end up finding out that if patients aren't going to be able to receive home health care services, they will have to go into the more costly hospitals and nursing homes. It makes no sense from a health standpoint, and it certainly makes no sense from a humane standpoint.

Our nursing homes are facing bankruptcy in increasing numbers. We have seen scores of bankruptcies of nursing homes in my own State of Massachusetts. The number of nursing homes going bankrupt is increasing every single day. They are in desperate straits. Not only are they in desperate straits, but other health care providers, such as the hospice program that provides such important help and assistance to those who have terminal illnesses, are in desperate straits as well.

It isn't just those of us who have these facilities in our States. We have heard eloquent statements from those who come from rural areas. We want to work with them as well. We are not trying to rob Peter to pay Paul. We ought to have something that is going to address the needs of rural areas, and we welcome the opportunity to work with our colleagues.

Under the leadership of Senator DASCHLE and Senator REID, Senator MOYNIHAN on the Finance Committee, Senator BAUCUS, and others, an excellent program has been developed from our side. We want to try to make sure that that is going to be considered. We don't want to be shut out of the process, as we are shut out of a lot of issues here.

We have heard a good deal of debate about desiring bipartisanship. Well, for a good part of the time I have been in the Senate, when we had these kinds of matters that needed to be discussed or debated, we had Republican and Democratic leaders working these matters

out with the Administration. But we are finding out that this apparently is a solo flight by our Republican friends, to the great disadvantage of our health care system. That makes no sense.

The President has indicated he would veto this early proposal that has been put forward by the Republicans as a nonstarter. I certainly would defend that position and welcome the opportunity to discuss it or debate it, whatever will be necessary, because their proposal just does not do the job. It is one of the key remaining issues we have as we come to the end of this session.

Finally, I do hope we will be able to have included in the final wrap-up in our balanced budget refinement the Grassley-Kennedy bill that helps parents of children who have disabilities. Last year, in a bipartisan effort, we developed legislation that permitted those individuals who were disabled to go into the labor market and not lose their health insurance. We had a good debate on it. We passed it. Now we find people saying, Why did it take you so long? What is happening is these individuals are moving towards greater independence and self-reliance. They are becoming taxpayers and paying into the public system rather than just drawing from it. It has taken a good deal of time to achieve, but it has been enormously important.

What we are saying now, Senator GRASSLEY and I—and I pay tribute to Senator GRASSLEY for the hard work he has done on this in the Finance Committee—is help parents who have children with severe disabilities. So many parents have children who have severe disabilities. The parents are unable to take any increase or any enhancement of their own pay because if they do, they will no longer qualify for Medicaid. And if they no longer qualify for Medicaid, they lose the health care they get for their children under Medicaid, and they can't afford the health care bills. These parents have to refuse pay increases and advancement to remain below the income levels for Medicaid coverage. Of course, this not only does an enormous disservice to that individual but also to the other members of the family.

Many of these children with severe disabilities have brothers and sisters, yet the parent still has to work at a wage below the Medicaid level in order to qualify for health coverage of their children. It makes no sense. It is wrong. We have legislation that will address it, and we hope that will be considered.

We say once again that the proposal our Republican friends are putting forth is a nonstarter, because we know what they are trying to do; that is, to give a great bundle of cash—so to speak a blank check—to the HMOs that have been resisting our ability to take actions to protect American patients. It makes no sense. It is unfair, and it is fundamentally wrong.

We are going to do everything we can to try to fashion a proposal that is balanced, fair, and that really meets the health care needs of our people.

EDUCATION AND HEALTH CARE

Mr. KENNEDY. Mr. President, on Tuesday night the American people witnessed the third and final Presidential debate between Vice President AL GORE and Governor Bush.

We are now less than 3 weeks away from the election. As the debate demonstrated, the choices for the American people could not be clearer.

Are we going to continue the economic prosperity of the past 8 years? Or are we going to waste it on excessive tax breaks for the wealthiest one percent of Americans?

I remember in 1981 when the economic program of then President Reagan came to the Congress. It had the same kind of rhetoric around it. We are going to cut all of the taxes and increase defense spending and balance the budget, all at the same time. During that period of time, only a handful of us voted against it. It was so clear and obvious at that time that we were going to move into large deficits, which we eventually did—deficits in the hundreds of billions of dollars.

I am always amused to hear from others who say it really wasn't the establishment of economic policies; it was just the American energy. If it had been the American energy, why wasn't it the American energy when we were running up deficits? It is quite clear that you had two entirely different economic policies that were being followed. One was a disaster.

I am always interested in the fact that it was President Bush who called Ronald Reagan's proposal ''voodoo economics.''

Now we are coming right on back again to that similar kind of proposal of excessive tax breaks for wealthy individuals. That is the heart and soul of the Bush proposal, although it was difficult to quite understand what it was following the debate the other evening.

Are we going to continue to have balanced Federal budgets? Or are we going to return to the bad old days of trickle-down economics that created the biggest deficits in our history?

And perhaps most importantly—are we going to stand with working families to make the critical investments in education and health care that are needed to help children, help parents, help working men and women, and help senior citizens in their retirement years?

These issues are critical not only for the Presidential race but in Congress as well.

Governor Bush and the Republicans like to talk education and health care. But look what has happened in this Congress. For the first time in 35 years, they have not reauthorized the Elementary and Secondary Education Act. They are 3 weeks late in providing the needed funds for the Nation's public schools.

The time has expired. The new fiscal year is here. Yet we haven't done our business. We always leave the appropriations bill which funds the schools in this country for last.

It is always interesting to me to hear and watch these promises that are made by the Republican leadership on education.

On January 6, 1999, Senator LOTT said:

> Education is going to be the central issue this year. . . . For starters, we must reauthorize the Elementary and Secondary Education Act.

On January 29, 1999, he said:

> But education is going to have a lot of attention, and it's not going to just be words.

On June 22, 1999 the Majority Leader stated:

> Education is Number one on the agenda for Republicans in the Congress.

On February 1, 2000 he said:

> We're going to work very hard on education. I have emphasized that every year I've been majority leader. . . . And Republicans are committed to doing that.

On February 3, 2000:

> We must reauthorize the Elementary and Secondary Education Act. . . Education will be a high priority in this Congress.

On May 1,2000:

> This is very important legislation. I hope we can debate it seriously and have amendments in the education area. Let's talk education.

Why don't you bring up the appropriations to fund education? Why is it 3 weeks late? Why is it the last appropriations bill? Why is it that we didn't reauthorize it? Don't come and tell American families that education is number one in your priorities when for the first time in 35 years we don't have a reauthorization.

What is the Republican leadership going to do? They are calling the bankruptcy bill back up—the bankruptcy bill. We had 14 days and 55 amendments on that bill. But that isn't enough. They are going to call that up later on for a vote this afternoon. They are going to try to jam that bill, which benefits a small group of credit card companies, rather than deal with the education of American families. That is their priority. Any American family can understand that.

We are here. We are prepared to deal with the education program. Oh, no. We can't do that. We are going to go back to bankruptcy which is so important. Important for whom? Important for the credit card companies. Just as in their patients' bill of rights, they have not been able to quote a single health organization in the country that supports them because it is fraudulent. Every health group in the country supports the proposal that was passed by a bipartisan majority in the House of Representatives, and that was supported by the Democrats and a few Republicans in the Senate. Every health organization—over 300 of them.

Now we have the industry itself saying no, no—the HMOs saying don't pass the good bill, because we don't want it. Now what happens? The credit card industry says they want this bill. And

what happens? The Republican leadership is trying to jam that right down here. What has happened to education in between? Not only are we not reauthorizing it, but we are not funding it. It is 3 weeks late already.

What happened to children in this country? If they hand their homework in 3 weeks late, they would be in the principal's office. They would be getting some kind of discipline in any school in the country. But, nonetheless, we are 3 weeks late. We haven't reauthorized it, and the appropriations have not been finished.

I hope our friends on the other side are going to ease off when they talk about how committed their party is on education. I hope they are going to at least have the decency not to try to say: Oh, yes. We are really interested in education—we really do care about it.

I was here when one of the first things the Republican leadership did in 1995 was to rescind some $1.7 billion that had been appropriated—the greatest rescission on any single bill that I can remember in my service in 38 years. On what subject? Education. Who offered it? Republicans. How many supported it? Virtually the whole Republican Party.

I was here a few years later after we were able to dull some of those rescissions when they came back and tried to abolish the Department of Education. Who offered it? Republicans. Who supported it? The Republican Party. Who opposed it? We did. Not just because it is an agency, but because many of us believe that any President ought to have in the Cabinet office someone talking about education every time that Cabinet meets.

That is why we need a Department of Education. We have a department for housing. We have a department for the interior lands of this country. Many believe we ought to have a department for education. Not the Republicans. No, they wanted to abolish it.

We have the rescinding of education funding. We have proposals to abolish the Department of Education. We have the refusal to authorize the Elementary and Secondary Education Act, and we have the denying of funding of the existing law—3 weeks late. That happens to be the record.

Now, we watched the other night the Republican candidate for office talking about how concerned they were. I wish he had called up our majority leader and said: Look, I am interested in education; why don't you take that up?

Let's take up our proposals. We know what they are. We are prepared to vote on them. We are prepared to take those to the American people. Why isn't the other side prepared to do it? What are they so frightened of? What are they so scared of?

All we have is silence. We have this empty Chamber where all of these other deals are going on—All these other deals that are not on education. They are on how we can try and get bankruptcy that will basically undermine families who in many instances are hard pressed, mothers who have not been able to get their alimony or child support and are going into bankruptcy. Half the bankruptcies are a result of health care costs for older workers. We cannot wait in order to draw out the last few dollars from those individuals for the credit card companies and shuffle aside education. That is what is happening. The American people ought to begin to understand it.

The Republican leadership keeps on saying how important education is. On July 10, 2000 the majority leader said:

> I, too, would very much like to see us complete the Elementary and Secondary Education Act. . . . I feel strongly about getting it done. . . . We can work day and night for the next 3 weeks.

On July 25, 2000 he said:

> We will keep trying to find a way to go back to this legislation this year and get it completed.

Mr. President, SAT scores are the highest in 30 years. They have not moved up greatly, but they are going in the right direction for males and females. Of course, it isn't going in the right direction in the State of Texas. Texas falls below the national average on SAT scores between 1997–2000. The national scores are going up a little bit in the right direction. Texas is going along in the wrong direction for SAT scores.

We have heard a great deal about what happened to the children in the State of Texas, being 48th of 50 for the number of children that are covered by health insurance. The other night, Governor Bush was talking about what a high priority they put on education and what they have done on education.

This tells the story. These are the SAT scores, standard scores. This reflects the national average moving up over the last 3 years, while Texas has been moving down the last 3 years. We don't have any explanation. I know the Vice President didn't want to appear negative, but the fact is, I don't think drawing out what the records are should be considered negative. These are the facts. The American people ought to be able to understand them. The national average has gone up; in Texas the scores have gone down.

I was here 30 years before we ever had a vote on education. We had Democratic chairs and Republican chairs. We had Senator Stafford, the education chairman of our committee; Senator Pell was the chairman. During that period of time, education was never a partisan issue. The American people don't want it to be partisan. But it is now. It is when you refuse to let us debate it and abide by the outcome. That is wrong. We ought to fund the education for the children in this country. The Republican leadership has not done it. We ought to be dealing with the education reauthorization prior to bankruptcy and other priorities, and the Republican leadership refuses to do it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

EDUCATION

Mr. BENNETT. Mr. President, I listened with interest to my colleague from Massachusetts. I am always interested as he holds forth on these issues about which he feels passionately, and I congratulate him on his passion.

I have a similar commitment to education but a rather different view of things. Let me review again, as I have in this Chamber before, my own experience with respect to education that causes me to come to a different opinion and a different position than that of the senior Senator from Massachusetts.

As I have related to the Senate before, I was happy in a business career when I received a phone call that asked me to serve as chairman of the Strategic Planning Commission of the Utah State Board of Education. That got me into educational issues and actually started me down the road out of corporate life and into public life, ultimately leading me here to the Senate.

Apropos of the things that the Senator from Massachusetts has said, I share an experience I had that resonated with the comment that Governor Bush made the other night. The Senator from Massachusetts has already referred to the debate between the two Presidential candidates, so I think it is appropriate I should go there, as well.

We started, in my education about what happens in education by talking about the money. That is always a good place to start. Start with the numbers, start with the dollars. The dollars pretty much drive everything else.

I looked at the various things that were being done in the State of Utah, some of which struck me, as a businessman, as being maybe a lesser priority than some other areas. I asked the question: Who sets the priorities? Who determines that we spend more money on topic A than topic C? I was told, that is the Federal Government. The Federal Government puts up matching funds and requires that the States come up with their match, and the Federal Government determines that topic A will be topic A, topic B will be topic B, and so on.

I looked at some of the programs. I said, we would be better off in Utah if we spent that money on something else. Our needs in Utah are different than the needs in other States. Maybe it is nice to have the Federal dollars, but why don't we tell the Feds, sorry, we won't take your dollars for topic A, because for us topic C or topic D should be topic A, so we will forego the Federal dollars, and we will take the money that we have been forced to put up as matching dollars and spend it on our priorities.

The fellow who was briefing me on this kind of smiled at how naive I was, how foolish a notion that was. He said:

You can't do that. The Federal Government will sue you and will win. They have already sued States that tried to do that and won.

So if the Federal Government says this is what you have to spend your money on, then you have no choice but to do that, even if it is not in the best interests of the schoolchildren in your State.

That was a disappointing thing for me to realize, but I thought: OK, we are dealing with 50-cent dollars here, at least. We are putting up matching funds. So the Feds put up 50 cents and we put up 50 cents, so it is not hurting us quite as badly to be spending 50-cent dollars on a project we would not have chosen.

Once again, smiles of indulgence on the part of the fellow who was briefing me. He said:

No, no, you don't understand, BOB. The State doesn't put up 50 cents. The State puts up 80 cents, the State puts up 90 cents. When we say matching dollars, we don't mean matching dollar for dollar; we mean the Feds put up 5 percent or 10 percent or, if they are feeling really generous, 15 percent or 20 percent. But the States are required to put up the rest of it.

I thought: That is really not fair. That is not a good deal. That is controlling the direction of education everywhere with a small amount of money. I thought: There is something wrong with that. I looked into it. I found that the only program where the Federal Government puts up half or more of the money in so-called matching funds is school lunch—which is not an educational program; it is a welfare program. I have nothing against school lunch. Indeed, I recognize that there is a great need for school lunch. I am a supporter of school lunch. But let us not stand here and say that, because the Feds put up more money for school lunch percentagewise than anything else, they are making a major contribution to education.

When Governor Bush was speaking about this the other night, he made this point that went by many people but that I would like to focus on here. He said the Federal Government puts up about 6 percent of the money but they control—if my memory is correct from what the Governor said—60 percent of the strings.

I don't know whether that 60 percent is exactly right, but it is in the ball park, and I will use that figure because that is what my memory says. Six percent of the money, but they control 60 percent of the strings that are attached to that money. So the people in Utah, Colorado, or Arizona or, yes, Massachusetts, have to jump through the Federal hoops with the 96 cents that they put into every dollar spent on education, jumping through at the dictate of the people who put up the 6 cents.

Here is the fundamental difference we need to confront when we have this debate on education, the fundamental difference between the Republicans and the Democrats, between those who are demanding we put more money into the present system, as does the Senator from Massachusetts, and those who are saying let's experiment a little bit. The fundamental difference is, Who should be allowed to call the shots? The people closest to the problem, the people facing the children day by day, the people administering the schools on a regular basis in their home communities? Or the people in Washington, DC? Who should make the ultimate decisions about education?

Let me make it clear, I am not calling for the abolition of the Department of Education. The senior Senator from Massachusetts would seem to be very upset that somebody suggested we abolish the Department of Education. I have never made that suggestion, so I am on his side on that one. I agree there should be a voice at the Cabinet level talking about education. But I do not think the voice at the Cabinet level that is talking to the President about education should be the voice at the school board level, talking to the principal of the school where my grandchildren go about education.

I have to talk about my grandchildren now because all of my children have graduated. All of them are out of school, out of college, raising families, pursuing careers. But there was a time with six children—seven, actually, because we had a foster child in our home for 4 years—when I spent a lot of time at school board meetings. I went to school board meetings and listened to them discuss the budgets. I recognized that there were differences within the school district, between schools. I heard them debate about how they were going to take care of problems in this middle school that were different from problems in that middle school. I recognize that is where the rubber meets the road. That is where the decisions have to be made. That is where the problems really arise.

I do not think there is anybody in Washington who can differentiate between the problems in this middle school in the Las Virgenes School District in California, where my children went, and that middle school in Las Virgenes School District in California where my children went. I don't think there are very many people in Washington who have ever heard of the Las Virgenes School District in California where my children went. That is the issue. That is what we are talking about.

The Senator from Massachusetts says the Republicans don't care about Massachusetts because all they do is block all of our efforts to go forward with a massive Federal program in education. Yes, we do try to block some of those efforts. Not because we are saying the Federal Government should have no role in education, but we are saying the Federal Government should begin to trust people at the local level to make their own decisions. It is a fundamental difference. We saw it in the debates the other night. We are saying it on the floor now.

Whom do you trust? Do you trust the Federal Government and the Federal bureaucracy and the Federal Department of Education as the ultimate authority as to what should be done or do you trust the people who are closest to the problem to decide what should be done? It should be a partnership, not a dictatorship. It seems to me someone who puts up 6 percent of the money, who then controls 60 percent of the decisions, is getting close to dictatorship and not partnership.

At the State level, I found myself resenting it. Now that I have come to the Federal level, I bring that bias with me. I continue to resent it. I continue to think we would be better off if we said those who are putting up 6 percent of the money have an opinion, have a role to play, they have a function they can perform that no one else can perform, but when it comes to the nitty-gritty of the daily decisions, those who are putting up 6 percent of the money should yield to the decisionmaking power of those who are putting up 94 percent of the money and doing virtually 100 percent of the work.

Let's look at this Congress. The Senator from Massachusetts attacked the record of this Congress on education and said we have not done anything. We have. For example, we passed the education savings accounts which would have put more power in the hands of individuals and parents. Once again, the fundamental difference: Whom do you trust?

The education savings account bill, which was cosponsored by the chairman of the Democratic Senatorial Campaign Committee, the Senator from New Jersey, Mr. TORRICELLI, would have put more power in the hands of individuals, and the President vetoed it. The President vetoed an education bill on the grounds that it would have taken power away from the Washington establishment and put power in the hands of the parents.

It is not fair to stand here on this floor and say, regardless of the decibel level at which you say it, that this Congress has done nothing about education, because we have passed education bills that the President has vetoed and he has vetoed it on this basic issue.

Straight A's: This is a bill, we call it the Academic Achievements for All Act—Straight A's Act. It was supported by the Senator from Georgia who used to occupy this place on the Senate floor, Mr. Coverdell.

The Democrats blocked it. The Democrats said the President will veto it. The Democrats said: No, we cannot allow this kind of flexibility at the local level. We must continue to dictate to the local people what will happen with respect to education.

Once again, those who put up 6 percent of the money control 60 percent of the strings, and they are using their 6 percent of the money to dictate to the people at the local level how things should be.

I remember the debate on the Elementary and Secondary Education Act. We have had that debate. I regret that it did not result in the passing of the act, but one of the reasons it did not result in the passing of the act was because of blocking efforts on the part of the Democrats to a Republican proposal that would have given States, on an experimental basis, the opportunity to try something new. There was no dictating in the position of the Senator from Washington, Mr. GORTON, that said States have to try this. His amendment said if a State thinks the present system is wonderful, the State can continue to receive money with the present system. They can continue to accept those 60 percent of the strings. They can continue to do exactly what they are doing.

What if a State does not want to do it quite that way? What if a State wants to experiment in a very tentative fashion with something new? Let's give them the opportunity to try it. The senior Senator from Massachusetts was one of the first to take the floor and roar that we must not allow that kind of experimentation. We must not allow anyone to try anything different.

Look at the States that are making progress. And, yes, look at the State of Texas. Look at the progress that has been made among Hispanic students, the progress that has been made among black students—the progress that has been made among minorities generally in the State of Texas. It leads the national average. It is a record of extremely beneficial accomplishment, and it is taking place in the early grades where it needs to take place because if you wait until the time they get to the SAT scores, it is too late.

If you want to look at SAT scores, you are looking at high school students, and the high school students in Texas were cheated by the administrations in Texas that were there prior to the time Governor Bush took over. It is in the lower grades where they are seeing the fruits of the activities in Texas where they are trusting people, trusting the locals, giving the opportunities that need to be given to those who need education the most.

The white middle-class suburban kids do pretty well in this country in almost every State in which they live. The real educational crisis is among the minorities. The real educational crisis is among those people who live in the inner cities and do not have the opportunities that come to the white middle-class suburban kids. Let's be honest and straightforward about that.

It is very interesting. Who has led the fight, which seems to upset the senior Senator from Massachusetts more than any other, for experimentation with vouchers? It has been Polly Williams, an inner-city representative of a minority, a black member of the State legislature. She comes from Milwaukee, and she has led the fight not for the rich, not for the upper 1 percent, not for the other groups that have been demonized in this political campaign. She has led the fight for poor inner-city kids. She has won the fight, and the fight in Milwaukee is over. If you run for an educational position in Milwaukee now, you better be for vouchers because the public has seen it and has embraced it, and it is now the strong majority position.

It comes down to this fundamental question when we talk about money: Do you want to fund the individual or do you want to fund the system? We say let's fund the individual and let the individual take the money wherever he wants to go. They say: Oh, no; that's terrible. He might take it to a—dare we say it?—religious school. He might take the money in such a way that violates the separation of church and State. We can't have that.

In what is considered the most successful social program since the Second World War, we did exactly that. We gave the money to individuals, and we said to them: We don't care what you do with it; just use it to get an education. I am talking, of course, about the GI bill. When we said to the GIs who came home from World War II, ''We are going to give you money to go to school,'' we did not say, ''We are going to pick the institutions that will receive this money and then you go petition for it.'' We just said if they served in the Armed Forces, they have the money under the GI bill of rights. And if they wanted to go to Notre Dame and study to be a Catholic priest, they could do that and nobody was going to claim that was somehow a violation of the separation of church and State.

We said if they want to take the money and go to Oral Roberts University, they could do that. It may well be Oral Roberts University did not exist under the GI bill—I am not sure—but the principle still holds. If they wanted to go to Harvard, if they wanted to go to Wellesley, if they wanted to go to Ohio State University, or if they wanted to go to Baylor or Southern Methodist—they pick the school and the money follows the individual, giving the individual power, and America is the better for it. That is what we are talking about here. The money should go where it will do the individual the most good and not be controlled out of Washington that puts up 6 cents out of every educational dollar and then wants to make 60 percent of every educational decision.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, at 12:29 p.m., the Senate recessed until 2:17 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

The PRESIDING OFFICER. The Senator from Missouri.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT APPROPRIATIONS ACT, 2001—CONFERENCE REPORT

Mr. BOND. Mr. President, I ask unanimous consent that the Senate now begin consideration of the conference report to accompany H.R. 4635, the VA–HUD appropriations bill, notwithstanding the receipt of the papers, and it be considered as having been read and the conference report be considered under the following agreement: 30 minutes under the control of Senator GRAHAM of Florida, 10 minutes equally divided between Senators BOND and MIKULSKI, 20 minutes equally divided between Senators DOMENICI and REID, and 10 minutes equally divided between Senators STEVENS and BYRD. I further ask consent that at the conclusion or yielding back of time, the Senate proceed to vote on adoption of the conference report without any intervening action, motion, or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate proceeded to consider the conference report.

(The report was printed in the House proceedings of the RECORD of October 18, 2000.)

Mr. BOND. Mr. President, for the information of all Members, let me point out that at the request of the leadership on both sides of the aisle, we are moving forward and hope to have a vote, certainly no later than 3:30 this afternoon, because we do need to get this measure passed, as well as several others.

I will take just a few minutes of my time now. I am pleased to present to the Senate the conference report to H.R. 4635, the VA–HUD appropriations bill for fiscal year 2001. As I indicated previously, this has been a very unusual year. The conference report represents the compromise agreement reached with Senator MIKULSKI, Congressman WALSH, Congressman MOLLOHAN, and myself, in consultation with the administration.

Certainly it is not a perfect situation. It is not the way I would like to do the bill. I would prefer to proceed

with passage of the VA–HUD appropriations bill in a more customary manner. Nevertheless, with the assistance of the leaders of the committee, and the leadership, we have brought the bill to the floor. I think it is a good and balanced compromise that I believe addresses the concerns of our colleagues, both in the House and the Senate, while striking the right balance in funding programs under the jurisdiction of the VA-HUD appropriations subcommittee.

The conference report totals approximately $105.8 billion, including $24.6 billion in mandatory veterans benefits, some $1 billion over the Senate committee-reported bill and almost $1 billion less than the President's budget request. Outlays are funded at roughly $110.8 billion for the current fiscal year, $540 million over the Senate committee-reported bill.

We did our best to satisfy priorities of Senators who made special requests for high-priority items, such as economic development grants, water infrastructure improvements, and the like. Such requests numbered several thousand, demonstrating the high level of interest and demand for assistance provided in this bill.

We also attempted to address the administration's top concerns, including funding for 79,000 new housing vouchers, as well as record funding for EPA at roughly $7.8 billion.

I am not going to summarize the bill today. We have done that before when the Senate passed the identical bill on October 12. The conference between the House and Senate has now confirmed that legislation.

I think everyone has had an opportunity to review the bill.

I offer my sincerest thanks to my ranking member, Senator MIKULSKI, and her staff for their cooperation and support throughout the process. Particularly, I thank Paul Carliner, Sean Smith, and Alexa Mitrakos from Senator MIKULSKI's staff. I obviously could not have done it without the good leadership and hard work of my team: John Kamarch, Carrie Apostolou, Cheh Kim, and Joe Norrell.

Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged equally to all those allocated time.

The PRESIDING OFFICER. The time will be charged to all sides. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, I now wish to use time allotted to Senator STEVENS under the agreement just reached. He has agreed to delegate that time to me.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMPROVING EDUCATION

Mr. BOND. Mr. President, I rise to speak on another very important appropriations bill that has been addressed on this floor and is being considered. That is the debate on education in the Labor-HHS bill. We want to see that important bill moved forward, get passed and signed by the President.

It is clear that the two sides of the aisle have very differing views on how we ought to go about improving education. Let us all agree that improving education should be our national priority. We on this side happen to think it is a local and State responsibility, but it is a national priority, the top national priority.

Now, one side of the aisle trusts the Federal Government to make the decisions. The other side of the aisle, our side, trusts the parents and teachers, the school districts, the school board members, to make those decisions. This side of the aisle seems to base its decision on whether we are successful in education on the total dollars spent. Our side would judge success on academic achievement of students. This side of the aisle believes accountability comes in successfully filling out paperwork, jumping through the hoops that Washington lays out for school boards and teachers. Our side believes accountability is based on academic achievement.

Our friends on the other side of the aisle believe that the Olympians on the Hill—Capitol Hill, that is—know what is best for the folks down in the valley. Our side believes that the great ideas, accomplishments, and actions occur on the local level and that the Olympians on the Hill should watch and learn.

My colleagues on the other side of the aisle and the Vice President talk a good game. Let me give you my view on what is going on. First, they have talked about the 100,000 teachers program, the school construction program. They have proposed to set aside billions of dollars for these programs alone and not allow flexibility that we strongly believe should be rested in the hands of the local schools, the parents who are served by them, and their children, and the people who run them.

I support reduced class size. I campaigned for Governor on that basis. I know there are many school districts around the country that need new school buildings. However, as one of my colleagues on the other side of the aisle said, I want to do the right thing. I agree with that. I know our children and parents and schools are counting on us, in my view, to get out of the way and let them do the job they are not only hired to do but they are dedicated to do.

We saw in the first debate what happens when Washington tries to make decisions for what is best in local schools. Vice President GORE told a terrible tale about this young girl who had to stand up in class. After the debate, we found out that she had to stand up or she had to have a chair brought in for 1 day because they had $100,000 worth of new computers. The school superintendent said that getting a place for her to sit was not really the problem. I understand he mentioned something about school lunches in another school district, and very quickly some of the folks from that school district said that is not the problem at all. That is not to say—and I am not saying here—that the Vice President didn't hear real concerns, that he made them up.

I am just saying: How are we here in Washington, how is the Federal bureaucracy, how is the Department of Education, and how are those of us who are sitting here in this room trying to make decisions for local schools all across the country supposed to know what the problems are in the Sarasota School or the Callaway County R–6 school in Missouri or a school district in California or a school district in Washington or a school district in Maine?

There is a lot of talk about 100,000 new teachers. That proposal sounds good. It is a great slogan to use when you are trying to gain national headlines. But when you look at the formula, trying to find out whether it works, it doesn't work.

I traveled around to school districts and talked to school boards and teachers and administrators. Let me tell you how that formula works in Missouri. The Gilliam C–4 School District would get $384; the Holliday C–2 School District would get $608; the Pleasant View R-VI School District would get $846.

I first heard about this problem from a small school district when someone in that room said: We would get enough money for 11 percent of a teacher. One other person in the room said: We would get enough money for 17 percent of a teacher. They haven't quite figured out how to use 11 percent of a teacher or 17 percent of a teacher or how to spend $846 on a teacher.

Over 175 school districts in the State of Missouri would receive less than $10,000 under this program. Surely you don't think they are going to be able to hire a teacher to reach that 100,000 new teacher goal for less than $10,000.

Many of the schools have already addressed classroom size at the expense of other things.

Yet my colleagues on the other side of the aisle oppose giving them the flexibility to utilize these resources in another manner which may suit their needs but which doesn't fall into the dictates of the one-size-fits-all solution that Washington is being pushed to propose by the administration and by my colleagues on the other side of the aisle.

They are saying that we are not providing the school the resources to do what they need to do because Washington is trying to tell them what their priorities should be without knowing why that girl had to stand up or sit on a stool brought in for that one classroom.

Our colleagues on the other side of the aisle and Vice President GORE advocate taking billions of dollars off the

table for thousands of schools across the country. To me, the issue is simple. We must give our States and localities the flexibility to use the resources to improve our public education system and to make decisions at the local level.

UNANIMOUS CONSENT AGREEMENT

Mr. BOND. Mr. President, on behalf of the leader, I ask unanimous consent that following the debate on the HUD-VA conference report, notwithstanding the receipt of the papers, the Senate proceed to the continuing resolution and that it be considered under the following agreement, with no amendments or motions in order: 20 minutes under the control of Senator DORGAN; 10 minutes equally divided between Senators STEVENS and BYRD.

I further ask unanimous consent that at the conclusion or yielding back of time the Senate proceed to vote on adoption of the joint resolution, without any intervening action, motion, or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, in light of this agreement, two back-to-back votes can be expected to occur sometime between 3:30 and 4 o'clock this afternoon.

I yield floor.

The PRESIDING OFFICER. Who yields time?

Mr. KERREY. Mr. President, what is the order of business?

The PRESIDING OFFICER. The time is reserved.

Mr. KERREY. Mr. President, I ask unanimous consent to speak as if in morning business for 10 minutes.

Mr. BOND. Mr. President, I must object to speaking in morning business. We reached an agreement to utilize this time. Perhaps my colleague could gain time.

All right. I am advised by the staff that Senator DORGAN might be willing to yield some of his 20 minutes to the Senator. If that is agreeable with my colleague from Nebraska, I would be happy to give up Senator DORGAN's time.

Mr. KERREY. I thank the Senator.

Mr. President, I revise my unanimous consent to ask unanimous consent to speak for up to 10 minutes under Senator DORGAN's time.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ

Mr. KERREY. Mr. President, at Pier 12 in the Norfolk Navy Base, along with the Presiding Officer in Norfolk, VA, I joined 10,000 others to mourn and to pay our respects to the families of 17 U.S. Navy sailors who were killed or who are missing following the explosion that ripped into the portside of U.S.S. *Cole* as she was preparing to set anchor in the Yemen Port of Aden.

It was one week ago today at fifteen past midnight that a routine port call became a violent killing of 17 Americans, the wounding of 34 more, and the disabling of a billion dollar destroyer.

In attendance at the ceremony to honor those lost on the *Cole* were many Members of Congress, Attorney General Janet Reno, National Security Adviser Sandy Berger, the Secretaries of Defense and the Navy, and the uniformed commanders of the Navy and the Marine Corps. In a gesture of Yemen's cooperation, their Ambassador to the United States, Abdulwahab A. al-Hajjri, was also present.

As I sat and listened to the powerful words of President Clinton, Secretary of Defense Cohen, Chairman of the Joint Chiefs Shelton, and others, I looked at the solemn faces of the Naval officers and enlisted men who stood on the decks of the aircraft carrier U.S.S. *Dwight D. Eisenhower* and two of the *Cole*'s sister ships, the destroyers *Ross* and *McFaul* and wondered how long the unity we felt would last? How long would the moving stories of the lives of these 17 young Americans bind us together?

Their stories define what makes America such a unique place. President Clinton captured it perfectly:

> In the names and faces of those we lost and mourn, the world sees our nation's greatest strength. People in uniform rooted in every race, creed and region on the face of the earth, yet bound together by a common commitment to freedom and a common pride in being American.

They were bound together by other common characteristics. Sixteen were enlisted men and women; the lone officer was an ensign who had served more than a decade in the enlisted ranks. None were college graduates, though many saw the Navy as a means to that end. They were from small towns and Navy towns, the places where patriotism burns bright and crowds still form to remember on Memorial Day and Veterans Day.

I watched young widows and brothers and fathers cry without restraint or shame when President Clinton read the rollcall of the fallen heros. Sadness gripped me as once more I thought of lives that ended too soon knowing their dreams would not now come true.

Chief of Naval Operations Admiral Clark appropriately reminded us that risk is a part of all sailors' lives. When going out to sea, there is never certainty of a joyous homecoming. Death is a frequent visitor in Navy households. Loss is never a complete surprise.

However, in this instance it was not the unpredictable ways of the ocean or the violence of a storm that ended these American lives. No, in this instance the killer was a highly sophisticated, high-explosive device set and detonated by as yet unknown villains.

There were words from our leaders that addressed the anger we feel in the aftermath of this tragedy. From President Clinton: ''To those who attacked them we say: you will not find a safe harbor. We will find you, and justice will prevail.'' From Secretary of Defense Cohen: ''This is an act of pure evil.'' And from General Shelton: ''They should never forget that America's memory is long and our reach longer.''

Yet, this desire for vengeance is as misplaced as it is understandable. Vengeance is one of the things a terrorist hopes to provoke. Such acts of vengeance—especially when carried out by the United States of America—are bound to provoke sympathy for our enemies. If we are to give meaning to the sacrifice of these men and women, we must take care not to allow the bitter feelings to govern our action.

While we await the results of a combined U.S.-Yemeni effort to find out who was responsible for this attack, let me challenge the idea that the attack on the *Cole* was a pure act of terrorism or criminal action. In my opinion it is not. In my opinion, it is a part of a military strategy designed to defeat the United States as we attempt to accomplish a serious and vital mission.

This is the third in a series of violent attacks on the United States dating back to the car bombing of Khobar Towers in Saudi Arabia at 10 pm, on Tuesday, June 25, 1996, that killed 19 United States Air Force Airmen and wounded hundreds more. The second attack occurred on August 7, 1998, when U.S. Embassies in Dar es-Salam, Tanzania, and Nairobi, Kenya were bombed. These attacks wounded more than 5,000 and killed 224, including twelve Americans who were killed in the Nairobi blast.

I believe all three of these incidents should be considered as connected to our containment policy against Saddam Hussein's Iraq. The *Cole* was heading for the Persian Gulf to enforce an embargo that was authorized by the United Nations Security Council following the end of the Gulf War in 1991.

In order to evaluate this incident and put it in its larger context, I had to relearn the details of the action of Gulf War and its aftermath. The Gulf War began on August 8, 1990, when United States aircraft, their pilots, and their crews arrived in Saudi Arabia. Two days earlier the Saudi King Fahd had asked Secretary of Defense Cheney for help. Saudi Arabia was afraid that Iraq's August 2 invasion of Kuwait would continue south. Without our help they could not defend themselves. Desert Shield—a military operation planned to protect Saudi Arabia—began.

At that time, General Norman Schwarzkopf was Commander-in-Chief of Southern Command. On September 8, 1990, he ordered Army planners to begin designing a ground offensive to liberate Kuwait. His instructions from President Bush were to plan for success. We were not going to repeat the mistakes of the Vietnam War. On November 8th, President Bush announced that a decision had been made to double the size of our forces in Saudi Arabia. On November 29, the UN Security Council voted to authorize the use of ''all means necessary'' to drive Iraq from occupied Kuwait. On January 12, 1991, Congress authorized the President to use American forces in the Desert Storm campaign.

The campaign began at 2:38 AM on January 17 with Apache helicopters equipped with anti-tank ordnance. The next day Iraq launched Scud missiles against Israel. The first U.S. air attacks, flown out of Turkey, were launched and were continued until February 24 when the ground war began. The ground war was executed with swift precision and was ended at 8 AM on February 28 when a cease fire was declared.

The purpose of the Gulf War—to liberate the people of Kuwait—had been accomplished in an impressive and exhilarating display of U.S. power and ability to assemble an alliance of like-minded nations. Afterwards, Iraq was weakened but still led by Saddam Hussein. In their weakened state, they agreed to allow unprecedented inspections of their country to ensure they did not possess the capability of producing weapons of mass destruction. The United Nations Security Council voted unanimously to impose an economic embargo on Iraq until the inspections verified that Iraq's chemical, biological, and nuclear programs were destroyed.

Contrary to popular belief, the military strategy to deal with Iraq did not end with the February 28, 1991, cease fire. It has continued ever since with considerable cost and risk to U.S. forces. In addition to the embargo, the United States and British pilots have maintained no-fly zones in northern and southern Iraq designed to protect the Kurds and Shia from becoming victims of Saddam Hussein's wrath. The purpose of both the embargo and the no-fly zones is to ''contain'' Iraq so that Saddam Hussein does not become a threat in the region again.

Unfortunately, this containment object was doomed from the beginning. And while we have begun to change our policy from containment to replacement of the dictator, change has been too slow. The slowness and uncertainty of change has increased the risk for every military person who receives orders to carry out some part of the containment mission.

There are three reasons to abandon the containment policy and aggressively pursue the replacement of Saddam Hussein with a democratically elected government. First, it has not worked; Saddam Hussein has violated the spirit and intent of UN Security Council Resolutions. Second, he is a growing threat to our allies in the region. Third, he is a growing threat to the liberty and freedom of 20 million people living in Iraq.

As to the first reason, under the terms of paragraph Eight (8) of United Nations Security Council Resolution 687 which passed on April 3, 1991, Iraq accepted the destruction, removal, or rendering harmless of its chemical, biological, and nuclear weapons program. Under the terms of paragraph Nine (9), Iraq was to submit to the Secretary-General ''within fifteen days of the adoption of the present resolution, a declaration of the locations, amounts and types of all items specified in paragraph 8 and agree to urgent, on-site inspection'' as specified in the resolution.

From the get-go, Saddam Hussein began to violate this resolution. Over the past decade, he has slowly but surely moved to a point where today no weapons inspectors are allowed inside his country. As a consequence, he has been able to re-build much of his previous capability and is once again able to harass his neighbors. All knowledgeable observers view Iraq's threat to the region as becoming larger not smaller.

As to the third reason—his treatment of his own people—there is no worse violator of human rights than Saddam Hussein. The people of Iraq are terrorized almost constantly into compliance with his policies. His jails are among the worst in the world. His appeal for ending sanctions on account of the damage the embargo is doing to his people rings hollow as the food and medicine purchased under the Oil-for-Food Program goes undistributed. Desperately needed supplies sitting in Iraqi warehouses while construction continues on lavish new palaces demonstrates that Saddam Hussein has no real interest in the welfare of his people. Rather, he maintains their misery as means to make political points.

If these reasons do not persuade, consider what happened in the other two cases when the United States was attacked. In 1996 we sent an FBI team to Saudia Arabia to investigate Khobar Towers. The investigation led to improving security on other embassies but no other action was taken. In time we have forgotten Khobar. In 1998 following the attack on our embassies in East Africa we sent Tomahawk missiles to bomb a chemical factory in Khartoum, Sudan, and Osama Bin Laden's training compound in Afghanistan. Neither had the decisive impact we sought and may—in the case of Sudan—have been counterproductive.

For all these reasons, I hope we will direct the anger and desire for vengeance we feel away from Yemen and towards Saddam Hussein. I hope we will begin to plan a military strategy with our allies that will lead to his removal and replacement with a democratically elected government. This would allow us to end our northern and southern no-fly zone operations, remove our forces from Saudi Arabia, and cease the naval patrols of the Persian Gulf. I can think of no more fitting tribute to the 17 sailors lost on-board the *Cole* than completing our mission and helping the Iraqi people achieve freedom and democracy.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I understand I have with Senator REID 20 minutes equally divided.

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. Senator REID is not here, but I understand he might want some time. I yield myself 8 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. First, I say to the distinguished Senator from Nebraska, I don't know if I will have an opportunity again to be on the floor when the Senator makes a speech on the Senate floor because I don't know where the next 5 or 6 or 8 days will bring us. But I want to tell the Senator thanks for all he has done while he has been here. You have been, as you were in the military, a hero; you have taken some tough stands.

While not a budgeteer, as I am, you have chosen to express yourself many times in terms of the great concern you have for the outyear, the long-term effect of some of our entitlement programs, and actually you have expressed yourself that maybe appropriations are not getting enough money. That is perception, with reference to the Federal Government, of a very, very right kind.

Mr. KERREY. If I could respond to say the Senator from New Mexico and any of my colleagues who are uncomfortable and wish I would not do this, if I had not done this the last 6 or 7 years, it is the fault of the Senator from New Mexico. You and Senator Nunn came repeatedly to the floor, I think, in 1990, 1991, 1992, and 1993. I think in 1990, 1991, and 1992 I voted against you, but in 1993 the light bulb came on. It takes me a while to learn, I say to my friend from New Mexico, but I appreciate very much your leadership on these issues.

Mr. DOMENICI. Mr. President, I rise today to discuss the Energy and Water Development Appropriations Act which is included in this conference report along with the VA-HUD appropriations bill.

The energy and water bill is a very good bill that has unfortunately had a difficult path toward enactment. The bill originally passed the Senate by a vote of 93–1 on September 7. The Senate then approved the original energy and water conference report by a vote of 57–37 on October 2. However, the President vetoed that bill because of a provision intended to prevent increased springtime flood risk on the lower Missouri River—a provision the President had signed the previous 3 years.

Whatever the reason, it was vetoed, it came back to us, and now it is in a conference form. I regret it has taken so much of our time and taken so long to get done but it is a very good bill.

Earlier today, the House passed the conference report by a vote of 386–24, and I hope the Senate will also overwhelmingly support the conference report.

Senator REID and I, along with Chairman STEVENS and Senator BYRD, have worked hard to prepare an outstanding bill that meets the needs of the country and addresses many of the Senators' top priorities.

The Senate and House full committee chairmen were very supportive and have provided the additional resources at conference that were necessary to

address many priority issues for Members. They have allowed the House to come up $630 million to the Senate number on the defense allocation ($13.484 billion), and the Senate nondefense allocation to be increased by $925 million.

I would now like to highlight some of the great things we have been able to do in this bill.

The conference report provides $5.0 billion for nuclear weapons activities within the National Nuclear Security Administration, an increase of $370 million over the request and $580 million over current year.

The additional funds are required to meet additional requirements within the aging nuclear weapons complex, and reflects the conferees' concern about the state of the science-based Stockpile Stewardship Program. As it is now, the program is not on schedule, given the current budget, to develop the tools, technologies and skill-base to refurbish our weapons and certify them for the stockpile. For example, we are behind schedule and over cost on the production of both pits and secondaries for our nuclear weapons. The committee has provided significant increases to these areas.

When we use the term ''Stockpile Stewardship Program,'' we are talking about a program that the United States has put in place to make sure that our weapons systems are indeed safe, reliable, and that we do not have to do underground testing to confirm that. In fact, we have not been doing testing because the Congress of the United States said we should not. To supply the information necessary to keep the stockpile strong, reliable, and safe, this science-based Stockpile Stewardship Program was put in place. It has a few more years before we will have it proved up and then we will look at it carefully and make sure that it does the job.

This does not mean we are making nuclear weapons, for we are not. It will come as a surprise to some who are listening that the United States makes no nuclear weapons and we have not for some time. Nonetheless, we must keep in place the infrastructure and the things that are necessary in the event we have to do that, because of a failure of our program called science-based stockpile stewardship or some other untoward event that might occur in the world.

Furthermore, DOE has failed to keep good modern facilities and our production complex is in a terrible state of disrepair. To address these problems, the mark provides an increase of over $100 million for the production plants in Texas, Missouri, Tennessee, and South Carolina.

But it is not just the physical infrastructure that is deteriorating within the weapons complex, morale among the scientists at the three weapons laboratories is at an all-time low. For example, the last 2 years at Los Alamos have witnessed security problems that greatly damaged the trust relationship between the Government and its scientists. Additionally, research funds have been cut and punitive restrictions on travel imposed. None of this seems to move in the right direction, in fact, they probably did not help.

As a result, the labs are having great difficulty recruiting and retaining America's greatest scientists. To help address this problem, the conference agreement has increased the travel cap from $150 million to $185 million, and increased laboratory directed research and development to 6 percent.

The travel restrictions which have become so burdensome were put in because, somehow, we thought if we didn't let scientists travel they wouldn't go to meetings in Taiwan and China and someplace like that and exchange secret information. Clearly, travel restriction has become a very onerous burden, for good scientists working for universities or otherwise do travel. That is part of their growing up, maturing, and once they are mature and great scientists, they go there to show their fellow scientist what the past has put into their minds.

The conference agreement also includes a compromise proposal that allows work on the National Ignition Facility, a major laser complex to be used for nuclear weapons stewardship work, to continue. That project is funded at $199 million, $10 million below the request of $209 million. Of that amount, $70 million is fenced pending the project meeting a number of milestones by March 3, 2001.

The conference agreement also includes several provisions to strengthen and clarify the operation of the National Nuclear Security Administration. The conference report includes provisions to give the Administrator a 3-year term of office, prohibit the ''dual-hatting'' of NNSA and DOE employees, and limit the authority of the Secretary of Energy to reorganize the statutory structure of the NNSA.

I tell the Senate they have to do some very difficult things by March 15 or they do not get the fenced funding that is in this bill.

For defense nuclear nonproliferation activities within the NNSA, the conference report provides $874 million, which is $8 million above the request and $145 million over current year. This amount of funding again shows the Congress' strong support of a broad variety of efforts to stem the proliferation of nuclear materials and expertise from the former Soviet Union.

For other programs within the Department of Energy, the conference agreement provides $422 million for solar and renewables, which is $33 million below the request but $60 million over current year.

For nuclear energy, the conference report provides $260 million, $28 million below the request. The decrease is due to a transfer of cleanup obligations to the Office of Environmental Management. Nuclear power R&D actually increased significantly over current year.

The conference report provides $6.8 billion for environmental cleanup at DOE sites across the country. That is $56 million over the request and $496 million over current year.

For the Office of Science, the conference report provides $3.19 billion, $24 million over the request and $400 over current year. The conference added over $300 million in order to address significant shortfalls that existed in both the Senate and House bills. The conference agreement includes full funding of $278 million for the Spallation Neutron Source in Tennessee.

On the water side of the bill, the conference report provides $4.5 billion for water resource development activities of the Army Corps of Engineers, including $1.7 billion for construction activities, and $1.9 billion for ongoing operation and maintenance activities. The total Corps number is $461 million over the budget request and $415 million over the enacted level for fiscal year 2000.

The conference agreement includes funding for approximately 40 high priority new construction starts across the country. While the recommendation is a significant increase over both the budget request and fiscal year 2000 level, it should be pointed out that there is a $40 to $50 billion backlog of authorized projects awaiting construction.

Regarding the construction account of $1.7 billion, although it is $350 million above the request, it is within the range of the current year construction level of $1.6 billion.

The conference agreement provides $776 million for activities of the Bureau of Reclamation. That is $25 million below the budget request and $23 million over the funding level for fiscal year 2000. No funding is included for the California Bay-Delta restoration due to the lack of program authorization for fiscal year 2001 and future years.

The conference agreement includes funding to initiate a small number of new water conservation and water recycling and reuse projects. Finally, the conference agreement provides funding for a number of independent agencies.

For the Appalachian Regional Commission, the conference report provides $66.4 million, $5 million below the request but slightly above the current year. For the Denali Commission, the conference report provides $30 million, compared to $20 million provided in the current year. For the Delta Regional Authority, the conference report provides $20 million for the initial year of funding, a reduction from the request of $30 million. For the Nuclear Regulatory Commission, the conference report provides $482 million, the amount of budget request. The conferees have also included a provision extending and revising NRC's fee recovery authority. The revised fee structure will reduce fees gradually over 5 years to address fairness and equity issues raised by licensees.

Overall, this is an outstanding energy and water conference report. We have made a good faith effort to address the concerns raised in the President's veto message and I believe we have a bill that the President will sign.

Suffice it to say, we have been able in this bill to keep the Corps of Engineers moving ahead, to have projects in the States that many Senators requested that we believe feel are very solid projects. Without the extra money given to us in the allocation, we would have been unable to do that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, the Senate is now considering the combined VA/HUD and Energy and Water appropriations bills. This combined bill follows the pattern established by previous appropriations bills considered by the Senate. Looking first to the VA/HUD appropriations bill, in the fiscal year 2000 that ended September 30 of this year, the appropriation for these accounts was $99.2 billion.

We had committed ourselves to a standard of previous year appropriations plus inflation. The Consumer Price Index has risen 3.5 percent over the past year. Making that adjustment, we would have set as a target for the VA–HUD bill an appropriation this year of $102.7 billion. In fact, the bill we are about to vote on has an appropriation of $105.5 billion, or approximately $2.8 billion over the standard that has been set. This budget represents an increase from fiscal year 2000 to fiscal year 2001, not of the 3.5-percent inflation but, rather, of 6.4 percent.

Looking at the second bill which has been added to the VA–HUD bill, which is the energy and water appropriations bill, again in fiscal year 2000, the appropriation for this budget was $21.2 billion. Adjusting it for the 3.5-percent inflation increase, we would have had a target of $21.9 billion for energy and water. In this conference report, we are being asked to authorize spending of $23.3 billion, or approximately $1.4 billion over the scheduled maximum increase. The increase in the energy and water appropriations bill represents a 9.9-percent growth from fiscal year 2000 to fiscal year 2001.

What is the significance of this? The significance is we started with a budget plan, and the plan was that we would attempt to restrain the growth in spending to the rate of inflation. If we did that, according to the Congressional Budget Office, we would have at the end of 10 years substantial surpluses not only in the Social Security trust fund but also surpluses in general government.

There are many important events which are taking place in the world today: The tragedy of the U.S.S. *Cole*, the crisis in the Middle East and, of course, the heat of fall Presidential and congressional elections. All of these things are fighting for the attention of the American people. In that context, it is easy to understand why most Americans have not focused their attention on what is happening under this dome, but I suggest that in the autumn of 2000, some of the most important decisions for our individual and our national futures are being made in these changes.

The House and the Senate are slowly closing the curtain on the 106th Congress. As the curtain draws to a close, we are in the midst of an orgy of spending and tax cuts, an orgy which threatens the fiscal discipline that many Members of this Congress and the administration have worked so hard to achieve. Worse than the decisions that are being made, however, is the process that is being used to make those decisions.

Long gone is the normal legislative process where we had hearings on ideas in the committees with jurisdiction. We developed legislation on a bipartisan basis with amendments being offered and votes taken; Presidential consideration of individual bills; and, should the President exercise his or her veto power, further debate and congressional action to potentially override the veto; finally, the give and take of negotiation that results in bills which will secure a Presidential signature.

In the place of this normal legislative process, we now have a process—if it deserves that word—where a handful of individuals make far-reaching decisions on legislation. Those decisions are then rushed to the House and Senate floors for final votes, often without the actual language of the measure being considered available to the Members of the House and the Senate.

Lest we be overly critical of October 2000, I say sadly that, with some tactical variations, we were in exactly the same position in the fall of 1999. At that time, I wrote an article for the Orlando Sentinel which outlined my distress with what was occurring a year ago. I ask unanimous consent that this article be printed in the RECORD immediately following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. GRAHAM. Mr. President, what we are now doing in the fall of 2000 is characterized by some representative examples of our excess. The Transportation appropriations conference report was not available for Members to review the night before the final vote, but at least there had been some debate on the Senate floor on the Transportation appropriations bill when it originally passed the Senate.

In the remaining days, we are going to be asked to approve measures for which there has never been Senate debate. As an example, we are going to be asked to make some significant paybacks to the providers of services through the Medicare program. This add-back legislation was never considered in the Senate Finance Committee, nor has it been considered on the Senate floor, but mark my word, we will soon be asked to vote on this substantial legislation.

The Commerce-State-Justice appropriations bill will also likely come to this body attached to an unrelated conference report without ever having been separately considered by the Senate.

I suggest we all need to grab hold of our aspirin bottles because we are likely to need plenty of those pills when we find out what is in these measures, a disclosure that is likely to occur several weeks after we have adjourned.

I ask unanimous consent to print in the RECORD immediately following my remarks a column which appeared in the October 18 Washington Post by David Broder under the headline ''So Long, Surplus.''

The PRESIDING OFFICER (Mr. L. CHAFEE). Without objection, it is so ordered.

(See Exhibit 2.)

Mr. GRAHAM. Mr. President, it is hard to determine why we have fallen into this legislative abyss. It appears there is a strong desire to avoid the traditional legislative process in order to protect against having to take any votes at all, particularly any votes on controversial issues. In order to achieve that desire to avoid public commitment as to how we stand on various issues, we have abandoned all semblance of fiscal responsibility. Let me provide some large numbers.

In 1997, we passed the Balanced Budget Act which was a key step toward achieving first the elimination of the annual deficits that had become so much a part of our Nation's fiscal life and ushered in this era of surpluses.

In that 1997 Balanced Budget Act, we set a spending target for each of the future years. For the fiscal year 2001, our spending target for domestic discretionary accounts—these are the subject of the 13 appropriations bills, not taking into account expenditure for items such as Social Security, Medicare, interest on the national debt. But focusing on those things for which we in Congress have a responsibility to annually appropriate, we decided in 1997 that the spending limit for this year should be $564 billion. When the Senate passed its budget resolution in the spring of this year, we set a target, a constraint on ourselves, not of $564 billion, not even of $564 billion adjusted for some inflation, but rather $627 billion was the number to which we committed ourselves in the budget resolution.

As of today, with one appropriations bill that is an amalgamation of two bills before us and three more appropriations bills yet to be considered, we have already committed ourselves to appropriations of $638 billion. It is estimated that when those final three bills are voted on, we will likely raise the final tally of total appropriations to as much as $650 billion, or some $85 billion more than the 1997 Balanced Budget Act indicated we should be spending this year.

There has been an attempt to lay the blame for this orgy of spending at the White House step. In the Washington Post of October 13, there was an article under the headline, ''DeLay Urges GOP Showdown With Clinton Over Spending Bill,'' where the majority whip in the House made this statement:

[He] argued that Clinton is ''addicted to spending'' and that Republicans must draw the line if they hope to conclude budget negotiations next week.

Mr. President, I ask unanimous consent that that article be printed in the RECORD immediately after my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 3.)

Mr. GRAHAM. Mr. President, I would say this is not the case; that we have both Republicans and Democrats alike entered into an enthusiastic, willing, and self-confessed role as coconspirators to the raiding of the surplus.

Our colleague from Arizona, Senator MCCAIN, stated it clearly last week when he chided his fellow Republican colleagues. ''We didn't come to the President with clean hands—we came with dirty hands,'' said Senator MCCAIN.

In another example of the lack of fiscal discipline—and it is part of the bill that we are going to be asked to vote upon this afternoon—the President vetoed the appropriations bill covering energy and water projects because there had been added to the appropriations bill a provision prohibiting, under certain circumstances, the use of funds to revise the Corps of Engineers' Missouri River Master Water Control Manual. This was not an issue of spending; it was an issue of the management of the Missouri River and who should have ultimate responsibility for that management.

Nevertheless, when this bill came back from the President's office with his veto, the response was to revise the bill by excising the provision which had led to the veto and then adding $26 million in additional water projects. This spending spree is not limited to the appropriators. Others have eagerly joined in the party.

Other spending and tax cuts which are being considered in the final hours include increases in spending for Medicare providers. I mentioned that earlier as an example of a provision that we are likely to get with no opportunity for debate or amendment. News reports indicate that this may total $28 billion over the next 5 years and perhaps as much as $80 billion over the next 10 years. We are about to be asked to do that without any debate, without any opportunity to amend or give the thoughtful consideration for which this institution is supposedly empowered.

We passed a military retiree health benefit that will add $60 billion over the next 10 years—again, with no open debate or opportunity to amend.

We repealed the Federal telephone tax, a provision that was tucked away in the Treasury-Postal appropriations bill. That will reduce revenues by $55 billion over 10 years.

I understand that there may be further proposed tax cuts that could have a cost of $200 to $250 billion over the next 10 years.

These are just examples of the almost total absence of any sense of fiscal discipline. It is possible to support many of these proposals, but I am concerned that we are operating without a blueprint. Congress is flying blind, and our plane has no global positioning system. In fact, we do not even have a hand compass to give us general direction as to where we should be going.

You might ask, What difference does it make? Why should Americans care this fall in the year 2000 as to what we are doing? Don't we have an enormous surplus? Can't we afford to do all of these things?

Americans can and do care because Congress is frittering away the hard-won surplus without a real plan for utilizing those surpluses and without addressing the big long-term problems facing our Nation.

Americans should care because by sleepwalking through the surplus, we are denying ourselves the chance to face these major national challenges.

A few days ago, the Congressional Budget Office released its long-term budget outlook. The Congressional Budget Office findings are not encouraging, but they are not surprising. That may explain why that report garnered such little attention by the media and by Members of Congress.

What were those Congressional Budget Office findings? The Federal Government spending on health and retirement programs—Medicare, Medicaid, Social Security—dominates the long-term budget outlook. Why? The retirement of the baby-boom generation will drastically increase the number of Americans receiving retirement and health care benefits. The cost of providing health care is growing faster than the overall economy. The number of Americans working to support that much larger retirement segment of our population will be essentially stabilized.

Saving most or all of the budget surplus that CBO projects over the next 10 years—using those savings to pay down the debt—according to the Congressional Budget Office, would have a positive impact on those projections of future obligations and substantially delay the emergence of a serious fiscal imbalance.

Despite the clear delineation of the long-term problems, and the even clearer outline of the short-term steps Congress can take to begin to address those problems—primarily, saving the surplus and paying down the debt—Congress seems content on frittering away the surplus.

We have an obligation to not let this happen. In fact, it is not necessary. There are some basic principles to which we could recommit ourselves which would avoid the path that I fear is about to take us over the canyon cliff.

First, we should return to that admonition that guided us so effectively just 2 years ago, and that was: Save Social Security first. The surplus should be used to pay down the debt. The kind of direction which the Republican leadership in the House of Representatives has suggested to us—that we should use 90 percent of the fiscal year 2001 surplus for debt reduction—is not only a good idea for the fiscal year 2001 but should be a guiding principle into the future until we have met that first obligation of saving Social Security first. We also need to establish some priorities.

In those ugly days of deficits, we were taught some valuable lessons. One of those lessons was the need to prioritize. The tool that forced us to do that was a requirement that for each additional dollar of spending enacted, a dollar of spending had to be reduced or a dollar of taxes had to be raised. That was a firm discipline.

The surplus has eroded that discipline. Many of the proposals being enacted in these waning days are desirable. Perhaps they are even more desirable than commitments that are already on our law books.

We are failing the American public by not having an honest, open debate about the tradeoffs that are necessary to enact these programs. If we are going to add a substantial new benefit—whether it be to Medicare providers or whether it be to military veterans—we should be prepared to answer the question, Where are we going to pay for that new commitment, either in terms of reducing spending elsewhere or raising taxes to pay for it?

We should not be eating away at the surplus which is going to be the basis upon which we can meet some of the long-term significant challenges that face our Nation.

There are few Congresses in the history of this Nation which have had such a wonderful opportunity to face and respond to important challenges to our Nation's future. Few Congresses will be judged so harshly for avoiding, trivializing, and ultimately failing to seize that opportunity.

I urge my colleagues in Congress, as well as those in the White House, to stop acting as the proverbial children in the candy store and start acting as statesmen and stateswomen. At the very least, let us follow the admonition given to all healers, which is: First, do no harm.

I regretfully announce that I will have to vote against this appropriations bill because it fails to comply with the fiscal discipline we established for ourselves, first in 1997 as part of the Balanced Budget Act and then this year in the development of our own budget resolution. I hope there will be a sufficient number of my colleagues who will join me in expressing our outrage as to what we are doing in

terms of our Nation's future, what we are doing in terms of asking our children and grandchildren to have to deal with some of the issues that will be much more difficult for them than they are for us today.

Now is the time to face the issue of dealing with these long-term commitments that we as a society have undertaken. We have the capacity to do so. The question is, Do we have the will to do so?

I thank the Chair.

EXHIBIT 1

[From the Orlando Sentinel, Thurs., September 23, 1999]

CONGRESS' SPENDING IMPERILS ECONOMIC GROWTH

In early 1993, a new U.S. Congress and a new presidential administration took office under the cloud of the largest deficit in our nation's history: $290 billion. In the past year, we have learned that five years of fiscal austerity and economic growth have transformed that record deficit into the first budget surplus in more than a generation—and paved the way for annual surpluses far into the future.

This historic reconstruction of our nation's fiscal house was no small accomplishment. Both Congress and the president made tough choices—a combination of revenue increases, spending reductions and long-term budget restraints—in stemming the tidal wave of red ink that had threatened to drown our children and grandchildren's economic future.

That fiscal life-preserver worked better than anyone could have imagined. In addition to eliminating the deficit, it powered one of the strongest economic expansions in our nation's history:

—Nineteen million jobs have been created since 1992, including more than a million in Florida.

—In the past six years, long-term interest rates have been reduced by nearly 20 percent while our national savings rate—personal savings plus governmental savings—has doubled.

—We enjoy the lowest national unemployment rate in 29 years and the highest homeownership rate in history.

But these successes do not give lawmakers license to return to the fiscally irresponsible days of the past. If anything, we face an even more difficult test in preserving the discipline that has brought us to this enviable economic position. It is a test that requires us to forego instant gratification in favor of policies that will reap benefits for future generations. Thus far, it is a test that Congress is failing miserably.

The current surplus is the result of surpluses in the Social Security Trust Fund and the federal government's annual operating budget. Congress has mishandled both. Earlier this summer, the U.S. House of Representatives passed a plan to protect Social Security by holding its surpluses in a so-called lockbox. One political pundit even asserted that this action removed Social Security as an issue for debate.

Wrong. While a lockbox seems responsible, it does nothing to extend Social Security's solvency beyond its currently projected expiration date of 2034. In fact, it numbs us to the structural changes that will be needed to preserve Social Security until 2075, a lifespan that will ensure that this important program is there for three generations of Americans.

Worse yet, Congress seems determined to exhaust the surpluses before they can even enter the lockbox. Wisely, the president has said he will veto a risky tax scheme that would deplete nearly $800 billion from the federal government's operating surplus during the next 10 years—leaving no resources whatsoever to enhance Social Security's solvency further or to strengthen Medicare.

The story gets worse when it comes to federal spending, where Congress' appetite is as voracious as ever. The historic deficit-reduction legislation enacted in 1993 and 1997 included strict discretionary-spending limits. Not surprisingly, it has been difficult to maintain these limits. But rather than dealing with this challenge in an honest manner that salutes fiscal austerity, Congress has reverted to using an escape clause that allows ''emergency'' spending to fall outside the budget limits and further deplete the surplus.

When this emergency-spending provision was originally passed, many assumed that it would be reserved for natural disasters such as hurricanes or floods, urgent threats to national security and other sudden, urgent or unforeseen needs. For the past year, however, Congress has misused its emergency-spending powers in a manner befitting the little boy who cried wolf.

In October of 1998, it stretched the emergency definition to direct $3.35 billion to the long-foreseen Year 2000 (Y2K) computer problem and $100 million for a new visitors center at the U.S. Capitol. In June of 1999, Congress added non-emergency spending items to an ''emergency'' bill for the Balkans conflict. And this fall, Congress is expected to consider an ''emergency'' bill to pay for the cost of the 2000 Census, which was ordered by our Founding Fathers in Article I of the U.S. Constitution.

It took the federal government 30 years to turn its federal budget deficit into a surplus. Yet it has taken us less than 12 months to revert to the same irresponsible behavior that produced record deficits in the first place. For the sake of our economy and our children and grandchildren's futures, I hope that the American people will demand that the 106th Congress establish a new record of fiscal prudence.

EXHIBIT 2

SO LONG, SURPLUS

(By David S. Broder)

Between the turbulent world scene and the close presidential contest, few people are paying attention to the final gasps of the 106th Congress—a lucky break for the lawmakers, who are busy spending away the promised budget surplus.

President Clinton is wielding his veto pen to force the funding of some of his favorite projects, and the response from legislators of both parties is that if he's going to get his, we're damn sure going to get ours.

As a result, said Congressional Quarterly, the nonpartisan, private news service, spending for fiscal 2001, which began on Oct. 1, is likely to be $100 billion more than allowed by the supposedly ironclad budget agreement of 1997.

More important, the accelerated pace of spending is such that the Concord Coalition, a bipartisan budget-watching group, estimates that the $2.2 trillion non-Social Security surplus projected for the next decade is likely to shrink by two-thirds to about $712 billion.

As those of you who have been listening to Vice President Al Gore and Texas Gov. George W. Bush know, they have all kinds of plans on how to use that theoretical $2.2 trillion to finance better schools, improved health care benefits and generous tax breaks. They haven't acknowledge that, even if good times continue to roll, the money they are counting on may already be gone.

To grasp what is happening—those now in office grabbing the goodies before those seeking office have a chance—you have to examine the last-minute rush of bills moving through Congress as it tries to wrap up its work and get out of town.

A few conscientious people are trying to blow the whistle, but they are being overwhelmed by the combination of Clinton's desire to secure his own legacy in his final 100 days, the artful lobbying of various interest groups and the skill of individual incumbents in taking what they want.

Here's one example. The defense bill included a provision allowing military retirees to remain in the Pentagon's own health care program past the age of 65, instead of being transferred to the same Medicare program in which most other older Americans are enrolled. The military program is a great one; it has no deductibles or copayments and it includes a prescription drug benefit.

Retiring Democratic Sen. Bob Kerrey of Nebraska, himself a wounded Congressional Medal of Honor winner, wondered why—in the midst of a raging national debate on prescription drugs and Medicare reform—these particular Americans should be given preferential treatment. Especially when the measure will bust the supposed budget ceiling by $60 billion over the next 10 years.

''We are going to commit ourselves to dramatic increases in discretionary and mandatory spending without any unifying motivation beyond the desire to satisfy short-term political considerations,'' Kerrey declared on the Senate floor. ''I do not believe most of these considerations are bad or unseemly. Most can be justified. But we need a larger purpose than just trying to get out of town.''

The Republican chairman of the Senate Budget Committee, Pete Domenici of New Mexico, joined Kerrey in objecting to the folly of deciding, late in the session, without ''any detailed hearings . . . [on] a little item that over a decade will cost $60 billion.'' Guess how many of the 100 senators heeded these arguments? Nine.

Sen. Phil Gramm, a Texas Republican, may have been right in calling this the worst example of fiscal irresponsibility, but there were many others. Sen. John McCain of Arizona, who made his condemnation of pork-barrel projects part of his campaign for the Republican presidential nominations, complained that spending bill after spending bill is being railroaded through Congress by questionable procedures.

''The budget process,'' McCain said, ''can be summed up simply: no debate, no deliberation and very few votes.'' When the transportation money bill came to the Senate, he said, ''the appropriators did not even provide a copy of the [conference] report for others to read and examine before voting on the nearly $60 billion bill. The transportation bill itself was only two pages long, with the barest of detail, with actual text of the report to come later.''

Hidden in these unexamined measures are dozens of local-interest projects that cannot stand the light of day. Among the hundreds of projects uncovered by McCain and others are subsidies for a money-losing waterfront exposition in Alaska, a failing college in New Mexico and a park in West Virginia that has never been authorized by Congress. And going out the window is the ''surplus'' that is supposed to pay for all the promises Gore and Bush are making.

EXHIBIT 3

[From the Washington Post, Oct. 13, 2000]

DELAY URGES GOP SHOWDOWN WITH CLINTON OVER SPENDING BILL

(By Eric Pianin and Dan Morgan)

After weeks of trying to accommodate the White House on key budget issues, House Republican leaders are pushing for a more

confrontational strategy over a giant health and education spending bill, the largest piece of unfinished business in the final days of the session.

Unable to resolve their differences over spending for new school construction and for hiring more teachers to reduce class sizes, GOP leaders are prepared to challenge President Clinton to sign or veto a GOP-crafted labor, health and education bill rather than making further concessions.

House Majority Whip Tom DeLay (R-Tex.), the chief architect of the strategy, has argued that Clinton is ''addicted to spending'' and that Republicans must draw the line of they hope to conclude budget negotiations next week. House Speaker J. Dennis Hastert (R–Ill.) agrees that Republicans already have made ample concessions, according to an aide.

''If it's considered confrontational to reject the idea we should just write the White House a blank check, I guess we're being confrontational,'' Jonathan Baron, a spokesman for DeLay, said yesterday.

But Senate Majority Leader Trent Lott (R-Miss.), House Appropriations Committee Chairman C.W. Bill Young (R-Fla.) and others have argued in private meetings that it would be politically risky to confront Clinton over education spending policy only weeks before the election.

Those Republicans are worried about appearing to be resisting new spending for education when Vice President Gore and Gov. George W. Bush have made education a top priority in the presidential campaign.

''I've never been an advocate of a veto strategy,'' Lott said yesterday. ''I don't understand the wisdom of running a bill down to be vetoed and then bringing it back and doing it over. For one thing, it usually grows.''

GOP leaders have put off a decision on how to proceed until next week, when they determine whether they have the votes in the House and Senate to pass the bill without Democratic and administration support. A White House budget office spokeswoman said that Clinton would not back down on his demands for increased spending for education.

The threatened showdown comes just when it appeared that the two sides were making substantial headway in completing work on the 13 must-pass spending bills for the fiscal year that began Oct. 1.

The Senate approved two packages that each carried two compromise spending bills. One combined a $107 billion measure financing veterans, housing, environment and science programs with a $23.6 billion energy and water bill. The other contains the $30.3 billion Treasury Department bill, a $2.5 billion measure to fund the legislative branch and another repealing a 3 percent federal excise tax on telephones.

The Treasury measure also would pave the way for members of Congress to receive a $3,800 pay raise in January, to $145,100.

The spending bill for veterans, housing, space and environmental programs provides much of what Clinton had sought. That includes increased funds for AmeriCorps, the president's signature national service program; the Environmental Protection Agency; veterans' health care and housing vouchers; and other subsidies for low-income families.

The energy and water bill to which it was attached was retooled after Clinton vetoed it in a dispute over water management along the Missouri River.

The pairing of unrelated appropriations bills for final passage is part of the leadership's efforts to finish work on the spending bills as soon as possible, so lawmakers can return to campaigning. Congress yesterday approved its third short-term continuing resolution that will keep the government operating through next Friday.

The festering dispute over the labor, health and education appropriations bill for the coming year has as much to do with how money will be spent as how much will be made available.

Although the $108.5 billion bill worked out by House and Senate Republicans exceeds the president's original request, Democrats say it largely reflects Republican priorities, such as health research and special education. The White House and congressional Democrats want an additional $6 billion for their priorities.

About half that amount would go to summer job programs, the training of dislocated workers, health care for the uninsured and the Centers for Disease Control and Prevention, along with smaller programs.

But the largest differences are over education, where Republicans fall about $3.1 billion short of Democratic targets.

The White House is pressing for another $1.8 billion to pay for initiatives to train high-quality teachers, renovate schools and fund after-school programs. At the same time, House Democrats want an additional $1.3 billion for special education and for Pell Grants for needy college students.

In addition to the money difference, Republicans are insisting that more than $3 billion sought by Clinton for school construction and reducing class sizes be rolled instead into a block grant to the states.

GOP officials contend the argument over this issue is more political than substantive, because federal funds going to states and school districts invariably are mixed with local money. But Democratic officials say that the Clinton plan would be far more effective in targeting the money to the neediest school districts.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise in support of the VA–HUD conference report and I urge my colleagues to do the same.

I want my colleagues to know that this conference report is the exact same bill that was passed in the Senate last week.

It has come back to the Senate in the form of a conference report, which includes report language in the statement of the managers.

I urge my colleagues to vote for this measure to give our veterans the health care and benefits they deserve, to provide housing for families of modest income, and to protect our environment.

First, I am especially pleased that we were able to provide a significant increase in funding for veterans health care. We met the President's request of $20.2 billion and are $1.4 billion above last year's level.

We were also able to provide $351 million for medical and prosthetic research. This is $30 million above the budget request and last year's level.

The VA plays a major role in medical research for the special needs of our veterans, such as geriatrics, Alzheimer's, Parkinson's, and orthopedic research.

We are also providing $100 million in funding for State veterans homes. This is $40 million above the budget request and $10 million above last year's level.

I am also very pleased that we were able to include a new title in our bill that will provide medical care and veterans benefits to Filipino veterans who fought alongside Americans in World War II and who live in the United States.

Finally, our Filipino-American veterans will receive equal benefits for equal valor.

Our bill provides almost $13 billion to renew all expiring section 8 housing vouchers. We have included $453 million in funding to issue 79,000 new vouchers to help working families find affordable housing.

Unfortunately, we were forced to drop Senator BOND's housing production bill due to objections from the authorizing committee, but I hope we will revisit the issue next year.

We were also able to maintain level funding for other critical core HUD programs.

We provided $779 million for housing for the elderly, which meets the President's request and is $69 million more than last year. This includes funds for assisted living and service coordinators.

We also provided $217 million in funding for housing for disabled Americans, which is $7 million above the President's request and $23 million over last year's level.

We were able to provide both the Community Development Block Grant Program and the HOME Program with $150 million increases over the President's request. CDBG is funded at more than $5 billion, and HOME is funded at $1.8 billion. The CDBG program is one of the most important programs for rebuilding our cities and neighborhoods.

We also provided increased funding to help our neighborhoods and communities through the Hope VI Program. This year, we provided $575 million for Hope VI, the same as last year's level.

I am pleased that we were able to provide funding for other programs that help America's communities. We increased funding for empowerment zones by providing $90 million in this bill for urban and rural empowerment.

We also help homeowners by extending the FHA downpayment simplification program for 25 months.

I am extremely pleased that our bill fully funds NASA at $14.3 billion, an increase of $250 million above the President's request.

All of NASA's core programs are fully funded and all NASA centers are fully funded, including the Goddard Space Flight Center in my home State of Maryland.

The VA–HUD bill includes $1.5 billion for Earth science and more than $2.5 billion for space science.

It includes $20 million to start an exciting new program called ''living with a star,'' which will study the relationship between the Sun and the Earth and its impact on our environment and our climate. I am especially proud that this program will be headquartered at the Goddard Space Flight Center.

And, of course, we fully fund the space shuttle upgrades, space station

construction, and the new ''space launch initiative'' to find new, low-cost launch vehicles that will reduce the cost of getting to space.

The VA–HUD manager's amendment also increases funding for the Corporation for National Service. The corporation is funded at $458 million, a $25 million increase over last year's level. The Corporation for National Service has enrolled over 100,000 members and participants across the country.

As many of my colleagues know, I have been very concerned about the digital divide in this country. I introduced legislation called the Digital Empowerment Act to provide a one-stop shop and increased funds to local communities trying to cross the digital divide. I am pleased that this bill contains $25 million within the national service budget to create an ''e-corps'' of volunteers by training and mentoring children, teachers, and non-profit and community center staff on how to use computers and information technology.

With regard to the EPA, our bill provides $7.8 billion in funding. All together, this is an increase of $400 million over last year's level and $686 million more than the President's request.

We increased funding by $246 million for EPA's core environmental programs.

We also provided an additional $550 million for the clean water state revolving fund.

Taking care of the infrastructure needs of local communities has always been a priority for the VA–HUD Subcommittee.

A number of my colleagues have raised concerns about some environmental provisions in the bill.

I will address these topics in more detail later. But let me say that the administration helped negotiate these provisions and the administration supports them. They do not threaten the environment and they maintain EPA's authority and flexibility.

A am a strong supporter of FEMA and am proud that we have provided $937 million in funding for FEMA, plus an additional $1.3 billion in emergency disaster relief funding.

The National Science Foundation is funded at $4.43 billion, a $529 million increase over last year's enacted level and one of the largest increases in NSF's history. This is a downpayment toward our goal of doubling the NSF budget over the next five years.

I am especially pleased that we were able to provide $150 million for the new nanotechnology initiative.

Mr. President, I once again appreciate the cooperation of my colleagues throughout this process. While I regret that this year's process was highly irregular, I am pleased that we worked together to bring a conference agreement to the Senate floor. I believe this year's VA–HUD bill is good for our country, our veterans, and our communities.

To reiterate, Mr. President, I rise in support of the VA-HUD conference report and urge my colleagues to do the same. As I said, this conference report is the exact same bill we passed last week. It has come back to the Senate in the form of a conference report and includes the report language contained in the Statement of Managers.

That is kind of inside baseball, but what I want people to know is, this is the same bill we voted on, so there does not need to be extensive debate. What is not inside baseball, and it is how we played the game, is that we played it very fairly. We tried to both exercise a great deal of fiscal prudence while looking out for the day-to-day needs of our constituents and the long-range needs of our country.

Our appropriation—the VA-HUD, EPA, National Federal Emergency Management, space program, National Science Foundation, and 22 other agencies—had the least increase, the least gross increase, of any other subcommittee to come before the Senate. I tell my colleagues who believe in fiscal discipline, have worked for fiscal discipline, and have voted for fiscal discipline, that they need not fear voting for the VA-HUD-other agencies appropriations.

Throughout our entire deliberation on moving this bill, we wanted to have legislation that could both meet the responsibilities of fiscal stewardship as well as meet the needs. I believe we did do it. Sure, there are increases, but it costs more to do what we do. One of the major areas where it costs us more to do what we do is in veterans health care.

Health care is on the rise everywhere. It costs money to have the best nurses in America working for our veterans. It costs money to be able to have primary care facilities. It costs money to provide a prescription drug benefit. The cost our veterans gave in their service to America is far greater than any monetary spending we can do to ensure they get the health care they need.

That is why we do have increases. We have increased veterans health care. We have ensured the benefits that they deserve. At the same time, we have worked very hard to provide housing for people of modest income. We have an increase in section 8 vouchers.

What does that mean? It means there are Federal funds to enable the working poor to be able to have a subsidy for housing. If you have gotten off welfare, we make work worth it by making sure that if you are working and you can't afford to live and pay for the housing that you need, there will be this modest subsidy.

We are also doing housing for the elderly. Like it or not, America is getting older. Like it or not, we need housing for the elderly, and we also bring some innovations to it. Those need to be project based.

My esteemed Republican colleague and I don't believe vouchers work for the elderly. We don't believe if you have a wheelchair or a walker, we should give you a little voucher while you forage for housing in your neighborhood. We met those needs.

We have also protected the environment. We have encouraged voluntarism, and we have also made major public investments in science and technology. Why did we do that? Because we want to be sure America is working in this century.

These major investments in science and technology are to generate the new ideas that are going to give us the new jobs for the new economy.

We believe we bring to the Senate a bill that really does represent what America wants—yes, fiscal stewardship, but promises made, promises kept to those who served the country in the U.S. military through its benefits, to make work worth it, and make sure we have a helping hand for those who are out there working every day and have moved from welfare to work, to protect our environment, encourage voluntarism, and come up with the science and technology for the new ideas, for the new jobs.

I encourage my colleagues to vote for this bill.

I again thank my colleague. There has been much made about bipartisan cooperation. We saw it in the debates. We see it in the ads, and so on. I can tell my colleagues, I saw it in the Subcommittee on VA, HUD, and Independent Agencies. I thank my colleague, Senator BOND, for his cordial and collegial support. I thank the members of the subcommittee on both sides of the aisle. It really worked for us. Quite frankly, I believe if the rest of the Senate is working in the cooperative way we work, when all is said and done, more will get done.

I yield the floor.

SEDIMENT REMEDIATION TECHNOLOGIES

Mr. INHOFE. Mr. President, I know the Senator from Missouri has addressed similar questions before the conference on this legislation was convened, but now that we have the actual text of the statement of managers before us, I would like to clarify a section in the statement of managers. The language directs EPA to take no action to initiate or order the use of certain technologies such as dredging or capping until specific steps have been taken with respect to the National Academy of Science report on sediment remediation technologies, with limited exceptions. It is my understanding that in directing that the report's findings be properly considered by the Agency, the conferees are not directing any change in remediation standards. However, the conferees are directing EPA to consider the findings and recommendations of the forthcoming report, in addition to the existing guidance provided by the Agency's Contaminated Sediments Management Strategy, when making remedy selection decisions at contaminated sediment sites, and as the Agency develops guidance on remediating contaminated sediments.

Mr. BOND. The Senator is correct. I have addressed similar questions, but to remove any confusion, I clarify the statement of managers now before the Senate. In directing that the NAS report by properly considered by the Agency, the language in the statement of managers directs the Agency to consider the findings of the report when making site-specific remedial decisions and in developing remediation guidance for contaminated aquatic sediments. In both cases, EPA should consider the findings of the report so that the best science available will be taken into account before going forward. In implementing this direction, EPA should seek to ensure that Congress can evaluate how the findings of the report have been considered.

Mr. INHOFE. It is also my understanding that in providing for an exception for urgent cases, we anticipate that the EPA will use the four part test set forth in previous committee reports, namely that (1) EPA has found on the record that the contaminated sediment poses a significant threat to the public health to which an urgent or time critical response is necessary, (2) remedial and/or removal alternatives to dredging have been fully evaluated, (3) an appropriate site for disposal of the contaminated material has been selected, and (4) the potential impacts of dredging, associated disposal, and alternatives have been explained to the affected community.

Mr. BOND. The Senator is correct.

Mr. INHOFE. Finally, it is my understanding that the references to ''urgent cases,'' ''significant threat,'' ''properly considered'' and other key terms should be interpreted consistent with ordinary dictionary definitions and in light of previous years' statements of managers.

Mr. BOND. Again, the Senator is correct.

RELICENSING NON-FEDERAL HYDROELECTRIC PROJECTS

Mr. CRAIG. Mr. President, one of my top priorities this Congress has been to improve the process by which our Nation's non-federal hydroelectric projects are relicensed by the Federal Energy Regulatory Commission. Over the next 15 years, over half of all non-federal hydroelectric capacity (nearly 29,000 MW of power) must go through a relicensing process that takes too long and results in a significant loss of domestic hydropower generation. Oversight and legislative hearings before the Energy and Natural Resources Committee this Congress have established a solid record of the problem and the need for a legislative solution. I want to commend the Chairman of the Water and Power Subcommittee, Senator SMITH, for his dedication to this issue and for working with me to seek a bipartisan, legislative solution to the licensing problem. I look forward to working with all my colleagues to pass this legislation in the next Congress.

Mr. BINGAMAN. I thank the Senator for addressing this issue. We are clearly looking, in the next 15 years, at a substantial relicensing workload for hydropower facilities. No one can be against wanting to conduct that process in an efficient and informed manner. But, these projects have multiple impacts and benefits that cut across a wide range of issues that are important to the citizens who live in the vicinity of those projects and to the country at large. Any changes to the current system should deal with these multiple impacts in a sensible way. I fully expect that the hydropower relicensing issue will remain as a topic of concern on our Committee agenda in the next Congress, and I am ready to engage in discussions on how to move forward on this issue in a bipartisan fashion.

ABATEMENT PROGRAM FUNDING

Mr. CRAIG. Mr. President, I note that the bill allocates approximately $100 million to HUD to fund its lead abatement program. In a number of areas around the country some of our children are still at increased risk of exposure to high levels of lead, which can lead to development problems.

The bill further provides that from this account, HUD will provide financial assistance to the Clear Corps lead abatement and education network administered by the University of Maryland at Baltimore. This assistance is set at $1 million.

Clear Corps is a public-private partnership which organizes and manages cleanup and education affiliates around the country in close cooperation with local organizations and government. Significant resources are provided to this program by various companies in the paint industry, and by the National Paint and Coatings Association.

Based on reports I have seen, it has proven highly efficient and cost effective. At my invitation, Clear Corps representatives visited Northern Idaho to meet with officials of several private and public organizations, including U.S. EPA, to determine if an affiliate arrangement might prove helpful in addressing the lead exposure issue in that area. While significant progress has been made, there remain pockets where further testing, cleanup (particularly inside some older houses), and focused education could reap large rewards in the near future. It appears that with its growing national network and in-depth experience in providing cost effective solutions, my state and its children would benefit from such a project. Clear Corps is currently evaluating the resources which might be required to establish a new site in Idaho. It is my hope, Mr. Chairman, that we are able to at least begin to establish this program this year in Northern Idaho. Next year, I hope to work with the Chairman and the other members of the VA–HUD Subcommittee to review the Clear Corps approach with a view towards increasing the federal share of its resources. We need to see more of creative and cost effective approaches to issues such as reducing lead exposure of children. Public-private ventures to address such issues make a lot of sense.

Mr. BOND. I thank the Senator from Idaho for his thoughtful remarks on the lead exposure issue and the Clear Corps program. I might point out that in my home state, St. Louis now has a Clear Corps affiliate. I might also point out that Senator MIKULSKI has a Clear Corps affiliate in Baltimore. I concur that the public-private approach as one avenue of a larger program should be encouraged. I would be happy to work with Senator CRAIG and other members to determine an appropriate level of higher funding for Clear Corps.

DEFINITION OF AN ''URBAN COUNTY'' UNDER FEDERAL HOUSING LAW

Mr. MACK. Mr. President, I would like to engage my colleague, Senator BOND, and Chairman of the Senate VA–HUD Appropriations Subcommittee in a brief colloquy concerning a provision in the conference agreement relating to the definition of ''urban county'' under federal housing law.

Mr. BOND. I would be pleased to engage my colleague in such a colloquy.

Mr. MACK. Mr. President, as the Chairman knows, the Community Development Block Grant (CDBG) Program statutory provisions relating to the ''urban county'' classification do not contemplate the form of consolidated city/county government found in Duval County, Florida (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 (HUD), has questioned the status of Jacksonville/Duval County as an entitlement area.

Mr. BOND. I am aware of this problem facing the city of Jacksonville.

Mr. MACK. Mr. President, 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 VA–HUD 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''. Is it further his understanding 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. BOND. 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.

Mr. MACK. I thank the Chairman for his comments.

• Mr. MCCAIN. Mr. President, I want to thank both Senator BOND and Senator MIKULSKI for their hard work on this important legislation which provides federal funding for the Departments of Veterans Affairs, VA, and

Housing and Urban Development (HUD), and Independent Agencies. Unfortunately, Mr. President, this year-end process to rush spending measures through Congress at the last minute again leaves very little time for members to review in full detail the finalized conference reports, which are all too often bottled up until just before they arrive on the Senate floor. The VA-HUD conference report, regrettably, is no exception.

The House of Representatives just passed this report, despite the fact that most of the voting members did not have adequate time to fully review its contents. And now, the Senate is being asked to do the same. How can we make sound policy and budget decisions with this type of budget steamrolling?

This conference report provides $22.4 billion in discretionary funding for the Department of Veterans Affairs. That amount is $17.2 million more than the budget request and $1.5 billion above the fiscal year 2000 budget level. It does appear that some progress has been made to reduce the overall amount of earmarks in this spending bill. The conferees have earmarked approximately $40 million this year; last year, earmarks exceeded $31 million.

Certain provisions in the Veterans Affairs section of the bill also illustrate that Congress still does not have its priorities in order. Let me review some examples of items included in the bill.

The conferees direct that $250,000 be used by the Department of Veterans Affairs to host The Sixth International Scientific Congress on ''Sport and Human Performance Beyond Disability.'' The conference report continues to express the view that the conferees believe this sporting event is within the mission of the VA.

Neither budgeted for nor requested by the Administration over the past nine years is a provision that directs the Department of Veterans Affairs to continue the nine-year-old demonstration project involving the Clarksburg, West Virginia, Veterans Affairs Medical Center, VAMC, and the Ruby Memorial Hospital at West Virginia University. Several years ago, the VA-HUD appropriations bill contained a plus-up of $2 million to the Clarksburg VAMC that ended up on the Administration's line-item veto list. The committee has also added $1 million for the design of a nursing home care unit at the Beckley, West Virginia, VAMC.

The VA-HUD funding bill also includes construction projects not originally included in the President's budget request.

For example, the VA-HUD appropriations report adds $12 million not previously included in the President's budget for the construction of the Oklahoma National Cemetery. Obviously, the VA-HUD Appropriations Subcommittee felt compelled to include this money since the VA and the Administration chose to ignore the Committee's report language last year. Last year the VA-HUD Senate report directed the VA to award a contract for design, architectural, and engineering services in October 1999 for a new National Cemetery in Lawton (Oklahoma City/Fort Sill), Oklahoma, and also directed the President's fiscal year 2001 budget to include construction funds for a new Oklahoma National Cemetery.

Most questionable are several special interest projects not previously included in the House or Senate version of the fiscal year 2001 VA-HUD appropriations bill. Some examples are: $15 million for land acquisition for a national cemetery in South Florida, $5 million for the Joslin Vision Network for telemedicine in Hawaii, and continued funding for the National Technology Transfer Center, NTTC, at Wheeling Jesuit College in Wheeling, West Virginia. None of these programs were in the President's budget request, nor in either House or Senate veterans funding bills.

In addition, the bill adds $1 million not previously included in the President's budget for planning and design activities for a new national cemetery in Pittsburgh, Pennsylvania, and $2.5 million for advanced planning and design development for a national cemetery in Atlanta, Georgia. Last year, the Senate provided an additional $500,000 for design efforts for Atlanta, as well as other congressionally-directed locations.

Although these areas are likely deserving of veterans cemeteries, I wonder how many other national cemetery projects in other states were bypassed to ensure that these states received the VA's highest priority.

This bill also contains the funding for the Department of Housing and Urban Development. The programs administered by HUD help our nation's families purchase their homes, helps many low-income families obtain affordable housing, combats discrimination in the housing market, assists in rehabilitating neighborhoods and helps our nation's most vulnerable—the elderly, disabled and disadvantaged—have access to safe and affordable housing.

Unfortunately, this bill shifts money away from many critical housing and community programs by bypassing the appropriate competitive process and inserting earmarks and set-asides for special projects that received the attention of the Appropriations Committee. This is unfair to the many communities and families who do not have the fortune of residing in a region of the country represented by a member of the Appropriations Committee.

And once again, Utah has managed to receive additional funds set aside for the 2002 winter Olympic games.

This bill includes $2 million for the Utah Housing Finance Agency to provide temporary housing during the Olympics. It is certainly a considerate gesture that the housing facilities are expected to be used after the 2002 games for low-income housing needs in Utah. However, I am confident that the many families in Utah and around the country who are facing this winter and next without affordable and safe housing would much rather have this $2 million used for helping them now rather than in two or three years when the Olympics are over.

Some of the earmarks for special projects in this bill include:

$500,000 for the restoration of a carousel in Cleveland, Ohio;

$500,000 for the Chambers County Courthouse Restoration Project in the City of LaFayette, Alabama;

$2.6 million for the rehabilitation of the opera house in the City of Meridian, Mississippi;

$3 million for restoration of an historic property in Anchorage, Alaska;

$2 million for renovation on the Northwest corner of 63rd Street and Prospect Avenue in Kansas City;

$500,000 for infrastructure improvements to the W.H. Lyons Fairgrounds in Sioux Falls, South Dakota; and

$400,000 for Bethany College in Bethany, West Virginia for continued work on a health and wellness center.

This bill also funds the Environmental Protection Agency, EPA, which provides resources to help state, local and tribal communities enhance capacity and infrastructure to better address their environmental needs. I support directing more resources to communities that are most in need and facing serious public health and safety threats from environmental problems. Unfortunately, after a cursory review of this year's conference report for EPA programs, I find it difficult to believe that we are responding to the most urgent environmental issues.

There are many environmental needs in communities back in my home state of Arizona, but these communities will be denied funding as long as we continue to tolerate earmarking that circumvents a regular merit-review process.

For example, some of the earmarks include:

$300,000 for the Coalition for Utah's Future;

$1 million for the Animal Waste Management Consortium in Missouri;

$2 million for the University of Missouri-Rolla for research and development of technologies to mitigate the impacts of livestock operations on the environment;

$200,000 to complete the soy smoke initiative through the University of Missouri-Rolla; and

$500,000 for the Economic Development Alliance of Hawaii.

While these projects may be important, why do they rank higher than other environmental priorities?

For independent agencies such as the National Aeronautics and Space Administration, this bill also includes earmarks of money for locality-specific projects such as:

$3.5 million for a center on life in external thermal environments at Montana State University in Bozeman; and

$15 million for infrastructure needs of the Life Sciences building at the University of Missouri-Columbia.

Let me also read two paragraphs from an article by David Rodgers, to be included for the RECORD, in today's Wall Street Journal:

''Never before has the appropriations process been such a clearinghouse for literally thousands of individual grants and construction projects coveted as favors for voters. Budget negotiators gave their blessing last night to more than 700 ''earmarks''—listed on 46 double-spaced pages—in a single account for the Department of Housing and Urban Development. The Environmental Protection Agency budget bulges with about 235 clean-water projects. Hundreds of ''member initiatives'' totaling nearly $1 billion are expected to be spread among the departments of Labor, Education and Health and Human Services.

Perhaps the most striking example of earmarks is the so-called economic-development initiative in the HUD budget, for which about $292 million is spread among an estimated 701 projects. The precise language has been closely guarded by the committee, and the clerks deliberately compiled the list in no particular order to make it more difficult to decipher.

In closing, I urge my colleagues to develop a better standard to curb our habit of directing hard-earned taxpayer dollars to locality-specific special interests so that, in the future, we can better serve the national interest.

Mr. President, I ask that the full text of the attached Wall Street Journal article be printed in the RECORD immediately following the conclusion of my remarks on the Fiscal Year 2001 VA–HUD Appropriations bill.

The article follows.

[From Wall Street Journal, Oct. 19, 2000]

SPENDING BILL IS FULL OF PROJECTS COVETED AS FAVORS FOR ELECTORATE

(By David Rogers)

WASHINGTON.—As Congress dithers over spending bills, committee clerks are putting the final touches on what may be the most important political business at hand: an unprecedented number of home-state projects attached to the budget this election year.

Never before has the appropriations process been such a clearinghouse for literally thousands of individual grants and construction projects coveted as favors for voters. Budget negotiators gave their blessing last night to more than 700 ''earmarks''—listed on 46 doubled-spaced pages—in a single account for the Department of Housing and Urban Development. The Environmental Protection Agency budget bulges with about 235 clean-water projects. Hundreds of ''member initiatives'' totaling nearly $1 billion are expected to be spread among the departments of Labor, Education and Health and Human Services.

Pork-barrel politics are nothing new. The annual $78 billion agriculture budget bill, which cleared Congress last night, has always been a haven for dozens of research projects favored by lawmakers. But this year's surplus-inspired spending breaks new ground. it permeates the labor, health and education accounts, once considered sacrosanct. Moreover, as the number of items has exploded, both parties are openly steering funds to districts to help win seats in November.

The tone was set in the free-for-all negotiations on a $58 billion transportation budget. Dozens of highway and bridge projects totaling more than $1.9 billion were added. When Republicans insisted on $102 million to help a hard-pressed Arkansas incumbent, Democrats got an almost equal sum to spread among candidates in tight races in Mississippi, Connecticut, New Jersey, Pennsylvania and Kansas.

Running for Congress from Utah, Republican Derek Smith isn't even a member of the House yet. But thanks to the intervention of House Majority Leader Dick Armey of Texas, he can already lay claim to two budget earmarks worth $5 million to fund water and lands-related projects in his district.

Sen. John McCain, the Arizona maverick and former presidential candidate, took to the Senate floor again yesterday to chastise fellow Republicans. But one of his greatest allies in the House, Rep. Brian Bilbray (R., Calif.), hasn't been shy about claiming credit for Washington money that could help his chances in a tough reelection campaign. ''Bilbray Applauds San Diego Funding'' a press release for the congressman said last Thursday, trumpeting millions of dollars in earmarks attached to a housing, veterans and environmental budget bill pending in the House.

''I will condemn it in his district,'' said Mr. McCain, who is scheduled to campaign for his friend in California next week. ''It is one of those gentleman's disagreements,'' said an aide to Mr. Bilbray.

Perhaps the most striking example of earmarks is the so-called economic-development initiative in the HUD budget, for which about $292 million is spread among an estimated 701 projects. The precise language has been closely guarded by the committee, and the clerks deliberately compiled the list in no particular order to make it more difficult to decipher.

Most of the grants appear to be less than $2 million, some as small as $21,500. Thanks to the New York delegation, Buffalo would lay claim to two grants of $250,000; one to help renovate a Frank Lloyd Wright-designed home, the other to build a new city boathouse—based on Mr. Wright's blueprints—for the West Side Rowing Club.

Meanwhile, in related action:

The Senate approved the agriculture budget 86–8. The measure provides increased spending for food safety and rural development while relaxing trade sanctions against Cuba. For the first time in decades, commercially financed, direct U.S. shipments of food to Havana would be permitted. Shipments of medical supplies, which are already sold on a modest basis, may also be increased.

Trying to free up a $14.9 billion foreign-aid bill, Republicans are proposing compromise language on the divisive issue of U.S. assistance to population-planning programs overseas. The proposal would continue current restrictions, favored by antiabortion forces, only through March 1, as a transition to the next administration. The initial reaction from Democrats was skeptical, but if the transition period is shortened—and funding increased—it could yet be the framework for a deal.

Top House Republicans are pressing for big increases in aid to children's hospitals under a fledgling program to help train pediatric medical residents. Last year, spending was $40 million, but it could grow to $280 million under the proposal, three times the administration's request.

SPECIAL TREATMENT

[Examples of funds set aside for Members' projects.]

Project/sponsor	Cost
San Diego Storm Drain Diversion Rep. Brian Bilbray (R., Calif.)	$4,000,000
I–49 and Great River Bridge Study Rep. Jay Dickey (R., Ark.)	102,000,000
Route 7 Brookfield Bypass Rep. James Maloney (D., Conn.)	25,000,000
Frank Lloyd Wright Boathouse N.Y. Delegation	250,000

Mr. JEFFORDS. Mr. President, today the Senate will pass the final version of fiscal year 2001 Energy and Water Appropriations bill. Included in the legislation is a provision that requires the Department of Energy to spend not less than $2 million on the Small Wind Turbine Project. This effort is vitally important to our Nation's continued development of American wind technology for consumer use. It was added as a program at the Department of Energy in 1995, to develop cost-effective, highly reliable Small Wind Turbine systems for both domestic and international markets. In fact, due to the Small Wind Turbine Program, U.S. companies have been able to advance the performance and cost-effectiveness of small wind turbine systems. The participants in the Small Wind Turbine Project are Windlite Corp, a subsidiary of Atlantic Orient Corp, Bergey Windpower Co., and World Power Technology. Through the Small Wind Turbine Project, these three companies are advancing the technology of wind energy for homes, small businesses, rural development and export. To end the effort that these three companies are undertaking at this time would be a giant setback and for this reason the Congress has included funding to continue the project under their guidance.

I worked closely with Senators DOMENICI and REID and Assistant Secretary of Energy Dan Reicher in developing the language in this legislation related to small wind. The language is clear, that the department should spend no less than $2 million on the Small Wind Turbine Project. We must continue to develop, test and certify the wind turbines being developed under this program to date.

Mr. WELLSTONE. Mr. President, I rise today to offer a few remarks on the fiscal year 2001 VA–HUD Appropriations bill.

First, I would like to commend my colleagues on the Appropriations Committee for doing some excellent work on this bill. Many important housing initiatives—including housing assistance for the elderly and disabled, the HOME Investment Partnership Program, the Community Development Block Grant, Housing for People With AIDS, and the Lead-Based Paint Hazard Reduction Program—will all receive funding increases under this bill in fiscal year 2001. Furthermore, an additional 79,000 Section 8 vouchers will be funded under this bill. These are all critical programs, program that help low-income working families find safe and affordable housing, and the authors of this bill should be commended for recognizing the need to continue to

fund these programs at the appropriate levels.

Having said this, though, I would also like to take a few minutes to express my disappointment that this bill does not include funding for a housing production incentives program, despite the fact that the need to produce more affordable housing in this country is critical. Unfortunately, a Senate provision which would have used $1 billion in excess Section 8 funds to pay for the production and preservation of affordable housing failed to make it into the final conference report. Yet many of the programs that are funded in this bill, including Section 8 housing assistance, only work when affordable housing units are available. It does low-income working families no good whatsoever to be given a rent voucher when they can't find an apartment on which to spend it.

As it is written, this bill fails to address one of the most important problems underlying the current affordable housing crisis: the rapid erosion of this country's affordable housing stock. Every year, in fact, every day, we see the demolition of old affordable housing units without seeing the creation of an equivalent number of new affordable housing units. And while there can be no question that some of our existing affordable housing units should be demolished, we have yet to meet our responsibility to replace the old units that are lost with new, better, affordable units. We must do a better job of this, for our current policy simply results in too many displaced families, families who are forced to sometimes double-up or even become homeless in worst-case scenarios, overburdening otherwise already fragile communities.

The National Low Income Housing Coalition reports that right now there are a record 5.4 million households, 12.5 million people, that pay more than one half of their income in rent or live in seriously substandard housing. Who are these people? One and a half million are elderly, 4.3 million are children, and between 1.1 and 1.4 million are adults with disabilities. Waiting lists for housing assistance are longer than ever, and there are still far too many people who simply lack shelter altogether—an estimated 600,000 people are homeless in this country on any given night.

The fact is that incomes for our poorest citizens are simply not keeping pace with the increase in housing costs. A July 1998 study by the Family Housing Fund found that in Minneapolis-St. Paul rents increased 13 percent from 1974 to 1993 while real incomes declined by 8 percent. They found that there were 68,900 renters with incomes below $10,000 in the Twin-Cities and only 31,200 housing units with rents affordable for these families. That means that there were more than two families for every affordable unit available, and the situation has only gotten worse since then, as the vacancy rate has plummeted to below two percent.

Housing is usually considered to be affordable if it costs no more than 30 percent of a household's income. In the Twin Cities area, however, 185,000 households with annual incomes below $30,000 pay more than this amount for their housing. Knowing this, it isn't hard to understand why the number of families entering emergency shelters and using emergency food pantries is on the rise.

This situation certainly isn't unique to Minneapolis-St. Paul. Out of Reach 2000, a recent publication by the National Low Income Housing Coalition, finds that the cost of housing is exceeding the reach of low-income families across the country. This study estimates that the national ''housing wage''—a measure that represents what a full-time worker must earn to afford fair market rent, paying no more than 30 percent of their income—for a 2 bedroom apartment is $12.47 an hour, more than twice the minimum wage. The report notes that in no county, metro area, or state is the minimum wage as high as the corresponding housing wage for a 1, 2, or 3 bedroom home at the fair market rent; in more than half of metropolitan areas, the housing wage is at least twice the federal minimum wage.

Such high rents are, of course, fueled at least in part by the shortage of housing. Demand for housing exceeds the supply, so rents spiral upwards, far beyond the reach of the poor and often well-beyond the reach of the middle class who find themselves priced out of the very communities in which they grew up. The shortage of affordable housing is so drastic that in Minneapolis-St. Paul, like many other cities, even those families fortunate enough to receive housing vouchers cannot find rental units. Landlords are becoming increasingly selective given the demand for housing and are requiring three months security deposit, hefty application fees, and credit checks that price the poor and young new renters out of the market.

In my own State of Minnesota, a family must earn $11.56 an hour, 40 hours a week, 52 weeks out of the year to afford the fair market rent for a two-bedroom apartment, more than double the minimum wage. That's more than double the minimum wage. This means that a person earning the minimum wage in Minnesota would need to work 90 hours a week in order to afford a two bedroom apartment at the fair market rent. Here's the real secret of why so many single parents are in poverty, because it has become impossible for one parent, one worker, to support a family on the bottom rung of the economic ladder.

So what happens to those families who are unable to earn $11.56 an hour? Families with a single worker at minimum wage who cannot work 90 hours? The answer is no secret, and is unfortunately too common in all parts of our country. These families quite simply can't afford adequate housing. Instead, families crowd into smaller units, a one bedroom, an efficiency. Sometimes these families double up, two or more families in a home, with multiple generations crowded under one roof. When the stress of multiple families becomes unbearable, they are left with no other option than homeless shelters. Families rent seriously substandard housing, exposing their children to lead poisoning and asthma, in neighborhoods where they don't feel safe allowing their children to play outdoors. They rent housing with leaky roofs, bad plumbing, rodents, roaches, and crumbling walls.

And even for such substandard housing, many families find themselves forced to pay more than the recommended 30 percent of their income in rent, sometimes spending more than half of their income on housing costs. Families in this situation must then ''cut corners'' in other ways, sometimes doing without what others might consider necessities. Not luxuries like cable television, but necessities: gas, heat, electricity, food, or medical care. This is simply unacceptable. In an era of such tremendous economic prosperity, no family should have to choose between food and shelter, or heat and medical care.

In a recent study of homelessness in Minneapolis-St. Paul, the Family Housing Fund reported that more and more children are experiencing homelessness. On one night in 1987, 244 children in the Twin Cities were in a shelter or other temporary housing. By 1999, 1,770 children were housed in shelter or temporary housing. Let me repeat that: 1,770 children in the Minneapolis-St. Paul area on one night alone spent the night in a homeless shelter or temporary housing. That's seven times as many homeless children in 1999 than in 1987. And families are spending longer periods of time homeless. If they had a family crisis, if they lost their housing due to an eviction, if they have poor credit histories, if they can't save up enough for a two or three month security deposit, they will have longer stretches, longer periods of time in emergency shelters before they transition into homes.

Let me provide a stark and disturbing example of the desperate need for affordable housing in this country: for six days in February of this year, the Minneapolis Public Housing Authority distributed applications for families interested in public housing. They distributed applications for only six days, and then stopped entirely. This was the first time since 1996 applications were accepted for public housing and it is likely to be the last time for several years to come. Mr. President, 6,000 families sought applications for public housing in those six days—an average of 1,000 families each day requesting public housing in one metropolitan area. This is not free housing. Residents would be required to pay one-third of their income in rent. This is not luxury housing. Many families

seem to look upon public housing with disdain, though I know those communities are rich with the talents and contributions of their tenants. This is not even immediate housing. Many of those families will wait years to get into public housing.

Surely this should tell us there is a huge housing crisis. One thousand families a day sought to pay one-third of their income in rent to live in public housing in one metropolitan area. Surely, if this tells us anything, it tells us we must do more.

Mr. President, I know this Nation is prosperous. I know we can afford to solve this problem. We can afford to take this step today. We must make a commitment to address the shortage of affordable housing. Although we were not able to include funding for housing production initiatives in this appropriations bill, it is my hope that each of my colleagues will join me next year in assuring that this critical need is met.

Mrs. BOXER. Mr. President, the Senate considered the VA–HUD conference report a week ago today. During consideration of the bill, the Senate extensively debated report language included in the conference report that dealt with the cleanup of river and ocean sediment contaminated with DDT, PCBs, metals and other toxic chemicals.

Upon passing the conference report today, it is critically important to reiterate that it was understood by the managers of the bill in the House and the Senate that our resolution of the contaminated sediments issue in the VA–HUD conference report on October 12, 2000 was final, and that modifications to the report language or bill language relating to this issue would not be permitted this legislative session on any legislative vehicle.

It is also important to reiterate and to underscore the clarifications the Senate made to that report language.

One of the most important clarifications was a statement of the managers that the report language would not apply presently or prospectively to any site in California.

Another important clarification included a colloquy between Senators BOND, MIKULSKI and LEVIN stating that EPA had full discretion to define the operative terms of the report language.

Yet another critical clarification was a colloquy between Senators BOND, MIKULSKI and LAUTENBERG that stated that the National Academy of Sciences study referred to in the report language was not to be afforded any type of extraordinary or special standing in the Environmental Protection Agency's established process for selecting remedies under Superfund.

Finally, a colloquy between Senators BOND and L. CHAFEE clarified that report language would not affect the cleanup of the Centredale Manor Restoration Project in Rhode Island.

Make no mistake about it, Mr. President, I would have preferred that the proponents of this report language not be given even one bite at the apple in an appropriations bill on the important issue of cleaning up heavily contaminated river and ocean waters. I was concerned that the report language they advanced would slow cleanups in California and around the nation.

I am satisfied that our debate on the report language will ensure that it does not have that effect.

Under no circumstances, however, should the proponents of this report language be permitted a second bite at the apple to undo the work of this chamber and the commitments of the House and Senate managers not to revisit the issue of contaminated sediments—in bill or report language—in this legislative session on any legislative vehicle.

Mr. REID. Mr. President, I truly enjoy working with the chairman and his staff in putting together the Energy and Water appropriations bill each year.

The third time's the charm.

This time, I think we really have completed work on the FY 2001 Energy and Water Appropriations bill.

I am a little surprised to be talking about final passage of the Energy and Water Appropriations bill in late October. Ours is usually one of the earliest to be passed and signed by the President.

Ours is also a bill that is very rarely vetoed. However, this has been an unusual year.

We have modified our bill to meet the Administration's needs on the Missouri River and I am confident that the President will now sign this bill promptly.

For the information of Senators: the Energy and Water portion of this Conference Report has not changed since all of our colleagues joined us in voting on this matter last week.

Our counterparts in the House insisted upon having a Conference, but no changes have been made since we completed work on the package that came before the Senate last week. In fact, it has not changed much at all since it originally passed both Houses earlier this month.

For the third, and, I hope, final time this year, I encourage all of my colleagues to support final passage of this Conference Report which includes both the final energy and Water and VA–HUD Conference Reports.

This is a very important appropriations bill, one where we are asked to pay for a broad array of programs critical to our nation's future. We fund

the guardians of our Nation's nuclear weapons stockpile our nation's flood control and navigation systems, infrastructure that contributes to human safety and economic growth

Long-term research, development, and deployment of solar and renewable technologies, programs critical to our nation's long-term energy security and environmental future and

Science programs that are unlocking the human genome and other breakthroughs that help to keep the U.S. at the scientific forefront of the world.

By and large I think this is a fine Conference Report.

The Conference Report we lay before the Senate totals just over $23.5 billion. Of that, $13.7 billion is set aside for defense activities and just under $9.9 billion will be spent on nondefense activities at the Department of Energy, Army Corps of Engineers, Bureau of Reclamation, and several other independent agencies.

It addresses the needs of our Nation's nuclear stockpile and the crumbling infrastructure at the weapons labs and plants.

Enhanced funding in the water accounts allows us to move forward on a handful of important new construction starts while maintaining our emphasis on clearing out the $40 billion backlog in work already authorized and ready to go.

We have also been able to provide much needed additional funding to both the Science and Solar and Renewable accounts at DOE.

I am particularly pleased to report that funding for the solar and renewable programs is $60 million higher than last year. This year's numbers are the highest these programs have seen in quite some time.

At a time when our Nation is once again questioning our utter and singular dependence on fossil fuels, I am delighted that we are going to be able to move forward aggressively on renewable programs.

Obviously, I have some disappointments about things we were not able to do this year.

However, as all of us know, an appropriations bill is a one year funding bill. We are never able to do all that we want and there is always next year.

The twin notions of one-year funding and re-visiting issues next year brings me to my final point this evening.

Today we are providing $199 million for the National Ignition Facility at the Lawrence Livermore National Lab in California. This is about $15 million below the oft-revised DOE request for this project. They are lucky to get that much.

The final funding figure represents a compromise between the Administration and Congressman PACKARD, both supportive of NIF, and Senator DOMENICI and I who both would have preferred a substantially smaller dollar amount.

For reasons I have discussed at length in other venues, I believe the Department and laboratory sold the Congress a bill of goods on NIF, and I do not feel that they can be trusted to get it right now.

Chairman PACKARD feels strongly that the lab and Department have gotten their House in order and should be given the opportunity to proceed for another year in order to prove it.

I have great respect for the chairman of the conference. We both came to the House of Representatives together in 1982 and I consider him a friend. I do,

however, disagree with him on this matter.

His work on this subcommittee has been excellent and I will miss both his good nature and his fine judgement after he retires this Fall.

He has prevailed upon Chairman DOMENICI and me to allow NIF to go forward for one year, albeit with substantial reporting and milestone requirements.

It is my hope and expectation that DOE will go out of their way to find credible, external reviewers to add some element of objectivity to the new project reviews we are imposing on the Department.

I am going to watch this program like a hawk for the next year.

If the Department and lab fall a day behind schedule or go a dollar over budget, I will not hesitate to zero NIF right out of the Senate bill next year and I suspect that Senator DOMENICI will help me do it.

We have given them all but a couple of percent of what the Administration requested for this project. Now is the time for performance, not excuses.

After nearly a year of listening to DOE and Livermore discuss the problems with this project, I am still not sure what bothers me more: The notion that DOE woke up one morning and discovered that their estimate was off by a billion dollars; or that they simply expected us to give them the money without much of a fuss.

A billion dollars is a tremendous amount of money.

I am done sitting by while DOE and the three weapons labs continue to sweet talk us into beginning projects and then revealing the real price tag to us later.

Livermore is on the hot seat now, deservedly so, but this is a complex-wide problem.

It is going to stop.

The chairman and I have worked together on this bill and so many other issues for many years. Despite the hard work and late nights that completing this bill requires, it is always a pleasure to work with him and his staff to get the job done.

Both of us had staff changes at the clerk position this year and we just kept humming along. The bill has worked as well as it ever has.

I thank the entire staff for all their hard work. Clay Sell, David Gwaltney, and LaShawnda Smith of Senator DOMENICI's staff have worked very well with Drew Willison, Roger Cockrell, and Liz Blevins of my staff.

Every year the associate subcommittee staff provides valuable advice, input, and recommendations to our staff and I am grateful for their help, too.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Nevada.

Mr. REID. Mr. President, under the unanimous consent agreement before the Senate, it is my understanding I have 10 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. Mr. President, as I did at the conference committee we had last night, I express my appreciation to Senator MIKULSKI for the great leadership she has shown in working this bill through this very difficult process.

As she has indicated, it takes two to do that. It is important we recognize that there are matters, when we are able to work together, where both Democrats and Republicans can work toward a common goal. That goal has been, for many months now, getting this very difficult VA-HUD bill to a point where we are now going to approve it. The Senator from Missouri is also to be commended for working so closely with the Senator from Maryland in coming up with this great piece of legislation. They are both a couple of experts in this field, not only experts in the field that covers the legislative matters before us but experts in moving the matters through the legislative process. Both sides of the aisle recognize their expertise.

After this conference report is approved, we will next move to a vote on a continuing resolution. What is a continuing resolution? It is when we have failed here to do our work to extend the operation of Government so it doesn't shut down.

So we are going to have another continuing resolution approved this afternoon. I am disappointed that we are now to a point where this is the fourth continuing resolution, I believe, that we will approve. This is for 6 days—until next Wednesday. We just completed work on a long continuing resolution. We basically completed very little during that period of time.

The new fiscal year is now nearly 3 weeks old, and Congress has still failed to have signed into law 9 of the 13 appropriations bills.

To compensate for the failure to do our work, we pass these continuing resolutions that I have talked about to stop the Government from shutting down. We have been through a Government shutdown. We know it can happen. We will now consider in a few minutes another continuing resolution. That is too bad. I find it disturbing that the continuing resolution didn't go for 24 hours at a time.

I have not been in the Congress as long as some people, but I have been here a long time. I can remember when a congressional session was winding down and we worked day and night. We worked Mondays. We worked Fridays, Saturdays, and on occasion we worked Sundays to complete our work. No, not here. We have had leisure time. We have not had any hard lifting. We just took a 5-day break.

I understand the importance of the upcoming elections as well as anyone else. The elections represent a crucial choice regarding the future of this great Republic. However, no election is more important than the election that takes place here in this Congress every day when we, in effect, vote on legislation. This election represents something just as important. That is why we were sent here—to do the work of the people. We are not doing it. The majority isn't allowing us to do it.

We will never finish these appropriations bills until it is clear to everyone that we must do our work and do it every day of the week. We have been used to 3-day weeks around here where we worked Tuesdays starting about 2:30, and Wednesday and Thursday. But we finished early on Thursday. I have never seen a congressional session such as this. We don't work on Mondays. We don't work on Fridays. And now we have a new deal: We are working 2-day weeks. We are now going to a 2-day week schedule. Of course, on the first day we will work late. So it will only be about a day and a half. I don't think when we have work to do that we should be working 2-day weeks.

I bet the hard-working American people who work for these massive corporations and small businesses would like a 2-day workweek. That is what we are having here.

It is no secret that this exceptionally slow work schedule is responsible for the fact that Congress has completed only a few appropriations bills. We passed one in July, one in August, none in September, and two so far this month. I think we should pick up the pace a little. I think the American people would agree.

Until we finish the 106th Congress, I think every continuing resolution we pass in the future should be for 24 hours. I am not going to vote for any more continuing resolutions that are for more than 24 hours. I don't know if I am going to vote for this continuing resolution. I think it is a shame that we are not going to be here literally doing work on this floor until probably next Tuesday with probably no votes until next Wednesday.

Not everyone would like this approach—because we have more certainty with a longer continuing resolution. I hope the President will support our efforts to have a 24-hour continuing resolution. I want to give everyone a hint here. The President just told us that is what he is going to do—that he will no longer approve a multiday continuing resolution—24 hours only.

When we get here Wednesday and that expires, remember that we are not going to get one for more than 24 hours. We have to complete our work. It is important that we do that.

Let's set aside for the moment the disappointing record on the appropriations bills and focus instead on the laundry list of missed opportunities that litter Capitol Hill this fall.

The lack of action on the appropriations bills is rivaled only by the chronic inaction by this Republican Congress on the many other important issues that face our country. While the Republicans blame the Democrats for lack of action, how they can do that

with a straight face is a little hard for me to comprehend. The problem is the Republican majority doesn't seem to work with each other.

We all recognize that one of the highest priorities for America at the beginning of this century is education. We have spent in this Congress parts of 6 days working on education. That is it. It couldn't be a very high priority. We don't set the agenda here. I wish we could. But instead of parts of 6 days, we would spend weeks working on education. For the first time in 35 years we haven't approved the Elementary and Secondary Education Act. That is too bad.

Another issue before the Congress is that we have failed to address any meaningful way raising the minimum wage. Sixty percent of the people who draw minimum wage are women. For many of these women it is the only money they earn for their families.

I think it is important that women who get only 74 percent of what men make for the same job should at least be recognized by getting an increase in the minimum wage.

This long list of missed opportunities which will be compounded by a 2-day workweek that we are now going to have demonstrates the irony that the majority is more interested in plowing down the campaign trail than helping plow down the field to help us pass some legislation that helps working Americans.

What legislation am I talking about? Am I making this up? The long list of missed opportunities of this Republican-controlled Congress is:

The minimum wage we talked about;

The failure to enact anything dealing with health care; Prescription drug benefits, no; Prescription bill of rights, no; Helping make college education affordable, no; Doing something about education and lower class sizes, no; Having money for school construction, no.

In the State of Nevada—the most rapidly growing State in the Nation—we have to build a school every month in Las Vegas to keep up with the growth. We need some help.

The average school in America is over 40 years old. We have crumbling schools. We must build some new schools. In one school in Ohio, the ceiling collapsed and kids were hurt.

Then there is the failure to pass a meaningful targeted tax cut for middle-class working Americans.

It is important.

One issue that we should talk about a little bit is campaign finance reform. We are awash in money. People are out raising money. Why? Because one has to be competitive. JOHN MCCAIN has been very courageous. He is one of the few Republicans to join with every Democrat over here to do something about campaign finance reform.

Get rid of corporate money; let's at least do that.

Two years ago, in the small State of Nevada, over $20 million was spent on the election for the Senate. Neither one of us spent more money. We spent the same amount of money. Can you imagine that in a small State of Nevada with over $10 million each? It is shameful. We have to change it. But, no, we are not able to even vote on it.

This continuing resolution is going to be coming up, and I am not happy with it. I am certainly supportive of making sure that we complete our work. But we don't need to take off from Thursday until next Wednesday. That is, in effect, what we are doing. That is too bad.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I believe there is some time left for Senator STEVENS under this agreement. We are interested in yielding back time, to the extent that the other side will yield back time.

Mr. President, there are lots of statements that could be made to answer the political charges of my colleague from Nevada. Let's just say we disagree with them. We will debate those later.

We have been delayed in this process because we had to file cloture because of filibusters this summer on the measures.

I ask the distinguished chairman of the committee if he would like time. I would be happy to yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. STEVENS. Has my time expired?

Mr. BOND. On the continuing resolution?

Mr. DOMENICI. He had 5 minutes.

The PRESIDING OFFICER. On the pending conference report.

Mr. STEVENS. Whatever it is, I am happy to yield back my time so we can vote.

Mr. REID. Senator BYRD has time. He is not here. I am confident that we can yield back his time.

MAKING CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 2001

The PRESIDING OFFICER. If the Senator wishes, he may use his time on the continuing resolution.

Mr. REID. I reserve Senator BYRD's time.

It is my understanding now the time goes to the CR, and Senator DORGAN has 10 minutes; is that right?

The PRESIDING OFFICER. The Senator is correct.

Ms. MIKULSKI. Are we going to vote on VA-HUD now or have stacked votes?

Mr. REID. It is my understanding we are to use the time on the CR and on the VA-HUD conference report and have two back-to-back votes.

Mr. BOND. That is our understanding. So the sooner we use up or yield back the time on the continuing resolution, the sooner we can vote, and perhaps colleagues who wish to use time can talk quickly.

Ms. MIKULSKI. Are we now done with VA-HUD?

Mr. BOND. It is my understanding the time for VA-HUD has expired. Some of the time has been used off the CR. I believe there is a willingness to yield back on our side.

Mr. REID. I used time I had reserved for me under the continuing resolution. Senator BYRD has 5 minutes. He is not here. I am sure he would be willing to yield that back. The only time remaining, as I understand it, is time on the CR. Is that right, Mr. President?

The PRESIDING OFFICER. That is correct.

Mr. REID. Who has time reserved under the CR?

The PRESIDING OFFICER. Senator DORGAN has 10 minutes and Senator STEVENS and Senator BYRD have 5 minutes each.

Mr. STEVENS. I have yielded back my time, if I had any.

Mr. DORGAN. Mr. President, it is my understanding Senator STEVENS yielded back his time on the continuing resolution?

Mr. STEVENS. Yes.

Mr. DORGAN. Mr. President, I may not take all of the 10 minutes, but I want to speak on the continuing resolution for a moment.

It is now Thursday, October 19. We have a continuing resolution, which in English means continuing the funding for the Government for appropriations bills that have not yet been completed, until next Wednesday. This is one more in a series of continuing resolutions required by this Congress because we do not have the appropriations bills completed and sent to the President to be signed into law.

Now we have to do this. I understand that. We have to pass a continuing resolution. But this is not the way for the Senate to do its business. I came from a meeting we had with the President. The President indicated this is the last continuing resolution of this sort that he will sign. He indicated the next continuing resolution will be for 24 hours, no more than 24 hours. That is what he told a large group of people a bit ago. This continuing resolution takes us until next Wednesday, after which, apparently, continuing resolutions will be for no more than——

Mr. STEVENS. Will the Senator yield?

Mr. DORGAN. Of course.

Mr. STEVENS. Mr. President, I ask the Senator, if the President said we can only have 24 hours, does that mean within 24 hours we will have the full scope of his demands under the Appropriations Committee?

We have not seen the full scope of the President's demands, and until we do we will continue to have continuing resolutions.

Mr. DORGAN. Mr. President, let the record show there is a search for scope around here.

The President's number is 456–1414. Certainly, the Senator can consult with the President on that issue.

It is now October 19. We are keeping the Senate in session and preventing the Senate from doing business in many ways. We have something pending. As soon as we finish these votes,

do you know what is pending on the floor of the Senate? The motion to proceed to S. 2557. Do you know when the motion to proceed was filed in the Senate? A month ago; a motion to proceed to an energy bill. Does anybody think there was ever an intent to proceed to a bill? No.

Why is this motion to proceed pending? To block every other amendment that would be offered by anybody else in the Senate. So the purpose is, keep us here for the desires of those who need to do the appropriations bills but don't let anybody do anything else with respect to other issues.

That is the purpose of this block motion. It has been in place a month. Some of us chafe a little by being told, you stay in session for our purposes; that is, the purposes of those who control the agenda. But in terms of what you are here for, in terms of your desires and your passions on a range of issues, forget it because we will block it with this motion to proceed.

Now, this continuing resolution takes us until next Wednesday. We apparently will have at least two votes stacked, two sequential votes, following this discussion. Then I guess the question is—this is Thursday—what happens tomorrow, on Friday or Saturday or Sunday, Monday, Tuesday, or Wednesday? Who is doing what? When are we going to get these issues resolved?

I think the import of the question from my colleague was that this is somebody else's fault. Maybe so. Maybe someone hasn't provided a list of scope here or there. All I can say is it is now October 19. This is, I think, the third CR, perhaps the fourth, and more will be required, I suspect. But if we are going to be in session, if we are going to be in session for some while, some days, then I ask the question, why aren't we working on other issues? Why should we be prevented—those on this side of the aisle—from offering amendments on a range of issues?

I think it is not the way to run this Senate, to put up a blocking motion. I believe it was put up September 22. It is now October 19. The import of that blocking motion to proceed was to say we are only going to allow the Senate to work on the following issues, and we will do it by blocking all other amendments to be offered.

I don't know what next week will bring. I will say the President indicated he is not going to sign long-term continuing resolutions. I don't know how you could. A week from now, next Wednesday, is October 25. I don't know how much further you can take this session of Congress.

At some point we have to do the appropriations bills and resolve the funding issues. I don't think anybody has had an easy job doing this. The difficulty of this job started with the passage of the budget. That budget never added up. It was not realistic. We all knew we would have to spend more money than called for in the budgets on discretionary spending.

Mr. STEVENS. Will the Senator yield?

Mr. DORGAN. Of course I yield.

Mr. STEVENS. Yesterday, this Senator completed 5 days of negotiations and finally got an agreement with the House and with everyone on how to lift the caps of the 1997 act. That did not take place because the Senator's side of the aisle objected at the last minute. We don't have a provision in this bill lifting the 1997 caps; we can't go forward until we do.

We don't have the ability to go forward yet this afternoon and tomorrow and the next day. We have to lift those caps.

It is enough to take abuse once in a while, but this Senator doesn't take it when it is undeserved. To accuse this side of the aisle for delay now is absolutely wrong. The President of the United States just came here and demanded 100 percent of what he asked for, but we don't know what it is.

Mr. DORGAN. Mr. President, let me reclaim my time. If the Senator from Alaska heard anything that represented ''abuse,'' that was not my intent. If there were discussions yesterday about lifting the cap, yesterday was October 18, 18 days past the October 1st deadline.

I happen to think the chairman of the Appropriations Committee is someone for whom I have had great respect. I don't think he has caused these problems. But I do think if you go back to the spring of this year with respect to the budget that was passed, there was not enough money in it, and we knew it then. There wasn't enough money in it for domestic discretionary programs, and we knew we would come to the end of the process with gridlock. Now we have this gridlock, and then we have these CRs that say: By the way, we will keep you in session until Wednesday but only on our issue. If you have issues—prescription drugs, minimum wage, the Patients' Bill of Rights—you ought not offer them, and we will block you. So they block it for a month.

I say to my colleagues, if you were in this circumstance, I don't think you would be as quiet as we have been. The fact is, we have been blocked for a month from offering amendments dealing with the central issues that we came to Congress to deal with and resolve and deal with. People talk about not leaving people behind. There are a whole lot of folks left behind with the agenda this Congress hasn't dealt with.

I am going to relinquish the floor, and we will vote on a CR. I assume this is not the last CR. I assume we will have more. I don't think any of us ought to be white eyed with surprise when we find ourselves in October trying to get out of a budget that was passed this spring. Incidentally, that is a budget I did not vote for because, in my judgment, it did not add up in the first place.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I ask unanimous consent I might be permitted to speak for 5 minutes since all the time has expired.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SPECTER. I think the arguments by the Senator from North Dakota require some response. If I could have the attention of the Senator from North Dakota? I know the number of the White House. I called it last night in an effort to try to resolve the outstanding differences on the appropriations bill for the Departments of Labor, Health and Human Services, and Education, the subcommittee of appropriations which I chair.

When the Senator from North Dakota talks about insufficient money for discretionary spending, that is not necessarily true. In our subcommittee, on those three Departments we met the President's figure, $106.2 billion. We have structured our priorities somewhat differently. He wanted $2.7 billion for school construction and for more teachers. We gave that to him. But we added a very appropriate proviso, and that is, if the local boards decide they have sufficient of those items, they can use it for something else.

The grave difficulty here has been, since the Government was closed, there has been a radical shift in power between the Congress and the President. Now the President expects everything on the threat of a veto. If he is going to veto something, that means the Congress has to cave to him and knuckle to him. We are proceeding in a nonconstitutional way. We have the executive branch in our legislative discussions before we arrive at our bills, and then we have a situation where the President has to have his way. There is no such thing as compromise. We are discussing language——

Mr. DORGAN. Mr. President, will the Senator from Pennsylvania yield?

Mr. SPECTER. No.

We are discussing the issue of schoolteachers. Last year, in the middle of the night, there was a compromise which went around this Senator, the chairman of the subcommittee, and I am not prepared to take that unacceptable language. But it is a high-handed demand. We are not going to retreat from last year's language on a program the President thinks is important.

We need to go back on track, and that is to follow the Constitution and submit our bills to the President. The Congress has the primary authority and responsibility for assessing priorities. We have the purse strings, it says in the Constitution. But that is not the way it is functioning today.

When the President comes to Capitol Hill and issues a dictatorial statement that he is not going to sign continuing resolutions for longer than a day, fine, let him stay in town. It will be quite a change for the President's schedule if he stays in town to sign these continuing resolutions day in and day out.

It is time the Congress stopped being blamed for everything.

If the American people understood where we stand on my bill, that the President got the full sum he asked for, there is a difference in priorities—I ask unanimous consent for 2 more minutes, Mr. President.

Mr. DORGAN. Reserving the right to object—and I shall not object—I would like to observe, I have yielded to requests on that side and I hope the Senator will yield at the end of his time.

Mr. SPECTER. I will be glad to yield at the end of my time, limited as it is.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. If the American people knew we met the President's figure of $106.2 billion but we think the National Institutes of Health ought to have a priority—we have raised them $1.7 billion more than the President, we have given more money to special education—I think if the American people knew that, they would say those are more important priorities.

If the American people knew that we want to retain local control so school boards can spend the money the way they see fit on the local level if they do not think the President's priorities are preferable, that they prefer local control to a Washington, DC, bureaucratic straitjacket, then we could have that decision.

But this Senator is not at all concerned about 1-day continuing resolutions. I am prepared to stay here a lot longer than is the President.

I yield for a question.

Mr. DORGAN. I thank the Senator for yielding for a brief question. If the Senator's contention is there was enough money in the budget this spring for domestic discretionary, why, then, are people on his side discussing the need to increase the budget caps, the spending caps?

Mr. STEVENS. If I may answer that, with regard to the bill on which we are about ready to vote, I, as chairman, delegated some of the 302(b) allowance to Health and Human Services to VA–HUD and to the other bill, energy and water. It is because of the limits that were set in the 1997 act, not just the budget resolution. We have not lifted them to the point to have enough money to pass this bill.

Mr. BOND. Mr. President, might I ask if everybody will yield back the time so we can get on with the votes?

Mr. DORGAN. Mr. President, I make a point of order a quorum is not present.

Mr. BOND. Mr. President, there are other pressing matters. It is an interesting discussion that might go on after the vote.

Mr. DOMENICI. Regular order.

The PRESIDING OFFICER. Time has expired.

The Senator from Nevada.

Mr. REID. Mr. President, it is my understanding now we are going to vote on VA–HUD. After that, because of one of the senior Members, and others, we are going to have to wait until the papers get here before we vote on the CR. I understand they should be here momentarily. I am sure by the time the vote is closed they will be here, so I hope we can go to the vote now on VA–HUD.

Mr. STEVENS. Mr. President, parliamentary inquiry: Isn't there an order to vote back to back on these bills?

The PRESIDING OFFICER. There is an understanding that will occur. That will be the case.

Mr. STEVENS. Is it the order, the unanimous consent agreement?

The PRESIDING OFFICER. Time has expired on both measures, and votes will occur on both measures back to back.

Mr. STEVENS. Let's run the first one here.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE ON H.R. 4635 CONFERENCE REPORT

Mr. BOND. Mr. President, have the yeas and nays been ordered on the VA–HUD conference report?

The PRESIDING OFFICER. They have not.

Mr. BOND. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the conference report. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Minnesota (Mr. GRAMS), the Senator from North Carolina (Mr. HELMS), and the Senator from Arizona (Mr. MCCAIN) are necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER (Mr. INHOFE). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 85, nays 8, as follows:

[Rollcall Vote No. 278 Leg.]

YEAS—85

Abraham	Brownback	Craig
Akaka	Bryan	Crapo
Ashcroft	Bunning	Daschle
Baucus	Burns	DeWine
Bayh	Byrd	Dodd
Bennett	Campbell	Domenici
Biden	Chafee, L.	Dorgan
Bingaman	Cleland	Durbin
Bond	Cochran	Edwards
Boxer	Collins	Enzi
Breaux	Conrad	Fitzgerald
Frist	Lincoln	Sarbanes
Gorton	Lott	Schumer
Gregg	Lugar	Sessions
Hagel	Mack	Shelby
Harkin	McConnell	Smith (NH)
Hatch	Mikulski	Smith (OR)
Hollings	Miller	Snowe
Hutchinson	Moynihan	Specter
Hutchison	Murkowski	Stevens
Jeffords	Murray	Thomas
Johnson	Nickles	Thompson
Kennedy	Reed	Thurmond
Kerrey	Reid	Torricelli
Kohl	Robb	Warner
Landrieu	Roberts	Wellstone
Lautenberg	Rockefeller	Wyden
Leahy	Roth	
Levin	Santorum	

NAYS—8

Allard	Gramm	Kyl
Feingold	Grassley	Voinovich
Graham	Inhofe	

NOT VOTING—7

Feinstein	Inouye	McCain
Grams	Kerry	
Helms	Lieberman	

The conference report was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I thank the chairman of the committee and the ranking member, Senator MIKULSKI, for the work they have done on this bill. It has been a long process, and they both have done excellent work. We appreciate their leadership.

UNANIMOUS CONSENT REQUEST—H.R. 2415 CONFERENCE REPORT

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the conference report containing the bankruptcy bill, H.R. 2415, and the conference report be considered as having been read.

The PRESIDING OFFICER. Is there objection?

Mr. WELLSTONE. I object.

The PRESIDING OFFICER. Objection is heard.

WITHDRAWAL OF MOTION TO PROCEED TO S. 2557

Mr. LOTT. I now withdraw my motion to proceed to S. 2557 regarding America's dependency on foreign oil.

The PRESIDING OFFICER. The Senator has that right.

BANKRUPTCY REFORM ACT OF 2000—CONFERENCE REPORT

MOTION TO PROCEED

Mr. LOTT. Mr. President, I move to proceed to the conference report containing the bankruptcy reform bill, H.R. 2415, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Montana (Mr. BURNS), the Senator from Idaho (Mr. CRAPO), the Senator from Minnesota (Mr. GRAMS), the Senator from North Carolina (Mr. HELMS), and the Senator from Arizona (Mr. MCCAIN) are necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Washington (Mrs. MURRAY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 89, nays 0, as follows:

[Rollcall Vote No. 279 Leg.]

YEAS—89

Abraham	Enzi	Mikulski
Akaka	Feingold	Miller
Allard	Frist	Moynihan
Ashcroft	Gorton	Murkowski
Baucus	Graham	Nickles
Bayh	Gramm	Reed
Bennett	Grassley	Reid
Biden	Gregg	Robb
Bingaman	Hagel	Roberts
Bond	Harkin	Rockefeller
Boxer	Hatch	Roth
Breaux	Hollings	Santorum
Brownback	Hutchinson	Sarbanes
Bryan	Hutchison	Schumer
Bunning	Inhofe	Sessions
Byrd	Jeffords	Shelby
Campbell	Johnson	Smith (NH)
Chafee, L.	Kennedy	Smith (OR)
Cleland	Kerrey	Snowe
Cochran	Kohl	Specter
Collins	Kyl	Stevens
Conrad	Landrieu	Thomas
Craig	Lautenberg	Thompson
Daschle	Leahy	Thurmond
DeWine	Levin	Torricelli
Dodd	Lincoln	Voinovich
Domenici	Lott	Warner
Dorgan	Lugar	Wellstone
Durbin	Mack	Wyden
Edwards	McConnell	

ANSWERED ''PRESENT''—1

Fitzgerald

NOT VOTING—10

Burns	Helms	McCain
Crapo	Inouye	Murray
Feinstein	Kerry	
Grams	Lieberman	

The motion was agreed to.

BANKRUPTCY REFORM ACT OF 2000—CONFERENCE REPORT

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate on the bill H.R. 2415, an Act to enhance security of United States missions and personnel overseas, to authorize appropriations for the Department of State for fiscal year 2000, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, and the Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report.

(The report was printed in the House proceedings of the RECORD of October 11, 2000.)

NATIONAL ENERGY SECURITY ACT OF 2000—MOTION TO PROCEED

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. I now move to proceed to S. 2557, regarding America's dependence on oil.

The PRESIDING OFFICER. The motion is debatable.

UNANIMOUS CONSENT AGREEMENT—H.J. RES. 114

Mr. LOTT. I ask unanimous consent when the Senate receives from the House the continuing resolution, the resolution be immediately considered, advanced to third reading and passed, and the motion to reconsider be laid upon the table, all without intervening action, motion, or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LOTT. Mr. President, for the information of all Senators, then, the Senate will have conducted its last vote for the day. We will adjourn shortly, although I understand there is one bill that is going to be taken up with some brief debate, and also there will be some debate on the bankruptcy issue. The Senate will not be in session on Friday, but the appropriations negotiators and others who are negotiating some policy decisions will be meeting tomorrow and throughout the weekend, if necessary.

The Senate will be in session on Monday, and I expect that there will be a period for morning business. Unless some procedural step is necessary regarding the bankruptcy bill, I do not expect any further announcements with regard to the schedule.

The Senate will next be in session after that on Tuesday. Therefore, votes could occur on Tuesday in an effort to wrap up the session of Congress. We do have four appropriations bills that need to be completed, and, one way or another, we also are looking at a tax package and, of course, bankruptcy, with a vote on cloture if necessary.

Later on, either tomorrow or Monday, we will notify Members jointly as to exactly when votes could be expected, but it will depend on when agreements are reached, when the conference reports are filed, and when the House acts because I think in each of these four instances the House would have to act first. We will move on the bankruptcy, depending on what is happening on these appropriations bills and the tax package.

MORNING BUSINESS

I now ask unanimous consent the Senate proceed to a period for morning business with Senators permitted to speak up to 10 minutes each.

The PRESIDING OFFICER. Is there objection?

Mr. WELLSTONE. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. WELLSTONE. Mr. President, my understanding is we are on the bankruptcy bill, is that correct?

The PRESIDING OFFICER. No. We are on a motion to proceed to S. 2557.

Mr. WELLSTONE. Mr. President, I withdraw my objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Several Senators addressed the Chair.

Mr. REID. Mr. President, if the Senator from Minnesota will withhold for a moment?

The PRESIDING OFFICER. The assistant minority leader.

Mr. REID. I wanted to ask the majority leader a couple of questions. I say to my friend, as he knows, there is some angst over here as to whether or not the people, especially from the West, have to travel back here on Tuesday.

We will have to know Monday night; otherwise, Senators have to catch planes early Tuesday morning to get back on time.

Mr. LOTT. Mr. President, I say to Senator REID, we had to make a decision last Monday. Unfortunately, we did not immediately communicate with both sides of the aisle because it was late in the afternoon. We need to be in close touch. I will be here Monday. I know the Senator from Nevada will be. Once we see when the reports are filed and when these votes will be ready, we will be prepared to notify everybody as to when they can expect a vote.

It appears to me it is possible we could have one or more of these conference reports ready late Tuesday, but if it becomes apparent the House is not going to get it until late Tuesday or even late in the afternoon, we may want to make a conscious decision to go ahead and announce Monday those votes may not occur until Wednesday.

I think we need another day or perhaps the weekend to see if these agreements can be worked out between the House and Senate Republicans and Democrats and the White House and get the reports filed. It is impossible to say right now. I assume all Senators would like to get this work completed as soon as possible. If we can do it Tuesday and Wednesday, I presume that is preferable, but if it is going to be Wednesday or Wednesday/Thursday, then obviously Senators want to know that. I will stay in close touch with Senator REID, and we will make those decisions and those announcements jointly, not later than Monday afternoon.

Mr. REID. Mr. President, I say to my friend, if we knew sometime late Monday afternoon, 4, 5, even 6 o'clock, we could——

Mr. LOTT. I will be out here. I will see the Senator from Nevada on the floor. We will make those calls at that time and notify everybody so they at least have 24 hours' notice.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

BANKRUPTCY REFORM

Mr. WELLSTONE. Mr. President, I am going to take a few moments. I know Senator KENNEDY is here on the floor, and I believe Senator FEINGOLD may be coming down as well. In any case, I want colleagues to know next week when we do get back to the bankruptcy bill, whenever it is, there are a number of Senators who are ready to speak on this bill and go into its substance.

I think the 100–0 vote is an indication that we do not mind going forward with the bill, but we do intend to speak about this legislation because the more people know about this legislation, the more likely Senators will vote against it. We certainly intend to have the debate, and if there is a cloture vote next week—there may or may not be—we intend to do everything we can to defeat this legislation. We have time to debate this legislation next week. If it goes to beyond cloture, we will have more hours then to debate this legislation. Let's take one step at a time.

I will point out to Senators the process first, and then we will go to substance. I do not know whether or not this is an argument that wins with the public. The argument about this bankruptcy bill on substance wins with the public. We have had some discussion about the scope of the conference and rule XXVIII.

This was a State Department authorization bill. We had an ''invasion of the body snatchers'' where all of the content dealing with State Department reauthorization has been taken out and bankruptcy has been put in. It is a clear abuse of the legislative process. I doubt whether any Senator who views himself as a legislator can be comfortable with the way we are proceeding.

I believe there are many Senators who are going to want to speak about this outrageous process. I do not know if I have ever seen anything like this where we have a State Department reauthorization bill conference report that is hollowed out, gutted completely, and replaced by the bankruptcy reform bill conference report. It is unbelievable. It is beyond anything I ever imagined could go wrong in the Senate. It is a way to jam something through, but in one way I can understand why the majority leader and others would try to jam this through because the content, the actual legislation itself, is so egregious.

I simply point out to Senators that there is not one word, not one aspect of this legislation—next week I will have a chance to talk a lot about it; we will talk a lot about this legislation—there is not one word, not one provision, not one sentence, not one section which holds credit card companies or large banks accountable for their predatory practices. There is no accountability whatsoever.

We have nothing in this legislation that holds them accountable, but what we do have is legislation that, first of all, rests on a faulty premise. The bill addresses a crisis that does not exist. We keep hearing these scare statistics, which, by the way, do not jibe with the empirical evidence that there has been all these increased bankruptcy filings. In fact, bankruptcy filings have fallen dramatically over the last 2 years.

We have heard about the abuse. The American Bankruptcy Institute points out that, at best, we are talking about 3 percent of the people who file chapter 7 who actually could pay back their debts; 3-percent abuse, and for 3-percent abuse, what we are doing is tearing up a safety net for middle-income people, for working-income people, for low-income people who are trying to rebuild their lives.

Do we do anything about health care costs? No. Is the No. 1 cause of bankruptcy medical bills? Yes. Do we do anything about raising the minimum wage? No. Do we do anything about affordable housing? No. Do we do anything about affordable prescription drugs for elderly people? No. But the banking industry and the credit card industry get a free ride, and we pass a piece of legislation which is so harsh that it will make it difficult for middle-income people, much less low-income people, to rebuild their lives.

Hardly anybody abuses this. No one wants to go through bankruptcy. People are doing it because there is a major illness in their family. They are doing it because somebody lost their job. They are doing it because of some financial catastrophe. When people today try to rebuild their lives, we come to the floor of the Senate with a piece of legislation basically written by the credit card industry, written by the big financial institutions. They are the ones with all the clout. They are the ones with all the say.

I say to my colleagues, it is not coincidental that every civil rights organization opposes this; that every labor organization opposes this; that almost every single women's and children's organization opposes this; that the vast majority of the religious communities and organizations oppose this.

Today we had a vote to proceed, but next week there will be an all-out debate and we will focus on the harshness of this legislation, the one-sidedness of this legislation. By the way, this legislation in this hollowed out sham conference report is worse than the legislation that passed the Senate.

Now we have a bill that says to women, single women, children, low- and moderate-income families: You are not going to be able to rebuild your lives; we are going to pass a piece of legislation that is going to make it impossible for you to rebuild your lives even when you have been put under because of a huge medical bill, no fault of your own. At the same time, for those folks who have lots of money, if they want to go to one of the five States where they can put all their money into a $1 million or $2 million home, they are exempt; they are OK.

This is what the majority party brings before the Senate. It is unbelievable. No wonder they have to do it through this ''invasion of the body snatchers'' conference report. They take a State Department conference report, gut it, take out every provision that deals with the State Department reauthorization, and put in a bankruptcy bill that is even more harsh than the one that passed the Senate that is anticonsumer, antiwomen, antichildren, antiworking people and I think anti some basic values about fairness and justice.

I hope next week—I do not hope, I know—there will be a sharp debate, and we are prepared to debate this; we are prepared to use every single privilege we have as Senators to fight this tooth and nail.

And next week there will be a long, spirited discussion about this piece of legislation.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I want to, first of all, thank my friend and colleague, the Senator from Minnesota, for his very eloquent statement, and most of all for all of his good work in protecting working families in this country on this extremely important piece of legislation.

I, too, am troubled, as I mentioned earlier today, by the fact that with all the unfinished business we have in the Senate that now with the final hours coming up next week, we are being asked to have an abbreviated debate and discussion on the whole issue of bankruptcy without the opportunity for amendments. Effectively, we are being asked to take it or leave it on legislation which is going to affect millions of our fellow citizens.

I had wished that we had scheduled other legislation, as I mentioned earlier today. I wish we were willing to come on back to the Elementary and Secondary Education Act or in terms of a Patients' Bill of Rights or a prescription drug program for our seniors in our country.

As someone who has been traveling around my own State, this is what I hear from families all over Massachusetts: Why isn't the Senate doing its business? Why didn't it do its business reauthorizing the Elementary and Secondary Education Act? This is the first time in 34 years that it has not done so. Why is it 3 weeks late in terms of appropriating funding for education, of which we hear a great deal in the Presidential debates? And in the Congress,

aren't we somehow sensitive to what our leaders are saying in the Republican and Democratic parties about the importance of education? Here we are now 3 weeks late, and the last appropriation, evidently, is going to be the education one. That is not the way that we think we ought to be doing business.

So we find ourselves coming back to this issue—or will next week—on the question of whether we are going to accept bankruptcy legislation.

I want to make a few points at the outset of my remarks: some proponents of this legislation argue that all the outstanding concerns about the bill have been resolved and that the problems have been fixed. That is simply untrue. It is a myth that women and children are protected under the provisions of this bill.

Over 30 organizations that advocate for women and children wrote us and said that by increasing the rights of many creditors—including credit card companies, finance companies, auto lenders, and others—the bill would set up a competition for scarce resources between parents and children owed child support, and commercial creditors, both during and after bankruptcy. Contrary to the claims of some, the domestic support provisions included in the bill would not solve these problems.

I have here a list of advocates for women and children who are opposed to this bill. I listened recently, a few hours ago, to a very impassioned statement by one of my colleagues about how the women and children were being protected. Here is a list—and I will include the list in the Record—of groups that, for the life of their years, have been advocates for children and women. These groups say that provisions in the conference committee report are going to put children and women at serious risk and that the proposed bankruptcy law will do a significant disservice to their rights. This is not only what these various groups have said, but this is also the conclusion of the 82 bankruptcy scholars I have listed that I will include in the RECORD.

Mr. President, I ask unanimous consent that the letter written by 82 bankruptcy scholars to our colleagues outlining the provisions of the conference report that put women and children at risk be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SEPTEMBER 7, 1999.

Re The Bankruptcy Reform Act of 1999 (S. 625)

Hon. ORRIN HATCH,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

Hon. PATRICK LEAHY,
Ranking Member, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR SENATORS: We understand that the United States Senate is scheduled to consider S. 625, the Bankruptcy Reform Act of 1999, in the near future. This letter offers the views of the eighty-two (82) undersigned professors of bankruptcy and commercial law on important consumer bankruptcy aspects of this legislation.

We recognize the concern that some individuals and families are filing for chapter 7 bankruptcy to be relieved of financial obligations when they otherwise could repay some or all of their debts. Fostering increased personal responsibility is a worthwhile aim. However, we believe that S. 625 as currently drafted will not achieve the goals of bankruptcy reform in an equitable and effective manner, and we fear that some provisions of the bill have the potential to do more harm than good.

Specifically, we urge consideration of two principal points:

The ''means test'' in S. 625 may not identify those individuals with the ability to repay a substantial portion of their debts, while at the same time it may work considerable hardship on financially strapped individuals and families filing bankruptcy petitions that are not abusive.

This bill contains much more than a means test. Dozens of provisions in S. 625 substantially enhance the rights of a variety of creditor interests and increase the cost and complexity of the system. Taken as a whole, these provisions may adversely affect women and children—both as debtors and creditors—as well as other financially vulnerable individuals and families.

MEANS TEST

The cornerstone of consumer bankruptcy reform is the ''means test.'' Why have a means test? The perception is that some debtors with a meaningful ability to repay their debts are filing chapter 7 to discharge those debts, and instead should repay their debts in chapter 13. A means test is supposed to find and exclude those ''can-pay'' debtors from chapter 7. The trick is identifying the real abusers at an acceptable cost, without unfairly burdening those ''honest but unfortunate'' debtors who legitimately need chapter 7 bankruptcy relief.

In thinking about the proper design of a means test, it first is essential to understand the extent to which individuals and families are actually abusing the bankruptcy system. Since last year's debates on bankruptcy reform, a study funded by the independent and nonpartisan American Bankruptcy Institute found that less than 4% of consumer debtors could repay even 25% of their unsecured nonpriority debts if they could dedicate every penny of income to a repayment plan for a full 5 years. In short, for about 96% of consumer debtors, chapter 7 bankruptcy is an urgent necessity. Of course, the fact that most debtors cannot pay does not mean that the S. 625 means test will not affect them.

Last year, the Senate worked hard on a bankruptcy reform bill that went through substantial revision and ultimately passed by a vote of 97 to 1 (S. 1301). S. 1301 was reintroduced this year (now S. 945, known as the Durbin-Leahy bill), but was not the starting point for this year's bankruptcy reform debate, and many key provisions of S. 625 differ substantially from those in S. 1301, including many details of the means test:

S. 625 uses a rigid, arbitrary, nondiscretionary mathematical test to define ''abuse''; whether a debtor could repay 25% of $15,000 of unsecured nonpriority debts over 5 years versus S. 945, which considers whether a debtor could repay 30% of such debts over 3 years in a chapter 13 plan under the standards used in chapter 13 today. In an effort to impose a standardized and objective means test, S. 625 contains loopholes that permit high income debtors to escape the means test by incurring extra secured debt or reducing income. Individualized discretion vested in the hands of those closest to the front—the able bankruptcy judges—will be more effective in identifying abusive cases.

S. 625 uses rigid IRS collection standards, which have been criticized by Congress in other debates, to determine the allowable expenses of families versus S. 945, which analyzes actual expenses and whether those expenses are reasonable. The IRS collection standards are used by the IRS on a case-by-case basis and are not well suited to form the basis of an objective bankruptcy means test, particularly because they do not automatically cover critical expenses such as health insurance and child care. As noted by House Judiciary Committee Chairman Henry Hyde, using the IRS collection standards as part of a bankruptcy means test may produce substantial hardship for financially troubled families. That hardship is unnecessary when there are other more effective ways to determine whether a debtor has the ability to repay debts.

S. 625 measures debtors' ability to pay over 5 years versus S. 945, which measures ability to pay over 3 years, which is currently the standard duration of chapter 13 repayment plans. Already, two-thirds of individuals who file under chapter 13 do not make it to the end of a 3-year plan. It is unrealistic, and perhaps even a bit misleading, to gauge an individual's ability to pay over 5 years when the likelihood of that happening is not very high.

ADVERSE EFFECT OF CONSUMER BANKRUPTCY OVERHAUL ON FINANCIALLY VULNERABLE FAMILIES, SUCH AS SINGLE PARENT HOUSEHOLDS

Spanning approximately 350 pages, S. 625 clearly is much more than a means test. Many of the provisions in this reform effort, particularly those that enhance creditors' rights and complicate bankruptcy procedures, substantially alter the relief available in both chapter 7 and chapter 13 repayment plans. These changes may or may not do much to prevent abuse of the system, but for the most part they apply to all bankruptcy cases and may produce unintended consequences.

Last year, numerous Senators, Administration officials, and bankruptcy experts expressed concern that certain elements of bankruptcy reform may increase the hurdles for financially troubled women and children to collect support payments and gain financial stability. Since then, a set of domestic support provisions has been added to the bill. Those provisions may be helpful to state support enforcement agencies and, in some instances, to women and children trying to collect support. However, those provisions are not at all responsive to the concerns originally identified. A close look suggests that these concerns persist:

First: Women and children as creditors will have to compete with powerful creditors to collect their claims after bankruptcy.

Current bankruptcy law provides that deadbeat debtor husbands and fathers cannot be relieved of liability for alimony, maintenance, and support, which means that those women and children as creditors are still entitled to collect domestic support from the debtor after he emerges from bankruptcy. Importantly, relatively few other debts are usually excluded from discharge, increasing the likelihood that the support recipients will be able to collect both past-due and ongoing support payments. S. 625 substantially alters that situation and increases the number of large and powerful creditors who can continue to collect their debts after bankruptcy, competing with women and children to collect their debts after bankruptcy. Women and children are likely to lose that competition.

Following are just a few examples of how S. 625 increases the competition women and children will face:

Debtors will remain liable for more credit card debts after the bankruptcy process is over. This will be true even for debtors who dedicate every penny to a 5-year chapter 13 repayment plan.

Debtors will be pressured to retain legal liability for more consumer debts by signing reaffirmation agreements, particularly in connection with debts incurred with the charge cards of large retail stores.

More of the debtor's limited resources will be siphoned off to pay creditors claiming that their debts are secured by the debtor's property, even if that property is nearly worthless.

Second: Giving ''first priority'' to domestic support obligations does not address the problem.

Arguing that the bill now favors the claims of women and children, proponents of this reform effort emphasize that the bill gives ''first priority'' to domestic support obligations. In practice, this change in priority is not responsive to the major problems for women and children in this bill. Why is this so?

Changing the priority in distribution during bankruptcy will make a difference to women and children in less than 1% of the cases, and could actually result in reduced payments in some instances.

The priority provision does not affect priority or collection rights after the bankruptcy case is over. Collecting after bankruptcy—not during bankruptcy—is often the significant issue for support recipients.

Third: Substantial enhancements of creditors' rights, without sufficient protections to keep those powers in check, undercut the opportunity for financial rehabilitation for women and children who file for bankruptcy themselves.

It is estimated that 540,000 women will file bankruptcy alone in 1999. Many of the provisions that harm the interests of women as creditors will hurt women who use the system as debtors, some of whom file after being unable to collect support. S. 625 is replete with provisions that tighten the screws on families who legitimately need debt relief through bankruptcy, and also contains many new roadblocks and cumbersome informational requirements that will substantially increase the cost of accessing the system for the families who are most in need of debt relief and financial rehabilitation.

As professors of commercial and bankruptcy law, we urge the distinguished members of the United States Senate to enact bankruptcy reform that restores an appropriate balance to the legitimate interests of all debtors and creditors. Bankruptcy law is a very complex system. Great care must be taken when revising that system not to make things worse. We have faith that you can bring about positive change.

Thank you for your consideration.

Mr. KENNEDY. I will just read at this time this particular paragraph of the letter:

Last year, numerous Senators, Administration officials, and bankruptcy experts expressed concern that certain elements of bankruptcy reform may increase the hurdles for financially troubled women and children to collect support payments and gain financial stability. Since then, a set of domestic support provisions has been added to the bill. Those provisions may be helpful to state support enforcement agencies and, in some instances, to women and children trying to collect support. However, those provisions are not at all responsive to the concerns originally identified. A close look suggests that these concerns persist:

Women and children as creditors will have to compete with powerful creditors to collect their claims after bankruptcy.

There it is: ''Women and children as creditors will have to compete with powerful creditors to collect their claims after bankruptcy''—period.

Who do you think is going to win? The powerful creditors or the women and the children? The women who might be out there trying to collect alimony, or the mothers who, as a result of a separation or divorce, are trying to get child support, or the creditors who are represented by powerful financial interests and a whole battery of lawyers? Who do we think is going to win?

Those who have studied the bankruptcy laws—without being Republican or Democrat—have all stated their belief that creditors are going to win. As a result, the women and children are going to be put at risk. So we are going to hear a great deal about how this legislation protects women and children. It does not. It does not. And we will welcome the opportunity to engage in that debate as this process moves along.

A second point that is mentioned in this letter—I will again just read a portion of it:

Giving ''first priority'' to domestic support obligations does not address the problem.

Arguing that the bill now favors the claims—

This is an additional reference to the point about women and children—

Arguing that the bill now favors the claims of women and children, proponents of this reform effort emphasize that the bill gives ''first priority'' to domestic support obligations. In practice, this change in priority is not responsive to the major problems for women and children in the bill. Why is this so?

Changing the priority in distribution during bankruptcy will make a difference to women and children in less than 1 percent of the cases, and could actually result in reduced payments in some instances.

Second:

The priority provision does not affect priority or collection rights after the bankruptcy case is over. Collecting after bankruptcy—not during bankruptcy—is often the significant issue for support recipients.

Here it is. They know how to work the language. The credit card companies know how to work the language to give the facade that they are protecting the women and children, but they are not. They are putting them at greater risk.

Why, with all the things that need to be done in this country at this time, we are trying to stampede the Senate into legislation that is going to put women and children at greater risk when they are facing hardships in their lives, is beyond my comprehension in one respect, but it is very understandable in another respect; and that is because of the same reasons that we are not getting a Patients' Bill of Rights up before us, because of the power of the HMOs and the HMO industry that are daily putting at risk the well-being and the health of American patients all across this country.

Even though there is a bipartisan majority in the House and in the Senate, the Republican leadership is refusing to bring that bill up for a vote. At the same time, they are developing what they are calling balanced budget legislation to try to give allegedly a restoration of some funding to assist some providers because of the cuts that were made at the time of the balanced budget amendment a few years ago, which took a great deal more out of those providers than ever was intended. It is generally agreed that we would restore some of those funds. Who has the priority under the Republicans? The HMOs. They want to give them the money whether they agree to continue to provide the health care or not to our Medicare beneficiaries. They just dropped close to a million of them last year, and they are here with their hands out to get another payoff.

Well, we should ask, why have we gotten this legislation? It is quite clearly because of the credit card companies that have been willing to make those contributions as well. Let the contributions fall where they may, whether they include the Democrats or the Republicans. There is no question the Republican leadership has put us in the position of bringing this proposal up in the final hours of the Congress.

Proponents also argue that the bill provides relief to small businesses which are filing for bankruptcy, but the legislation in many ways makes it more difficult for small businesses to reorganize. The effect is, more and more small businesses will fail and thousands of American workers will lose their jobs. That is the reason the various organizations that represent workers are strongly opposed to it. We heard from one of our colleagues that this is going to make it a great deal easier for small businesses. Why then are organizations that are representing these workers coming out so strongly in opposition? They understand that the provisions of the small business proposal impose more onerous and costly requirements on small businesses than they do on big businesses.

The bill requires that small business debtors comply with a host of new bureaucratic filing requirements and periodic reports. Large businesses are not subject to these requirements. Senior management of small business debtors must attend a variety of meetings at the U.S. trustee's discretion. Senior management of large businesses do not. Under this bill, small business debtors are subject to an extra layer of scrutiny by the U.S. trustee who must assess whether the debtor lacks business viability and should be dismissed out of bankruptcy. Large business debtors are not. Small business debtors are subject to repeated filing restrictions. Large business debtors are not.

I am not suggesting that large businesses should be subject to all of these provisions. I am suggesting, however, that these provisions should be reconsidered.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KENNEDY. Are we under a time constraint?

The PRESIDING OFFICER. Ten minutes.

Mr. KENNEDY. Mr. President, I ask unanimous consent for 3 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I will have more to say about this. I think it is very important to understand that traditionally when we get legislation, we ask who are the beneficiaries and who will pay the price for the legislation. We balance those various factors.

Quite frankly, when we look at this legislation, the people who will bear the hardship for the fact that there is some abuse in the bankruptcy laws—that we could all agree need attention and need to be addressed—are the most vulnerable in our society and are paying an extremely unfair price. That is absolutely wrong. We are going to have a good opportunity to address that in the debate to come.

I thank the Chair and yield the floor.

Mr. SESSIONS. Mr. President, I am compelled to respond to some of the outlandish allegations that have been made against the bipartisan bankruptcy bill that passed this Senate twice with over 90 votes, I believe, both times. It is a bill that has been under discussion for well over 2 years. I personally negotiated not long ago with the White House and Senator REID the last problem we had with the bill. We worked that out to the satisfaction of those who were negotiating it. I thought we were well on the way to finally passing this bill.

What we have in this body is a group of Senators who vote for it but, when the chips are down, don't help us get it up for the final vote.

The suggestion that there has been no opportunity for debate is certainly wrong. We debated it in committee, extensively in the Judiciary Committee, where I am a member. We debated it on the floor two separate years and earlier this year in great detail. We received a whole host of amendments, and we debated those amendments in detail. We voted on those amendments. It has gone to conference. Now we have a bill on the floor, and Senators are complaining that they can't now offer more amendments. You don't amend a conference report after it has been to conference. That is true of every bill that ever goes through this body.

It is shocking to me to hear some of the things that have been said about this bill. What this legislation does is say we have to do something about this incredible increase in the filing of bankruptcies in America. Over a million—it has doubled in 10 or 12 years—is the number of people who have been filing bankruptcy. Why is that so? Because you can go to your bankruptcy lawyer and if you owe $30,000 and you make $30,000 a year, you can file bankruptcy, not pay your debts, not pay one dime that you owe—not a dime—and walk away scot-free by filing under chapter 7. That is happening every day in this country, and it is an absolute abuse. It is wrong.

The family that does its best every day to pay its debts and tries to do right, are they chumps? Are they dumb because they don't run up a bunch of debts and not pay their debts and then go down to the bankruptcy lawyer and just file bankruptcy, even though they could have paid those debts if they tried to do so?

This bill addresses at its fundamental core the bankruptcy machine that is out there being driven by advertising you see on your TVs virtually every night all over America until 11 or 12 o'clock. There are these ads: Got debt problems? Call old Joe, the bankruptcy lawyer. He will take care of you.

Do you know what they tell them when they get there? They say: First of all, Mr. Client, you need to pay me $1,000, $2,000.

I really don't have that, Mr. Lawyer.

Don't pay any more debts. Get all your paychecks. Collect all your paychecks. Bring the money to me. Keep paying on your credit card. Run up your debt, and then we will file bankruptcy for you, and we will wipe out all the debts; you won't have to pay them.

The lawyer gets his money. There are lawyers of whom I am aware personally who get paid $1,000 or more and have done 1,000 or more in 1 year. That is $1 million a year, just routine, running this money through the system, basically ripping off people who need to be paid.

Make no mistake about it, when an individual does not pay what he owes and what he could pay, we all pay. Who pays? The one who is honest and pays his debts. He ultimately gets stuck with higher interest rates. The businesses lose money and can't afford to operate. That is what is happening.

They say: Well, it is health care. If you have severe medical problems and you are not able to pay your debts, you ought not to have to pay your debts.

But why should you be able to not pay the hospital, if you can? That is the question. If you can pay the bill, shouldn't you pay it? That is the question.

The fundamental part of this bill is, if you are making above median income in America, that is adjusted by how many children you have. If you have more children, your income level goes up for median income—the factors included in that. So if you can't pay your debt, you get to wipe out all your debts just like today under chapter 7. If your income is $100,000 a year and you owe $50,000 and you can easily pay at least some of that $50,000, under this law—and you make above median income—you can ask the creditors whom who you are not paying to ask the judge to put you into chapter 13. The judge may say: Mr. Debtor, you owe $50,000. We don't believe you can pay all the debt. You need to pay $10,000 of that back, and you will pay it so much a month over 3 years in chapter 13.

Chapter 13 is not a disaster. It is not a horrible thing. As a matter of fact, in my State, chapter 13 is exceedingly popular. I believe more than half of the bankruptcy filings in Alabama are filed under chapter 13 instead of chapter 7, which just wipes out your debt. With chapter 13, you go to the judge and say: I have more debts than I can pay. The creditors are calling me, and I can't pay all of them at once. The judge says: OK, stop. Pay all of your money to the court, and we will pay it out to each one of these creditors so much a month. You get to have so much to live on for you and your family.

It works pretty well. We need to do more of this. That is what this legislation will do. That is the fundamental principle.

They say: Well, it doesn't do anything about credit card solicitations.

This isn't a credit card bill. This is a debt bill. This is a bankruptcy bill. We have a banking committee that deals with credit card legislation. We had votes on credit card legislation on the floor, and people have had their say. Some passed, and some didn't. This is not a credit card bill. This is a bill to reform a legal system in America, the bankruptcy court system, which is a Federal court system that I believe is in a disastrous condition.

We have had this surge of bankruptcy filings. It has become a common thing to just up and file for bankruptcy. People used to have a severe aversion to ever filing for bankruptcy. Now that is being eroded by the advertisements and so forth that they see. There is an abuse going on.

They say it does not do anything for women and children. I am astounded at that. Under this law, alimony and child support will be moved up to the No. 1 priority in bankruptcy—even above the lawyers. That is probably why we got such an objection. The bankruptcy lawyers are the ones stirring this up, in my view.

That means if a deadbeat dad wants to file bankruptcy and doesn't pay his debt, comes in and has a low or moderate salary and doesn't want to pay anybody, under the old law his child support was way down behind the lawyer fees, bankruptcy fees, and some other things. We moved it up to No. 1. The first money that comes into the bankruptcy pot, if there is any, comes in there. Normally, that money goes to pay child support, which is, I believe, a historic move in favor of children.

This bill has broad support. It was suggested earlier that small business is being hurt by it. Small business favors it. They all favor this.

We are not stampeding this bill. This bill has been delayed unconscionably. It should have passed 2 years ago. It should have passed last year. It ought to pass this year. We have a veto-proof majority in the House and a veto-proof majority in the Senate.

It helps this economy. It helps bring integrity back into the system. It allows individuals to go down there to bankruptcy and represent themselves. They don't even have to have a lawyer. It has a lot of different things in it that are good. It eliminates a lot of loopholes and abuses that everybody agrees need to be fixed.

I can't understand this. It seems to me there is some sort of effort to yell, scream, and just say how horrible it is, and perhaps provide some figleaf to encourage the President to veto this bill. I hope he does not.

They say: Well, it has a protection in there for millionaires to have money in their houses in Florida and Texas and States that have an unlimited homestead exemption.

That is a problem. I have fought to eliminate that. We were not able to do that. The States that have the historic State procedures on this fought us tooth and claw. But this bill makes substantial progress toward eliminating that view. There is no doubt that the problem with homestead is far better in this legislation today than it is under current law if we don't do anything about it. A vote against this bill is a vote to keep the ineffective, bad current law, and not make the improvement this bill makes.

I believe it is good legislation. Senator GRASSLEY has worked on it tenaciously. We have been very cooperative with others who have problems. Time and again, it has been fixed to accommodate concerns that others would have. I believe it is a fair bill. I believe it is a good bill. I believe it is time for this country to improve what is going on in bankruptcy all over America today. And most bankrupts are entitled to it and need it.

But there are substantial numbers with high incomes who could pay large portions of that debt, if they wanted to. But once they talked to those lawyers who tell them they don't have to, they file under chapter 7 and wipe out much of their debts, and they go on leaving someone else to carry the burden.

I thank the Chair for the time. I yield the floor.

Mr. GRASSLEY. Mr. President, I'm glad we're getting around to the bankruptcy bill. I think we've got a good product. This conference report is basically the Senate-passed bankruptcy bill with certain minimal changes made to accommodate the House of Representatives. The means-test retains the essential flexibility that we passed in the Senate. The new consumer protections sponsored by Senator REED of Rhode Island relating to reaffirmations is in this report. The credit card disclosures sponsored by Senator TORRICELLI are also in this final conference report. We also maintained Senator LEAHY's special protections for victims of domestic violence and Senator FEINGOLD's special protections for expenses associated with caring for non-dependent family members.

So, Mr. President, on the consumer bankruptcy side, we maintained the Senate's position.

On the business side of things, we kept Senator KENNEDY's changes to the small business provisions. We have kept the international trade section intact. The financial netting provisions were updated to reflect technical changes suggested by the House. The new netting provisions, however, have universal support.

Finally, Mr. President, I want to make one point crystal clear. Because of objections from the other side of the aisle, we have been delayed in getting this conference report up. Because of this delay and these kind of underhanded tactics, Congress has allowed chapter 12 to just expire. Chapter 12 gives family farmers a real chance to reorganize their affairs. But that's gone now. This bill restores chapter 12. This conference report also expands the eligibility for chapter 12 so more farmers will have access to these special protections. Also, Mr. President, this conference report gives farmers in chapter 12 much-needed capital gains tax relief.

We hear a lot about helping farmers around here. This bill gives us a chance to do a lot of good. We should get on with passing this bill right away and stop playing political games with our farmers.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

BROWNFIELDS REVITALIZATION

Mr. LAUTENBERG. Mr. President, I want to raise an issue that I believe is critical for the Congress to address before we adjourn this year. It is an issue on which environmentalists, the business community, and the labor community strongly agree. It is called the Brownfields Revitalization Act. I say it is called that. I have to explain exactly what we are talking about here.

It is an issue upon which Republicans and Democrats agree. The Brownfields Revitalization Act of 2000 is a bill I introduced with Senator CHAFEE. It now has 67 cosponsors. Two-thirds of the Senate say this is a good piece of legislation and we ought to pass it. That includes, obviously, a majority of both sides of the political aisle—a rare example of overwhelming bipartisan support.

Some accuse us of being a ''do-nothing Congress,'' that we are stuck in partisan disagreement. That can be said. But I can tell you, it cannot be said about this brownfields bill. We ought to pass it here and now as a way to show that we can still move bipartisan legislation in the Senate.

We have strong support. Dozens of environmental organizations, business, labor, and State and local governments support the bill, including the U.S. Conference of Mayors, the Real Estate Round Table, and the National Association of Realtors. It is a mix of people and interests, including the Institute of Scrap Recycling Industries and the Natural Resources Council. The list is a very long one, including various communities throughout the country as well as the organizations I mentioned.

Many don't know what we are talking about when we say brownfields. We will explain it. These are contaminated sites. They are abandoned properties that blight our communities. But also, they lie there waiting to be developed because they offer great promise for the future.

According to the Conference of Mayors, there are over 450,000 brownfield sites in the United States. They are, of course, in every State of the Union. There are brownfields in rural and urban areas and large and small communities. Citizens everywhere would benefit from this bill.

There are economic and environmental benefits from cleaning up brownfields. That is why the business community and labor so strongly support the bipartisan brownfields bill.

The Conference of Mayors has estimated that redeveloping these sites would create almost 600,000 jobs, would increase tax revenues, by their estimate, from somewhere between $900 million to $2.4 billion. What a benefit that would be to communities.

In a city in my State, Elizabeth, NJ, a town I lived in when I was growing up, we turned an abandoned site, that lay fallow for years, into an enormous shopping mall, with more than a million square feet of retail space and 5,000 permanent jobs. Elizabeth is one of the oldest industrial cities in the State of New Jersey. It is actively trying to build for the future. They are looking at hotels and a convention center thanks to brownfield revitalization. The successes in Elizabeth established proof that brownfields create jobs, hope, and opportunity for communities.

In Trenton, NJ, we have a very famous company that builds steel for bridges and structures all across this country, formally called Roebling & Sons. We have a picture of what happened to this site as it sat for years. I know my State so well; I remember the dump site. It was almost a lagoon of toxins. It was broken down. Anyone could see in the picture the terrible deteriorating condition.

Then we have a brownfield restoration program and this is what happened: It became a full-service supermarket, the first market in the city in many years. This is our capital city, with an office building and senior housing. It is almost a miraculous rebirth.

There is a risk in letting these brownfield sites sit there. The risks are substantial. They pose threats to human health and the environment, they create blighted downtown areas often leading to crime and loss of jobs. It forces development of farmland and open spaces. It causes sprawl. The result is increased driving time for those who have cars living in these cities,

with traffic congestion and air pollution.

The bipartisan brownfields bill will make major strides in revitalizing sites across the country. They are small sites, typically for $200,000 and less. They can be turned into productive urban centers or rural centers where commerce can take place and jobs exist.

The bill provides critically needed funds to assess and clean up abandoned and underutilized brownfield sites. They can use them for parks and greenways. They encourage cleanup and redevelopment of the properties by providing another important element: legal protection for innocent parties such as contiguous property owners and prospective purchasers, innocent land owners. They need to know that their liabilities are limited. Otherwise they are not going to take the risk in putting money into the sites.

It helps, also, to encourage other cleanups of State and local sites creating a certainty for those who would invest there, and ensures protection for public health. When the sites are revitalized, the results are obvious: jobs, a stronger local tax base, curbing sprawl, preserving open space, and protecting the health of our citizens.

Some suggest there are other ways to solve this problem by revitalizing or reforming or reauthorizing our Superfund Program. That is a nice idea, but unfortunately, we have been working 8 years to get the parties together to get the Superfund Program reauthorized. The Superfund handles the enormous sites that dot our landscape, without success.

I, personally, since I have been so involved in the environmental committee and in environmental issues, wanted to get to work on Superfund and get it done before I left the Senate, which is effectively in the next few days. I will have lost my opportunity to talk on this floor and get some of the things done that we still have ahead. The value of this legislation is real and it is current.

While the sites, by their very definition, are not the size of Superfund sites, the overwhelming majority of brownfields are not Federal cleanup problems but are being cleaned up by States and local governments.

This bill will give incentives and protection at those hundreds of thousands of State sites. We owe this relief to our communities. They can take the money and get an investor to develop the site. We should not hold this bill hostage. There are 67 Members, two-thirds of the Senate, bipartisan, who do not want to see this bill lying around here and not getting passed. Mr. President, 67 Senators have spoken. Business groups support this, as do environmentalists, and State and local governments. The legislation ought to pass.

It is a very simple task. The time for this bill to pass is now. I hope my colleagues will act to move this legislation as quickly as possible. They have cosponsored the bill. If we can just put it in the line of things, it need not take a long time to debate or discuss. I hope we can pass this legislation soon.

I yield the floor.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2001

The PRESIDING OFFICER. Under the previous order, H.J. Res. 114 is read the third time and passed.

The motion to reconsider is laid upon the table.

COLORADO UTE SETTLEMENT ACT AMENDMENTS OF 2000

The PRESIDING OFFICER. The Senator from Colorado.

Mr. CAMPBELL. I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 723, S. 2508, as under a previous order. I further ask consent that any votes ordered with respect to that legislation be stacked to occur at a time to be determined by the majority leader with the concurrence of the minority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2508) to amend the Colorado Ute Indian Water Rights Settlement Act of 1988 to provide for a final settlement of the claims of the Colorado Ute Indian Tribes, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4303

Mr. CAMPBELL. Mr. President, I call up my amendment No. 4303.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. CAMPBELL], for himself, Mr. ALLARD, Mr. BINGAMAN, and Mr. DOMENICI, proposes an amendment numbered 4303.

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. CAMPBELL. I ask unanimous consent that 30 minutes of debate on the bill be under my control, and that 30 minutes of debate on Senator FEINGOLD's amendment be divided, 20 minutes under Senator FEINGOLD's control and 10 minutes under my control.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CAMPBELL. Mr. President, I am pleased to be joined in offering the proposed amendment by three of my distinguished colleagues: Senator ALLARD, who is with me on the floor tonight; Senator BINGAMAN; and Senator DOMENICI from New Mexico. This is a bipartisan effort. I thank each of them for their support. All four of us representing the States of Colorado and New Mexico have actively supported this project since its inception. And, hopefully, S. 2508 will be the last time we need to deal with this long overdue project.

In 1956 and 1968, decades ago—in fact, before I was ever elected to any public office—the United States promised the residents of southwestern Colorado they could count on the Government to assist them in developing the region by ensuring an adequate and reliable water supply for the benefit of the tribes and the non-Indian community. In fact, in 1968, this project was authorized at the same time as the central Arizona project and the central Utah project, both of which have been completed.

Even before that, nearly 100 years before in 1868, the United States made a treaty that guaranteed the southern Ute and Ute Mountain Indian tribes of California a permanent homeland. No one could suggest this did not include the right to an adequate water supply.

In 1987, as a freshman Member of the House of Representatives, I introduced legislation to settle the Ute water rights claims. This settlement act was signed by President Ronald Reagan in November of 1988. For the next two Congresses, I worked to obtain the funding needed to implement this agreement, as did my colleagues from New Mexico and Colorado. The 1988 settlement act is currently the law of the land.

Unfortunately, that law has never been complied with. When I came to the Senate, I worked to secure the funding for the massive environmental studies needed on the proposed projects. I have also worked to prevent misguided attempts to deauthorize or defund this necessary project. The Federal Government's responsibility to build this project is even more urgent because the Colorado Ute tribes have claims to much of the water that is already being used and has been used for generations by their non-Indian neighbors.

The urgency of this bill has increased too because under the 1988 Agreement the Tribes can go back to court to sue the Federal Government if the project was not completed by the year 2000. That is obviously not going to happen.

The four of us I have fought for the fulfillment of these promises because I know what will happen if the Government is allowed to forget its promise to this region and walk away from its commitment to provide a firm water supply. Most important, the united States, the State of Colorado, the two Ute Tribes, and the non-Indian residents will spend the next few decades and millions of dollars in the Federal courts fighting for the limited water supply that exists in this region. There will only be losers in this fight because the non-Indians will lose the legal right to use the water, and the indians may never have the ability to put the water to use. The ironic part is that if

this issue ends up in the courts—it will pit one Federal agency against another with your tax money paying for attorneys on both sides.

As the author of the Colorado Ute Indian Water Rights Settlement Act of 1988 and now as the chairman of the Senate Indian Affairs Committee, I have an additional responsibility to make the United States fulfill its promise to this region.

The Ute Water Rights Settlement Act of 1988 is a commitment to the Ute Tribes. This commitment is very similar to the 472 treaties previously approved by the United States Senate. In those treaties, each tribe agreed to give up a great deal in return for a guarantee that the United States would recognize and protect the tribes' rights to the reservation land guaranteed to them by the treaty. Also, as with other treaties, the opponents did not even wait until the ink was dry before they began trying to convince the United States to break its terms. Even though the States of Colorado and New Mexico have spent over $40 million to implement their part of the agreement. and Congress has already appropriated over $50 million which went to pay the Tribes to drop their lawsuits.

All of the 472 other treaties have been violated by the United States. But in this case, if the government does not fulfill the treaty terms, it is not only the Indians who will suffer, but all of the non-Indians in the region.

As many of my colleagues are aware, the United States has two choices when it comes to the Ute water rights: we can build the facilities needed to store water for the tribes or we can reallocate the water from those who are presently using it. Estimates are that between ¼ and ½ of all non-Indian irrigators would lose their water rights if we forcibly reallocate it.

Throughout a negotiation process sponsored by the state of Colorado, the tribes and local water users tried to convince the project opponents that reallocating the limited water supply is an unrealistic, risky, and disruptive way to resolve the tribal water rights claims; because it deprives hundreds of non-Indian water users of their rights to life giving water.

Clearly, the ALP opponents will continue to oppose any project that provides any water storage. Compromise—and this bill is the 4th one—is not in their vocabulary. When the opponents tried to use environmental laws to delay and frustrate the project, the coalition of Indian tribes and local water users responded in two ways. First, they agreed to reduce the size of the project, so it could be built in a manner consistent with numerous existing environmental studies and reports, and would cost ⅓ of the cost of the original project. They also insisted that any reduction in the project size should require the government to make use of its existing studies when analyzing the project's environmental impact; rather than restart the whole process all over again.

It was difficult to convince me that we should follow this strategy and agree to build only a small part of the ALP that was passed in 1988. When I introduced this proposal in the last Congress, I knew that even a substantially reduced project would not satisfy the project's opponents. They don't want a smaller project: they want a dead project. I also knew that these opponents would work to mischaracterize any attempt to make use of the existing environmental documents. We did not have to wait very long for everyone to see that each of these concerns was correct. During the 105th Congress, the last time we reached a compromise and a bill was introduced, an administration official appeared before my committee and opposed a bill that offered to downsize the project in order to settle the tribal water rights claims.

But this left the administration with no feasible way to resolve the tribal claims. In fact, as the Department of Interior began to produce a new supplemental environmental impact statement, it compared the smaller project with the idea of just buying water rights. Even the present management of the Department of Interior could not deny that the only realistic, feasible alternative available to the government is to store some of the waters of the Animas River.

The Record of Decision signed by the Interior Secretary on September 25, 2000 explicitly and implicitly recognize all of these facts. It can be found at http://indian.senate.gov.

In fact Mr. President, the lateness of having this Record of Decision on file is the reason we could not move this bill sooner. For the first time, this administration is strongly on record in favor of settling tribal water claims by building an off-stream storage facility at Ridges Basin. The Record of Decision also rejects the any alternative to settling the tribal water claims, especially the unrealistic, risky, and disruptive schemes that have been proposed by the opponents of the ALP.

Although I have agreed to sponsor this amendment, which implements the Record of Decision, I am still very concerned that the non-Indian beneficiaries of the project have been asked to give up too much. I am sure that there are those who will ask these people to give up even more. But I think that they have given up more than enough.

Under my amendment, the Animas-La Plata Project will consist of the facilities needed to divert and impound water in an off-stream reservoir. This provision will only take effect if these features are actually constructed. By taking this step, a number of potential project beneficiaries agree to forgo a substantial number of benefits that were promised to them by their own government in 1968.

In my view, the Federal Government is not fulfilling all of its obligation to these people, but they seem to have no alternative. They will receive substantially fewer benefits than they were promised. In addition, they will bear an even greater share of the cost for the benefits than those using Federal reclamation projects in other states, especially in the States of Arizona, California, and Utah which were originally authorized at the same time in 1968.

Many people now regret the subsidy of western water development, so they are taking it out on the ALP. However, in this case, they cannot do this without injuring the Ute Tribes. Some people will argue that they are only opposed to the part of the project that provides water to non-Indians. But the Ute Tribes refuse to allow the Federal Government to break all of its promises to the non-Indian project beneficiaries. Why? Because the Ute tribes know that they will be next. The tribes and their non-Indian neighbors have held together in a unique and strong coalition of Indians and their non-Indian neighbors that from my perspective is quite rare.

This project has been an 18 year effort for myself, for Senator BINGAMAN, Senator ALLARD and Senator DOMENICI. We worked together on it. The tribes have worked in good faith with the non-Indian project users to produce an agreement that allows the project to be built in a manner consistent with every existing environmental study and standard. We are consistent in the writing of this bill. As I understand the Record of Decision, the Department of Interior has also concluded that the time for studying the project has come to an end. And the time for actually fulfilling the government's promises to Indians and non-Indians is finally at hand.

For these reasons, I ask my colleagues to support S. 2508 as presented in amendment No. 4303. This is the last best chance for the United States to live up to the obligations freely embraced in 1956, 1968, and 1988, not to mention the 1868 treaty with the Ute Tribe.

Mr. President, I ask unanimous consent the following letters of support of the bipartisan version of S. 2508 be printed in the RECORD, opposed to the Feingold amendment: From the State of Colorado, the Governor of Colorado, the Attorney General of Colorado, elected tribal governments of Ute Mountain and Southern Ute Indian Tribe, and the Native American Rights Fund.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

STATE OF COLORADO,
Denver, CO, October 17, 2000.

DEAR REPRESENTATIVE: Before you decide whether to support the scaled-down Animas La Plata Project as described in H.R. 3112 and S. 2508 (as now proposed by Senator Campbell), the people of the State of Colorado urge you to consider the following facts:

The Clinton Administration has completed NEPA review of the scaled-down ALP as proposed by Secretary Babbitt in August of 1998.

The Department of Interior's Final EIS, and the accompanying Record of Decision

signed by Secretary Babbitt, both determined that the scaled-down project ''is the environmentally preferred alternative, to implement the 1988 Settlement Act'' with the Colorado Ute Tribes.

The proposed amendments by Senators Campbell and Allard ensure repayment of all non-Indian water supply costs. There are no ''caps'' on the non-Indian repayment obligation. In fact, the bill calls for an up-front payment and a final cost allocation after the project is completed. The Record of Decision and the Campbell/Allard amendment both require repayment to comply with federal law—it is the opponents who want to change federal law with respect to project repayment.

The legislation allows for only the construction of the scaled-down project—it prevents construction of any part of the ALP that is not explicitly referenced in the bill. This preserves the complex balance of interstate issues on the Colorado River while preventing the construction of components not referenced in the legislation.

The amendments proposed by Senators Campbell and Allard remove any language from the bill that could remotely be construed as ''sufficiency language'' that would preclude future environmental review. Through the Record of Decision, the Department of the Interior, the Environmental Protection Agency and the Council on Environmental Quality call on Congress to amend the 1988 Act to provide for the construction of the scaled-back project.

In light of the federal government's trust obligation to the Colorado Ute Indian Tribes, Congress has a responsibility to know the facts about the project. Once you know the facts, I'm sure you will join us in supporting legislation to resolve this 100 year Indian water rights controversy. Thank you.

Sincerely,

BILL OWENS,
Governor.

ATTORNEY GENERAL OF COLORADO,
Denver, CO, June 16, 2000.

Re: Animas-La Plata project

Wesley Warren,
Associate Director for Natural Resources, the Environment and Science, Office of Management and Budget, Old Executive Office Building, Washington, DC.

DEAR WESLEY: Thank you for meeting with me by telephone yesterday. I think our discussion was very productive. I want to follow up with a more detailed explanation of why it is important to the State of Colorado that Ute Tribes settlement legislation not deauthorize those features of the Animas-La Plata Project that are not currently contemplated.

In 1956, Congress enacted the Colorado River Storage Project Act to enable the states of the Upper Colorado River Basin to use their compact allocations. CRSP is composed of four initial storage units—Aspinall, Flaming Gorge, Navajo, and Glen Canyon—and 25 additional authorized participating projects in Colorado, New Mexico, Utah, and Wyoming—eight of which (including Animas-La Plata) have not been built.

The CRSP Act authorized a separate fund in the United States Treasury, the Upper Colorado River Basin Fund. Revenues in the Basin Fund collected in connection with operation of the initial units are used first to repay the operating costs of the initial units and second to repay the United States Treasury investment costs previously spent on those units. Any excess revenues from the initial units are then used to help repay the Treasury for participating project irrigation costs within each upper basin state that exceed the irrigators' ability to repay. These excess revenues are apportioned among Colorado (46%), Utah (21.5%), Wyoming (15.5%), and New Mexico (17%).

This allocation of Basin Fund revenues was the result of hard bargaining among the upper basin states. Colorado anticipated that a large part of its allocation would be used to repay the irrigation costs of the Animas-La Plata Project, and those costs are still included in the apportioned revenue repayment schedule. Although H.R. 3112 and S. 2508 authorize a much smaller project than originally contemplated and completely eliminate irrigation uses, the authorized participating project still serves as a ''placeholder'' for Colorado's share of the Basin Fund. Colorado could in the future seek legislation that would allow it to use those revenues for other purposes, such as the endangered species recovery programs on the Colorado River, San Juan River, and Platte River.

Environmental and ''green scissors'' organizations have raised the concern that, unless the remainder of Animas-La Plata is deauthorized, the reduced project will be a foot in the door for a larger project. H.R. 3112 and S. 2508 address that concern by explicitly requiring express Congressional authorization before any other facilities could be added. Moreover, any additional facilities would be subject to all the requirements of NEPA, the Clean Water Act, and the Endangered Species Act. In short, any attempt to build additional project facilities would encounter all the obstacles that have blocked construction in the past.

Although I believe that the ''delinking'' language of H.R. 3112 and S. 2508 is adequate to ensure that the smaller project is not the opening wedge for a larger project, Colorado and its water users are willing to work with the Administration to satisfy its concerns. We ask that you meet us halfway, however, and to insist on language that could deprive Colorado of the benefit of hard-fought negotiations and a carefully crafted agreement with the other upper basin states and the United States. This narrow Indian water rights settlement legislation is not the place to try to resolve broader ''law of the river'' issues.

Another issue that is important to Colorado and its water users is the repayment provision. We agree that the non-Indian project partners should pay their full share of project costs. However, it is important that Colorado water users have the option of paying their share as a lump sum prior to construction. In agreeing to a smaller project, the State of Colorado and its water users are giving up substantial benefits negotiated as part of the original settlement and Phase I of the project. In return, we should receive reasonable certainty as to project costs. I also urge the Administration to deal fairly with water users in determining reimbursable costs. For instance, they should not be held responsible for sunk costs associated with water that will not be provided to them by the reduced project.

I appreciate the Administration's support for this legislation. I am committed to working with the Administration to achieve final settlement this session. Please feel free to call me if I can be of any assistance.

Sincerely,

KEN SALAZAR.

UTE MOUNTAIN UTE TRIBE,
SOUTHERN UTE INDIAN TRIBE,
October 18, 2000.

DEAR SENATOR: We are writing as the elected leaders of the Southern Ute and Ute Mountain Ute Indian Tribes to ask that you support the bipartisan version of S. 2508 introduced by Senators Campbell, Bingaman, Domenici and Allard on October 6, 2000, and oppose the amendment offered by Senator Feingold of Wisconsin.

The bipartisan version of S. 2508 is the product of years of hard work by our Tribes, the States of Colorado and New Mexico and local water users. Just like any other settlement, S. 2508 is the result of many compromises that were required to make it acceptable to all of the affected parties. Our settlement has the full support of the Clinton Administration.

Senator Feingold's proposed amendment upsets this delicate balance. First, it singles out the non-Indian parties to our settlement to pay the costs for recreation and fishery uses which benefit the general public. Such costs have never before been imposed on those who use water from federal reclamation projects. Second, the amendment demands that Colorado, alone among the Colorado River Basin States, surrender significant revenues from the power generated on the Colorado River in order to settle the pending tribal claims to water. These belated and punitive changes impose an unfair burden on our settlement partners.

Please help us to complete the settlement of our tribal water rights by opposing Senator Feingold's amendment which undermines the equitable agreement which the Tribes and our non-Indian neighbors have negotiated.

Sincerely,

JOHN BAKER, Jr.,
Chairman, Southern Ute Indian Tribe.
ERNEST HEUSE, Sr.,
Chairman, Ute Mountain Ute Tribe.

NEW MEXICO
INTERESTATE STREAM COMMISSION,
Santa Fe, NM, October 19, 2000.

Senator BEN NIGHTHORSE CAMPBELL,
Chairman, Senate Indian Affairs Committee, Washington, DC

DEAR SENATOR CAMPBELL: As chairman of the New Mexico Interstate Stream Commission, I urge you to defeat Sen. Russell Feinglold's proposed amendments to S. 2508 because they are unfair and contrary to current law. Your substitute bill, which is the product of compromise and sacrifice by New Mexico, should be passed without amendment.

The substitute bill we have is fair to the parties, and it should not be changed at this late date. The proposal to make fish and wildlife mitigation expenses reimbursable is patently unfair to the people of New Mexico. The recreation facility is in Colorado, and making New Mexicans pay for the mitigation is unreasonable. More importantly, the provision is contrary to the 1956 Colorado River Storage Project Act, Section 620g of the Act specifically says that fish and wildlife mitigation activities will be non-reimbursable.

The irony is that if the project proponents had not reached a compromise to settle the Indian water claims and built the Animas-La Plata Project, the mitigation costs would not be reimbursable. But this amendment punishes new Mexico and the Colorado non-Indians for compromising by taking away that protection and making the costs reimbursable. Likewise, the amendment to remove the protection of the Colorado River Storage Project Act on payment issues is unjust. It is an issue of simple fairness. Additionally, this is not the proper vehicle for changing Reclamation law. The amendments should be defeated.

The amendment to change the deauthorization provision of the bill also should be defeated. Under the current bill, once the ALP is constructed, any further facilities would require Congressional action. This in effect is deauthorization. Under Feingold's amendment, the deauthorization is included in the bill, but there is no guarantee of construction of the project.

We've seen the federal government back out of building this project many, many times, and we don't trust them. We want the project to be built, then we'll accept the provision that additional facilities must obtain separate Congressional authorization. Reversing the order, as provided in the amendment, is not acceptable.

Both versions have equivalent results in terms of making sure additional facilities obtain new Congressional approval, but Feingold's version does not give us the necessary guarantee that the project will be built before the provision takes effect. It should be defeated along with the rest of his amendments.

Senator Campbell, I appreciate your hard work on this important legislation, and I urge you to pass it without the amendments offered at the 11th hour.

Sincerely,

RICHARD P. CHENEY,
Chairman.

SAN JUAN WATER COMMISSION,
Farmington, NM, October 19, 2000.

Senator BEN NIGHTHORSE CAMPBELL,
Chairman, Senate Indian Affairs Committee, Washington, DC.

DEAR SENATOR CAMPBELL: As Executive Director of the San Juan Water Commission, I urge you to defeat Sen. Russell Feingold's proposed amendments to your S. 2508 as amended because they are unfair and contrary to current law. Your substitute bill, which is the product of hard compromise and sacrifice by New Mexico, should be passed without further amendment.

The substitute bill treats all parties fairly, and it should not be changed now. The proposal to make fish and wildlife mitigation expenses reimbursable is grossly unfair to New Mexico. The recreation facility is in Colorado, and making New Mexicans pay for the mitigation is unreasonable. More importantly, the provision is contrary to the 1956 Colorado River Storage Project Act. Section 620 g of the Act specifically says that fish and wildlife mitigation activities will be non-reimbursable.

If the project proponents had not reached a compromise to settle the Indian water claims and built the Animas-La Plata Project, the mitigation costs would not be reimbursable. But this amendment punishes New Mexico and the Colorado non-Indians for compromising by taking away that protection and making the costs reimbursable. Likewise, the amendment to remove the protection of the Colorado River Storage Project Act on payment issues is unjust. Additionally, this is not the proper vehicle for changing Reclamation law. The amendments should be defeated.

The amendment to change the deauthorization provision of the bill also should be defeated. Both versions have equivalent results in terms of making sure additional facilities obtain new Congressional approval, but Feingold's version does not give us the necessary guarantee that the project will be built before the provision takes effect. It should be defeated along with the rest of his amendments.

If the Feingold amendments are passed, the San Juan Water Commission will be forced to reconsider its support for S. 2508 as you reported it in the Congressional Record. Senator Campbell, we appreciate your hard work on this important legislation, and I urge you to pass it without the amendments.

Sincerely,

L. RANDY KIRKPATRICK.

UTE MOUNTAIN UTE TRIBE
SOUTHERN UTE INDIAN TRIBE,
September 13, 2000.

TAKE NOTE: IT'S NOT YOUR FATHER'S ALP
(H.R. 3112 AND S. 2508)

No matter how things change, they remain the same.

Opponents of the Colorado Ute Indian Water Rights Settlement Act and proposed amendments which would drastically reduce the size and cost of the Animas-La Plata Project continue to distort the truth about our Tribes, the project's impacts and its costs.

The Southern Ute and Ute Mountain Ute Indian Tribes, and our sister Tribes the Navajo Nation and the Jicarilla Apache Tribe, strongly support legislation which would amend the original Settlement Act of 1988 to provide for the construction of a downsized reservoir.

Opponents still believe they know better than the Tribes themselves how best to settle our water rights claims. In a September 5 letter from the Green Scissors Campaign, they say there is a less costly and less environmentally destructive way to achieve that goal. They offer you no explanation of what that alternative is. They also don't tell you that the recently completed analysis under NEPA finds that the least costly and least environmentally destructive solution to resolving our water rights is to build the reduced-size project. The nonstructural alternative favored by the opponents of the Indian settlement will cost more than the down-sized ALP and that its impact on wetlands in particular is more destructive than ALP. And, they won't tell you that our Tribes have emphatically rejected the nonstructural alternative.

Still, the opponents of our Indian water rights settlement say the project as proposed is a foot in the door for the project authorized in 1968. Read carefully, H.R. 3112 and S. 2508 clearly cut the tie between this project and any other facilities for purposes of our settlement, and the bills explicitly state that any additional facilities separate from this project would require new authorization from Congress.

The local rafting industry, devastated this year by drought says the project will forever affect their livelihood and dewater the river. In fact, the current NEPA analysis finds that, on average, only six of 112 rafting days with flow of 300 cfs or higher would be lost.

Opponents of our settlement continue to claim that our non-Indian neighbors will get subsidized water for development and that they are the true beneficiaries of H.R. 3112 and S. 2508. The bills provide for small amounts of water for the two non-Indian water districts for rural and domestic use purposes, and storage of water already allocated to New Mexico communities. Current law does not require that "other project costs" be paid by water users as suggested by our opponents, and the non-Indians will be required to pay an amount determined by agreement with the Administration for their portion of the water.

Finally, to suggest that "a water project of this size should not be constructed without full and fair environmental review" is ludicrous. The settlement was approved in 1988. Repeated environmental and public review have taken place before that and since then. An entirely new NEPA analysis has just been completed and we are awaiting the issuance of a Record of Decision. The pending NEPA document indicates this proposal to be the best way, economically and environmentally, to provide full settlement of our legitimate claims. It also concludes it is the best alternative for the other Tribes—Navajo and Jicarilla—in the basin.

Let's get to the bottom line. No project, regardless of its size or the amount of water provided to our people, will ever get the support of our opponents. Storage of our water is our "foot in the door" for a long-term, firm supply of water for present and future generations of Utes.

When the House Resources Committee marked up H.R. 3112, only one member voted no and one voted present. In the Senate Indian Affairs Committee, no opposing votes were cast. Clearly there is recognition of sacrifices made in the name of fulfilling our settlement.

Those who have fought the Animas-Las Plata Project and our settlement as a symbol of the past (Jurassic Park) should declare victory and move on. Costs are cut by two-thirds, the lion's share of the water goes to our Tribes and irrigation facilities have been eliminated. Everyone has compromised except the opponents.

We hope that you will look at today's Animas-La Plata Project, and how much has been foregone by our non-Indian neighbors in order to fulfill the promise of the 1988 Act and the government's word of more than a century ago.

Thank you in advance for keeping faith and supporting amendments to the Colorado Ute Indian Water Rights Settlement Act.

Chairman JOHN E. BAKER, Jr.,
Southern Ute Indian Tribe.

Chairman ERNEST HOUSE, Sr.,
Southern Ute Indian Tribe.

NATIVE AMERICAN RIGHTS FUND,
Boulder, CO, October 18, 2000.

DEAR SENATOR: I am distressed by continued opposition to the Colorado Ute Indian Water Rights Settlement and construction of a much-downsized Animas-La Plata Project to implement the settlement passed in 1988. The Native American Rights Fund also opposes the Feingold amendments to the pending Senate bill S. 2508.

During the last 12 years, I have watched the Southern Ute and Ute Mountain Ute Indian Tribes struggle to achieve their goal of a firm water supply for present and future generations, without taking water away from their neighbors. In the course of that struggle, many sacrifices have been made in an effort to address concerns opponents raised about project cost, environmental impacts, even the allocation of water between Indians and non-Indians.

Now, those who have sacrificed nothing—made no compromises at all—continued to urge Congress to reject the amendments which would downsize the project. It seems nothing will satisfy project opponents except no project at all.

I urge you to support the Campbell amendment to the Colorado Ute Indian Water Rights Settlement Act. Those amendments implement the Record of Decision signed by the Secretary of the Interior Bruce Babbitt on September 26 of this year. NARF also urges a no vote on the proposed amendments by Senator Feingold. Further delay in satisfying the Utes' legitimate claims is further injustice to the Ute people.

Sincerely,

JOHN E. ECHOHAWK.

Mr. CAMPBELL. Mr. President, before I yield the floor, I would like to yield a few minutes to Senator ALLARD, my colleague, who has also worked on this bill for so long.

Mr. ALLARD addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I thank my colleague from Colorado for yielding me some time here. This is an important piece of legislation that my colleague has been working for. I rise in support of S. 2508, called the Colorado Ute Settlement Act Amendments of 2000. It has been worked on for some 18 years by my colleague, Senator BEN NIGHTHORSE CAMPBELL. I wish to take a few moments to commend everyone who has worked on behalf of this piece of legislation, and for their efforts to resolve this issue.

In Colorado, earlier this year—maybe it was last year—there was a group of us who did get together, Congressman MCINNIS, myself, we had Senator CAMPBELL, and Secretary of Interior Babbitt.

We got together what we called the great sand dunes conference. All four of us walked up on those great majestic sand dunes. We talked about the future of the great sand dunes, and we had a discussion about the Animas project. At that point, we had our staffs standing off on the far side. All of our supporters were wondering what the four of us were talking about. We were talking about common ground and how we could come to an agreement to get the Animas-La Plata project passed. It was a great opportunity my colleague took at that time to talk to the Secretary of Interior while he was breathing some of that fresh mountain air of Colorado and clearing his thinking a little bit, and that got things off to a good start.

This new legislation is a product of that meeting, and it reflects significant compromises and challenges we all faced in getting to this historical moment.

Growing up in rural Colorado and throughout my tenure as a public servant, it seems the Animas-La Plata conflict has endured. Every time water and water projects were discussed, the promises and unsettled claims to the Colorado Ute Indian tribes always persisted.

Now the time has come for the Federal Government to fulfill its obligations to the Ute Indian tribes and satisfy the water treaty.

The project was originally authorized in 1968 with the help of then-Congressman Wayne Aspinall, a good friend of the Allard family and former chairman of the House Interior Committee. I knew Mr. Aspinall. He served Colorado honorably. Over the past 32 years, since authorization, we have tried to get this project completed with bipartisan efforts by former Congressmen Ray Kogovsek and Mike Strang. Now, with the outstanding leadership of Senator CAMPBELL, who for 14 years has championed this project, I believe the end is near. After 132 years, the time has come for the United States to finally do the right thing and meet its treaty obligations.

I commend Senator CAMPBELL for his tireless efforts, from his days in the House of Representatives, to his current time in the Senate and through three different Presidential administrations, to fulfill our Nation's treaty obligations.

I yield the floor.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from Colorado.

Mr. CAMPBELL. Mr. President, I yield to my friend from New Mexico, Senator BINGAMAN, who has worked long and hard on this issue.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I thank my colleague from Colorado. Senator CAMPBELL has worked very hard on this. This has been a major project of his. I do not know how many conversations he and I have had on this subject in the last 2 years, but I can tell you it has been many. There have been many of those conversations.

In 1988, Congress passed legislation endorsing a settlement of Indian water rights for the southern Ute and Ute Mountain Indian Tribe which had been agreed to by the Departments of Justice and Interior, the two tribes, and the State of Colorado and the State of New Mexico. But that 1988 legislation envisioned an Animas-La Plata River Project that would meet a number of regional water needs, including the water for the Navajo Nation and the non-Indian communities.

The project envisioned by that legislation has proven infeasible to implement in terms of the cost and also in terms of the environmental consequences, but the need to settle these water rights and live up to the national commitment to these two tribes remains. The two Ute tribes and their neighbors within the San Juan basin have developed a revamped water allocation for a downsized Animas project which the Ute tribes will agree to as a settlement of their water rights. The allocation also supplies a much needed water supply to the Shiprock community of the Navajo Nation and continues the concept that tribes in non-Indian communities must work together collaboratively on a regional basis to solve their water needs.

The downsized project is in accordance with the final environmental impact statement issued by the Department of the Interior. In the judgment of the Secretary of Interior, it would comply with Federal environmental laws. He has made that very clear. The Secretary has determined that the project authorized in this legislation also will meet the trust responsibilities of the United States with regard to the settlement of the water rights of these two tribes.

This is a project and an issue that has been a concern of people in the northwest part of New Mexico for many years. I have seen various versions of this project discussed and considered over this period of time. I am persuaded that this final so-called ''Animas Lite,'' which is what is generally discussed, or the name that has come to be attached to what is now being considered by the Senate, is a good resolution of many conflicting and competing concerns.

I hope very much that we can pass this bill, that we can do so without amendment, and that we can send it to the President for his action.

Again, I commend Senator CAMPBELL for his hard work in getting us to this point. I hope very much we can follow his lead and send this legislation to the President for his signature.

Mr. President, I yield the floor and yield back my time.

Mr. DOMENICI. Mr. President, I am very pleased today, Mr. President, that Senator CAMPBELL introduced this critical legislation, and am proud to have supported and cosponsored his efforts from the beginning. He and I have faced many a battle regarding this issue over the years. I believe, however, that this legislation reflects the cooperative efforts among the parties to secure needed water supplies in Colorado and New Mexico, and I am pleased it may finally become law.

While we are running out of time in this Congress, the Secretary of Interior signed a Record of Decision on September 25 supporting these amendments, and his staff helped to negotiate them. The time is ripe for action. After years of hard work by the proponents, everyone is ready to move forward.

The Southern Utes and the Ute Mountain Utes have a 5-year window before they have to sue to enforce their water rights. Passage of this legislation will settle negotiated claims by the Colorado Ute Tribes on the Animas and La Plata Rivers, while protecting other water users.

For years now, the San Juan Water Commission, together with non-Indian water users in New Mexico, Colorado, and the Ute Mountain Ute and Southern Ute tribes have been negotiating with the Department of the Interior, the Environmental Protection Agency and other to resolve the complex problems surrounding the Animas-La Plata project and water usage in the four corners area. The bill has Administration support, which has been long-fought and hard-won. Finally, the administration has shown their interest in settling the Colorado Ute Indian water rights claims by accepting the tribes' own suggestions and water needs of the Four Corners non-Indian community.

In New Mexico, this legislation will provide needed water for the Navajo Community of Shiprock and protect San Juan-Chama project water, on which tribes, towns and cities along the Rio Grande rely. The New Mexico portion of the project will be used by the San Juan Water Commission to provide water to the residents of North Western New Mexico and by the Navajos for their use in the Northern Navajo Nation. This legislation is not intended to quantify or otherwise adversely affect the water rights of the Navajos, and they support this legislation.

In anticipation of development of the Animas-La Plata project, the state of

New Mexico set aside 49,200 acre feet of water in 1956. Importantly, this legislation allows the State Engineer from the State of New Mexico to return all or any portion of the New Mexico water right permit to the Interstate Stream Commission or the Animas-La Plata beneficiaries.

I am pleased the proponents of the Animas-La Plata project have participated in the long process to search for compromise. I support the direction of the participants in this process to reduce costs, provide environmental benefits, and provide water for the Colorado Ute tribes under the 1988 Settlement Act.

Mr. President, the administration has a duty to protect the federal trust relationship with the Ute tribes, as well as a duty to the state of New Mexico to make good on the promises of 40 years ago. S. 2508 represents a compromise for which all parties affected have labored long and hard to achieve. It is the long-overdue vehicle for implementing the United States' promise of water to New Mexico, Colorado and the Colorado Ute tribes while still addressing the needs of endangered species and the American taxpayer. Water scarcity continues to be a critical issue in the arid West and no one would benefit from litigation of water rights if we do not press forward.

According to recent scientific predictions, rationing may be required within the next two years. Successful development of additional water in the San Juan Basin, with its endangered fish, will give the rest of New Mexico good arguments why other endangered fish, such as the silvery minnow, can co-exist with additional water development. Additionally, successful settlement of the two tribes' claims will remove the threat of disrupting the water supply vital to the economic and industrial base for Northwest New Mexico, which contributes to the rest of New Mexico. The citizens of Northwest New Mexico have waited more than 40 years for this water—that's long enough.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. CAMPBELL. Mr. President, I thank my friend and colleague from New Mexico. We are neighbors. Certainly his northern New Mexico area and the southwest Colorado area have histories which are very similar, our present is similar, and our futures are literally tied together. I thank him for the years of service and hard work he has done on this issue.

Mr. President, I have no further comments. I ask unanimous consent, as under the agreement, Senator FEINGOLD be recognized to offer his amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Wisconsin.

AMENDMENT NO. 4326 TO AMENDMENT NO. 4303

Mr. FEINGOLD. Mr. President, I thank the Senator from Colorado. Pursuant to the previous order, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 4326 to amendment No. 4303.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 10 of the amendment, line 11, insert '', to restrict the availability or scope of judicial review, or to in any way affect the outcome of judicial review of any decision based on such analysis'' before the period.

On page 10 of the amendment, strike lines 12 through 23 and insert the following:

''(C) LIMITATION.—No facilities of the Animas-La Plata Project, as authorized under the Act of April 11, 1956 (43 U.S.C. 620)(commonly referred to as the 'Colorado River Storage Act'), other than those specifically authorized in subparagraph (A), are authorized after the date of enactment of this Act.

On page 11 of the amendment, beginning on line 21, strike ''Such repayment'' and all that follows through ''.).'' on line 24.

On page 12 of the amendment, line 9, insert after the period the following: ''Fish and wildlife mitigation costs associated with the facilities described in paragraph (1)(A)(i) shall be reimbursable joint costs of the Animas-La Plata Project. Recreation costs shall be 100 percent reimbursable by non-tribal users.''.

On page 13 of the amendment, beginning on line 2, strike ''Additional'' and all that follows through line 6.

Mr. FEINGOLD. Mr. President, I rise to offer an amendment to the substitute offered by my colleague from Colorado, Mr. CAMPBELL. I do so fully acknowledging that the Animas-La Plata project, as outlined by the Senator from Colorado's substitute amendment, has undergone a significant modification from its original configuration. What was a more than $750 million dam, reservoir, pumping plant, and associated pipelines and irrigation components, is now proposed to be a much smaller and less costly reservoir project to satisfy the Ute and Navajo claims and provide water delivery to the Navajo Reservation. The scaled-down project is now a $278 million project to build a reservoir and pipeline according to the administration's Record of Decision released on September 25, 2000.

The Senator from Colorado and I have shared an interest in settling the Utes' claims for many years. We agree that those claims must be settled and that construction of a reservoir is an acceptable way to achieve that goal. Moreover, he has worked to accomplish that objective. In passing his substitute, Congress will be seeking to downsize the project to effectuate a settlement that satisfies the tribes water needs at 100 percent Federal cost, which is appropriate. However, and I want to make this clear to colleagues, the sized-down project also provides a significant new water supply for non-tribal municipal and industrial use. The Senator from Colorado's substitute amendment guarantees that about 35 percent of the water held in the reservoir would be stored for use by non-tribal interests: 10,400 acre feet for the San Juan Water Commission; 2,600 acre feet for the Animas-La Plata Conservancy District; 5,230 acre feet for the State of Colorado; and 780 acre feet to the La Plata Conservancy District of New Mexico.

So this legislation is not solely an Indian water rights settlement. The Senator from Colorado and I differ in our opinions as to how the nontribal entities should be treated in this legislation, and that is why I am offering my amendment today. I want to make sure that the outcome Congress is ''seeking'' to implement through this legislation is one that it actually finds. I have three reasons for offering this amendment, which I will describe in a little bit of detail.

First, I remain concerned that the substitute only does half the job with respect to making sure that the taxpayers are off the hook for the original full-scale project. Those who support the construction of the Animas-La Plata project now want to proceed with an alternative which they believe to be a cheaper and scaled-down version of the original project. They want to do so, however, without expressly deauthorizing the original project. It appear to me that proponents won't give up the authorization for the original project because it provides them with the ultimate insurance. Should this alternative be infeasible, retaining the original authorization would allow a fallback position for proceeding with the old project. My amendment makes it absolutely clear that Congress is granting its approval only for the scaled-back year 2000 version of the project and not the original 1956 version of the project.

By deauthorizing all additional features of the old project, Congress would ensure that no such project features or components could be built without a demonstration by the project proponents that such features meet specific economic and engineering standards designed to protect the Federal Treasury, public safety and welfare. The Reclamation Project Act of 1939 requires engineering feasibility reports, cost estimates and economic analyses for a ''new project, new division of a project, or new supplemental works on a project * * *'' A project which is not authorized would be considered a ''new project, new division of a project, or new supplemental works on a project'' and be subject to the planning and reporting requirements. The substitute of the Senator from Colorado allows a future Congress to give its approval for a project or part of a project which has previously been authorized as part of the Animas-La Plata project as described in the Colorado River Storage Project Act of 1956.

So, what it comes down to without my amendment, it is not clear that the additional construction would be subject to any feasibility requirements. I think taxpayers have a right to know that information.

Moreover, newly authorized projects are also subject to the Economic and Environmental Principles and Guidelines for Water and Land Resources Implementation Studies—known as ''Principles and Guidelines''—promulgated pursuant to the Water Resources Planning Act of 1965. The Principles and Guidelines are the seminal policy statement requiring Bureau projects to integrate full economic cost recovery, financial and economic feasibility principles, and protection of the environment into planning for water resource projects. The Principles and Guidelines are the bridge between the old era of costly and economically ruinous Bureau projects and a new era of careful, resource protective planning. Many Members of this body fought hard to ensure these reforms would move forward. The old full-size Animas-La Plata project has not been analyzed under the Principles and Guidelines. One of the key criticisms of the old project has been the Bureau of Reclamation's failure to utilize the current discount rate, the cost of any electric power revenues produced by the project, and other economic variables in its studies. So if my amendment becomes law, any future features would be subject to the planning requirements of the Principles and Guidelines.

The second point of my amendment is that it requires that nontribal water users actually pay recreation and fish and wildlife costs. The nontribal project proponents have argued that because section 8 of the Colorado River Storage Project Act of 1956 makes recreational and fish and wildlife costs nonreimbursable for the projects it authorized, they should not have to repay such costs. ALP in its original, 1956, design, with no Indian water rights purposes or beneficiaries, was authorized by CRSP. I believe that the nontribal water users should pay these costs for a couple of reasons.

First, the administration's Final Supplemental Environmental Impact Statement for ALP takes the position that the version of the ALP project now being proposed for construction is so significantly different in size, features and purposes that the limitation in section 8 of CRSP does not apply. Page 5, Section 1.8 of that appendix states:

> A contemporary determination of reimbursable and non-reimbursable project costs is justifiable based on the significant re-defining of the current project's purpose and limitation of water use as well as current Administration policies.

Second, as the just-quoted language implies, the policy of the current administration, as well as the policy of preceding administrations throughout the 1980s and 1990s, has been to seek reimbursement of recreation and fish and wildlife mitigation costs of Federal water projects. There are numerous examples, such as the Garrison project, Central Utah Project, and the Central Valley Project Improvement Act. Many Members of this body worked hard to enact these reforms. In fact, obtaining reimbursement for recreation and fish and wildlife mitigation costs has been an element of Federal policy dating back to the Fish and Wildlife Coordination Act of 1946, Federal Water Project Recreation Acts of 1965 and 1974, and various Water Resource Development Acts, most notably WRDA 1986.

Obtaining reimbursement for fish and wildlife and recreation costs is far from unprecedented, and, in fact, is consistent both with contemporary policy and with the actual practice of recent years. We are authorizing a smaller project today, and that smaller project should be held to year 2000 reimbursement standards.

In addition to making clear the intent of Congress to require the repayment of fish and wildlife costs, my amendment further clarifies the amount of construction costs that the nontribal water users have to repay to the Federal Government. The substitute of the Senator from Colorado gives the nontribal water users the right to prepay for construction. At the end of the construction they are given the choice of electing whether to make a second payment to settle their account with the Federal Government. If they choose to enter into a new contract, under the terms of the substitute, they are required to only repay construction costs that are ''reasonable and unforeseen.'' I think that allowing a second bite at the apple by giving water users the option of not making the second payment is a big enough gift from the taxpayers. I have repeatedly opposed prepayment because I believe and feel that the taxpayers often get stuck for contract delays and cost overruns. I am concerned that the substitute opens the door to allowing the definition of ''reasonable and unforseen'' to be argued in court. My amendment makes it clear that, when the final tally is levied, even though that is a practice I find questionable, it should include all of the costs—all the costs—the Federal Government has incurred.

Third, and finally, I remain concerned that the findings in section 1(b) of the substitute may have the unintended effect of influencing a court's review of the sufficiency of agency compliance with Federal environmental laws applicable to the Animas-La Plata project. My amendment adds language to the bill to make sure that tampering with court review does not occur.

Colleagues may say, well, these are only findings in the bill. What effect could they possibly have on a court? I would ask my colleagues to first ask themselves what other purpose these findings could possible have in this bill that is not to have influence on a court.

Second, these finds are a compromise from the prior version of S. 2508, which included explicit determinations by Congress entitled ''compliance with the National Environmental Policy Act'' and ''compliance with the Endangered Species Act of 1973'' and which relied in part upon the findings. These sections have been deleted from the substitute, but the findings remain as determinations by Congress that could be used to attempt to influence judicial review of compliance with environmental laws.

For example, the finding in section 1(b)(5) states in effect that the passage of S. 2508 is ''in order to meet the requirements of the Endangered Species Act.'' The finding that Congress has reviewed all of the environmental studies—section 1(b)(8)—in combination with the finding that Congress has decided to enact S. 2508 to implement the Record of Decision that resulted from those environmental studies—section 1(b)(10)—would have the effect, I am afraid, of influencing a court's review of a challenge to the adequacy of the studies or the soundness of the decision contained in the Record of Decision.

Indications of Congress's substantive views about a proposed project, as expressed in the legislation authorizing the project, have been used by the federal courts in evaluating whether the project complies with applicable federal environmental laws. Because the findings in S. 2508 appear to be designed to influence judicial review, as explained above, and because the precise intent of the findings is open to interpretation, a reviewing court could ascribe little weight, extreme weight, or no weight at all to these findings during the course of ruling upon a citizen suit.

To neutralize this potential impact upon a reviewing court in a subsequent citizen challenge to environmental compliance, I propose to add language, so that section 2(a)(1)(B) will read:

> Nothing in this Act shall be construed to predetermine or otherwise affect the outcome of any analysis conducted by the Secretary or any other federal official under applicable laws, to restrict the availability or scope of judicial review, or to in any way affect the outcome of judicial review of any decision based on such analysis.

I believe overall that this amendment in all its parts will make this bill better. It commits the Federal Government solely to the construction of a reservoir and protects the taxpayer. It preserves the right of courts to review the project's environmental compliance and it ensures that the nontribal water recipients pay their fair share. So, Mr. President, I urge my colleagues to support this amendment.

Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

Mr. FEINGOLD. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. There are 8½ minutes.

Mr. FEINGOLD. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. CAMPBELL. Pursuant to the unanimous consent agreement, I will, at the end of my statement, move to table Senator FEINGOLD's amendment. Also pursuant to that agreement, I request 10 minutes of the 30 that has been agreed to under the unanimous consent.

Each of the changes proposed by Senator FEINGOLD is either unnecessary or would have the opposite effect to what he intends. I will tell the Senator, who I consider a good friend, that I was in his State just last week with his very fine Governor, Tommy Thompson, traveling across the State doing several things. It was raining the whole time I was there. I rather marveled about how green and nice it was and how much water it had. I was somewhat envious coming from a State that has to store roughly 85 percent of its water needs a year. And as I looked around, I saw many roads and bridges and more than one or two lakes that I think had been paid for with the taxpayers' money in one form or another.

I would tell him that if he lived in a State such as mine or any of the Western States, as the Presiding Officer lives, he would understand how desperately we need water and how in a fast growing State it puts more and more strains and stresses on existing water.

I will talk about the Senator's amendment a little bit. Senator FEINGOLD's amendment proposes that we make existing Federal reclamation law inapplicable to non-Indian project beneficiaries. The Senator asks the Senate to amend S. 2508 to eliminate all references to the Colorado River Storage Project Act of 1956. I don't know the age of the Senator, but I have a hunch it was about the time he was born. I assume Senator FEINGOLD believes that his amendment will make the repayment obligations more fair. In fact, it would be completely unfair to require these individuals to bear a greater repayment burden than all the other projects constructed under the authority of the 1956 and 1968 act. It would, in fact, in my view, be somewhat discriminatory against non-Indians.

If the Senate makes any of the changes proposed by Senator FEINGOLD, we will be saying that existing Federal law should not control the repayment obligation of the non-Indian water users of the project. Other water users up and down the Colorado River—and there are many in our States, as the Presiding Officer knows—will have their repayment obligation set by existing Federal law, but those getting water from this part of the Colorado River system and at this late hour will be told that a new law controls their repayment obligation.

I have to ask my colleagues, why should these project users be singled out in this manner? The most unfair part of this amendment is that it would be part of an Indian water rights settlement act. These non-Indian people are only being treated differently because they agreed to accept the smaller project as part of their agreement with the Ute Indian tribes. As the chairman of the Indian Affairs Committee, I can't think of a worse precedent or message to send. In my view, we ought to be rewarding the non-Indian neighbors who have worked cooperatively with their Indian neighbors, not making them pay more money for their cooperation.

If any of the repayment provisions proposed by Senator FEINGOLD were to pass, I would have to advise my non-Indian constituents that it is actually in their best interest to break their agreement with the tribes, because the price they must pay for fulfilling their commitment to the tribes is to give up all the rights they already have under existing law. I am sure that isn't what the Senator intends, but that will be the result of the proposed amendment.

Senator FEINGOLD's proposed change concerning project deauthorization has the same effect. Under my bill, the only parts of the project that are to be constructed are the components that are explicitly included in S. 2508. Every other part of the project cannot be built unless and until they are authorized by Congress. That is the compromise on deauthorizing the project. The administration agrees with this compromise. It was even accepted in the House Resources Committee on a bipartisan vote.

This compromise is fair because it only becomes effective if the small part of the project is actually constructed. The Senator from Wisconsin asks the non-Indian project beneficiaries, including the State of Colorado, to accept project deauthorization now and accept the Government's promise that a smaller project will be built someday. I can tell you, with the history of promises made by the Federal Government to Indians, in fact to many people in the West, I am somewhat skeptical. I know the Republican Governor of the State of Colorado and the Democratic Attorney General also reject this idea. I ask the Senate to reject it as well. It is simply not fair.

Senator FEINGOLD also proposes a provision concerning judicial review. I assume this is intended to preserve judicial review. At best, however, this will have no effect because there is nothing in the bill that constricts judicial review. There is nothing to preserve. Since the provision has no obvious application, we should be concerned that a court will be encouraged to make some kind of a provision that doesn't exist now. Maybe a court will decide to interpret the provision as an invitation to ignore all the work Congress and the administration have done to analyze the project and its alternative. There is simply no reason to take that risk.

The administration has had its say in its record of decision. Congress will have its say by enacting S. 2508. There is nothing in the bill that prevents the court from doing what courts do or what they are supposed to do. They can have their say on whether the other two branches have followed the law. There is no reason to supplement or enhance the authority of the Federal courts with respect to this bill or the project.

The most unfair change suggested by the Senator is his desire to require nontribal recreation costs be made nonreimbursable. First, this is directly contrary to existing law. Ever since Congress enacted the Colorado River Storage Project Act in 1956, all recreation and fish and wildlife enhancement costs are nonreimbursable. Senator FEINGOLD proposes we do away with that part of the law. This would require water users in New Mexico to pay for recreation facilities or benefits in Colorado. Again, this provision would be included in an Indian water rights settlement. I think it is completely unfair to have New Mexico bear additional unwarranted expenses solely because they agreed to be part of this historic agreement.

I am sure the Senator from Wisconsin means well, but meaning well is not a test of whether we should amend S. 2508. Upon inspection, none of the proposed changes is necessary and most will be harmful. Each of them would wreck years of good faith negotiations among the parties. Also, they would mean breaking explicit promises made decades ago by the Federal Government.

For those reasons, I urge my colleagues to vote to table the proposed amendment, and I move to table the amendment and ask for the yeas and nays as outlined under the unanimous consent agreement.

The PRESIDING OFFICER. The motion to table is not in order until all time has been used or yielded back.

Mr. CAMPBELL. I will withhold.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. I thank the Chair. As I understand, I have 8 minutes remaining.

The PRESIDING OFFICER. That is correct.

Mr. FEINGOLD. Mr. President, let me briefly respond to my colleague's remarks. Let me, first, indicate not only am I not insensitive to the needs of Colorado, my mother is a native of Colorado, who did not come to Wisconsin until she came to college. I have great affection for the State and certainly respect the water needs that are so central to the State and to Western States.

Let me respond to the specific points because I think we have worked together well to try to narrow our differences and to come up with this agreement in a way to try to have these matters discussed on the Senate floor in an expeditious way and to have

a vote and to have the matter go forward as appropriate.

The first point the Senator seemed to put his greatest emphasis on was whether or not the non-Native American users of the water should somehow be put in the same position of others who were the beneficiaries of the previous projects that were based in 1956. He suggested that somehow it would be discriminatory for these individuals and families to have to pay certain costs that the others did not have to pay in the past. I suppose that is one way to look at it, but I really look at it a different way.

I don't see the people who have benefited from some of these water projects in the past as really the relevant group. The relevant people now are those of us here today, both those who need the help of the water, the Native Americans and others, but also the taxpayers today. To not alter the repayment system for this is to ignore the reforms that have occurred since 1956.

There has been an effort and success in legislating a different way to handle this, to make sure that some of these expenses are reimbursed. I understand there may be those in this situation who may believe it is unfair that they are not put in the same position as those in the past, but I don't really understand how that is as important or relevant as making sure the taxpayers of today are not unfairly being discriminated against by having to pay more than they should for this project.

The Senator from Colorado even alluded in his initial remarks to the fact that he could at least understand the criticism of some of the past water projects. I think that same argument holds for some of the failure to reimburse on some of the past water projects.

This is not just my idea. I want to assure you that the OMB in this matter in their report on the Animas La-Plata project indicated this kind of reimbursement is entirely appropriate.

I will ask to have printed in the RECORD a statement of administration policy in support of my amendment. It reads in part:

> The administration understands that Senator FEINGOLD is proposing to offer a floor amendment to S. 2508. The amendment would provide additional safeguards concerning existing environmental laws, a more explicit deauthorization of unplanned project features, additional safeguarding of proposed taxpayer investment in this project, and would update the project's cost-sharing—

I emphasize ''cost sharing''—

> to reflect current Administration policy for fish and wildlife mitigation and recreation costs.

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF ADMINISTRATION POLICY

S. 2508—TO AMEND THE COLORADO UTE INDIAN WATER RIGHTS SETTLEMENT ACT OF 1988

The Administration supports S. 2508 as proposed to be modified by the manager's amendment. The bill, as amended, would accomplish the important goal of providing for a final settlement of the water rights claims of the Colorado Ute Indian Tribes that complies with our environmental laws by authorizing a scaled-down Animas-La Plata project in conjunction with a water acquisition fund.

The Administration had noted concerns with S. 2508, as introduced, because it: (1) contained objectionable language relating to compliance with the nation's environmental laws, (2) did not adequately eliminate the extensive number of Animas project features previously authorized but not currently contemplated, and (3) shifted the risk of unforeseen construction cost increases to federal taxpayers. The latest version of the bill as modified by the manager's amendment satisfactorily addresses these concerns.

In addition, the Administration understands that Senator Feingold is proposing to offer a floor amendment to S. 2508. The amendment would provide additional safeguards concerning existing environmental laws, a more explicit deauthorization of unplanned project features, additional safeguarding of the proposed taxpayer investment in this project, and would update the project's cost-sharing to reflect current Administration policy for fish and wildlife mitigation and recreation costs.

The Administration would support the Feingold amendment, which is consistent with the Administration's Animas proposal as outlined in the Interior Department's July 2000 Final Supplemental Environmental Impact Statement and subsequent Record of Decision. However, if the Feingold amendment does not pass, the Administration supports S. 2508 as modified by the manager's amendment.

Mr. FEINGOLD. Mr. President, I am not talking about something that is actually discriminatory. It is simply inconsistent with the law and the policy with regard to how these projects should be handled today to protect taxpayers—not in 1956.

Second, the Senator from Colorado talked about the fact that, yes, our bill does try to make sure that this project, since it has been scaled down—and I give the Senator credit for that—in fact, that is what we authorized. We don't leave the door open for sort of behind-the-scenes reauthorization of this.

He does point out clearly that in certain contexts it would be necessary to actually formally reauthorize the project for additional aspects of the project.

But my understanding is—and the reason we offered this is—if this current scaled-down project is not built, there would not be a requirement of a new authorization; that the situation would revert back without the need for more authorization for the much larger project. I believe it was something like $750 million.

It is not that the Senator is wrong about the fact that there are some situations where there might be the requirement for an authorization in the future. But if it isn't built—the Senator has alluded to the possibility it wouldn't happen—if, in fact, his central complaint is that it hasn't happened, and if it doesn't happen, we don't go back to an open process to figure out what this ought to be. It automatically gets reauthorized.

That is what troubles me. That is what I want to nail down. I want to make sure this project actually fits the size it needs to be and the people who need the help will get the help they deserve.

Finally, the Senator spoke about the third part of our amendment. In fact, in our amendment we want to make sure there is the opportunity for the full judicial review that is appropriate in situations such as this.

The Senator says the bill does nothing to undo the possibility of additional review. But I have raised the concern about some of the findings that are placed in the bill and why those findings would be there if they were not in some way to influence the court.

I accept his statement. That is not his intent.

All we are trying to do is have some language, which I read into the Record. It is very simple. It states clearly that the information and findings should not be used in a way that would preclude the court from using the current laws that apply to this situation.

That is all. It certainly does no harm to the Senator's position—unless, in fact, there is something in the bill that is intended to prevent the courts from having the full opportunity to review that they now are required to do under current law.

Mr. President, I reserve the remainder of my time.

Mr. CAMPBELL. Mr. President, I guess we could talk about everything, put it on spreadsheets, and talk about the dollars spent. But the Senator from Wisconsin mentioned something that I think is very important. He talked about the relevancy.

It seems to me that relevancy is part of the big picture and whether we ought to keep our promises. After 474 broken treaties by this Nation towards Indians, isn't it time we kept one?

We made a promise in 1935 to senior citizens called Social Security. If we can break our promise to one class of people in America, why can't we break it to another? Why can't we break our promise made to senior citizens? I will tell you why. We can't and won't because it is called stepping on a third rail called the AARP. Some thirty-million seniors belong to it—or more, for all I know—and they would absolutely come down the throat of everybody that is a Member of this body. So we don't fool around with them. We don't break our promises to people with high-powered lobbyists and full-time lawyers and lots of members that can write letters and oust us out of office.

Indians can't do that. There are not many of them. They don't have much money. They lost almost everything. So they have very little voice here. It is easy to take away the promise that we made to them. I think it is wrong. We talk about relevancy. This Nation ought to be greater than that, and keep our promises.

The statement of administration policy in the last paragraph basically says

they would support this bill with or without the Feingold amendment.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I will be very brief. I respect the Senator's time, and I want to keep my promise.

I want to be absolutely clear in the Record. There is absolutely nothing in the amendment I am proposing that in any way breaks the promise to the Utes and others who will certainly benefit from this project. We are very careful about that.

But it talks about the size of the project. It is a project that the Senator from Colorado has agreed to as a scaled-down project. But surely he is not suggesting that he is breaking a promise to anybody with that proposal; therefore, neither am I by suggesting it be that size.

I just want to be sure that somehow we do not end up with a wholly larger project later on, which the Senator from Colorado has agreed to leave aside, and certainly make sure that various reimbursements become, under law, a standard practice in these kinds of situations. Certainly, that is not a breach of a promise.

This is the law of the land and the way we do these things at this point to protect our taxpayers. Surely, it is not a breach of a promise to suggest that there ought to be a chance for the kind of judicial review that should occur in situations such as this.

In fact, I would suggest to the Senator—because I think we work together well on this—that I promised months ago that my goal here was not to put a hold on the bill so it could never come up. All I said was I would like an opportunity to offer some amendment. We worked together. I agreed to a time limit, which is exactly what is happening here. The promise was kept in that regard as well.

I am trying to be constructive and improve this bill. And the administration agrees. Even though they agreed fundamentally with the legislation, they also agree that my amendment is not harmful, but is, in fact, beneficial in making the bill better in the context of keeping our promises.

I yield the remainder of my time.

Mr. CAMPBELL. Mr. President, I yield any remaining time. I move to table the Feingold amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Alabama.

ALABAMA'S DISTINGUISHED PRINCIPAL OF THE YEAR, TERRY BEASLEY

Mr. SESSIONS. Mr. President, this Capital and in the world too seldom do people of real achievement, people who have given of themselves sacrificially for others, receive proper recognition. As Leo Durocher once said, ''Nice guys finish last.'' But, today there is good news. I want to celebrate the fact that good things do happen to those who serve in America. Often, it takes time, often it comes only after long years of service, but our country still remains capable of recognizing excellence.

Today I want to describe for you the magnificent contributions to children, to teachers, to community and to the highest ideals of education and enrichment that have been made by Alabama's Distinguished Principal of the Year, Mr. Terry Beasley. The Greeks once said that the purpose of education is more than technical learning, it was to make a person ''good''. In those days, people apparently didn't have the difficulty distinguishing between good and the bad that we seem to have today. In addition to academic excellence, in abundance, Terry Beasley exemplifies ''the good.''

Although I did not know he was being considered for this award and had absolutely nothing to do with his selection, the name ''Mr. Beasley'' has always held the highest position in our family. You see, he taught our children at Mary B. Austin elementary School, a part of the public school system in Mobile County, AL, my home. He taught math and his name was mentioned with the greatest respect, even awe, by my children.

You could tell just the way they said ''Mr. Beasley'' and how often the name ''Mr. Beasley'' was repeated, that they knew he was special.

My wife, Mary, a former elementary school teacher herself, was a regular volunteer parent in the classroom at Mary B. Austin. She knew Mr. Beasley then and the fire reputation he had with teachers, principal, parents and students. People still talk about the famous school playday when Mr. Beasley would not only play ball with the children but would race the bases and slide into home. Our friends, also, with children in the school, frequently discussed his remarkable skill as a teacher and his dedication to teaching.

Before he became a teacher. Terry Beasley was a minister and youth director at a Mobile church. He considered that perhaps teaching could be a calling too, and decided to give it a try. In fact, the scripture lists ''teacher'' as a person who can be called. So he decided to give it a try. It was a divine inspiration, indeed. As he told me recently, it soon became clear to him that ''I had found my calling in teaching''. His first job was at Mary B. Austin. Certainly, his later skills as a principal benefitted from the fact that he was able to work under and observe the great leadership skills of Glenys Mason, who was principal at Austin at the time, and to work with excellent teachers.

Later, he moved across Mobile Bay to the Baldwin County school system and became principal at Fairhope Elementary School. They have 370 students and 36 teachers in the second and third grade school. Under Mr. Beasley's leadership the school has flourished.

Last year the school was recognized as having the best physical fitness program in Alabama, and was also recognized for its Kindness and Justice Program which teaches kindness and consideration to others with reference to the teachings of Dr. Martin Luther King.—We need to be intentional about these character programs. Finally, the school was also recognized as having the best elementary environmental science program in Alabama. In fact, the third graders drafted a statute which became Alabama law to name the Red Hill Salamander as the state amphibian. As a result of this work, and the efforts of the teachers, the student scores on the Stanford Achievement Test showed a significant increase.

Fairhope Elementary is a wonderful school with a diverse student population. 23 percent of the students are on free or reduced lunch and 18 percent are minority students. Mr. Beasley has created a learning environment that is dedicated to helping each child reach his/her fullest potential. He is in the classroom constantly, assisting teachers, training teachers, and insisting on excellence. His leadership is extraordinary. Being a good teacher has certainly helped him be a great principal.

As he told me, ''Math is my love, I don't claim to be an expert, but I love it. If we can't make math real then kids won't learn.'' These are not just words for Mr. Beasley. His intense interest in helping children led him to study how they learn. His experience caused him to write a paper on ''writing math''. Ohio State University wants to publish it. In this technique, Mr. Beasley encourages students to write out in their own words exactly the processes they are going through when they do their math calculations. From this experience, the student comes to understand what they do not know and the teacher is able to help them. It helps them to relieve their anxiety about math and makes them more comfortable with it. Mr. Beasley quotes John Updike as saying, ''Writing helps me clear up my fuzzy thoughts''. He adds, ''Write about math and it becomes clear.'' A principal is a valuable thing indeed, as is an exceptional teacher. This nation needs to venerate them, to lift them up and to celebrate their accomplishments. Hundreds of thousand of them strive daily to help each child learn too often with little recognition.

As Mr. Beasley notes, the scripture lists teaching as a ''calling.'' It is good for us to praise and give thanks to those who touched us with their work and those who daily work to prepare the next generation for service.

Terry Beasley is a great American with a powerful determination to fulfill his calling—to help make young people better and to help them learn. He is a native of Waynesboro, Mississippi, and his wife, Charlotte, also

an educator at Spanish Fort Middle School in Baldwin County, Alabama, is a native of Millry, AL. Together they represent the best in education in America.

I have been honored to know them. I am pleased and honored that Mr. Beasley has been able to teach my children. There are so many others like him. I have been in 20 different schools in Alabama this year and there are a lot of problems. Teachers have shared with me from their heart their frustrations. But we have some great teachers all over America and some great principals. Sometimes I think we don't realize how important a good principal is because without a good principal a school just can't reach its best.

In my visit to those 20 schools, they didn't ask for a bunch more Federal programs. We have 700 Federal programs right now. What they have told me, time and again, was that Federal regulations are micromanaging the work they have to do, requiring them to fill out much more paperwork than even their whole school system requires and, in fact, undermining their ability to maintain discipline in the classroom. I hear that time and time again. That is another matter.

I simply want to say again how much I appreciate the distinguished group that had the wisdom and insight to select Terry Beasley as the principal of the year because he is indeed special.

The PRESIDING OFFICER. The Senator from Wisconsin.

TRAFFIC STOPS STATISTICS STUDY ACT

Mr. FEINGOLD. Mr. President, I rise to speak for a few moments about the subject of race in America. I want to speak today about how sometimes it seems that whites and African-Americans are living in different Americas. And I want to speak about how we still need to do more to see that we become one America.

There is a movie playing now in the theaters called Remember the Titans. That movie depicts how there were two Americas, not that far from here, not that long ago. It depicts the great civil rights struggle of school integration, through the lens of a high school football team in 1971, at T.C. Williams High School, just across the river from here in Alexandria, Virginia.

The film stars Denzel Washington as Herman Boom, who became head football coach at all-white T.C. Williams High School, when it was just beginning to integrate. Although some in the white community in Alexandria did not welcome integration, in the film, Coach Boom steps into this tempest, and teaches the players and coaches to overcome racial prejudice. He teaches the players to respect each other and to work together as a team, regardless of the color of their skin. In the end, the team conquers racial barriers and goes on to win the state championship. Titans teaches us that we must be willing to confront our prejudices, so that we can build a better America, together.

Since 1971, we have made significant progress in public education. But we still have a long way to go. And we are still failing in other areas, like the treatment of African Americans and Latino Americans by law enforcement agencies. They have become the targets of racial profiling. It is time for us to confront our prejudices, to address racial profiling.

White Americans have not had similar experiences. We live in a different America. We won't be stopped on the side of the road, at the airport, or while walking through our neighborhoods, based on the color of our skin. We live in an America where we are free to move about. But African Americans, Latino Americans and Americans of other racial or ethnic groups do not live in this same America. They live in an America where they do not have freedom of movement. When it comes to the enforcement of our laws, they surely live in a completely different America.

Mr. President, racial profiling is a terrible practice. It's unfair, unjust and un-American. It should be thoroughly reviewed, so that we can determine how to end it.

Mr. President, racial profiling casts its net so far and wide that its victims include Americans regardless of their education, wealth, or status. Just last month, that net caught Bob Nash and his wife Janis Kearney, both very high-level officials at the White House. Montgomery County police in suburban Washington pulled over Mr. Nash and his wife, who are both African American. The officers drew their guns. The officers asked them to step out of their car. And the officers handcuffed them.

Why? Well, as far as I can see, the only thing that they were guilty of doing was ''Driving While Black.'' They were stopped, questioned and handcuffed for no apparent reason other than the color of their skin. This is an outrage for Mr. Nash, Ms. Kearney, and all Americans who live in a nation that guarantees liberty and justice for all.

At the end of last month, the San Diego police department released a study of traffic stops that found its officers are more likely to stop and search African and Hispanic Americans than whites and Asian Americans. And earlier this month, according to a story that appeared on the front page of the New York Times, a Federal investigation of the New York Police Department's Street Crime Unit determined that its officers engaged in racial profiling in recent years as they conducted their aggressive campaign of street searches in New York. More and more the evidence mounts.

African Americans and other minority Americans have been on the receiving end again and again, of this horrendous practice. It is intolerable. And it screams out for action by the Federal Government. The Senate should take the first step toward ending this terrible practice by passing S. 821, the Traffic Stops Statistics Study Act.

This bill was introduced in the House by Representative JOHN CONYERS and in the Senate by my distinguished colleague and friend from New Jersey, Senator LAUTENBERG. I commend them for their leadership on this issue, and I am proud to have been able to join them in this effort.

The Traffic Stops Statistics Study Act would require the Attorney General to conduct an initial analysis of existing data on racial profiling and then design a study to gather data from a nationwide sampling of jurisdictions. This is a reasonable bill. It simply requires the Attorney General to conduct a study. It doesn't tell police officers how to do their jobs. And it doesn't mandate data collection by police departments. The Attorney General's sampling study would be based on data collected from police departments that voluntarily agree to participate in the Justice Department study.

In fact, since our traffic stops study bill was introduced in April 1999, we have already seen significant, increased recognition in the law enforcement community of the need for and value of collecting traffic stops data. Over 100 law enforcement agencies nationwide—including state police agencies like the Michigan State Police—have now decided to collect data voluntarily. Eleven state legislatures have passed data collection bills in the last year or so. So this is tremendous progress from where we were when the bill was introduced. I applaud those states and law enforcement agencies that are collecting data on their own.

But more can be done. And more should be done. Indeed, the state and local efforts in this area underscore the need for Federal action. Not all states and law enforcement agencies have undertake data collection efforts. A Federal role is critical for Congress and the American people to understand the extent of problem nationwide. This effort can lay the groundwork for national solutions to end this horrendous practice.

Mr. President, I certainly believe this is not a Republican or Democratic issue. Governor George W. Bush supports data collection. During the second presidential debate, he said, ''we ought to do everything we can to end racial profiling.'' He also said, ''we need to find out where racial profiling occurs.'' His own Department of Public Safety in Texas has begun collecting data. And Vice President GORE, as well, has been a forceful leader on the issue. All Americans can agree that racial profiling is unfair and unjust and that we need to better understand the scope of the problem.

Our Nation has come a long way in the struggle to live up to its highest ideals of liberty, justice, and equality for all. Congress, historically, has

played a critical role in addressing racial discrimination, through legislation that grappled with civil rights issues like voting rights and employment discrimination. Americans are once again calling on the Congress to combat racial discrimination. With this legislation, we can take a step in the right direction, a step closer to becoming truly one America.

I urge my colleagues to support the Traffic Stops Statistics Study Act, and to back its enactment this session.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I thank Senator FEINGOLD for his concerns about civil liberties in America. It is important for us to give great attention to these issues. Police need to be constantly reminded of their responsibilities.

I was a prosecutor for nearly 18 years full time. I have dealt with police. I remember clearly the policies for years against racial profiling. The law is against that. One of the most famous cases was 25 or 30 years ago, when an immigration officer stopped some individual in a car and arrested him for being an illegal alien. When he asked why he stopped him, he said he had a ''psychic feeling'' that there was something wrong there.

The court said no. A psychic feeling is not good enough. A racial profile is not good enough. You have to have an articulable basis to make a stop.

But we do not want to suggest, in my view, that this is a routine thing in America. Police officers I know, and the Federal agents I know, are very sensitive about these issues. They have been trained about them. They know precisely what they have to do. It almost takes a law degree to know what to do, but they know precisely how and when they can make stops and when they cannot. I believe consistently they follow those rules.

I know Vice Presidential candidate Senator LIEBERMAN, in one of his debates, said that he knew someone who had been stopped, an African American, a Government employee. He described that he was offended by it. But the local police said, when they were asked about it—the local police said he was stopped because the car matched perfectly the description of a stolen car. When they stopped it, they did not even know whether the driver was white or black. They were just doing their job. It was not a racial profiling.

So we need not to go too far, suggesting this is too common. I do not believe it is. I think it may happen and it should not happen. It is against the law. It is not proper, and arrests and matters rising from it should not be justified.

I appreciate Senator FEINGOLD's interest in making sure the law is properly followed.

SUBMITTING CHANGES TO THE BUDGETARY AGGREGATES AND APPROPRIATIONS COMMITTEE ALLOCATION

Mr. DOMENICI. Mr. President, section 314 of the Congressional Budget Act, as amended, requires the Chairman of the Senate Budget Committee to adjust the appropriate budgetary aggregates and the allocation for the Appropriations Committee to reflect amounts provided for emergency requirements.

I hereby submit revisions to the 2001 Senate Appropriations Committee allocations, pursuant to section 302 of the Congressional Budget Act, in the following amounts:

	Budget authority	Outlays
Current Allocation:		
General purpose discretionary	$606,674,000,000	$597,098,000,000
Highways		26,920,000,000
Mass Transit		4,639,000,000
Mandatory	327,787,000,000	310,215,000,000
Total	934,461,000,000	938,872,000,000
Adjustments:		
General purpose discretionary	+1,299,000,000	
Highways		
Mass transit		
Mandatory		
Total	1,299,000,000	
Revised Allocation:		
General purpose discretionary	607,973,000,000	597,098,000,000
Highways		26,920,000,000
Mass transit		4,639,000,000
Mandatory	327,787,000,000	310,215,000,000
Total	935,760,000,000	938,872,000,000

I hereby submit revisions to the 2001 budget aggregates, pursuant to section 311 of the Congressional Budget Act, in the following amounts:

	Budget authority	Outlays	Surplus
Current Allocation: Budget Resolution	$1,532,779,000,000	$1,495,819,000,000	$7,381,000,000
Adjustments: Emergencies	1,299,000,000		
Revised Allocation: Budget Resolution	1,534,078,000,000	1,495,819,000,000	7,381,000,000

NOMINATION OF MS. LOIS EPSTEIN TO BE A BOARD MEMBER OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

Mr. LAUTENBERG. Mr. President, the President of the United States today nominated Ms. Lois Epstein to be a Board Member of the Chemical Safety and Hazard Investigation Board.

Ms. Epstein is a licensed professional engineer with over 16 years of technical and regulatory experience involving toxic and hazardous chemicals, with a significant focus on accident and pollution prevention. She currently is a Senior Engineer with Environmental Defense. In that capacity, she has served on three federal advisory committees, two for the Environmental Protection Agency (EPA) and one for the Department of Transportation (DOT). She has also served as a consultant to the Science Advisory Board of EPA. Prior to coming to Environmental Defense, Ms. Epstein worked in the private sector and for the federal government in the EPA Region 9 office.

Ms. Epstein has demonstrated integrity, technical and analytical expertise, industrial plant knowledge, and a stong understanding of environmental laws and regulations. She has the ability to work with a diverse array of interests, and a commitment to resolving environmental and worker safety problems. These qualities, in combination with Ms. Epstein's expertise in engineering, petroleum refining, and her familiarity with the National Transportation Safety Board—the model for the Chemical Safety Board—make her a strong candidate.

Although she is being nominated without enough time remaining in the 106th Congress for confirmation, I hope that the next Administration and Congress will look favorably upon this qualified candidate.

DISTURBING DOD POLICY

Mr. SMITH of New Hampshire. Mr. President, I rise today to speak on a disturbing Department of Defense (DOD) policy that prohibits the adoption of retired military working dogs (MWD).

The bill that I am speaking in support of today, H.R. 5314, will amend the law to allow a handler to adopt a retired military working dog. This legislation was constructed with the guidance and input of all the parties involved. While the Senate version provides more flexibility for the DOD than I would prefer, in the future the Congress will have the opportunity to evaluate the DOD's work when they report back to Congress on their progress in facilitating military dog adoptions.

In discussions with the Managers, my understanding is that this change is only intended to protect the Department of Defense's flexibility to retain animals it determines to be unsuitable for release. In no way is this intended to allow the Defense Department to retain animals that are suitable for release and are no longer needed. I believe it is important to clarify this point, but with that understanding, I am pleased to support this legislation.

The DOD's policy callously discards these highly trained and devoted animals after completion of their service to their country after 8–10 years of age, even if their handlers wish to adopt them.

Under the current law there is no happy retirement for these loyal canines. After their body is no longer able to sustain the workload of their mission, the future becomes bleak for these dogs. In a best case scenario, the dogs are sent back to Lackland Air Force Base, their original training school, where they are used to instruct their human counterparts to become handlers.

After they have served this final duty, they are kenneled for an undertermined amount of time and then put down. In some instances, military working dogs are caged as long as a year until they meet their final outcome. If no kennel space is available, the less fortunate are terminated directly upon their arrival to Lackland.

Without the loyal service of Military Working Dogs and their devotion to their handlers, countless American soldiers would have died or become casualties of war.

These dogs have abilities that our most advanced technology cannot match, rendering them priceless to the men and women serving in our military.

Of the 10,000 men who served with K–9 units during the Vietnam War more than 265 were Killed in Action. Of the 4,000 dogs that served, 281 were ''Officially'' listed as ''Killed in Action,'' but only 190 were returned home at the end of the war.

More than 500 dogs died on the battlefields of Vietnam.

Military Working Dogs not only helped win battles and save lives, but had an enormous impact upon the mental well-being of those humans that surrounded them in the severest of battle conditions.

It is clear that the DOD's policy does not work in the best interests of the dog handlers and the dogs. There is a distinctly strong bond between dog handlers and their dogs, who work, live and play together on a daily basis.

I believe that the military's policy unnecessarily severs a bond that has taken years to cultivate which can easily be alleviated by allowing dog handlers or other qualified people to care for these highly intelligent dogs after they can no longer serve their country.

The 1949 Federal Property and Administrative Services Act, enacted after World War II, reclassified military working dogs as equipment. According to the military mentality, any piece of equipment no longer operable, becomes a hardship to the unit and must be disposed.

In 1997, the Federal Property and Administrative Services Act was amended. The law was altered to permit federal dog handlers, such as those in the Drug Enforcement Administration, to adopt their aging K–9 partners after their service in law enforcement was completed.

The DOD's K–9 partners were the only federal canine group not included in the modification. Are these worthy canines any less deserving of peacefully living out the remainder of their days than another federal working dogs? These dogs can be detrained of their aggressive responses and we have no reason to assume that they will not continue to obey their handlers.

The bill that I am speaking in support of today, H.R. 5315, will amend the law to allow a handler to adopt a retired military working dog. I believe that legislation was constructed with the best interest for all parties involved.

The decision to allow a handler to adopt their canine partner rests on the shoulders of those who know the dog best: the dog's last unit commander an the last unit veterinarian. Made on a case-by-case basis, the commander and veterinarian are obligated to give their consent before the adoption process can move forward.

Furthermore, H.R. 5314 provides an additional safeguard at the federal level. Upon receipt of the dog, the adopting handler waives all liability against the federal government.

H.R. 5314 will effectively accomplish two goals: it offers the DOD a solution to their dilemma of maintaining aging canines and lifts the restriction that prohibits the adoption of military working dogs. Former dog handlers, individuals with comparable experience, or law enforcement agencies will be able to provide a loving home for such deserving animals.

Through the passage of this legislation, not only will the military working dog be taken from a permanently caged status, but the dog will also be given the opportunity for a positive home environment. I know you will agree that after a lifetime of service, there can be no better reward for both handler and dog.

In closing, H.R. 5314 has been endorsed by the Humane Society of the United States, the American Veterinary Medical Association, the Society for Animal Protective Legislation, the Doris Day Animal Rights League, and The American Society for the prevention of Cruelty to Animals. This is a positive measure which is a win-win solution for dog, handler and the Department of Defense.

I ask unanimous consent to have printed in the RECORD a letter to Senator WARNER from William W. Putney, DVM. He was a C.O. of the War Dog Training School at Camp Lejeune, NC, was awarded the Silver Star for his bravery during his command of a ''war dog'' platoon in the 3rd Marine Division during World War II.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WOODLAND HILLS, CA,
October 18, 2000.

Senator JOHN WARNER,
Chairman, Committee on Armed Forces, Washington, DC.

DEAR SENATOR WARNER: I was born in Prince Edward County Virginia. Attended Virginia Tech (VPI then) then graduated from Auburn University in 1943. I immediately went into the Marine Corps and served throughout the war as a line officer in the war dog program and later as the Chief Veterinarian, USMC. Although I am not a constituent of yours, I have many relatives, living in Virginia, that are. I was the platoon leader of the 2nd and 3rd Marine War Dog Platoons that served with the 3rd Marine Division on Guadalcanal, Guam and Iwo Jima and the 2nd Marine Division on Saipan, Okinawa and Japan.

After the cessation of hostilities, I was C.O. of the War Dog Training School at Camp Lejeune, NC when we detrained and returned to civilian life our dogs that we used in WWII on places like Guadalcanal, Bougainville, Kuajalien, Enewetok, Guam, Pelelieu, Saipan, Okinawa and Japan. Our dogs saved a lot of Marines' lives including mine.

Of the 550 Marine war dogs that we had on duty at the end of the war, only four were destroyed due to our inability to detrain them sufficiently to be returned safely to civilian life. Never to my knowledge was there a recorded an instance where any one of those dogs ever attacked or bit anyone. It is not true that once a dog has had attack training, it can never be released safely into the civilian population. All of our dogs were attack trained.

I strongly support Senator Smith in his efforts to change present DoD policy that once a dog has received attack training, it will always be destroyed when he can no longer perform his military duties.

To use animals for our own use and then destroy them arbitrarily when they can no longer be of use to us is the worst kind of animal abuse.

WILLIAM W. PUTNEY, DVM,
Captain, USMC, WWII.

Mr. SMITH of New Hampshire. He offers his strong support for a change in the law that will allow the adoption of military working dogs. Former Marine Lt. Putney led a successful effort to build a cemetery and monument for the 25 dogs who died in the liberation of Guam in 1944, and I applaud his work to memorialize their contribution to preventing more loss of life during WWII. I also want to have printed for

the RECORD an article that provides some details of his military life and his accomplishments in recognizing the special canine contribution to our wartime successes.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, Sept. 3, 1995]

MARINE, NOW 75, HONORED FOR HIS WARTIME COURAGE

(By Doyle McManus)

Marine Lt. William W. Putney was awarded the Silver Star for bravery on Saturday—at the age of 75, half a century after the end of his war.

Putney, a Woodland Hills veterinarian, commanded a ''war dog'' platoon in the 3rd Marine Division during World War II—a little-known specialty that used trained dogs both to guard American positions and sniff out enemy troops hidden in tunnels or caves.

On July 26, 1944, Putney's unit was defending 3rd Marine headquarters on Guam when the lieutenant, then 24, spotted a Japanese platoon heading toward the division hospital.

''Putney ordered the war dog handlers to tie their dogs to bushes and take up a firing line in the path of the enemy.'' His citation reads, ''An enemy machine gun emplacement savagely opened fire. . . . Disregarding his own safety, (Putney) unhesitatingly arose from his position of cover, and standing exposed to the hail of bullets aimed at him, began firing.

''He succeeded in silencing the machine gun and killing the two enemy machine gunners. Although wounded, he exhorted the platoon to press the attack, resulting in the killing of all enemy soldiers, including the Japanese officer leading the attack.''

Officials said Putney had been recommended for a decoration during the war but unaccountability did not receive one. His former commanding officer resubmitted the recommendation a few years ago, and Navy Secretary John H. Dalton approved it in time for Putney to formally receive the award at the Punchbowl military cemetery here as part of Saturday's commemoration of the end of World War II.

After the war, Putney served as chief veterinarian and commander of the U.S. Army War Dog Training School. He retired from the Marines and practiced as a veterinarian in Woodland Hills.

In recent years, he led a successful effort to build a cemetery and monument for the 25 Doberman pinschers and German shepherds who died in the liberation of Guam in 1944.

The memorial, which includes the names of the dogs and a life-size bronze statue of a Doberman, was dedicated in a military ceremony last year.

TESTING NORTH KOREA'S COMMITMENT TO PEACE

Mr. BIDEN. Mr. President, today I rise to discuss the momentous changes underway on the Korean Peninsula and to take note of the contributions of one extraordinary American public servant to the cause of peace there. Former Secretary of Defense Bill Perry stepped down this month as special adviser to the President on Korea policy, a role he assumed when our relations with North Korea were in crisis and when congressional faith in our approach to the Korean challenge was at a nadir.

It was a job no one coveted. North Korea ranks as one of the most difficult foreign policy challenges we face.

It was a job fraught with risk. Err too far towards confrontation, and you might send North Korea over the brink and start another war. Err too far towards conciliation, and your initiative might be mistaken for appeasement, emboldening the North and undermining political support at home.

Under Bill Perry's leadership, the U.S. launched a hard-headed initiative designed to test North Korea's willingness to abandon the path of confrontation in favor of the road to peace. From its inception, the Perry initiative was predicated on maintenance of a strong military deterrent. But Dr. Perry recognized that deterrence alone was not likely to lure North Korea out of its shell and reduce the threat of war.

The Perry initiative was designed and implemented in concert with our South Korean and Japanese allies, and it continues to enjoy their full support.

The results of this comprehensive and integrated engagement strategy have stunned even the most optimistic observers.

The year began with a mysterious and unprecedented visit by Kim Jong-il to the Chinese Embassy in Pyongyang. Over the course of a four-hour dinner, Kim made it plain that the year 2000 would see a shift in the North's approach to reviving its moribund economy and ending its diplomatic isolation.

In quick succession, Kim hosted Russian President Putin and then South Korean President Kim Dae-jung. The historic Korean summit meeting in Pyongyang was a tremendous victory for South Korean President Kim Dae-jung's ''Sunshine Policy'' and a validation of Perry's engagement strategy. It is fitting that President Kim Dae-jung was just awarded the Nobel Peace prize for his life-long efforts on behalf of peace and democracy on the Korean peninsula.

With the rapid emergence of Kim Jong-il from what he admitted was a ''hermit's'' existence in North Korea, the prospects for a lasting peace on the peninsula are better today than at any time since the Korean War began more than 50 years ago. Time will tell.

If fully implemented, the agreement reached in Pyongyang by President Kim Dae-jung and Kim Jong-il promises to reduce tensions in this former war zone and enhance economic, cultural, environmental, and humanitarian cooperation.

There are encouraging signs that the summit meeting was not a fluke:

Family reunification visits are proceeding, albeit at a pace that is slower than the families divided for 50 years desire or deserve.

Ground will be broken soon to restore rail connections across the DMZ, restoring trade and communication links severed for 50 years.

A follow-on meeting of the North and South Korean Defense Ministers in September led to an agreement to resume military contacts and to explore confidence building measures along the DMZ, including notification of exercises and creation of a North-South hot-line.

Planning is proceeding smoothly for next year's North-South summit meeting in Seoul.

There has also been progress in U.S.-North Korean relations. An historic meeting between President Clinton and senior North Korean military officer Cho Myong-nok occurred this month in Washington, setting the stage for next week's first ever visit to the North by an American Secretary of State.

Mr. President, this flurry of diplomatic activity has been dismissed by some critics as all form, and no substance. They marvel at our willingness—and that of our South Korean ally—to provide food aid to a despotic regime that continues to spend precious resources on weapons and military training rather than tractors and agricultural production.

No one condones the North Korean Government's callous disregard for the suffering of its own people. And obviously, much work remains to be done—especially in the security realm—to realize the hope generated by the summits. The North has not withdrawn any of its heavy artillery poised along the Demilitarized Zone.

It has not halted provocative military exercises. It has not yet ended all of its support for terrorist organizations.

And, although the North did reaffirm its moratorium on long-range missile testing this month in Washington, it has not stopped its development or export of long-range ballistic missile technology. North Korea's missile program continues to pose a serious threat not only to our allies South Korea and Japan, but also to other nations confronting the odious clients of North Korea's arms merchants.

All of these issues must be addressed if we are to forge a lasting peace on the Korean peninsula.

Our efforts to engage North Korea must ultimately be matched by reciprocal steps by the North. Engagement is not a one-way street.

But the question is not whether North Korea is a desirable partner for peace. Kim Jong-il has all the appeal of Saddam Hussein. The question is how we manage the North Korean threat.

I can't imagine how the situation would be improved if we did not offer North Korea a chance to choose peace over truculence. I can't imagine how the situation would be improved in any way if North Korean children were dying in droves from malnutrition and disease as they were prior to the launch of the U.S.-funded World Food Program relief efforts.

Mr. President, we should not discount the importance of the recent diplomatic developments on the peninsula. How soon we forget that it was a process called glasnost—openness—combined with maintenance of a strong NATO alliance, which ultimately brought about the demise of the Soviet

Union and the reunification of East and West Germany.

Information about the outside world is hard to come by in North Korea, just as it was hard to get in the Soviet Union before detente opened the window and let the Soviet people catch the scent of the fresh air of freedom.

Perhaps dialog with North Korea and greater openness there will bring about a similar result. If so, we will have Secretary Perry to thank for his role in getting that dialog jump-started after it had stalled amidst mutual suspicions and acrimony during the mid-1990s.

Mr. President, in closing I would like to extend my profound thanks to Bill Perry for the way he carried out his responsibilities. He answered the call to public service two years ago, trading the comfort of northern California for the landmine-strewn terrain of Washington and North Korea. He has conducted himself with honor and a strong sense of duty. He will be missed.

The stakes on the peninsula are high. Events there will not only shape the security environment of Northeast Asia, but also affect our decision whether to deploy a limited national missile defense, and if so, what kind of defense. From my perspective, it would be a great accomplishment if we could neutralize the North Korean missile threat through diplomacy rather than spend billions of dollars to construct a missile defense system which might do more harm to our national security than good.

I wish Secretary Albright and her new Korea policy adviser Wendy Sherman well as they strive to build on the momentum generated over the past few months. It is a tough job, but it is incumbent on us to test North Korea's commitment to peace.

DEMOCRACY DENIED IN BELARUS

Mr. CAMPBELL. Mr. President, I am pleased to join as an original cosponsor of this resolution introduced by my colleague from Illinois, Senator DURBIN, to address the continuing constitutional crisis in Belarus.

As Co-Chairman of the Helsinki Commission, during the 106th Congress I have worked on a bipartisan basis to promote the core values of democracy, human rights and the rule of law in Belarus in keeping with that country's commitments as a participating State in the Organization for Security and Cooperation in Europe (OSCE). Back in April the OSCE set four criteria for international observation of parliamentary elections held this past weekend: respect for human rights and an end to the climate of fear; opposition access to the state media; a democratic electoral code; and the granting of real power to the new parliament.

Regrettably, the Lukashenka regime responded with at best half-hearted measures aimed at giving the appearance of progress while keeping democracy in check. Instead of using the elections process to return Belarus to the path of democracy and end that country's self-isolation, Mr. Lukashenka tightened his grip on power launching an intensified campaign of harassment against the democratic opposition and fledgling independent media. Accordingly, a technical assessment team dispatched by the OSCE concluded that the elections ''fell short of meeting minimum commitments for free, fair, equal accountable, and transparent elections.'' The President of the Parliamentary Assembly of the OSCE confirmed the flawed nature of the campaign period.

We recently saw how Slobodan Milosevic was swept from power by a wave of popular discontent following years of repression. After his ouster, Belarus now has the dubious distinction of being the sole remaining dictatorship in Europe. Misguided steps toward recognition of the results of Belarus' flawed parliamentary elections would only serve to bolster Mr. Lukashenka in the lead up to presidential elections slated for next year.

This situation was addressed today in an editorial in the Washington Times. Mr. President, I ask unanimous consent that a copy of this editorial be printed in the RECORD following my remarks.

I commend Senator DURBIN for his leadership on this issue and will continue to work with my colleagues to support the people of Belarus in their quest to move beyond dictatorship to genuine democracy.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Times, Oct. 19, 2000]

BATTLE FOR BELARUS

In Belarus last weekend, the opposition leaders did not light their parliament on fire as their Yugoslavian counterparts had the week before. They did not crush the walls of the state media outlet with bulldozers or leave key sites in their capital in shambles. No, the people living under the last dictator of Europe met this weekend's parliamentary elections with silence. Opposition parties rallied the people to boycott, and what they didn't say at the polls, the international community said for them.

The U.S. State Department declared the results ''not free, fair, or transparent'' and replete with ''gross abuses'' by President Alexander Lukashenko's regime. The Organization for Security and Cooperation in Europe (OSCE), the Council of Europe, the European parliament and the European Union said the same. The dictator's allies got most of the 43 seats in districts where the winner received a majority of the vote. Where no candidate received a majority of the vote, run-offs will occur Oct. 26, another opportunity for the dictator to demonstrate his unique election methods. However, a record-low turnout in many towns, claimed as a victory by the opposition, will force new elections in three months.

What will it take for the people to push Mr. Lukashenko to follow Yugoslav leader Slobodan Milosevic into political oblivion in next year's presidential election? Nothing short of war, if one asks the international coordinator for Charter '97, Andrei Sannikov. ''I don't know how the country survives. [Approximately] 48.5 percent live below the poverty level,'' Mr. Sannikov told reporters and editors of The Washington Times. ''That increases to 60 percent in rural areas. It would provoke an extreme reaction anywhere else. Here, they won't act as long as there is no war''.

But the people of Belarus are getting restless. Out of the 50 percent of the people who don't know who they support, 90 percent are not satisfied with Mr. Lukashenko and with their lives in Belarus, Mr. Sannikov said. The dictator's behavior before last weekend's elections didn't help any. In his statement three days before the elections, Rep. Chris Smith, chairman of the OSCE, listed just a few reasons why the people should take to the streets: ''Since August 30, the Lukashenko regime has denied registration to many opposition candidates on highly questionable grounds, detained, fined or beaten over 100 individuals advocating a boycott of the elections, burglarized the headquarters of an opposition party, and confiscated 100,000 copies of an independent newspaper.''

Mr. Sannikov, a former deputy foreign minister, was himself a victim last year when he was beaten unconscious, and three ribs and his nose were broken, in what he said was a government-planned attack. He and the rest of the opposition don't want to be victims in next year's elections. If the opposition can rally behind one formidable leader, war won't have to precede change—nor will Mr. Lukashenko once again make democracy a fatality.

CONTINUING PROBLEMS FOR FEDERAL LAW ENFORCEMENT DUE TO THE McDADE LAW

Mr. LEAHY. Mr. President, I have spoken several times this year about the so-called McDade law, which was slipped into the omnibus appropriations bill at the end of the last Congress, without the benefit of any hearings or debate in the Senate. I have described the devastating effects that this ill-considered law is having on Federal law enforcement efforts across the country. Recent articles in the Washington Post, the Washington Times and U.S. News & World Report also describe how the McDade law has impeded Federal criminal investigations.

For over a year, I have been proposing legislation to address the problems caused by the McDade law. My corrective legislation would preserve the traditional role of the State courts in regulating the conduct of attorneys licensed to practice before them, while ensuring that Federal prosecutors and law enforcement agents will be able to use traditional Federal investigative techniques. Although the bill does not go as far as the Justice Department would like—it does not establish a Federal code of ethics for government attorneys, nor does it authorize the Justice Department to write its own ethics rules—nevertheless, the Justice Department has supported the bill as a reasonable, measured alternative to the McDade law.

Congress's failure to act on this or any other corrective legislation this year means more confusion and uncertainty, more stalled investigations, and less effective enforcement of the Federal criminal laws. I regret that we

have not made more progress, and hope that we can work together in the next Congress, on a bipartisan and bicameral basis, to resolve the situation.

I ask unanimous consent that these articles be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 19, 2000]

REPEAL THE MCDADE LAW

Two years ago, Congress approved a seemingly innocuous requirement that federal prosecutors observe the ethical standards of the state bars that gave them their law licenses. Members probably didn't think that, in supporting the proposal, they would be harming important federal investigations. They thought rather to stand against prosecutorial excess and show support for retiring Rep. Joseph McDade, who had once been prosecuted unsuccessfully by the Justice Department. Yet even as Congress was moving ahead with the bill, many people—including in the Justice Department and on the Senate Judiciary Committee—warned of unintended consequences. Now the warnings are coming true. The so-called McDade law has compromised Justice Department investigations on matters ranging from airline safety to child pornography.

State bar rules are generally not written with investigative concerns in mind—and are sometimes written to hamper prosecutors. Lawyers, for example, are generally forbidden from contacting directly people whom they know to be represented by counsel. The rule makes sense as a general matter, but figuring out how it should apply to investigative work is exceptionally difficult. A prosecutor investigating a corporation who wants to talk with company employees could be read to violate this ethical stricture if the corporation's lawyers are not present. Such a rule would make federal investigations of corporations dependent on the corporation's consent. According to a Justice Department report, this precise issue hampered an investigation of an airline—which press reports identify as Alaska Airlines—for allegedly falsifying maintenance reports. Unable to have agents interview key witnesses, the department had to bring them before a grand jury—a process that involved lengthy delays. ''When the witnesses finally appeared before the grand jury, they had trouble remembering anything significant to the investigation,'' the report notes. ''After about a year of investigation, one of the airline's planes crashed.''

In Oregon, the U.S. Attorney's Office recently notified the FBI that it would not participate further in an undercover program that targets child pornography. The Oregon Supreme Court has interpreted state ethics rule to prohibit dishonesty or deceit in investigations—with no exception for law enforcement. That makes undercover work of any kind the stuff of potential bar discipline for lawyers who get involved. In a letter to the FBI field office, Portland's U.S. attorney announced that, under the rule, ''the attorneys in our Criminal Division cannot approve or authorize any undercover operations or consensual monitoring'' at all. Such an outcome has nothing to do with prosecutorial ethics but will harm law enforcement.

The McDade problem needs to be fixed, and Sen. Patrick Leahy is pushing a bill that would do that. Federal prosecutions and investigations cannot be held hostage to whatever rules 50 state bars choose to pass.

[From the Washington Times, Oct. 10, 2000]

FEDERAL PROSECUTORS HOSTAGE TO STATE CODES

(By Bruce Fein)

If you think United States Secret Service protection of the president should be held hostage to state law, then you should love the 1-year-old ''McDade'' statute. Ditto if you think FBI attempts to thwart or investigate presidential assassinations or corruption of Members of Congress also should be held hostage. But you might think the McDade law reflects federalism run riot, and thus champion its overhaul, like Sen. Patrick J. Leahy, Vermont Democrat, and Sen. Orrin G. Hatch, Utah Republican and chairman of the Senate Judiciary Committee.

Without hearings, the law was tucked into an appropriations bill in a fit of congressional disenchantment with aggressive investigative tactics symbolized (rightly or wrongly) by Independent Counsel Kenneth Starr. It subjects all federal government attorneys in conducting federal criminal or civil investigations to state professional disciplinary rules in the state in which they operate. On its face, the McDade law seems unalarming. Why shouldn't federal attorneys conform to the same ethical standards required of their professional colleagues whether in private practice of state government?

The answer is that the parochial perspectives of states may discount or overlook broader and compelling federal law enforcement interests. The state of Oregon sports a typical disciplinary rule prohibiting attorney dishonesty, deceit or misrepresentation. It has been interpreted to prohibit federal prosecutors from either authorizing or supervising undercover operations of the FBI or consensual monitoring of conversations by informants. Under the McDade law, for instance, suppose the United States Attorney in Oregon and the FBI suspect an attempted assassination of President Clinton during a fund-raising visit to Portland by extremists. A plan is devised to infiltrate an informant into the suspected circle of conspirators with an electronic recording device to forestall the villainy. it would be frustrated by Oregon's disciplinary code coupled with the McDade law.

Federal terrorism investigations or prosecutions are likewise jeopardized in Oregon. Suppose a terrorist suspect pleads guilty to a federal conspiracy offense and agrees to cooperate in the apprehension and trial of co-conspirators in exchange for a lenient sentence. The United States Attorney contemplates the terrorist-informant's use of an electronic recording or transmitting device to prove the guilt of the conspirators from their own words. The U.S. Supreme Court held in United States vs. White (1971) that such investigatory deceit is no affront to the Constitution, and added: ''An electronic recording will many times produce a more reliable rendition of what a defendant has said than will the unaided memory of a police agent. It may also be that with the recording in existence it is less likely that the informant will change his mind, less chance that threat or injury will suppress unfavorable evidence, and less chance that cross-examination will confound the testimony.''

Under the McDade law in Oregon, however, the United States Attorney would be required to forgo his impeccable plan for electronic monitoring to ensnare a nest of terrorists.

Its mischief is not confined to these troublesome hypotheticals, but handcuffs the investigation of every federal crime and has thrown a spanner in real cases. The FBI initiated an ''Innocent Images'' investigation in Portland spurred the burgeoning problem of child pornography and exploitation in Oregon. The United States Attorney shut down the operation because fearful that the involvement of undercover agents and the monitoring of telephone calls with the consent of but one party could be deemed deceitful by the State Bar.

During a recent Oregon drug trafficking investigation, the FBI located a cooperating witness willing to use an electronic monitoring device to record the conversations of drug trafficking suspects. The United States Attorney nixed the idea because of the McDade law.

In 1980, the FBI's Abscam investigation employed undercover agents to implicate six House members and one senator in corruption. One videotape captured Rep. John W. Jenrette Jr., South Carolina Democrat, confessing to an agent, ''I've got larceny in my blood.'' Abscam would have been problematic if the McDade law had then been in effect.

A recurring impediment in all states are codes that prohibit federal attorneys and their agents from contacting and interviewing corporate employees without the consent and presence of corporate counsel. In California, the FBI's investigation of Alaska Airlines maintenance records through separate interviews of employees was thwarted by a company attorney's claiming to represent all. After a Jan. 31, 2000, crash of an Alaska Airlines jet killing everyone on board, FBI agents were blocked from questioning ground mechanics for the same reason. Sen. Leahy, a former seasoned prosecutor, lamented: ''[T]hose interviews that are most successful simultaneous interviews of numerous employees could not be conducted simply because fear that a [state] ethical rule . . . might result in proceedings against the prosecutor.''

The Supremacy Clause of Article VI of the Constitution that when legitimate federal interests are at stake, state law should bow. It was underscored by the Supreme Court's ruling in In re Neagle (1890), which denied California authority to prosecute a federal deputy marshal for killing an attacker in the course of defending Supreme Court Justice Stephen J. Field.

An ethics code to ensure that federal government attorneys turn square corners is admittedly necessary. But shouldn't it be drafted by federal authorities sensitive to federal needs rather than consigned to the whims of 50 different states?

[From U.S. News & World Report, Oct. 16, 2000]

FEDERALLY SPEAKING, A FINE KETTLE OF FISH

(By Chitra Ragavan)

Two Octobers ago, Congress passed a funny little law. It was named after its sponsor, Pennsylvania Republican Joseph McDade, but for the congressman, there was nothing funny about it. The Justice Department had spent eight years investigating McDade on racketeering charges. He was finally acquitted by a jury in 1996, but by then McDade's health and spirits were broken. The McDade bill was his payback to Justice. It simply requires federal prosecutors to comply with state ethics laws.

No big deal? Not quite. In August, the Oregon Supreme Court forbade all lawyers in the state to lie, or encourage others to lie, cheat, or misrepresent themselves. Under McDade, the ruling now applies to Oregon's federal prosecutors. ''We've handcuffed the agents,'' says senior FBI official David Knowlton, ''not the criminals.'' The U.S. attorney for the Oregon district, Kristine Olson, has informed the FBI and other federal investigative agencies that she cannot

OK agents or informants to assume false identities, wear body wires, or engage in undercover activities. ''In effect,'' says David Szady, special agent in charge of the FBI's Portland office, ''we now have to go to a drug dealer and say, 'FBI! Would you sell us some drugs, please?' '' The FBI, Szady says, has had to suspend 50 investigations, including probes of Internet child pornographers, A Russian organized-crime group, and a massive check-fraud ring.

Federal prosecutors despise the McDade law. David Margolis, a senior Justice Department official and a veteran organized-crime prosecutor, says McDade has had a major chilling effect. ''Even I wouldn't go out on a limb,'' he says. Justice officials are trying to gut the law before Congress goes out of session this week. The department warned lawmakers in 1998 that prosecutors would be lost in a morass of quirky state ethics laws—especially during complicated multistate investigations. But defense lawyers won the day. ''Why should prosecutors be exempt from rules that apply to all other lawyers in that state?'' says Mark Holscher, lawyer for former Los Alamos scientist Wen Ho Lee. So far, no court has dismissed a case or excluded evidence on the basis of McDade. ''These are crocodile tears,'' says veteran defense lawyer Irv Nathan.

Major headache. The biggest headache for prosecutors is the American Bar Association's controversial Model Rule 4.2, adopted by many states. It prohibits prosecutors from contacting people represented by lawyers without first talking to the attorneys. Remember when Kenneth Starr's prosecutors ignored Monica Lewinsky's tearful entreaties to call her lawyer? They got away with it because, since 1989, Justice had defied Rule 4.2.

No more. Prosecutors now say adhering to 4.2 has hurt white-collar probes, where securing the cooperation of informers in often vital. In an investigation of Alaska Airlines last year, company lawyers barred federal agents from questioning employees. Sen. Patrick Leahy of Vermont says, ''The pendulum has swung too far in the other direction.'' But House Judiciary Committee Chairman Henry Hyde of Illinois says he's not inclined to repeal McDade. ''That doesn't mean I'm for crooks,'' Hyde says. ''I'm for ethical behavior both by law enforcement and by defense counsel.'' Watching the fight from the sidelines in Joe McDade, now 69. ''I didn't read about it. I lived it,'' he says, of prosecutorial zealotry. ''The effort is not justice. The effort is to break a citizen.''

STUDENT PLEDGE AGAINST GUN VIOLENCE

Mr. LEVIN. Mr. President, on Tuesday, thousands of young people observed the Fifth Annual Day of National Concern About Young People and Gun Violence. Students across the country who participated in the day's activities were given the chance to make a strong statement renouncing the violent use of guns by signing a voluntary pledge.

In my own State of Michigan, high school senior Vince Villegas of Lansing worked to ensure that the anti-gun violence pledges were distributed to students in his own school district. Vince is the co-founder and current president of Students Against Firearm Endangerment, SAFE, USA, an organization whose mission is to reduce the number of gun casualties by increasing gun education in America's schools. With help from students like Vince, more than one million young people have signed the Student Pledge Against Gun Violence during this year alone.

Here is what that pledge says: ''I will never bring a gun to school; I will never use a gun to settle a dispute; I will use my influence with my friends to keep them from using guns to settle disputes. My individual choices and actions, when multiplied by those of young people throughout the country, will make a difference. Together, by honoring this pledge, we can reverse the violence and grow up in safety.''

Vince and students like him around the country have pledged to do what they can to reduce the toll of gun violence in their lives. Now it's up to Congress to learn from our young people and pledge to combat the gun violence that plagues the Nation's schools and communities.

VICTIMS OF GUN VIOLENCE

Ms. MIKULSKI. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read the names of some of those who have lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

October 19, 1999:

Jerry G. Bowens, 25, Memphis, TN;
Nathaniel Bryan, 20, Washington, DC;
Wayne Butts, 43, Atlanta, GA;
Arnold Handy, 19, Baltimore, MD;
Paul Johnson, 31, New Orleans, LA;
Russell Manning, 52, Dallas, TX;
Rebecca Rando, 25, Houston, TX;
Mark Smith, 31, Dallas, TX;
Kirk Tucker, 32, Chicago, IL;
Jermaine Wallace, 22, Baltimore, MD; and
George Williams, 19, Pittsburgh, PA.

We cannot sit back and allow such senseless gun violence to continue. The deaths of these people are a reminder to all of us that we need to enact sensible gun legislation now.

VOICE OF AMERICA EDITORIAL

Mr. BIDEN. Mr. President, on October 18 the Voice of America broadcast an editorial entitled ''Terrorism Will Fail,'' strongly condemning the terrorist bomb attack on the U.S.S. *Cole* in Aden harbor, which took the lives of 17 U.S. sailors. The editorial concluded: ''U.S. policy remains unchanged. The U.S. will make no concessions to terrorists. The U.S. will bring to justice those who attack its citizens and interests. The U.S. will hold state sponsors of terrorism fully accountable.''

This is unambiguous language, which reflects not only United States government policy but also the feelings of all Americans. Unfortunately, however, the bureaucratic road from writing, to approval, to broadcasting this editorial was anything but unambiguous. In fact, it revealed both initial bad judgment by the State Department, and the need for better vetting procedures of VOA editorials by the appropriate authorities.

VOA editorials are statements of American policy, so they are rightly cleared by the State Department for consistency with official U.S. Government policy. Regrettably, in this case the State Department initially vetoed the editorial's language. The reason for stopping the editorial was totally unjustified. It was dead wrong to stop the editorial because of fighting and casualties that were occurring elsewhere in the Middle East. American service men and women were tragically killed in this terrorist attack and a clear statement by Voice of America condemning the action should have gone out immediately.

Subsequently, the State Department fortunately disavowed the earlier veto of the editorial memo, saying that the initial veto memorandum ''in no way reflects the views of the Secretary of State, the Department or the Bureau of Near Eastern Affairs.'' Moreover, it stated that the initial veto memorandum had not been vetted or approved through appropriate channels.

It is inconceivable to me how anyone could advocate deleting an editorial condemning the cruel, cowardly, terrorist murder of American service men and women.

I hope and trust this occurred because of the understandable stress officials at the Department of State were under due to the tragic deaths from this dastardly act of terrorism in Yemen occurring at the same time the crises in the Middle East was also absorbing the attention of the Department.

Fortunately, as I mentioned earlier, the Voice of America did broadcast the editorial in its entirety.

AGRICULTURE APPROPRIATIONS BILL

Mr. BINGAMAN. Mr President, I rise today to clarify my position on the vote we are about to take on the Agriculture Appropriations bill. I voted for the bill because it contains funding for a broad range of programs that are very important to farmers in New Mexico and the rest of the United States. But that said, I would like to express my opposition and disappointment at this time to the way this bill frames our national policy toward Cuba.

First, let me say that this bill is remarkable in that it represents a dramatic step forward in how the United States deals with restrictions on sales

of food and medicine to designated terrorist states. After considerable debate among my colleagues on this issue, relative consensus has been attained that suggests that unilateral sanctions against countries like North Korea, Sudan, Iran, and Libya are not effective, and that any future economic policy in this regard must include the multi-lateral cooperation of other like-minded governments. Even more importantly, many of my colleagues have come to the conclusion that official sanctions on food and medicine is an inappropriate way to achieve our foreign policy goals. The logic here is straightforward: not only do these sanctions hurt those individuals most in need in these countries—the innocent civilians who are being oppressed by oftentimes ruthless regimes—but they also hurt American businesses that would directly gain from such exports. American farmers in particular suffer under these constraints, and I am convinced those constraints should be removed immediately.

I should emphasize here that the elimination of sanctions does not imply that we as a deliberative body agree with the policy pronouncements or activities of terrorist countries. Quite the contrary, they are reprehensible and, as such, we will continue to register our opposition to them at every opportunity. But as a practical matter the elimination of the sanctions does suggest that we finally recognize that we cannot effectively punish dictators or despots through their own people. Perhaps more significantly in this regard, the United States should not be placed in the difficult position of defending such policies as, in my view, they run against some of our most basic values and traditions.

It is for this reason that the Agricultural Appropriations bill as it relates to Cuba is seriously flawed. What we have done in this bill is permitted the sale of food and medicine to most of these countries and, moreover, authorized U.S. public and private financing that would allow this to occur. But we have refused to apply these exact same provisions to Cuba. In the case of Cuba, we have permitted the sale of food and medicine, but we have prohibited U.S. financial institutions from assisting in this process. Of course, Cuba can still purchase food or medicine from the United States, but it must do so with its own capital, or with assistance from third-party financial institutions. In short, Cuba must somehow convince a foreign bank to lend it money to purchase food or medicine, an obvious liability given its current situation. Clearly this limitation placed on Cuba defeats the basic rationale underlying the bill, and makes the exercise of sanctions reform almost entirely symbolic in nature. The bottom line is that our farmers will gain little or nothing in terms of increased sales to Cuba, and that is just plain wrong.

This bill is also flawed in that it further restricts travel to Cuba, this after several years of moving forward in areas related to increased scientific, academic, social, and cultural exchange. I find this to be an ill-advised provision in that it runs counter to everything we have experienced in Eastern Europe, East Asia, and Latin America in terms of the dynamics of freedom and democratization. For a number of years now I have supported the right of Americans to travel to Cuba, and I continue to do so at this time. I have also suggested that we allow non-governmental organizations to operate in Cuba and to provide information and emergency relief when needed. Furthermore, I believe that Cuban-Americans with relatives still in Cuba should be permitted to visit Cuba to tend to family emergencies.

Let me state clearly that I personally deplore the Castro regime and its heavy-handed tactics toward its people. The lack of freedom and opportunity in that country stands in direct contrast to the United States, as well as most countries in the Western Hemisphere. Cuba now stands alone in the West in its inability to allow the growth of democracy and the protection of individual rights.

In my view, Cuba is ripe for change, and the best way to achieve positive change is to allow Americans to communicate and associate with the Cuban people on an intensive and ongoing basis, to re-establish cultural activities, and to rebuild economic relations. To allow the Cuban system to remain closed does little to assert United States influence over policy in that country and it does absolutely nothing in terms of creating the foundation for much-needed political economic transformation. The spread of democracy comes from interaction, not isolation.

So for all the positive attributes contained within this bill, I see the provisions as they relate to Cuba to represent a serious step backward that will ultimately harm, not help, the U.S. national interest. This is an anachronistic policy that does no one any good. It is my hope that what some of my colleagues are saying today on the floor is true, that this is merely an initial compromise that lays the foundation for more significant change through legislation in the future. If this is correct, I look forward to working with them to ensure that more constructive policy is indeed enacted. I am convinced it is long overdue.

THE INNOCENCE PROTECTION ACT

Mr. LEAHY. Mr. President, I have come to the floor several times this year to focus attention on the national crisis in the administration of the death penalty. I rise today, in what I hope are the closing days of the 106th Congress, to report on how far we have come on this issue in Congress and across the country, and to discuss the important work that is yet to be done.

In recent years, many grave flaws in the capital punishment system nationwide have come to light. Time and again, across the nation, we have heard about racial disparities, incompetent counsel who make a mockery of our adversarial process, testimony and scientific evidence that is hidden from the court, and the ultimate injustice, the conviction and sentencing to death of innocent people.

In the last quarter century, some 88 people have been released from death row, not on technicalities, but because they were innocent. Those people were the ''lucky'' ones; we simply do not know how many innocent people remain on death row, and how many have been executed.

Earlier this year, after it came to light that his State had sent more innocent people to death row than it had executed guilty people, Governor Ryan announced a moratorium on executions in Illinois and launched a systematic inquiry into the crisis and to consider possible reforms.

At around the same time, along with colleagues from both sides of the aisle, from the Senate and from the House, I introduced the Innocence Protection Act as a first step to stimulate a national debate and inquiry and begin work on national reforms on what is a nationwide problem.

Almost a year later, our informal national public inquiry has yielded a wealth of evidence. The American people have reached some compelling findings. And our reform effort has gained the endorsement, and—more important—the wisdom and insight, of Republicans and Democrats, of judges, law enforcers and defense attorneys, and of scholars and ordinary people who have experienced the system first hand.

The evidence has shown that the system is broken, and the American people are demanding that it be fixed or scrapped. We have meaningful, carefully considered reforms ready to be put into place. It is now time for Congress to act.

Let me first review just a few highlights of the evidence that has mounted since we first introduced the bill.

On June 12, Professor James Liebman of the Columbia Law School released the most comprehensive statistical study ever undertaken of modern American capital appeals. This rigorous study, which was nine years in the making, revealed a death penalty system fraught with error reaching crisis proportions. It revealed a system that routinely makes grave errors, and then hopes haphazardly and belatedly to correct them years later by a mixture of state court review, federal court review and a large dose of luck.

During the 23-year study period, courts across the country threw out nearly seven out of every ten capital sentences because of serious errors that undermined the reliability of the outcome. The single most common error, the study showed, was egregiously incompetent defense lawyering.

Before the Columbia study came out, there was speculation that the problems in the administration of the death penalty were confined to a few atypical States with lax procedures. That is clearly not the case. The study documented high error rates across the country, in nearly every death penalty State. It left no room for doubt: This is not a local problem, this is a national problem, and it requires a national response.

Shortly after the Columbia study issued, the Senate and House Judiciary Committees held hearings to consider some of the issues raised by the Innocence Protection Act. I had hoped that these hearings would be the first in a series of hearings that would help focus the Congress' attention on steps we can take to help restore public confidence in our death penalty system.

The Committees heard from judges, prosecutors, and defense attorneys about when and how post-conviction DNA testing should be required by law, and about the overwhelming importance of providing the accused with qualified and adequately funded defense counsel.

We also heard from two men who between them spent over 20 years in prison for crimes they did not commit before being cleared by DNA evidence and freed. One of these men, Dennis Fritz, was represented at trial by a civil liability lawyer who had never handled any type of criminal case, much less a capital murder case. When Mr. Fritz finally got access to the crime scene evidence for DNA testing, the results not only cleared him, they also cleared his codefendant, who had come within five days of being executed. The tests also established the identity of the real killer.

Now, hardly a month goes by that we do not hear about more wrongfully convicted people who owe their freedom to DNA testing.

Most recently, on October 2, 2000, the Governor of Virginia finally pardoned Earl Washington, after new DNA tests confirmed what earlier DNA tests had shown: He was the wrong guy. Earl Washington's case only goes to show that we cannot sit back and assume that prosecutors and courts will do the right thing when it comes to DNA. It took Earl Washington years to convince prosecutors to do the very simple tests that would prove his innocence, and more time still to win a pardon. And he is still in prison today.

Several other recent reports have provided additional evidence of a system in crisis. The Justice Department released a report in September concerning the administration of the Federal death penalty. The report revealed dramatic racial and geographic disparities in the Federal death penalty system. Of the 682 cases submitted to the Justice Department in the last five years for approval to seek the death penalty, 80 percent involved defendants who were black, Hispanic, or another racial minority, and five jurisdictions accounted for about 40 percent of the submissions.

Also in September, the Charlotte Observer published a study of capital cases in the Carolinas, which found that those who are on trial for their lives are often represented by the legal profession's worst attorneys. The high stress and low pay of capital trials limits the pool of lawyers willing to take them on. Some lawyers abuse drugs and alcohol, some fail to investigate evidence that could clear their client. Judges in the Carolinas have overturned at least 15 death verdicts because of serious errors made by defense lawyers, and another 16 death row inmates were represented at trial by lawyers who were later disbarred or disciplined for unethical conduct.

Much has been written about the appalling state of affairs in the State of Texas. The Dallas Morning News reported on September 10 that more than 100 prisoners awaiting execution in Texas as of May 1—about one in four convicts on Texas's death row—has been defended by court-appointed lawyers who have been reprimanded, placed on probation, suspended, or banned from practicing law by the State Bar of Texas.

The infractions that triggered the extraordinary step of bar discipline included failing to appear in court, falsifying documents, failing to present key witnesses, and allowing clients to lie. In about half of these instances, the misconduct occurred before the attorney was appointed to handle the capital case.

Just this week, a comprehensive new report by the Texas Defender Service described that State's death penalty system as thoroughly flawed and in dire need of change because of problems like racial bias, prosecutorial misconduct and incompetent defense counsel. The report, which reviews hundreds of cases and appeals, confirmed that indigent defendants in Texas are routinely represented in trials and during appeals by underpaid court-appointed lawyers who are inexperienced, inept, or uninterested.

These lawyers spend little time on the cases and present inadequate arguments and flawed defenses. In several notorious cases, defense lawyers slept in court, drank heavily, or used illegal drugs during a death penalty case.

Time and again, we hear defenders of the status quo say that as long as an accused person has access to the courts, the system is working properly. Statements of this sort reflect either ignorance or worse. The question we must ask is whether the promise of access to the courts is real, or just a cruel joke. Does access mean meaningful access, with qualified defense counsel who know what they are doing and have the resources to do the job properly, or does it mean merely token access. The evidence shows that it is too often the latter.

The evidence is overwhelming that the capital punishment system is broken—not just in Illinois, where the high error rate has prompted a moratorium on executions—not just in Texas, with its sleeping lawyers and racial biases—but across the Nation.

The people have heard this evidence, and they know this. A recent poll conducted by Peter D. Hart Research, a Democratic research firm, and American Viewpoint, a Republican research firm, shows that the public discourse on the death penalty has matured from a debate over whether the death penalty system is broken into a constructive dialogue on how broken it is, and about how much reform we need to fix it—if indeed it can be fixed at all.

New developments in DNA technology have helped expose some of the flaws in the system, and they have been invaluable in freeing innocent Americans like Dennis Fritz. But the public knows that the injustices revealed by DNA testing are just the tip of the iceberg. The central theme running through the vast majority of the tragedies we have seen has been incompetent, under-funded trial counsel making a mockery of our adversarial system.

Any reform that does not deal with the counsel issue is inadequate. The American people understand this. When it comes to matters of life and death, most Americans—55 percent of those surveyed—believe that it is not enough to ensure access to DNA testing without also ensuring access to competent and experienced defense counsel.

There is one more key lesson to be learned from listening to the American people. We are a nation founded on tolerance, but not tolerance of incompetence and failure. When there's a broken product out there endangering innocent lives, Americans rightly demand that it be fixed or recalled. Some irresponsible corporations are currently learning what comes of those who continue to put more and more broken, dangerous products into circulation.

As conservatives like George Will have pointed out, there is a parallel American tradition that we here in Washington know well of demanding that incompetent officials and broken government programs shape up or face the scrap heap.

Now that they have heard the evidence, Americans are ready to apply that same common sense to the government program known as the death penalty. Americans may be divided on whether the capital punishment system needs to be recalled, but there is a clear and growing consensus that the system needs to be reformed. An overwhelming majority—some 80 percent of those surveyed—want to see concrete measures to ensure competent and adequately funded counsel.

An even larger majority—nearly 90 percent of those surveyed—want to ensure that death row inmates can obtain DNA testing.

When a government program has a record of incompetence, failure, and

harming innocent lives, ordinary Americans say fix it or scrap it; do not under any circumstances expand it. In the past few years, as the defects of our capital punishment system have become more and more obvious, the States have largely ignored the problem, while they have expanded the program, executing more and more people. Neither history, nor the American people, will be kind to a Congress that stands by and does nothing while this trend continues.

The evidence has shown that the death penalty is broken; the American people know the death penalty is broken; and they are calling upon us, their elected representatives, to fix it or scrap it.

The bipartisan Innocence Protection Act is a real, practical response to that demand. Of critical importance, it meaningfully addresses not just the tip of the iceberg—DNA testing—but also the bulk of the problem—ineffective and under-funded defense counsel.

Our bill does not go as far as some Americans would like. It does not scrap the death penalty; it does not place a moratorium on executions; and it does not tackle all the injustices inflicted upon racial minorities and the mentally retarded by the present capital punishment system. Rather, it embodies a consensus approach, informed by the wisdom of Democrats and Republicans in the Senate and House, the Department of Justice and experts and ordinary Americans on all sides of our criminal justice system.

Because of this, it has been gaining ground. We now have 14 cosponsors in the Senate, and about 80 in the House. We have Democratic and Republican cosponsors, supporters of the death penalty and opponents. President Clinton, Vice-President GORE, and Attorney General Reno have all expressed support for the bill.

I had hoped that my colleagues would heed the American people's call for practical, bipartisan reform and expedite passage of this important legislation. Unfortunately, every opportunity for progress has been squandered. Even with respect to post-conviction DNA testing, where there is strong bipartisan consensus that federal legislation is appropriate and necessary, we could not even manage to report a bill out of committee.

While our lack of progress on Federal legislation is regrettable, there have been some positive developments that may facilitate broader access to post-conviction DNA testing. On September 29, a federal district judge in Virginia held that State prisoners may file federal civil rights suits seeking DNA testing, reasoning that the denial of possibly exculpatory evidence states a claim of denial of due process. If this decision is upheld, it could go a long way toward persuading State prosecutors and courts to stop stonewalling on requests for postconviction DNA testing.

I was also greatly heartened this week to read that the Virginia Supreme Court has moved to eliminate that State's shortest-in-the-nation deadline for death row inmates to introduce new evidence of their innocence. Currently, inmates in Virginia have only 21 days after their sentencing to ask for a new trial based on new information. The proposed rule change would re-open Virginia's courts to inmates like Earl Washington, who had to wait six years for a Governor to order additional DNA tests and grant a pardon.

Outside of Virginia, some State legislatures have begun considering the need for criminal justice reforms. Since the initial introduction of the Innocence Protection Act early this year, Arizona, California, Oklahoma, Tennessee, and Washington have passed laws providing prisoners greater access to post-conviction DNA testing, and other States are considering similar measures. I am especially pleased that California's legislators saw fit to model their law in part on the Innocence Protection Act.

By contrast, Tennessee's statute allows post-conviction DNA testing only to prisoners under sentence of death, leaving the vast majority of prisoners without access to what could be the only means of demonstrating their innocence. And neither of these laws addresses the larger and more urgent problem of ensuring that capital defendants receive competent legal representation. There is still much to do.

There can no longer be any doubt that our nation's capital punishment system is in crisis. I urge my colleagues on both sides of the aisle, those who support the death penalty, and those who oppose it, let us work together to find solutions.

ADDITIONAL STATEMENTS

TRIBUTE TO COMMEMORATE THE 65TH ANNIVERSARY OF THE CHINA CLIPPER'S FIRST FLIGHT

• Mr. INOUYE. Mr. President, this month marks the 65th anniversary of the world's first commercial trans-Pacific flight. I wish to pay tribute to those who possessed the vision and tenacity to achieve this historic milestone, which significantly altered the travel industry, mail service, and cargo service, and forever change my home state of Hawaii.

On November 22, 1935, Pan American World Airways' China Clipper traveled from San Francisco to Manila. This feat was remarkable for many reasons, including the following:

This inaugural fight was the longest ocean-spanning flight in history. The China Clipper traveled 8,746 miles and completed the one-way route in six days. Prior to this flight, the longest over-water flight was a 1,865-mile journey from Dakar in French West Africa to Natal, Brazil, in South America.

This aircraft delivered the first airmail across the Pacific ocean. It carried 110,865 letters weighing a total of 1,837 pounds.

This China Clipper, an M–130 aircraft built by G. L. Martin Company specifically to meet the demands of this trans-oceanic flight, was the largest flying boat ever.

About 125,000 people cheered as the four-engine China Clipper taxied out of a harbor in San Francisco Bay and headed for the Philippines. They watched from vantage points along the shore and the still-under-construction Golden Gate Bridge, and aboard recreational boats and small private planes. Postmaster General James A. Farley traveled from Washington, D.C. to witness this inaugural event and President Franklin D. Roosevelt sent a special message conveying his heartfelt congratulations.

The China Clipper made stops at several Pacific Islands. On November 23, 1935, its arrival in Oahu's Pearl Harbor was watched by about 3,000 people. Then the aircraft continued on, making stops at Pan American bases at Midway Island, Wake Island, and Guam. The China Clipper brought the staffs at these bases 12 crates of turkeys, and cartons of cranberries, sweet potatoes, and mincemeat. The meals represented these islands' first Thanksgiving celebrations.

The China Clipper's brave crew of seven were: Captain Edwin C. Musick, First Officer R. O. D. Sullivan, Second Officer George King, First Engineering Officer Chan Wright, Engineering Officer Victor Wright, Navigation Officer Fred Noonan, and Radio Officer W. T. Jarboe, Jr.

Captain Musick's own description of the landing at Wake Island, a barren atoll, offers a glimpse of what it was like to be aboard the China Clipper's inaugural trans-Pacific flight. According to Captain Musick, the landing was the ''most difficult'' on the trip and ''called for the most exacting feats of navigation on record.'' It was like striking a point that was ''smaller than a pinhead'' in the ''vast map of the Pacific Ocean.''

On November 29, 1935, the China Clipper landed in Manila and on December 6, it arrived in San Francisco to complete the round trip. Although the aircraft did not carry any paying passengers, its journey marked the beginning of trans-oceanic passenger commercial aviation.

Eleven months later, on October 21, 1936, Pan American inaugurated a passenger service route with stops in San Francisco, Honolulu, and Manila. The four-engine China Clippers cruised at 150 miles per hour. Passengers, who sat in broad armchairs and ate their meals with fine china and silverware, paid $1,438 for a round trip from San Francisco to Manila. The airlines purchased six Boeing B–314 aircraft to add to its Pacific-route fleet.

Thirty years later, the advent of the jet age brought Hawaii—located approximately 2,400 miles from the nearest major port—closer to the rest of

the world. In 1967, visitor arrivals jumped 34.6 percent to 1.1 million tourists from the previous year when the first jets arrived in Hawaii. By 1968, Continental Airlines, Western Air, Braniff International, American Airlines, Trans World Airlines, Inc., and United Airlines had joined Pan Am in flying Hawaii-Mainland routes. Today, Honolulu International Airport is home to about 40 carriers. In recent years, the state's annual visitor count has approached 7 million tourists.

The China Clipper also paved the way for the export of Hawaii's agricultural products, such as pineapples and flowers. The Hawaii floriculture industry's out-of-state sales each year are about $40 million. The timely export of these perishable goods is made possible by aviation.

Today, agriculture and tourism are mainstays of Hawaii's economy. The China Clipper's crew and Juan Trippe, who was president of Pan American at the time of the inaugural flight, would marvel at the economic and social ramifications of that historic journey more than six decades ago.

I salute the people of Pan American World Airways, G. L. Martin Company, and Boeing who pursued what others thought was impossible. It is my hope that today's aviation industry will follow the example of its forebears by continually striving to achieve new milestones in safety, efficiency, and customer service.●

THE 100TH ANNIVERSARY OF PAUL ARPIN VAN LINES INC.

● Mr. L. CHAFEE. Mr. President, I rise today to congratulate Paul Arpin Van Lines Inc., a moving company based in West Warwick, Rhode Island, on its 100th anniversary.

The business community of the State of Rhode Island is comprised primarily of small, family businesses. Indeed, 98 percent of Rhode Island businesses are small businesses. These businesses have played an extremely important role in the growth and strength of the Rhode Island economy. One of these businesses is a moving company, Paul Arpin Van Lines Inc., of West Warwick, Rhode Island.

One hundred years ago this month, the company was founded by Paul G. Arpin, who left it to his son, Paul Arpin. Paul Arpin is still very active in the daily affairs of the business as Chief Financial Officer. Paul's son, David, is now the company's President.

Paul Arpin Van Lines Inc., has grown considerably since its founding. It now employs 400 Rhode Islanders and has 160 agents throughout the country. It has survived the Great Depression, a number of recessions and various other financial downturns that challenged far larger businesses in the state. Its sound business practices and active community involvement through the years have been a constant source of pride, not only to the Arpin family, but to many generations of Rhode Island families employed by them.

It is with great pleasure that I salute the entire Arpin family for its many accomplishments over this past century and wish them many, many more years of success.●

TRIBUTE TO JOE DEAN BOBO

● Mrs. BOXER. Mr. President, I rise today to recognize the record and accomplishments of one of my constituents who has devoted his career to serving working men and women in California. On the occasion of his retirement from the International Association of Machinists and Aerospace Workers, I salute Joe Dean Bobo for his tireless efforts over the last three decades, and applaud his lifetime of accomplishments.

Joe Bobo was born in rural Arkansas to a family of fifteen. He moved to Oakland, California as a teenager, and served three years in the United States Army before beginning work in his family's scrap metal business. Joe's involvement with the IAMAW began in 1969, when he began work as an apprentice mechanic. He quickly advanced to become a shop steward, and was appointed a full-time union official with the IAMAW Northern California District Lodge 190 in 1979.

Since that time, Joe has worked tirelessly in advocating for fair wages and benefits on behalf of the men and women he represents. He has gained the respect of both labor union members and employers through his dedicated service.

In addition to his full-time position with the IAMAW, Joe's experience and passion for labor issues have resulted in him being called on to participate in a variety of leadership positions. He is currently the Secretary/Treasurer of the Automotive Machinists Coordinating Committee of Northern California and a Trustee of the Automotive Industries Health, Welfare and Pension Fund. Joe's labor leadership has also included a term as President of the California Conference of Machinists, representing 150,000 members employed in the aerospace, airlines, automotive, electronics and manufacturing industries.

His community service is also commendable, including service as an advisory member of the Transition Committee for Waste Management and on the New Oakland Committee. Joe is an exceptional person who has earned the gratitude and respect of the scores of people who have worked with him and come to know him.

I am pleased to join Joe's friends, family and colleagues in recognizing his outstanding service to his fellow workers and to the community and wish him well as he moves on to new challenges in his retirement.●

HONORING MINNESOTA TEACHER OF THE YEAR, KATIE KOCH-LAVEEN

● Mr. GRAMS. Mr. President, I appreciate the opportunity to be here today to honor Ms. Katherine Koch-Laveen as Minnesota's Teacher of the Year for the year 2000. This is certainly a high honor, as I note that 98 Minnesota educators were nominated for this award, and their accomplishments were reviewed by 18 judges. It is all the more impressive considering Minnesota's public schools reputation for academic excellence. I also commend the 98 nominees for this honor, 28 of whom were chosen as ''teachers of excellence,'' and 10 of whom were further chosen for an ''honor roll'' of teachers. School teachers that excel at their craft are critically important to the intellectual development of their students, and help shape the student's vision for what they can accomplish in their lives.

I still can vividly remember the excellent educators that taught me at Zion Lutheran Christian Day School in Crown. Excellent teachers motivate, show enthusiasm for inquiry, and instill in their students a passion for learning that often continues for a lifetime. A great educator gives the student a core foundation of knowledge about a subject, and a curiosity about the topic that drives a student to study and research more extensively long after they have left that particular class.

Great teachers also make sacrifices for their students. It's no secret that in today's high-tech, knowledge-based economy, Ms. Koch-Laveen could probably find a more financially rewarding profession, especially with her science background. And our great teachers need to be rewarded financially, so that we do not lose too many to industry. But ultimately, I have to believe that what keeps them in the classroom is the intangible reward of seeing their students excel, and having a group of students come in to a class with little knowledge about a topic and have them leave with a firm grasp of core concepts, a desire to learn much more, and an excitement to apply what they have learned in ''real world'' situations. And I hesitate to use the term ''real world,'' because these days there is probably nothing more real world than a high school classroom.

So congratulations and thank you, Ms. Koch-Laveen, for your commitment to excellence and dedicated service to your students, your community, and to Minnesota. Thanks also to the other hardworking Apple Valley teachers here today that strive for excellence in the classroom and shoulder so much responsibility for Minnesota's future. It has been a pleasure to be here.●

HONORING LINCOLN McILRAVY

● Mr. JOHNSON. Mr. President, I rise to publicly commend Lincoln McIlravy, a native of Phillip, SD, on earning a bronze medal for his remarkable display of athleticism in the freestyle wrestling event at the 2000 Summer Olympics in Sydney, Australia.

Lincoln McIlravy's wrestling talent combined with years of practice, and

an extraordinary dedication to physical excellence attribute to his athletic success. On October 1, 2000, Lincoln became one of America's best wrestlers on the global Olympiad stage where he scored a solid 3–1 victory over Sergei Demtchenko of Belarus, thus victoriously claiming the bronze medal in the 69kg freestyle event.

Success has been abundant in Lincoln's wrestling career, as his honors include being a three-time NCAA champion for the University of Iowa, as well as four U.S. National titles, 1997–2000. Yet, Lincoln's prominence as an international contender began when he was a member of the 1997 World team. McIlravy then became a two-time world medalist having won a silver medal at the 1999 World Championships and a bronze medal in the 1998 World Championships. He not only was a 1999 Pan American Games champion, but also a 1998 Goodwill Games champion, in addition to the three-time World Cup champion, 1998–2000.

Lincoln McIlravy is an exemplary athlete who richly deserves this distinguished recognition. Therefore, it is with great honor that I share Lincoln's impressive Olympic accomplishments with my colleagues.●

TRIBUTE TO BOAZ SIEGEL

● Mr. LEVIN. Mr. President, I am delighted to rise today to acknowledge a lawyer, from my home State of Michigan, of great intellectual capacity and a passion for justice, Boaz Siegel, who dedicated his life to fighting for working men and women. On October 20th of this year, hundreds of people will gather for the dedication of the new headquarters for the Pipefitters, Refrigeration & Air Conditioning Service Local 636. This dedication will also serve as a tribute to Mr. Siegel, and will culminate in his being made an honorary member of Local 636.

Boaz Siegel has dedicated his academic and professional life to studying, teaching and practicing the laws that affect the well-being of all workers. Believing that the law could be a noble profession dedicated to the public good, he enrolled in the Wayne State University Law School. While in law school he balanced the responsibilities of family, work and pursuing numerous social causes. He excelled in his law studies at Wayne State University, and received his Juris Doctorate in 1941.

Upon graduating law school, Boaz's plans to enter private practice were delayed as he was asked to work in the Wayne State Law Library. This quickly led to a teaching position at the law school where he taught from 1941 through 1972. During this time, he briefly left to join Samuel Schwartz and Rolland O'Hare in a private practice that my brother, Sander Levin, joined shortly after its inception. After a year in practice, Boaz returned to teaching and was made assistant to the provost and a full professor at Wayne State University Law School.

Although passionate about teaching, Boaz Siegel's first love remained labor law. While teaching at Wayne State in the 1950s, he served as legal counsel to the trustees of fringe benefit, pension and health funds. One such fund, the Detroit and Vicinity Construction Workers Health and Welfare Fund, possessed 45,000 participants. In 1962, he was appointed by the United States Secretary of Labor to a position on the first U.S. Council on Employee Welfare and Pension Plans.

Two years later, his considerable talents as an arbitrator were acknowledged when he became a member of the National Academy of Arbitrators. However, it was his fund work that consumed most of his time, and led him to leave teaching and enter law practice full-time in 1972. His work with many unions, including Local 636, has ensured a better future for thousands of workers and their families.

Boaz Siegel can take pride in his long and honorable service to the working people of Michigan. I am honored to call this man a mentor, colleague and friend. I hope my Senate colleagues will join me in saluting Boaz Siegel for his commitment to working men and women, the labor movement and teaching and practicing law.●

TRIBUTE TO FRAMATOME CONNECTORS USA, INCORPORATED

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to and congratulate Framatome Connectors USA, of Manchester, on their nomination for this year's Secretary of Defense Employer Support Freedom Award. Their dedication to their employees who serve our country as part of the National Guard and Reserve is admirable and an example for other businesses.

Framatome, which manufactures electrical connectors, serves the needs of its five employees who serve in the National Guard and Reserve in several very important ways. First, their compensation package for all employees includes differential pay between civilian and military salaries. The package also includes medical, dental, and life insurance and 401(k) coverage for the duration of the employee's duty commitment.

Framatome has also established a policy that allows the employee on active duty to maintain his or her position with the company for as long as they required to remain on active duty. They believe the service of their employees to their country is important to our nation's defense, and anything they can do to make this service easier for their employees and their families is worth the effort.

Framatome put this generous plan into action recently when one of their employees was mobilized and sent to Bosnia during a Presidential call up. The company believed that when an employee is activated and pulled away from his or her family, a financial cushion should be available to help bridge the gap during the salary transition from civilian to military pay. They wanted to be sure the family of the reservist or guardsman or woman would have the financial resources they needed to continue as close to normal a life as possible while their loved one was away.

I applaud Framatome's effort to make Reserve or National Guard service easier for their employees, and the company's national recognition is certainly well-deserved. I know the employees who sacrifice so much to serve their country are extremely grateful for the chance to serve their country and work for such a compassionate, understanding company. It is an honor to serve all the people of Framatome, USA in the U.S. Senate.●

TRIBUTE TO CAPTAIN JOHN O'GRADY

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Captain John O'Grady, who recently completed a charity bicycle ride from Dayton, Ohio to Albuquerque, New Mexico to raise awareness and money for epilepsy charities. I am particularly proud of John because I had the pleasure of coaching this amazing young man during the 1973–74 baseball season at Kingswood Regional High School.

John's desire to make his ride is deeply personal. Just this year, after 23 years as a pilot with United Parcel Service and Airborne Express, John suffered a grand mal seizure while dining at an airport restaurant after a flight. A few weeks later, John was stricken again and diagnosed with epilepsy. This was a shocking blow for a man who flew planes and hot air balloons for so many years.

With his flying and driving privileges permanently taken away from him, John was forced to ride his bicycle everywhere he went. In fact, it was on a bike that he suffered the seizure that led to his epilepsy diagnosis, but John did not give up. Instead, he decided to try to use his experience to help others facing epilepsy and the charities that do such important work as we research and try to find a cure for this terrible disease.

Since John enjoys hot-air ballooning so much and could not bear to miss the annual International Balloon Fiesta, he decided to ride his bike the 1,600 miles from Dayton, Ohio to the event in Albuquerque. Along the way, John has raised more than $11,000 for several epilepsy charities and inspired others battling epilepsy. John's ride has given people with epilepsy a platform on which they can finally talk about their disease and the discrimination they face on a daily basis. That is perhaps the most important legacy of this magnificent achievement.

I want to congratulate John and wish him well in all he does. I am so proud of his courage and determination, and I

am honored to have known him. It is an honor to serve him in the U.S. Senate.●

TRIBUTE TO ERIC KINGSLEY

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Eric Kingsley as he leaves his position as Executive Director of the New Hampshire Timberland Owners Association, NHTOA.

Eric's five year tenure at NHTOA has been marked by progress and success. The organization's programs and services have grown to meet the needs and concerns of its members, and have established a strong, stable foundation for the association's future.

Through the years, I have grown to value Eric's input on the many issues that significantly impact New Hampshire's timberlands. Eric has done an outstanding job of keeping me, and other policy makers, informed on the issues and has been a true leader in making sure the voice of NHTOA was heard throughout the country.

Of all of Eric's achievements at NHTOA, perhaps his most important success came this past spring. Eric helped lead the charge to defeat the Environmental Protection Agency's ill-considered proposal to treat some forestry activities as ''point source pollution'' under the Clean Water Act. These rules, known as Total Maximum Daily Loads—TMDL—would have required landowners, foresters, and homeowners to obtain federal permits before conducting a timber harvest and could have exposed them to lengthy bureaucratic delays and costly citizen lawsuits.

This past May, I held a field hearing in Whitefield, New Hampshire, on the TMDL issue, and not only did Eric successfully testify, but he organized hundreds of foresters to ensure their message was heard loud and clear in Washington. Thanks in large part to Eric's leadership on this issue, the EPA withdrew the section of the TMDL rules that adversely affected forestry.

My staff and I have also worked closely with Eric on issues of importance to the White Mountain National Forest. When the President issued his ''roadless'' initiative stripping the people of New Hampshire and New England with the opportunity to have a voice in the management of their public lands, Eric was there to ensure we took this measure to task. This time we were not successful, but we were very close to creating an exemption for the White Mountain National Forest from this heavy-handed proposal.

Eric also rose to the occasion in the face of destruction from Mother Nature's wrath. The Ice Storm in January 1998 brought unprecedented challenges to New Hampshire's forest lands. Hundreds of thousands of acres were significantly damaged. Eric worked closely with me and my colleagues to help us turn this tragedy into an opportunity. Today, not only has the federal government provided resources to help recover from the storm, but we have a record number of acres under forest stewardship plans.

My staff and I have worked with Eric on a wide variety of other issues during his time at NHTOA, and have always been impressed with his dedication and the depth of knowledge he displayed on issues ranging from estate tax reform to rural economic development. He has always been an effective and honest advocate for the causes he holds close to his heart, and I know he will be greatly missed by me and NHTOA's 1,500 members.

I wish Eric well in all his future endeavors, and am confident he will succeed in whatever pursuits he chooses. It is an honor to represent him in the U.S. Senate.●

TRIBUTE TO BARBARA BEDFORD

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Barbara Bedford of Etna, New Hampshire, on her fine performance at the Sydney Olympic Games. Her hard work, dedication and perseverance in making her Olympic dream a reality are an example for us all, and the people of New Hampshire are so very proud of her excellent performance.

Barbara, along with Jenny Thompson, was part of the gold-medal winning 4x100 medley relay that shattered the world record. It was so great to see Barbara fly through the water during the backstroke leg of the relay with her extremely patriotic red, white and blue-dyed hair. Her Olympic moment was years in the making, as she finally made her first Olympic team at the age of 27 after disappointments at the 1988, 1992 and 1996 Olympic Trials. After those heartbreaking defeats, Barbara could have easily given up her dream of making an Olympic team. However, with the help of her family and coach, Barbara did not retreat. Instead, she worked tirelessly toward her dream and was rewarded at this year's Olympic trials, where she placed first in the 50-meter backstroke. Barbara was able to keep her focus squarely on making the team this year and reach her goal, and this is an inspiration to all of us and proves once again that if we work hard, we can do just about anything. Her positive attitude and passion for her sport is so refreshing in an age when far too many athletes seem more interested in endorsements than their sport.

Once again, I want to congratulate Barbara on her accomplishments, and I wish her all the best in her future endeavors. It is an honor to represent her in the U.S. Senate.●

TRIBUTE TO JENNY THOMPSON

● Mr. SMITH of New Hampshire. Mr. President, I rise today to congratulate Jenny Thompson of Dover, New Hampshire on her magnificent performance in the Sydney Olympic games. Her hard work and dedication through three Olympics is an example for all of us, and the people of New Hampshire are extremely proud of her success.

Jenny has done so much throughout her career to make the people of Dover and New Hampshire proud during her distinguished career. Whether it was breaking records at Stanford University or winning numerous competitions, Jenny has set the standard for women's swimming in the United States over the past decade. Jenny's Olympic teammates often cite her achievements as their inspiration for striving for excellence in the pool.

During the Sydney games, American swimmers brought home an impressive 33 of a possible 96 swimming medals, more than any other nation, and Jenny played a key role in that amazing success. She anchored two gold medal-winning relays and brought home her first individual Olympic medal, a bronze in the 100-meter freestyle. These blistering performances brought Jenny's individual Olympic medal count to nine, breaking Bonnie Blair's record for Olympic medals won by an American woman. Jenny performed beautifully under amazing pressure and against tough competition, and she will always be a champion in the eyes of the people of New Hampshire.

As Jenny ends her Olympic swimming career, I wish her all the best as she heads to medical school. I am confident her amazing work ethic and dedication to excellence will serve her well in her career in medicine and any other endeavor she pursues. It is truly an honor to represent Jenny in the U.S. Senate.●

TRIBUTE TO KNIGHTS OF COLUMBUS OF MERRIMACK

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to the Knights of Columbus Number 6725 of Merrimack, New Hampshire as they gather to celebrate their 25th anniversary. This is a milestone of which they and the community of Merrimack should be extremely proud.

Throughout its quarter-century of existence, the Knights of Columbus has been a major presence in the Greater Merrimack Area. They have donated their time and energy to making their entire community a better place through public service. Whether it is manning a soup kitchen in Nashua, making annual donations to the New Hampshire Kidney Fund or recognizing Families of the Year, K of C 6725 has shown their dedication to their core values of family, Church, council, and community.

Furthermore, the K of C 6725 has worked to help those who do not have a voice, including the needy, the handicapped, and the unborn. They have donated countless items of clothing to people in need, worked tirelessly to help WMUR–TV with its annual presentation of the Jerry Lewis Telethon and purchased and maintained concession

trailers to help generate donations for many charitable organizations. Furthermore, they have sponsored an annual folk music night for Birthright, a group dedicated to protecting the unborn.

The K of C 6725 has shown dedication not only to its community and those in need but to the Catholic Church as well. They are a constant presence, holding an annual Palm Sunday Breakfast, an Easter celebration known as ''Birthday Party for Jesus,'' and setting up an Memorial Mass at Last Rest Cemetery in Merrimack.

In a world where far too few people take the time and opportunity to get involved in their churches and communities, the K of C No. 6725 is an example of the good things we can accomplish when we work together to help others. I congratulate them on this wonderful anniversary, and I wish them all the best as they continue their fantastic work. It is an honor to represent all of K of C 6725's members in the U.S. Senate.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE CONTINUATION OF EMERGENCY WITH RESPECT TO SIGNIFICANT NARCOTICS TRAFFICKERS CENTERED IN COLOMBIA—MESSAGE FROM THE PRESIDENT—PM 134

The Presiding Officer laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United 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*.

CONTINUATION OF EMERGENCY WITH RESPECT TO SIGNIFICANT NARCOTICS TRAFFICKERS CENTERED IN COLOMBIA

On October 21, 1995, by Executive Order 12978, I declared a national emergency to deal with the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States constituted by the actions of significant narcotics traffickers centered in Colombia, and the unparalleled violence, corruption, and harm they cause in the United States and abroad. The order blocks all property and interests in property of foreign persons listed in an Annex to the order, as well as persons determined to play a significant role in international narcotics trafficking centered in Colombia, to materially assist in, or provide financial or technological support for or goods or services in support of, narcotics trafficking activities of persons designated in or pursuant to the order, or to be owned or controlled by, or to act for or on behalf of, persons designated in or pursuant to the order. The order also prohibits any transaction or dealing by United States persons or within the United States in such property or interests in property. Because the activities of significant narcotics traffickers centered in Colombia continue to threaten 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, the national emergency declared on October 21, 1995, and the measures adopted pursuant thereto to deal with that emergency, must continue in effect beyond October 21, 2000. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing the national emergency for 1 year with respect to significant narcotics traffickers centered in Colombia. This notice shall be published in the Federal Register and transmitted to the Congress.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *October 19, 2000*.

REPORT ON HIGHWAY SAFETY FOR CALENDAR YEAR 1998—MESSAGE FROM THE PRESIDENT—PM 135

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation.

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*.

MESSAGE FROM THE HOUSE

At 10:47 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3218. An act to amend title 31, United States Code, to prohibit the appearance of Social Security account numbers on or through unopened mailings of checks or other drafts issued on public money in the Treasury.

H.R. 4148. An act to make technical amendments to the provisions of the Indian Self-Determination and Education Assistance Act relating to contract support costs, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence from the Senate:

H. Con. Res. 415. Concurrent resolution expressing the sense of the Congress that there

should be established a National Children's Memorial Day.

The message further announced that the House has agreed to the following concurrent resolution:

S. Con. Res. 151. Concurrent resolution to make a correction in the enrollment of the bill H.R. 2348.

The message also announced that the House has passed the following bill, with an amendment:

S. 964. An act to provide for equitable compensation for the Cheyenne River Sioux Tribe, and for other purposes.

The message further announced that the House has agreed to the amendments of the Senate to the bill (H.R. 3671) to amend the Acts popularly known as the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act to enhance the funds available for grants to States for fish and wildlife conservation projects and increase opportunities for recreational hunting, bow hunting, trapping, archery, and fishing, by eliminating opportunities for waste, fraud, abuse, maladministration, and unauthorized expenditures for administration and execution of those Acts, and for other purposes.

The message also announced that pursuant to section 491 of the Higher Education Act (20 U.S.C. 1098(c)), the Speaker reappoints the following member on the part of the House to the Advisory Committee on Student Financial Assistance for a 3 year term: Mr. Henry Givens of St. Louis, Missouri.

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 6, 1999, the Secretary of the Senate, on October 19, 2000, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

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.

Under the authority of the order of the Senate of January 6, 1999, the enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND) on October 19, 2000.

At 2:30 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House 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) 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 message also announced that the House insists upon its amendment to 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, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon.

That Mr. SHUSTER, Mr. YOUNG of Alaska, Mr. BOEHLERT, Mr. SHAW, Mr. OBERSTAR, Mr. BORSKI, and Mr. MENENDEZ, be the managers of the conference on the part of the House.

At 5:27 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 114. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

At 7:09 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4541. An act 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.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, October 19, 2000, he has presented to the President of the United States the following enrolled bills:

S. 624. An act to authorize construction of the Fort Peck Reservation Rural Water System in the State of Montana, and for other purposes.

S. 1809. An act to improve service systems for individuals with developmental disabilities, and for other purposes.

S. 2686. An act to amend chapter 36 of title 39, United States Code, to modify rates relating to reduced rate mail matter, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–11210. A communication from the Assistant General Counsel for Regulatory Law, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Energy Code for New Federal Commercial and Multi–Family High Rise Residential Buildings'' (RIN1904–AA69) received on October 18, 2000; to the Committee on Energy and Natural Resources.

EC–11211. A communication from the Assistant Secretary for Congressional and Intergovernmental Affairs, Department of Energy, transmitting, pursuant to law, a report relative to the strategic plan; to the Committee on Energy and Natural Resources.

EC–11212. A communication from the Acting Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Policy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Multiple Award Contracts (MAC); Government Agency Contracts (GWAC); and, Federal Supply Schedules (FSS)'' (RIN AL–2000–07) received on October 18, 2000; to the Committee on Energy and Natural Resources.

EC–11213. A communication from the Assistant General Counsel for Regulatory Law, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Energy Conservation Program for Consumer Products: Fluorescent Lamp Ballasts Energy Conservation Standards'' (RIN1904–AA75) received on October 18, 2000; to the Committee on Energy and Natural Resources.

EC–11214. A communication from the Acting Assistant General Counsel for Regulatory Law, Office of Management and Administration, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Mail Services User's Manual'' (D.O.E. M 573.1–1) received on October 18, 2000; to the Committee on Energy and Natural Resources.

EC–11215. A communication from the Acting Assistant General Counsel for Regulatory Law, Office of Chief Financial Officer, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Official Foreign Travel'' (DOE O 551.1A) received on October 18, 2000; to the Committee on Energy and Natural Resources.

EC–11216. A communication from the Assistant Secretary, Policy, Management and Budget, Department of the Interior, transmitting, pursuant to law, a report relative to royalty management and delinquent account collection activities; to the Committee on Energy and Natural Resources.

EC–11217. A communication from the Acting Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, a report relative to current inventory; to the Committee on Governmental Affairs.

EC–11218. A communication from the Chief Counsel for Regulation, Office of the Secretary, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Report of Tabulations of Population to States and Localities Pursuant to 13 U.S.C. 141(c) and Availability of Other Population Information'' (RIN0607–AA33) received on October 18, 2000; to the Committee on Governmental Affairs.

EC–11219. A communication from the Director of the Employment Service, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Reduction in Force Retreat Rights'' (RIN3206–AJ14) received on October 18, 2000; to the Committee on Governmental Affairs.

EC–11220. A communication from the Director, Office of Executive Resources Management, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Managing Senior Executive Performance'' (RIN3206–A157) received on October 18, 2000; to the Committee on Governmental Affairs.

EC–11221. A communication from the Interim Director of the Court Services and Offender Supervision Agency for the District of Columbia, transmitting, pursuant to law, a report relative to the strategic plan for calendar year 2000 through 2005; to the Committee on Governmental Affairs.

EC–11222. A communication from the Executive Director of the Committee for Purchase From People Who Are Blind or Severely Disabled, transmitting, pursuant to

law, the report of additions to the procurement list received on October 18, 2000; to the Committee on Governmental Affairs.

EC–11223. A communication from the Comptroller General, General Accounting Office, transmitting, pursuant to law, the August 2000 Report; to the Committee on Governmental Affairs.

EC–11224. A communication from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Sweet Onions Grown in the Walla Walla Valley of Southeast Washington and Northeast Oregon; Revision of Administrative Rules and Regulations'' (Docket Number: FV00–956–1–IFR) received on October 18, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Appropriations: Special Report entitled ''Further Revised Allocation To Subcommittees Of Budget Totals for Fiscal Year 2001'' (Rept. No. 106–507).

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee were submitted:

Mr. WARNER, from the Committee on Armed Services.

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., Section 12203:

To be major general

Brig. Gen. Alexander H. Burgin, 0000

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Joseph K. Kellogg Jr., 0000

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Jeffrey J. Schloesser, 0000

(The above nominations were reported with the recommendation that they be confirmed.)

Mr. WARNER. Mr. President, for the Committee on Armed Services, I report favorably nomination lists which were printed in the RECORD of the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Army nominations beginning Kirk M. Krist and ending Robert H. Williams, which nominations were received by the Senate and appeared in the Congressional Record on October 12, 2000.

Army nominations beginning James W. Lenoir and ending Charles L. Yriarte, which nominations were received by the Senate and appeared in the Congressional Record on October 12, 2000.

Army nominations beginning Timothy L. Bartholomew and ending Robert E. Welch Jr., which nominations were received by the Senate and appeared in the Congressional Record on October 12, 2000.

Army nomination of Angelo Riddick, which was received by the Senate and appeared in the Congressional Record on October 12, 2000.

Army nomination of James White, which was received by the Senate and appeared in the Congressional Record on October 12, 2000.

Army nominations beginning Joseph C. Carter and ending Raymond M. Murphy, which nominations were received by the Senate and appeared in the Congressional Record on October 17, 2000.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DASCHLE (for Mrs. FEINSTEIN):

S. 3219. A bill to amend title 31, United States Code, to prohibit the appearance of Social Security account numbers on or through unopened mailings of checks or other drafts issued on public money in the Treasury; to the Committee on Finance.

By Mr. DEWINE:

S. 3220. A bill to amend sections 3 and 5 of the National Child Protection Act of 1993, relating to national criminal history background checks of providers of care to children, elderly persons, and persons with disabilities; to the Committee on the Judiciary.

By Mr. EDWARDS:

S. 3221. A bill to provide grants to law enforcement agencies that ensure that law enforcement officers employed by such agencies are afforded due process when involved in a case that may lead to dismissal, demotion, suspension, or transfer; to the Committee on the Judiciary.

By Mr. CRAIG (for himself, Mr. DASCHLE, Mr. BAUCUS, Mr. BURNS, Mr. CRAPO, Mr. JOHNSON, and Mr. SMITH of Oregon):

S. 3222. A bill to require the Secretary of the Interior to establish a program to provide assistance through States to eligible weed management entities to control or eradicate harmful, nonnative weeds on public and private land; to the Committee on Energy and Natural Resources.

By Mr. HARKIN:

S. 3223. A bill to amend the Food Security Act of 1985 to establish the conservation security program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BINGAMAN (by request):

S. 3224. A bill to authorize the Secretary of the Interior to conduct studies of specific areas for potential inclusion in the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SANTORUM:

S. 3225. 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 Finance.

By Mr. HATCH:

S. 3226. A bill to amend the Immigration and Nationality Act to extend for an additional 3 years the special immigrant religious worker program; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 380. A resolution approving the placement of 2 paintings in the Senate reception room; considered and agreed to.

By Mr. DURBIN (for himself, Mr. CAMPBELL, and Mr. HELMS):

S. Con. Res. 153. A concurrent resolution expressing the sense of Congress with respect to the parliamentary elections held in Belarus on October 15, 2000, and for other purposes; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Mr. DEWINE:

S. 3220. A bill to amend sections 3 and 5 of the National Child Protection Act of 1993, relating to national criminal history background checks of providers of care to children, elderly persons, and persons with disabilities; to the Committee on the Judiciary.

NATIONAL CHILD PROTECTION IMPROVEMENT ACT OF 2000

Mr. DEWINE. Mr. President, today I am introducing the National Child Protection Act Improvement Act of 2000. This bill would amend the National Child Protection act, as amended by the Volunteers for Children Act. It is designed to facilitate the gathering of criminal history record information from both state and federal repositories for background checks of employees and volunteers for organizations providing services to children, the elderly, and the disabled.

Despite the best efforts of the law enforcement community and the volunteer and child services community, many of the individuals who volunteer and are employed in these critical positions still are not subject to criminal history background checks. The bill that I am introducing today modified the National Child Protection Act to facilitate these background checks. Under my bill, with the consent of the individual, the organization with which the individual is applying would receive a copy of the full criminal history record, including relevant arrest information. Further, the bill includes an authorization to provide assistance to these volunteer and service organizations in offsetting the cost of these background checks. To help protect the privacy of individuals who volunteer and are employed in these positions, the bill also would provide a number of important privacy protections.

we need to be sure that we do everything possible to facilitate these important background checks, while assuring that these background checks are not so costly that volunteer organizations and their volunteers are deterred from initiating these vital safety checks.

In shaping this bill, I have worked closely with law enforcement, state officials, and other interested parties. Because of that, the legislation that I am introducing today would help accomplish the laudable goals of the national Child Protection Act and the

Volunteers for Children Act—which are to facilitate national background checks initiated in states which have not adopted authorizing language, and, at the same time, assure that those checks are processed effectively and quickly. We need to give states the flexibility they need to accomplish those goals.

Mr. EDWARDS:

S. 3221. A bill to provide grants to law enforcement agencies that ensure that law enforcement officers employed by such agencies are afforded due process when involved in a case that may lead to dismissal, demotion, suspension, or transfer; to the Committee on the Judiciary.

THE LAW ENFORCEMENT OFFICERS DUE PROCESS ACT OF 2000

Mr. EDWARDS. Mr. President, I rise today to introduce the Law Enforcement Officers Due Process Act of 2000. Every day our Nation's police officers put their lives on the line in the fight against crime. Every time they patrol a beat they put their own safety at risk to protect our children and make our country a better place to live and work. We all owe a great deal to these brave men and women.

Working police officers spend their lives among the public safeguarding the innocent and apprehending those who have committed crimes. Much of this contact can be stressful for everyone involved. Perhaps an individual has been stopped by an officer for the suspected violation of a law. Or maybe the officer is assisting someone who is the victim of a crime. Due to the circumstances, these are often unpleasant situations. And unfortunately, in some instances, contact with the police officer may become adversarial and generate complaints about the officer's actions.

These complaints range from accusations that an officer took too long to arrive at a crime scene, used too much force, or was not forceful enough, to claims that the officer was rude or didn't show proper respect. Some complaints against officers are legitimate. However, some complaints are generated to intimidate an officer who is simply doing his or her job, into dropping charges. Any one of these complaints can get an officer fired, suspended, or otherwise punished without the benefit of due process.

A patchwork of state and local laws currently governs the rights of officers when they are involved in a case that may lead to dismissal, demotion, suspension or transfer. Thirty-five states have state and/or local laws in place that govern the administrative due process rights of law enforcement officers. However, 15 states do not have any of these much-deserved due process protections for their law enforcement officers.

The Law Enforcement Officers Due Process Act is a common-sense measure designed to replace arbitrary and ad hoc investigatory procedures with consistent standards. The legislation will provide additional funding to law enforcement agencies that either have in place, or currently do not have but certify they will implement, administrative due process for their law enforcement officers. An agency will be eligible for grant money if its administrative procedures include the right of a law enforcement officer under investigation to: (1) a hearing before a fair and impartial board or hearing officer; (2) be represented by an attorney or other officer at the expense of the officer under investigation; (3) confront any witness testifying against him or her; and (4) record all meetings he or she attends. In many instances, an employer with direct control over an officer is also the investigator. That is why providing basic, explicitly stated rights to officers under investigation is crucial to maintaining impartial investigations. These rights will not interfere with the management of state and local internal investigations. They will merely ensure that officers receive the benefit of fair and objective investigations, whether a complaint against them is legitimate or not.

Some individuals may be concerned that providing these rights would delay removal of an officer who is ultimately found to have deserved disciplinary action taken against them. However, I'd like to emphasize that my legislation would not prevent the immediate suspension of an officer whose continued presence on the job is considered to be a substantial and immediate threat to the welfare of the law enforcement agency or the public; who refuses to obey a direct order issued in conformance with the agency's rules and regulations; or who is accused of committing an illegal act.

The Law Enforcement Officers Due Process Act does not force a law enforcement agency to implement due process rights for its officers. Rather, it encourages agencies to do the right thing by offering them additional funds if they establish written procedures for determining if a complaint is valid or merely designed to cause trouble for the officer.

I urge my colleagues who represent states that do not have law enforcement officers' due process rights laws to cosponsor my bill and give their police officers the protections they deserve. I also urge my colleagues who represent states that have various local laws in place to cosponsor my bill. By doing so they will help eliminate the disparity that exists among local jurisdictions, and guarantee that every single officer in their state will have a minimum baseline of rights to help guarantee fair and impartial investigations.

Crime rates are down across the Nation. We owe a tremendous debt of gratitude to our Nation's police officers for helping make this happen. Our communities, our schools, and our places of business would not enjoy the level of security they have today without the efforts of law enforcement. Enacting the Law Enforcement Officers Due Process Act is the least we can do to show officers that we will fight for all of them just like they fight for all of us every day.

I ask unanimous consent that the Law Enforcement Officers Due Process Act be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3221

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 ''Law Enforcement Officers Due Process Act of 2000''.

SEC. 2. PROTECTION FOR LAW ENFORCEMENT OFFICERS.

(a) PROGRAM AUTHORIZED.—The Attorney General is authorized to provide grants to law enforcement agencies that are eligible under subsection (b).

(b) ELIGIBILITY.—To be eligible to receive a grant under this section, a law enforcement agency shall—

(1) have in effect an administrative process that complies with the requirements of subsection (c) or an existing procedure described in subsection (e); or

(2) certify that it will establish, not later than 2 years after the date of enactment of this Act, an administrative process that complies with the requirements of subsection (c).

(c) OFFICER RIGHTS.—The administrative process referred to in subsection (b) shall require that a law enforcement agency that investigates a law enforcement officer for matters which could reasonably lead to disciplinary action against such officer, including dismissal, demotion, suspension, or transfer provide recourse for the officer that, at a minimum, includes the following:

(1) ACCESS TO ADMINISTRATIVE PROCESS.—The agency has written procedures to ensure that any law enforcement officer is afforded access to any existing administrative process established by the employing agency prior to the imposition of any such disciplinary action against the officer.

(2) SPECIFIC PROCEDURES.—The procedures used under paragraph (1) include, the right of a law enforcement officer under investigation—

(A) to a hearing before a fair and impartial board or hearing officer;

(B) to be represented by an attorney or other officer at the expense of such officer;

(C) to confront any witness testifying against such officer; and

(D) to record all meetings in which such officer attends.

(d) IMMEDIATE SUSPENSION.—Nothing in this section shall prevent the immediate suspension with pay of a law enforcement officer—

(1) whose continued presence on the job is considered to be a substantial and immediate threat to the welfare of the law enforcement agency or the public;

(2) who refuses to obey a direct order issued in conformance with the agency's written and disseminated rules and regulations; or

(3) who is accused of committing an illegal act.

(e) EXISTING PROCEDURES.—The provisions of this section shall not apply to a law enforcement agency if the Attorney General determines that such agency has in effect an established civil service system, agency review board, grievance procedure or personnel

board, which meets or exceeds the minimum standards of subsection (c).

(f) DISTRIBUTION OF FUNDS.—From the amount made available to carry out this section, the Attorney General shall allocate—

(1) 50 percent for law enforcement agencies that are eligible under paragraph (1) of subsection (b); and

(2) 50 percent for law enforcement agencies that are eligible under paragraph (2) of subsection (b).

(g) REGULATIONS.—The Attorney General may prescribe such regulations as may be necessary to carry out this section.

(h) DEFINITIONS.—For purposes of this section—

(1) the term ''law enforcement agency'' means any State or unit of local government within the State that employs law enforcement officers; and

(2) the term ''law enforcement officer'' means an officer with the powers of arrest as defined by the laws of each State and required to be certified under the laws of such State.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

Mr. CRAIG (for himself, Mr. DASCHLE, Mr. BAUCUS, Mr. BURNS, Mr. CRAPO, Mr. JOHNSON, and Mr. SMITH of Oregon):

S. 3222. A bill to require the Secretary of the Interior to establish a program to provide assistance through States to eligible weed management entities to control or eradicate harmful, nonnative weeds on public and private land; to the Committee on Energy and Natural Resources.

HARMFUL NON-NATIVE WEED CONTROL ACT OF 2000

Mr. CRAIG. Mr. President, I rise today with Senator DASCHLE to introduce the Harmful Non-native Weed Control Act of 2000—to provide assistance to eligible weed management entities to control or eradicate harmful, non-native weeds on public and private land. I am pleased that Senators BAUCUS, BURNS, CRAPO, JOHNSON, and GORDON SMITH, are joining us as original cosponsors.

Currently, noxious weeds are a dangerous threat to the viability of both public and private lands across the country. Over a century ago, a wave of noxious weeds entered North America from Europe and Asia. Unlike native species, which have natural predators and control mechanisms, these weeds lack native insects, fungi, or diseases to control their growth and takeover of native plants.

Noxious weeds are estimated to spread at the rate of 4,600 acres per day on federal lands alone in the Western United States. Idaho's own rush skeltonweed has increased from a few plants in 1954 to roughly 4 million acres today. Hundreds of millions of dollars are spent each year by Western states to prevent and stop the growth of noxious weeds.

These nonnative weeds threaten fully two-thirds of all endangered species and are now considered by some experts to be the second most important threat to biodiversity. In some areas, spotted knapweed grows so thick that big game like deer will move out of the area to find edible plants. Noxious weeds also increase soil erosion, and prevent recreationists from accessing land that is infested with poisonous plants. Bikers are often met with a formidable foe when 2-inch-long thorns pop their tires on bike paths overrun with puncture vine that can pierce all but the most rugged materials.

In response to this environmental crisis, I have worked with the National Cattlemen's Beef Association, Public Lands Council, and the Nature Conservancy to develop the Harmful Non-Native Weed Control Act of 2000. This legislature will provide a mechanism to get funding to the local level where weeds can be fought in a collaborative way. Working together is what this entire initiative is about.

Specifically, this bill establishes, in the Office of the Secretary of the Interior, a program to provide assistance through States to eligible weed management entities. The Secretary of the Interior appoints an Advisory Committee of ten individuals to make recommendations to the Secretary regarding the annual allocation of funds. The Secretary, in consultation with the Advisory Committee, will allocate funds to States to provide funding to eligible weed management entities to carry out projects approved by States to control or eradicate harmful, non-native weeds on public and private lands. Funds will be allocated based on several factors, including but not limited to: the seriousness of the problem in the State; the extent to which the Federal funds will be used to leverage non-Federal funds to address the problem; and the extent to which the State has already made progress in addressing the problems.

The bill directs that the States use 25 percent of their allocation to make base payments and 75 percent for financial awards to eligible weed management entities for carrying out projects relating to the control or eradication of harmful, non-native weeds on public or private lands. To be eligible to obtain a base payment a weed management entity must be established by local stakeholders for weed management or public education purposes, provide the State a description of their purpose and proposed projects, and fulfill any other requirements set by the State. Weed management entities are also eligible for financial awards which are funds awarded by the State on a competitive basis to carry out projects which cannot be funded within the base payment. Projects will be evaluated, giving equal consideration to economic and natural values, and selected for funding based on factors such as the seriousness of the problem, the likelihood that the project will address the problem, and how comprehensive the project's approach is to the harmful, non-native weed problem within the State. A 50 percent non-Federal match is required to receive the funds.

The Department of Agriculture in Idaho (ISDA) has developed a Strategic Plan for Managing Noxious Weeds through a collaborative effort involving private landowners, State and Federal land managers, State and local governmental entities, and other interested parties. Cooperative Weed Management Areas (CWMAs) are the centerpiece of the strategic plan. CWMAs cross jurisdictional boundaries to bring together all landowners, land managers, and interested parties to identify and prioritize noxious weed strategies within the CWMA in a collaborative manner. The primary responsibilities of the ISDA are to provide coordination, administrative support, facilitation, and project cost-share funding for this collaborative effort. Idaho already has a record of working in a collaborative way on this issue—my legislation will heighten the progress we've had, and establish the same formula for success in other States.

We are introducing this legislation today to get the discussion started. We hope to refine the bill over the winter and introduce an improved bill next year. Constructive suggestions are welcome and we look forward to working with other Members of Congress to get this bill passed next year. Noxious weeds are not only a problem for farmers and ranchers, but a hazard to our environment, economy, and communities in Idaho and the West. The Harmful Nonnative Weeds Act of 2000 is an important step to ensure we are diligent in stopping the spread of these weeds. I am confident that if we work together at all levels of government and throughout our communities, we can protect our land, livelihood, and environment.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3222

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 ''Harmful Nonnative Weed Control Act of 2000''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) public and private land in the United States faces unprecedented and severe stress from harmful, nonnative weeds;

(2) the economic and resource value of the land is being destroyed as harmful nonnative weeds overtake native vegetation, making the land unusable for forage and for diverse plant and animal communities;

(3) damage caused by harmful nonnative weeds has been estimated to run in the hundreds of millions of dollars annually;

(4) successfully fighting this scourge will require coordinated action by all affected stakeholders, including Federal, State, and local governments, private landowners, and nongovernmental organizations;

(5) the fight must begin at the local level, since it is at the local level that persons feel the loss caused by harmful nonnative weeds and will therefore have the greatest motivation to take effective action; and

(6) to date, effective action has been hampered by inadequate funding at all levels of government and by inadequate coordination.

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

(1) to provide assistance to eligible weed management entities in carrying out projects to control or eradicate harmful, nonnative weeds on public and private land;

(2) to coordinate the projects with existing weed management areas and districts;

(3) in locations in which no weed management entity, area, or district exists, to stimulate the formation of additional local or regional cooperative weed management entities, such as entities for weed management areas or districts, that organize locally affected stakeholders to control or eradicate weeds;

(4) to leverage additional funds from a variety of public and private sources to control or eradicate weeds through local stakeholders; and

(5) to promote healthy, diverse, and desirable plant communities by abating through a variety of measures the threat posed by harmful, nonnative weeds.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADVISORY COMMITTEE.—The term ''Advisory Committee'' means the advisory committee established under section 5.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(3) STATE.—The term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

SEC. 4. ESTABLISHMENT OF PROGRAM.

The Secretary shall establish in the Office of the Secretary a program to provide financial assistance through States to eligible weed management entities to control or eradicate harmful, nonnative weeds on public and private land.

SEC. 5. ADVISORY COMMITTEE.

(a) IN GENERAL.—The Secretary shall establish in the Department of the Interior an advisory committee to make recommendations to the Secretary regarding the annual allocation of funds to States under section 6 and other issues related to funding under this Act.

(b) COMPOSITION.—The Advisory Committee shall be composed of not more than 10 individuals appointed by the Secretary who—

(1) have knowledge and experience in harmful, nonnative weed management; and

(2) represent the range of economic, conservation, geographic, and social interests affected by harmful, nonnative weeds.

(c) TERM.—The term of a member of the Advisory Committee shall be 4 years.

(d) COMPENSATION.—

(1) IN GENERAL.—A member of the Advisory Committee shall receive no compensation for the service of the member on the Advisory Committee.

(2) TRAVEL EXPENSES.—A member of the Advisory Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Advisory Committee.

(e) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Committee.

SEC. 6. ALLOCATION OF FUNDS TO STATES.

(a) IN GENERAL.—In consultation with the Advisory Committee, the Secretary shall allocate funds made available for each fiscal year under section 8 to States to provide funding in accordance with section 7 to eligible weed management entities to carry out projects approved by States to control or eradicate harmful, nonnative weeds on public and private land.

(b) AMOUNT.—The Secretary shall determine the amount of funds allocated to a State for a fiscal year under this section on the basis of—

(1) the seriousness of the harmful, nonnative weed problem or potential problem in the State, or a portion of the State;

(2) the extent to which the Federal funds will be used to leverage non-Federal funds to address the harmful, nonnative weed problems in the State;

(3) the extent to which the State has made progress in addressing harmful, nonnative weed problems in the State;

(4) the extent to which weed management entities in a State are eligible for base payments under section 7; and

(5) other factors recommended by the Advisory Committee and approved by the Secretary.

SEC. 7. USE OF FUNDS ALLOCATED TO STATES.

(a) IN GENERAL.—A State that receives an allocation of funds under section 6 for a fiscal year shall use—

(1) not more than 25 percent of the allocation to make a base payment to each weed management entity in accordance with subsection (b); and

(2) not less than 75 percent of the allocation to make financial awards to weed management entities in accordance with subsection (c).

(b) BASE PAYMENTS.—

(1) USE BY WEED MANAGEMENT ENTITIES.—

(A) IN GENERAL.—Base payments under subsection (a)(1) shall be used by weed management entities—

(i) to pay the Federal share of the cost of carrying out projects described in subsection (d) that are selected by the State in accordance with subsection (d); or

(ii) for any other purpose relating to the activities of the weed management entities, subject to guidelines established by the State.

(B) FEDERAL SHARE.—Under subparagraph (A), the Federal share of the cost of carrying out a project described in subsection (d) shall not exceed 50 percent.

(2) ELIGIBILITY OF WEED MANAGEMENT ENTITIES.—To be eligible to obtain a base payment under paragraph (1) for a fiscal year, a weed management entity in a State shall—

(A) be established by local stakeholders—

(i) to control or eradicate harmful, nonnative weeds on public or private land; or

(ii) to increase public knowledge and education concerning the need to control or eradicate harmful, nonnative weeds on public or private land;

(B)(i) for the first fiscal year for which the entity receives a base payment, provide to the State a description of—

(I) the purposes for which the entity was established; and

(II) any projects carried out to accomplish those purposes; and

(ii) for any subsequent fiscal year for which the entity receives a base payment, provide to the State—

(I) a description of the activities carried out by the entity in the previous fiscal year—

(aa) to control or eradicate harmful, nonnative weeds on public or private land; or

(bb) to increase public knowledge and education concerning the need to control or eradicate harmful, nonnative weeds on public or private land; and

(II) the results of each such activity; and

(C) meet such additional eligibility requirements, and conform to such process for determining eligibility, as the State may establish.

(c) FINANCIAL AWARDS.—

(1) USE BY WEED MANAGEMENT ENTITIES.—

(A) IN GENERAL.—Financial awards under subsection (a)(2) shall be used by weed management entities to pay the Federal share of the cost of carrying out projects described in subsection (d) that are selected by the State in accordance with subsection (d).

(B) FEDERAL SHARE.—Under subparagraph (A), the Federal share of the cost of carrying out a project described in subsection (d) shall not exceed 50 percent.

(2) ELIGIBILITY OF WEED MANAGEMENT ENTITIES.—To be eligible to obtain a financial award under paragraph (1) for a fiscal year, a weed management entity in a State shall—

(A) meet the requirements for eligibility for a base payment under subsection (b)(2); and

(B) submit to the State a description of the project for which the financial award is sought.

(d) PROJECTS.—

(1) IN GENERAL.—An eligible weed management entity may use a base payment or financial award received under this section to carry out a project relating to the control or eradication of harmful, nonnative weeds on public or private land, including—

(A) education, inventories and mapping, management, monitoring, and similar activities, including the payment of the cost of personnel and equipment; and

(B) innovative projects, with results that are disseminated to the public.

(2) SELECTION OF PROJECTS.—A State shall select projects for funding under this section on a competitive basis, taking into consideration (with equal consideration given to economic and natural values)—

(A) the seriousness of the harmful, nonnative weed problem or potential problem addressed by the project;

(B) the likelihood that the project will prevent or resolve the problem, or increase knowledge about resolving similar problems in the future;

(C) the extent to which the payment will leverage non-Federal funds to address the harmful, nonnative weed problem addressed by the project;

(D) the extent to which the entity has made progress in addressing harmful, nonnative weed problems;

(E) the extent to which the project will provide a comprehensive approach to the control or eradication of harmful, nonnative weeds;

(F) the extent to which the project will reduce the total population of a harmful, nonnative weed within the State; and

(G) other factors that the State determines to be relevant.

(3) SCOPE OF PROJECTS.—

(A) IN GENERAL.—A weed management entity shall determine the geographic scope of the harmful, nonnative weed problem to be addressed through a project using a base payment or financial award received under this section.

(B) MULTIPLE STATES.—A weed management entity may use the base payment or financial award to carry out a project to address the harmful, nonnative weed problem of more than 1 State if the entity meets the requirements of applicable State laws.

(4) LAND.—A weed management entity may use a base payment or financial award received under this section to carry out a project to control or eradicate weeds on any public or private land with the approval of the owner or operator of the land, other than land that is devoted to the cultivation of row crops, fruits, or vegetables.

(5) PROHIBITION ON PROJECTS TO CONTROL AQUATIC NOXIOUS WEEDS OR ANIMAL PESTS.—A base payment or financial award under this section may not be used to carry out a project to control or eradicate aquatic noxious weeds or animal pests.

(e) ADMINISTRATIVE COSTS.—Not more than 5 percent of the funds made available under section 8 for a fiscal year may be used by the States or the Federal Government to pay the administrative costs of the program established by this Act, including the costs of complying with Federal environmental laws.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Mr. DASCHLE. Mr. President, today I am introducing with Senator LARRY CRAIG the Harmful Non-native Weed Control Act of 2000. This legislation will provide critically needed resources to local agencies to reduce the spread of harmful weeds that are destroying the productivity of farmland and reducing ecological diversity.

In the last few years, public and private lands in the west have seen a startling increase in the spread of harmful, non-native weeds. In South Dakota, these weeds choke out native species, destroy good grazing land, and cost farmers and ranchers thousands of dollars a year to control. On public lands in South Dakota and throughout the West, the spread of the weeds has outpaced the ability of land managers to control them, threatening species diversity and, at times, spreading on to private land.

This problem has become so severe that the White House has created an Invasive Species Council to address it. As Secretary Bruce Babbitt noted, ''The blending of the natural world into one great monoculture of the most aggressive species is, I think, a blow to the spirit and beauty of the natural world.''

Despite these efforts, the scale of this problem is vast. Some estimate that it could cost well into the hundreds of millions of dollars to control effectively the spread of these weeds. This legislation will help to meet that need by putting funding directly into the hands of the local weed boards and managers who already are working to control this problem and whose lands are directly affected.

Specifically, this legislation authorizes new weed control funding and establishes an Advisory Board in the Department of Interior to identify the areas of greatest need for the distribution of those funds. States, in turn, will transfer up to 25 percent of it directly to local weed control boards in order to support ongoing activities and spur the creation of new weed control boards, where necessary. The remaining 75 percent of funds will be made available to weed control boards on a competitive basis to fund weed control projects.

I would like to thank Senator CRAIG for his work on this issue, and to thank the National Cattlemen's Association and the Nature Conservancy, who have been instrumental to the development of this bill. Now that this legislation has been introduced, it is my hope that we can work with all interested stakeholders to enact it as soon as possible. I look forward to working with my colleagues during this process.

By Mr. HARKIN:

S. 3223. A bill to amend the Food Security Act of 1985 to establish the conservation security program; to the Committee on Agriculture, Nutrition, and Forestry.

THE CONSERVATION SECURITY ACT OF 2000

Mr. HARKIN. Mr. President, today, I am reintroducing the Conservation Security Act of 2000, a bill which represents a fresh new approach to the future of farm policy.

America's farmers and ranchers hold the key for production of a bountiful, safe, and nourishing food supply for Americans and for the population around the globe, as well as for the future for our environment. Farmers and ranchers have a long history to build on.

Specifically on the issue of conservation, it became a national priority in the days of the Dust Bowl, leading to the creation in the 1930s of the Soil Conservation Service at the Department of Agriculture, which is now the Natural Resources Conservation Service. With the very foundation of our food supply at risk, the Government stepped forward with billions of dollars in assistance to help farmers preserve their precious soils.

Since that time, Federal spending on conservation has steadily declined in inflation adjusted dollars. Yet today agriculture faces a wide range of environmental challenges, from overgrazing and manure management to cropland runoff and water quality impairment. Urban and rural citizens alike are increasingly concerned about the environmental impacts of agriculture.

Farmers and ranchers pride themselves on being good stewards of the land, and there are farm-based solutions to these problems being implemented all over the country. But every dollar spent on constructing a filter strip or developing a nutrient management plan is a dollar that farmers don't have for other purposes in hard times like these. And even in better times, there is a lot of competition for that dollar.

So who benefits from conservation on farm lands? As much or more than the farmer, it is all of us, who depend on the careful stewardship of our air, water, soil and our other natural resources. Farmers and ranchers tend not only to their crops and animals, but also to our nation's natural resources. They are the real stewards for future generations.

Since we all share in these benefits, it is only right that we share in conserving them. It is time to enter into a true conservation partnership with our farmers and ranchers to help ensure that conservation is an integral and permanent part of agricultural production nationwide.

In the 1985 farm bill, we required that farmers who wanted to participate in USDA farm programs develop soil conservation plans for their highly erodible land. This provision helped put new conservation plans in place for our most fragile farmlands. In the most recent farm bill, we streamlined conservation programs and established new cost-share and incentive payments for certain practices.

The Conservation Security Act of 2000, which establishes the Conservation Security Program, builds on our past successes and takes a bold step forward in farm and conservation policy.

My bill would establish a universal and voluntary incentive payment program to support and encourage conservation activities by farmers and ranchers. Under this program, farmers and ranchers could receive up to $50,000 per year in conservation payments through entering into 5 to 10-year contracts with USDA and choose from one of three tiers of conservation practices. Payments are based on the number and types of practices they maintain or adopt on their working lands. It is not a set-aside or easement program.

For implementing a basic set of practices, farmers would receive an annual payment of up to $20,000, as well as an advance payment of the greater of $1,000 or 20% of the annual payment. This basic category, Tier I, would include such practices as nutrient management, soil conservation, and wildlife habitat management.

To receive up to $35,000 and an advance payment of the greater of $2,000 or 20% of the annual payment, farmers would add to their Class I practices by choosing a minimum number of Class II practices—including such practices as controlled rotational grazing, partial field practices like buffers strips and windbreaks, wetland restoration and wildlife habitat enhancement.

Farmers who adopt comprehensive Tier III conservation practices on their whole farm—under a plan that addresses all aspects of air, land, water and wildlife—would receive up to $50,000 plus an advance payment of the greater of $3,000 or 20% of the annual payment.

Again, I emphasize, the Conservation Security Program would be totally voluntary. It would be up to the farmer or rancher to decide if they want to do it. If they do, then they would get additional payments. A lot of these practices farmers are already doing now, for which they receive little or no support. My legislation changes that by rewarding those farmers and ranchers who have already implemented these practices through payments to maintain them.

Again, these practices don't just benefit the farmer or rancher. The beneficiaries are all of us. We all will benefit from cleaner air, cleaner streams and rivers, saving soil, protecting our groundwater, and wildlife habitats.

Our private lands are a national resource, and conservation on farm and ranchlands provides environmental benefits that are just as important as the production of abundant and safe food. I am introducing the Conservation Security Act because I believe it will help secure both the economic future of our farmers by helping them obtain better income and as a cornerstone of our national farm policy and the environmental future of agriculture.

Mr. BINGAMAN (by request):

S. 3224. A bill to authorize the Secretary of the Interior to conduct studies of specific areas for potential inclusion in the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

NATIONAL PARK AREA STUDIES

Mr. BINGAMAN. Mr. President, I am introducing legislation today to authorize the Secretary of the Interior to undertake studies of several areas to determine whether these areas merit potential designation as units of the National Park System. I am introducing this legislation at the request of the Administration. I ask unanimous consent that a letter from Donald J. Barry, Assistant Secretary of the Interior for Fish and Wildlife and Parks, transmitting the proposed legislation, be printed in the RECORD. I also ask unanimous consent that the text of the bill be printed in the RECORD.

S. 3224

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Park Service Studies Act of 2000''.

SEC. 2. AUTHORIZATION OF STUDIES.

(a) IN GENERAL.—The Secretary of the Interior (hereinafter referred to as the ''Secretary'') shall conduct studies of the geographical areas and historic and cultural themes listed in subsection (c) to determine the appropriateness of including such areas or themes in the National Park System.

(b) CRITERIA.—In conducting the studies authorized by this Act, the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System in accordance with section 8 of Public Law 91–383, as amended by section 303 of the National Park System New Areas Study Act (Public Law 105–391; 112 Stat. 3501).

(c) STUDY AREAS.—The Secretary shall conduct studies of the following:

(1) Erskine House/Russian American Storehouse, Alaska;

(2) Blackwater Canyon, West Virginia;

(3) Farm Labor Movement Sites, California and other States;

(4) Carter G. Woodson Home, District of Columbia;

(5) Governors Island, New York; and

(6) World War II Homefront Sites, Multi-State.

SEC. 3. REPORTS.

The Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report on the findings, conclusions, and recommendations of each study under section 2 within three fiscal years following the date on which funds are first made available for each study.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, March 22, 2000.

Hon. AL GORE Jr.,
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: Enclosed is a draft of a bill, ''To authorize the Secretary of the Interior to conduct studies of specific areas for potential inclusion in the National Park System, and for other purposes.''

We recommend that the bill be introduced, referred to the appropriate committee, and enacted.

The bill authorizes studies of six specific areas and cultural themes for potential inclusion in the National Park System. The legislation provides for the Secretary to follow criteria for such studies in existing law, and to submit reports on each study to the appropriate congressional committees within three years after funds for the study are made available. The areas and themes that are the subject of these special resource studies (also called new area studies) are described on the attached page.

A letter listing these six studies has been transmitted to the Senate Energy and Natural Resources Committee and the House Resources Committee, pursuant to the requirement of the National Parks Omnibus Management Act of 1998 (P.L. 105–391) that the Secretary submit a list of areas recommended for study for potential inclusion in the National Park System to those committees at the beginning of each calendar year with the President's budget.

The Office of Management and Budget has advised that, from the standpoint of the Administration's program, there is no objection to the submission of the enclosed draft legislation to the Congress.

Sincerely,

DONALD J. BARRY,
Assistant Secretary for Fish and Wildlife and Parks.

By Mr. SANTORUM:

S. 3225. 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 Finance.

COSMETOLOGY TAX FAIRNESS AND COMPLIANCE ACT OF 2000

Mr. SANTORUM. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3225

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 ''Cosmetology Tax Fairness and Compliance Act of 2000''.

SEC. 2. EXPANSION OF CREDIT FOR PORTION OF SOCIAL SECURITY TAXES PAID WITH RESPECT TO EMPLOYEE TIPS.

(a) EXPANSION OF CREDIT TO OTHER LINES OF BUSINESS.—Paragraph (2) of section 45B(b) of the Internal Revenue Code of 1986 is amended to read as follows:

''(2) APPLICATION ONLY TO CERTAIN LINES OF BUSINESS.—In applying paragraph (1), there shall be taken into account only tips received from customers or clients in connection with—

''(A) the providing, delivering, or serving of food or beverages for consumption if the tipping of employees delivering or serving food or beverages by customers is customary, or

''(B) the providing of any cosmetology service for customers or clients at a facility licensed to provide such service if the tipping of employees providing such service is customary.''.

(b) DEFINITION OF COSMETOLOGY SERVICES.—Section 45B of such Code is amended by redesignating subsections (c) and (d) as subsections (d) and (e), respectively, and by inserting after subsection (b) the following new subsection:

''(c) COSMETOLOGY SERVICE.—For purposes of this section, the term 'cosmetology service' means—

''(1) hairdressing,

''(2) haircutting,

''(3) manicures and pedicures,

''(4) body waxing, facials, mud packs, wraps and other similar skin treatments, and

''(5) any other beauty related service provided at a facility at which a majority of the services provided (as determined on the basis of gross revenue) are described in paragraphs (1) through (4).''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to taxes paid after December 31, 2000.

SEC. 3. INFORMATION REPORTING BY PROVIDERS OF COSMETOLOGY SERVICES.

(a) IN GENERAL.—Chapter 61 of the Internal Revenue Code of 1986 is amended by inserting after section 6050S the following new section:

''SEC. 6050T. RETURNS RELATING TO COSMETOLOGY SERVICES AND INFORMATION TO BE PROVIDED TO COSMETOLOGISTS.

''(a) IN GENERAL.—Every person who leases space to any individual for use by the individual in providing cosmetology services (as defined in section 45B(c)) on more than 5 calendar days during a calendar year shall make a return, according to the forms or regulations prescribed by the Secretary, setting forth the name, address, and TIN of each such lessee.

''(b) STATEMENT TO BE FURNISHED TO INDIVIDUALS WITH RESPECT TO WHOM INFORMATION IS FURNISHED.—Every person required to make a return under subsection (a) shall furnish to each individual whose name is required to be set forth on such return a written statement showing—

''(1) the name, address, and phone number of the information contact of the person required to make such return, and

''(2) a statement informing the recipient that (as required by this section), the provider of the notice has advised the Internal Revenue Service that the recipient provided cosmetology services during the calendar year to which the statement relates.

''(c) ADDITIONAL INFORMATION TO BE PROVIDED TO SERVICE PROVIDER.—A person who provides a statement pursuant to subsection (b) to an individual who provides cosmetology services shall include with the statement a publication of the Secretary, as designated by the Secretary, describing the tax obligations of independent contractors unless the publication was previously provided to the individual by the statement provider.

''(d) METHOD AND TIME FOR PROVIDING STATEMENT AND ADDITIONAL INFORMATION.—The written statement required by subsection (b) and the additional information, if any, required to be furnished under subsection (c) shall be furnished (either in person or in a statement mailed by first-class mail which includes adequate notice that the statement is enclosed) to the person on or before January 31 of the year following the calendar year for which the return under subsection (a) is to be made. Such statement shall be in such form as the Secretary may prescribe by regulations.

''(e) LEASE.—For purposes of this section, the term 'lease' include booth rentals and any other arrangements pursuant to which

an individual provides cosmetology services, other than as an employee, on premises not owned by the service provider.

''(f) EXCEPTION FOR SERVICES PROVIDED BY PROPRIETORSHIPS WITH EMPLOYEES.—This section shall not apply to leases of premises with at least 3 work stations for providing cosmetology services.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 6724(d)(1)(B) of such Code (relating to the definition of information returns) is amended—

(A) by striking ''or'' at the end of clause (xiv),

(B) by adding a comma at the end of clause (xv),

(C) by striking ''; or'' at the end of clause (xvi) and inserting a comma,

(D) by striking the period at the end of clause (xvii) and inserting '', or'', and

(E) by inserting after clause (xvii) the following new clause:

''(xviii) section 6050T (relating to returns by cosmetology service providers).''.

(2) Section 6724(d)(2) of the Internal Revenue Code of 1986 is amended—

(A) by striking ''or'' at the end of subparagraph (Z) and inserting a comma,

(B) by striking the period at the end of subparagraph (AA) and inserting '', or'', and

(C) by inserting after subparagraph (AA) the following new subparagraph:

''(BB) section 6050T(c) (relating to statements from cosmetology service providers) even if the recipient is not a payee.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years after 2000.

ADDITIONAL COSPONSORS

S. 341

At the request of Mr. CRAIG, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 341, a bill to amend the Internal Revenue Code of 1986 to increase the amount allowable for qualified adoption expenses, to permanently extend the credit for adoption expenses, and to adjust the limitations on such credit for inflation, and for other purposes.

S. 835

At the request of Mr. SMITH of New Hampshire, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S . 835, a bill to encourage the restoration of estuary habitat through more efficient project financing and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes.

S. 1915

At the request of Mr. JEFFORDS, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1915, a bill to enhance the services provided by the Environmental Protection Agency to small communities that are attempting to comply with national, State, and local environmental regulations.

S. 2887

At the request of Mr. GRASSLEY, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 2887, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 2938

At the request of Mr. BROWNBACK, the names of the Senator from Colorado (Mr. ALLARD), the Senator from Arizona (Mr. KYL), and the Senator from Georgia (Mr. CLELAND) were added as cosponsors of S. 2938, a bill to prohibit United States assistance to the Palestinian Authority if a Palestinian state is declared unilaterally, and for other purposes.

S. 2940

At the request of Mr. BIDEN, his name was added as a cosponsor of S. 2940, a bill to authorize additional assistance for international malaria control, and to provide for coordination and consultation in providing assistance under the Foreign Assistance act of 1961 with respect to malaria, HIV, and tuberculosis.

S. 3007

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 3007, a bill to provide for measures in response to a unilateral declaration of the existence of a Palestinian state.

S. 3078

At the request of Mr. DOMENICI, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 3078, a bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Santa Fe Regional Water Management and River Restoration Project.

S. 3089

At the request of Mr. HAGEL, the names of the Senator from South Carolina (Mr. THURMOND), the Senator from Alaska (Mr. MURKOWSKI), and the Senator from South Dakota (Mr. DASCHLE) were added as cosponsors of S. 3089, a bill to authorize the design and construction of a temporary education center at the Vietnam Veterans Memorial.

S. 3106

At the request of Mr. JEFFORDS, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 3106, a bill to amend title XVIII of the Social Security Act to clarify the definition of homebound under the medicare home health benefit.

S. 3116

At the request of Mr. BREAUX, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 3116, a bill to amend the Harmonized Tariff Schedule of the United States to prevent circumvention of the sugar tariff-rate quotas.

S. 3127

At the request of Mr. SANTORUM, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 3127, a bill to protect infants who are born alive

S. 3157

At the request of Mr. HUTCHINSON, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 3157, a bill to require the Food and Drug Administration to establish restrictions regarding the qualifications of physicians to prescribe the abortion drug commonly known as RU–486.

S. 3181

At the request of Mr. HAGEL, the names of the Senator from Nebraska (Mr. KERREY), the Senator from Illinois (Mr. DURBIN), the Senator from Virginia (Mr. ROBB), and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 3181, a bill to establish the White House Commission on the National Moment of Remembrance, and for other purposes.

S. 3211

At the request of Mr. HARKIN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 3211, a bill to authorize the Secretary of Education to provide grants to develop technologies to eliminate functional barriers to full independence for individuals with disabilities, and for other purposes.

S.RES. 292

At the request of Mr. GORTON, his name was added as a cosponsor of S.Res. 292, a resolution recognizing the 20th century as the ''Century of Women in the United States''.

AMENDMENT NO. 4301

At the request of Mr. JEFFORDS, the names of the Senator from Ohio (Mr. DEWINE), the Senator from Connecticut (Mr. DODD), the Senator from Wyoming (Mr. ENZI), the Senator from Iowa (Mr. HARKIN), the Senator from Arkansas (Mr. HUTCHINSON), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Nebraska (Mr. HAGEL), and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of Amendment No. 4301 intended to be proposed to H.R. 1102, a bill to provide for pension reform, and for other purposes.

AMENDMENT NO. 4303

At the request of Mr. ALLARD, his name was added as a cosponsor of amendment No. 4303 proposed to S. 2508, a bill to amend the Colorado Ute Indian Water Rights Settlement Act of 1988 to provide for a final settlement of the claims of the Colorado Ute Indian Tribes, and for other purposes.

SENATE CONCURRENT RESOLUTION 153—EXPRESSING THE SENSE OF CONGRESS WITH RESPECT TO THE PARLIAMENTARY ELECTIONS HELD IN BELARUS ON OCTOBER 15, 2000, AND FOR OTHER PURPOSES

Mr. DURBIN (for himself, Mr. CAMPBELL, and Mr. HELMS) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 153

Whereas on October 15, 2000, Aleksandr Lukashenko and his authoritarian regime

conducted an illegitimate and undemocratic parliamentary election in an effort to further strengthen the power and control his authoritarian regime exercises over the people of the Republic of Belarus;

Whereas during the time preceding this election the regime of Aleksandr Lukashenko attempted to intimidate the democratic opposition by beating, harassing, arresting, and sentencing its members for supporting a boycott of the October 15 election even though Belarus does not contain a legal ban on efforts to boycott elections;

Whereas the democratic opposition in Belarus was denied fair and equal access to state-controlled television and radio and was instead slandered by the state-controlled media;

Whereas on September 13, 2000, Belarusian police seized 100,000 copies of a special edition of the Belarusian Free Trade Union newspaper, Rabochy, dedicated to the democratic opposition's efforts to promote a boycott of the October 15 election;

Whereas Aleksandr Lukashenko and his regime denied the democratic opposition in Belarus seats on the Central Election Commission, thereby violating his own pledge to provide the democratic opposition a role in this Commission;

Whereas Aleksandr Lukashenko and his regime denied the vast majority of independent candidates opposed to his regime the right to register as candidates in this election;

Whereas Aleksandr Lukashenko and his regime dismissed recommendations presented by the Organization for Security and Cooperation in Europe (OSCE) for making the election law in Belarus consistent with OSCE standards;

Whereas in Grodno, police loyal to Aleksandr Lukashenko summoned voters to participate in this illegitimate election for parliament;

Whereas the last genuinely free and fair parliamentary election in Belarus took place in 1995 and from it emerged the 13th Supreme Soviet whose democratically and constitutionally derived authorities and powers have been undercut by the authoritarian regime of Aleksandr Lukashenko; and

Whereas on October 11, the Lukashenko regime froze the bank accounts and seized the equipment of the independent publishing company, Magic, where most of the independent newspapers in Minsk are published: Now, therefore, be it

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

SECTION 1. SENSE OF CONGRESS ON BELARUS PARLIAMENTARY ELECTIONS.

Congress hereby—

(1) declares that—

(A) the period preceding the elections held in Belarus held on October 15, 2000, was plagued by continued human rights abuses and a climate of fear for which the regime of Aleksandr Lukashenko is responsible;

(B) these elections were conducted in the absence of a democratic electoral law;

(C) the Lukashenko regime purposely denied the democratic opposition access to state-controlled media; and

(D) these elections were for seats in a parliament that lacks real constitutional power and democratic legitimacy;

(2) declares its support for the Belarus' democratic opposition, commends the efforts of the opposition to boycott these illegitimate parliamentary elections, and expresses the hopes of Congress that the citizens of Belarus will soon benefit from true freedom and democracy;

(3) reaffirms its recognition of the 13th Supreme Soviet as the sole and democratically and constitutionally legitimate legislative body of Belarus; and

(4) notes that, as the legitimate parliament of Belarus, the 13th Supreme Soviet should continue to represent Belarus in the Parliamentary Assembly of the Organization for Security and Cooperation in Europe.

SEC. 2. SENSE OF CONGRESS ON DISAPPEARANCES OF INDIVIDUALS AND POLITICAL DETENTIONS IN BELARUS.

It is the sense of Congress that the President should call upon Aleksandr Lukashenko and his regime to—

(1) provide a full accounting of the disappearances of individuals in that country, including the disappearance of Viktor Gonchar, Anatoly Krasovsky, Yuri Zakharenka, and Dmitry Zavadsky; and

(2) release Vladimir Kudinov, Andrei Klimov, and all others imprisoned in Belarus for their political views.

SEC. 3. TRANSMITTAL OF RESOLUTION.

The Secretary of the Senate shall transmit a copy of this resolution to the President.

SENATE RESOLUTION 380—APPROVING THE PLACEMENT OF TWO PAINTINGS IN THE SENATE RECEPTION ROOM

Mr. LOTT (for himself, and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 380

Whereas Senate Resolution 241, 106th Congress, directed the Senate Commission on Art to select 2 outstanding individuals whose paintings shall be placed in 2 of the remaining unfilled spaces in the Senate reception room, upon approval by the Senate; and

Whereas, in accordance with the provisions of Senate Resolution 241, the Commission has selected Senator Arthur H. Vandenberg and Senator Robert F. Wagner, and recommends such names to the Senate: Now, therefore, be it

Resolved, That the Senate Commission on Art (referred to in this resolution as the ''Commission'') shall procure appropriate paintings of Senator Arthur H. Vandenberg and Senator Robert F. Wagner and place such paintings in the 2 unfilled spaces on the south wall of the Senate reception room.

SEC. 2. (a) The paintings shall be rendered in oil on canvas and shall be consistent in style and manner with the paintings of Senators Clay, Calhoun, Webster, LaFollette, and Taft now displayed in the Senate reception room.

(b) The paintings may be procured through purchase, acceptance as a gift of appropriate existing paintings, or through the execution of appropriate paintings by a qualified artist or artists to be selected and contracted by the Commission.

SEC. 3. The expenses of the Commission in carrying out this resolution shall be paid out of the contingent fund of the Senate on vouchers signed by the Secretary of the Senate and approved by the Committee on Rules and Administration.

AMENDMENTS SUBMITTED

SUGAR TARIFF LEGISLATION

BREAUX AMENDMENT NO. 4325

(Ordered referred to the Committee on Finance.)

Mr. BREAUX submitted an amendment intended to be proposed by him to the bill (S. 3116) to amend the Harmonized Tariff Schedule of the United States to prevent circumvention of the sugar tariff-rate quotas; as follows:

At the appropriate place, insert the following:

SEC. ___. PREVENTION OF CIRCUMVENTION OF SUGAR TARIFF-RATE QUOTAS.

(a) ANTICIRCUMVENTION.—

(1) AMENDMENT TO ADDITIONAL UNITED STATES NOTES.—Additional United States Note 5(a)(i) of chapter 17 of the Harmonized Tariff Schedule of the United States is amended—

(A) in the first sentence, by striking ''and 2106.90.44,'' and inserting ''1702.90.40, and 2106.90.44, and any other article (other than an article classified under subheading 1701.11 or 1701.12) that is entered, or withdrawn from warehouse for consumption, if the article is subsequently used for the commercial extraction or production of sugar for human consumption, or the article is otherwise used in any manner that circumvents any quota imposed pursuant to the notes to this chapter,''; and

(B) in the second sentence, by striking ''and molasses'' and inserting '', molasses, and other articles,''.

(2) RATE OF DUTY.—The rate of duty in effect under subheading 1701.99.10 or 1701.99.50 of the Harmonized Tariff Schedule of the United States, on the date of entry of articles described in the applicable subheading shall apply to any article which the Secretary of the Treasury determines is circumventing the tariff-rate quota relating to articles described in the applicable subheading.

(3) ANIMAL FEED.—Notwithstanding any other provision of law, no tariff-rate quota may be imposed under Additional United States Note 5(a)(i) of chapter 17 of the Harmonized Tariff Schedule, on molasses that is used for animal consumption in the United States.

(b) CONFORMING AMENDMENT.—Chapter 17 of the Harmonized Tariff Schedule of the United States is amended by striking subheading 1702.90.40 and inserting in numerical sequence the following new subheadings:

''	1702.90.40	Described in additional United States note 5 to this chapter and entered pursuant to its provisions	3.6606¢/kg less 0.020668¢/kg for each degree under 100 degrees (and fractions of a degree in proportion) but not less than 3.143854¢/kg	Free (A*, CA, E*, IL, J, MX)	6.58170¢/kg less 0.0622005¢/kg for each degree under 100 degrees (and fractions of a degree in proportion) but not less than 5.031562¢/kg

1702.90.45	Other	35.74¢/kg	28.247¢/kg less 0.4¢/kg for each degree under 100 degrees (and fractions of a degree in proportion) but not less than 18.256¢/kg (MX)	42.05¢/kg	''.

(c) EFFECTIVE DATE.—The amendments made by this section apply to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

COLORADO UTE SETTLEMENT ACT AMENDMENTS OF 2000

FEINGOLD AMENDMENT NO. 4326

Mr. FEINGOLD proposed an amendment to amendment No. 4303 proposed by Mr. CAMPBELL the bill (S. 2508) to amend the Colorado Ute Indian Water Rights Settlement Act of 1988 to provide for a final settlement of the claims of the Colorado Ute Indian Tribes, and for other purposes; as follows:

On page 10 of the amendment, line 11, insert '', to restrict the availability or scope of judicial review, or to in any way affect the outcome of judicial review of any decision based on such analysis'' before the period.

On page 10 of the amendment, strike lines 12 through 23 and insert the following:

''(C) LIMITATION.—No facilities of the Animas-La Plata Project, as authorized under the Act of April 11, 1956 (43 U.S.C. 620) (commonly referred to as the 'Colorado River Storage Act'), other than those specifically authorized in subparagraph (A), are authorized after the date of enactment of this Act.''

On page 11 of the amendment, beginning on line 21, strike ''Such repayment'' and all that follows through ''.).'' on line 24.

On page 12 of the amendment, line 9, insert after the period the following: ''Fish and wildlife mitigation costs associated with the facilities described in paragraph (1)(A)(i) shall be reimbursable joint costs of the Animas-La Plata Project. Recreation costs shall be 100 percent reimbursable by non-tribal users.''.

On page 13 of the amendment, beginning on line 2, strike ''Additional'' and all that follows through line 6.

STRATEGIC PETROLEUM RESERVE REAUTHORIZATION

MURKOWSKI (AND BINGAMAN) AMENDMENT NO. 4327

Mr. SESSIONS (for Mr. MURKOWSKI (for himself and Mr. BINGAMAN)) proposed an amendment to the bill (H.R. 2884) to extend energy conservation programs under the Energy Policy and Conservation Act through fiscal year 2003; as follows:

Strike all after the enacting clause and insert in lieu thereof the following:

SEC. 1. SHORT TITLE.

This Act may be cited as the Energy Act of 2000.

TITLE I

STRATEGIC PETROLEUM RESERVE

SEC. 101. SHORT TITLE.

This title may be cited as the ''Energy Policy and Conservation Act Amendments of 2000''.

SECTION. 102.

Section 2 of the Energy Policy and Conservation Act (42 U.S.C. 6201) is amended—

(a) in paragraph (1) by striking ''standby'' and '', subject to congressional review, to impose rationing, to reduce demand for energy through the implementation of energy conservation plans, and''; and

(b) by striking paragraphs (3) and (6).

SECTION. 103.

Title I of the Energy Policy and Conservation Act (42 U.S.C. 6211–6251) is amended—

(a) by striking section 102 (42 U.S.C. 6211) and its heading;

(b) by striking section 104(b)(1);

(c) by striking section 106 (42 U.S.C. 6214) and its heading;

(d) by amending section 151(b) (42 U.S.C. 6231) to read as follows:

''(b) It is the policy of the United States to provide for the creation of a Strategic Petroleum Reserve for the storage of up to 1 billion barrels of petroleum products to reduce the impact of disruptions in supplies of petroleum products, to carry out obligations of the United States under the international energy program, and for other purposes as provided for in this Act.'';

(e) in section 152 (42 U.S.C. 6232)—

(1) by striking paragraphs (1), (3) and (7), and

(2) in paragraph (11) by striking ''; such term includes the Industrial Petroleum Reserve, the Early Storage Reserve, and the Regional Petroleum Reserve''.

(f) by striking section 153 (42 U.S.C. 623) and its heading;

(g) in section 154 (42 U.S.C. 6234)—

(1) by amending subsection (a) to read as follows:

''(a) A Strategic Petroleum Reserve for the storage of up to 1 billion barrels of petroleum products shall be created pursuant to this part.'';

(2) by amending subsection (b) to read as follows:

''(b) The Secretary, in accordance with this part, shall exercise authority over the development, operation, and maintenance of the Reserve.''; and

(3) by striking subsections (c), (d), and (e);

(h) by striking section 155 (42 U.S.C. 6235) and its heading;

(i) by striking section 156 (42 U.S.C. 6236) and its heading;

(j) by striking section 157 (42 U.S.C. 6237) and its heading;

(k) by striking section 158 (42 U.S.C. 6238) and its heading;

(l) by amending the heading for section 159 (42 U.S.C. 6239) to read, ''Development, Operation, and Maintenance of the Reserve'';

(m) in section 159 (42 U.S.C. 6239)—

(1) by striking subsections (a), (b), (c), (d), and (e);

(2) by amending subsection (f) to read as follows:

''(f) In order to develop, operate, or maintain the Strategic Petroleum Reserve, the Secretary may:

''(1) issue rules, regulations, or orders;

''(2) acquire by purchase, condemnation, or otherwise, land or interests in land for the location of storage and related facilities;

''(3) construct, purchase, lease, or otherwise acquire storage and related facilities;

''(4) use, lease, maintain, sell or otherwise dispose of land or interests in land, or of storage and related facilities acquired under this part, under such terms and conditions as the Secretary considers necessary or appropriate;

''(5) acquire, subject to the provisions of section 160, by purchase, exchange, or otherwise, petroleum products for storage in the Strategic Petroleum Reserve;

''(6) store petroleum products in storage facilities owned and controlled by the United States or in storage facilities owned by others if those facilities are subject to audit by the United States;

''(7) execute any contracts necessary to develop, operate, or maintain the Strategic Petroleum Reserve;

''(8) bring an action, when the Secretary considers it necessary, in any court having jurisdiction over the proceedings, to acquired by condemnation any real or personal property, including facilities, temporary use of facilities, or other interests in land, together with any personal property located on or used with the land.''; and

(3) in subsection (g)—

(A) by striking ''implementation'' and inserting ''development''; and

(B) by striking ''Plan'';

(4) by striking subsections (h) and (i);

(5) by amending subsection (j) to read as follows:

''(j) If the Secretary determines expansion beyond 700,000,000 barrels of petroleum product inventory is appropriate, the Secretary shall submit a plan for expansion to the Congress.''; and

(6) by amending subsection (I) to read as follows:

''(I) During a drawdown and sale of Strategic Petroleum Reserve petroleum products, the Secretary may issue implementing rules, regulations, or orders in accordance with section 553 of title 5, United States Code, without regard to rulemaking requirements in section 523 of this Act, and section 501 of the Department of Energy Organizations Act (42 U.S.C. 7191).'';

(n) in section 160 (420 U.S.C. 6240)—

(1) in subsection (a), by striking all before the dash and inserting the following—

''(a) The Secretary may acquire, place in storage, transport, or exchange'';

(2) in subsection (a)(1) by striking all after ''Federal lands'';

(3) in subsection (b), by striking '', including the Early Storage Reserve and the Regional Petroleum Reserve'' and by striking paragraph (2); and

(4) by striking subsections (c), (d), (e), and (g);

(o) in section 161 (42 U.S.C. 6241)—

(1) by striking ''Distribution of the Reserve'' in the title of this section and inserting ''Sale of Petroleum Products'';

(2) in subsection (a), by striking ''drawdown and distribute'' and inserting ''draw down and sell petroleum products in'';

(3) by striking subsection (b), (c), and (f);

(4) by amending subsection (d)(1) to read as follows:

''(d)(1) Drawdown and sale of petroleum products from the Strategic Petroleum Reserve may not be made unless the President has found drawdown and sale are required by a severe energy supply interruption or by obligations of the United States under the international energy program.'';

(5) by amending subsection (e) to read as follows:

''(e)(1) The Secretary shall sell petroleum products withdrawn from the Strategic Petroleum Reserve at public sale to the highest qualified bidder in the amounts, for the period, and after a notice of sale considered appropriate by the Secretary, and without regard to Federal, State, or local regulations controlling sales of petroleum products.

''(2) The Secretary may cancel in whole or in part any offer to sell petroleum products as part of any drawdown and sale under this Section.''; and

(6) in subsection (g)—

(A) by amending paragraph (1) to read as follows:

''(g)(1) The Secretary shall conduct a continuing evaluation of the drawdown and sales procedures. In the conduct of an evaluation, the Secretary is authorized to carry out a test drawdown and sale or exchange of petroleum products from the Reserve. Such a test drawdown and sale or exchange may not exceed 5,000,000 barrels of petroleum products.'';

(B) by striking paragraphs (2);

(C) in paragraph (4), by striking ''90'' and inserting ''95'';

(D) in paragraph (5), by striking ''drawdown and distribution'' and inserting ''test'';

(E) by amending paragraph (6) to read as follows:

''(6) In the case of a sale of any petroleum products under this subsection, the Secretary shall, to the extent funds are available in the SPR Petroleum Account as a result of such sale, acquire petroleum products for the Reserve within the 12-month period beginning after completion of the sale.''; and

(F) in paragraph (8), by striking ''drawdown and distribution'' and inserting ''test'';

(7) in subsection (h)—

(A) in paragraph (1) by striking ''distribute'' and inserting ''sell petroleum products from'';

(B) by deleting ''and'' at the end of paragraph (1)(A) and by deleting ''shortage,'' at the end of paragraph (1)(B) and inserting ''shortage; and

''(C) the Secretary of Defense has found that action taken under this subsection will not impair national security,'';

(C) in paragraph (2) by striking ''In no case may the Reserve'' and inserting ''Petroleum products from the Reserve may not''; and

(D) in paragraph (3) by striking ''distribution'' each time it appears and inserting ''sale'';

(p) by striking section 164 (42 U.S.C. 6244) and its heading;

(q) by amending section 165 (42 U.S.C. 6245) and its heading to read as follows—

''ANNUAL REPORT

''SEC. 165. The Secretary shall report annually to the President and the Congress on actions taken to implement this part. This report shall include—

''(1) the status of the physical capacity of the Reserve and the type and quantity of petroleum products in the Reserve;

''(2) an estimate of the schedule and cost to complete planned equipment upgrade or capital investment in the Reserve, including upgrades and investments carried out as part of operational maintenance or extension of life activities;

''(3) an identification of any life-limiting conditions or operational problems at any Reserve facility, and proposed remedial actions including an estimate of the schedule and cost of implementing those remedial actions;

''(4) a description of current withdrawal and distribution rates and capabilities, and an identification of any operational or other limitations on those rates and capabilities;

''(5) a listing of petroleum product acquisitions made in the preceding year and planned in the following year, including quantity, price, and type of petroleum;

''(6) a summary of the actions taken to develop, operate, and maintain the Reserve;

''(7) a summary of the financial status and financial transactions of the Strategic Petroleum Reserve and Strategic Petroleum Reserve Petroleum Accounts for the year.

''(8) a summary of expenses for the year, and the number of Federal and contractor employees;

''(9) the status of contracts for development, operation, maintenance, distribution, and other activities related to the implementation of this part;

''(10) a summary of foreign oil storage agreements and their implementation status;

''(11) any recommendations for supplemental legislation or policy or operational changes the Secretary considers necessary or appropriate to implement this part.'';

(r) in section 166 (42 U.S.C. 6246) by striking ''for fiscal year 1997.'';

(s) in section 167 (42 U.S.C. 6247)—

(1) in subsection (b)—

(A) by striking ''and the drawdown'' and inserting ''for test sales of petroleum products from the Reserve, and for the drawdown, sale,'';

(B) by striking paragraph (1); and

(C) in paragraph (2), by striking ''after fiscal year 1982''; and

(2) by striking subsection (e);

(t) in section 171 (42 U.S.C. 6249)—

(1) by amending subsection (b)(2)(B) to read as follows:

''(B) the Secretary notifies each House of the Congress of the determination and identifies in the notification the location, type, and ownership of storage and related facilities proposed to be included, or the volume, type, and ownership of petroleum products proposed to be stored, in the Reserve, and an estimate of the proposed benefits.'';

(2) in subsection (b)(3), by striking ''distribution of'' and inserting ''sale of petroleum products from'';

(u) in section 172 (42 U.S.C. 6249a), by striking subsections (a) and (b);

(v) by striking section 173 (42 U.S.C. 6249b) and its heading; and

(w) in section 181 (42 U.S.C. 6251), by striking ''March 31, 2000'' each time it appears and inserting ''September 30, 2003''.

SECTION. 104.

Title II of the Energy Policy and Conservation Act (42 U.S.C. 6211–6251) is amended—

(a) by striking Part A (42 U.S.C. 6261 through 6264) and its heading;

(b) by adding at the end of section 256(h), ''There are authorized to be appropriated for fiscal years 2000 through 2003, such sums as may be necessary.''

(c) by striking Part C (42 U.S.C. 6281 through 6282) and its heading; and

(d) in section 281 (42 U.S.C. 6285), by striking ''March 31, 2000'' each time it appears and inserting ''September 30, 2003''.

SEC. 105. CLERICAL AMENDMENTS.

The Table of Contents for the Energy Policy and Conservation Act is amended—

(a) by striking the items relating to sections 102, 106, 153, 155, 156, 157, 158, and 164;

(b) by amending the item relating to section 159 to read as follows: ''Development, Operation, and Maintenance of the Reserve.'';

(c) by amending the item relating to section 161 to read as follows: ''Drawdown and Sale of Petroleum Products''; and

(d) by amending the item relating to section 165 to read as follows: ''Annual Report''.

TITLE II

HEATING OIL RESERVE

SEC. 201. NORTHEAST HOME HEATING OIL RESERVE.

(a) Title I of the Energy Policy and Conservation Act is amended by—

(1) redesignating part D as part E;

(2) redesignating section 181 as section 191; and

(3) inserting after part C the following new part D:

"PART D—NORTHEAST HOME HEATING OIL RESERVE

''ESTABLISHMENT

''SEC. 181. (a) Notwithstanding any other provision of this Act, the Secretary may establish, maintain, and operate in the Northeast a Northeast Home Heating Oil Reserve. A Reserve established under this part is not a component of the Strategic Petroleum Reserve established under part B of this title. A Reserve established under this part shall contain no more than 2 million barrels of petroleum distillate.

''(b) For the purposes of this part—

''(1) the term 'Northeast' means the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, and New Jersey;

''(2) the term 'petroleum distillate' includes heating oil and diesel fuel; and

''(3) the term 'Reserve' means the Northeast Home Heating Oil Reserve established under this part.

''AUTHORITY

''SEC. 182. To the extent necessary or appropriate to carry out this part, the Secretary may——

''(1) purchase, contract for, lease, or otherwise acquire, in whole or in part, storage and related facilities, and storage services;

''(2) use, lease, maintain, sell, or otherwise dispose of storage and related facilities acquired under this part;

''(3) acquire by purchase, exchange (including exchange of petroleum product from the Strategic Petroleum Reserve or received as royalty from Federal lands), lease, or otherwise, petroleum distillate for storage in the Northeast Home Heating Oil Reserve;

''(4) store petroleum distillate in facilities not owned by the United States; and

''(5) sell, exchange, or otherwise dispose of petroleum distillate from the Reserve established under this part, including to maintain the quality or quantity of the petroleum distillate in the Reserve or to maintain the operational capability of the Reserve.

''CONDITIONS FOR RELEASE; PLAN

''SEC. 183. (a) FINDING.—The Secretary may sell product from the Reserve only upon a finding by the President that there is a severe energy supply interruption. Such a finding may be made only if he determines that—

''(1) a dislocation in the heating oil market has resulted from such interruption; or

''(2) a circumstance, other than that described in paragraph (1), exists that constitutes a regional supply shortage of significant scope and duration and that action taken under this section would assist directly and significantly in reducing the adverse impact of such shortage.

''(b) DEFINITION.—For purposes of this section a 'dislocation in the heating oil market' shall be deemed to occur only when—

''(1) The price differential between crude oil, as reflected in an industry daily publication such as 'Platt's Oilgram Price Report'

or 'Oil Daily' and No. 2 heating oil, as reported in the Energy Information Administration's retail price data for the Northeast, increases by more tan 60% over its five year rolling average for the months of mid-October through March, and continues for 7 consecutive days; and

''(2) The price differential continues to increase during the most recent week for which price information is available.

''(c) The Secretary shall conduct a continuing evaluation of the residential price data supplied by the Energy Information Administration for the Northeast and data on crude oil prices from published sources.

''(d) After consultation with the heating oil industry, the Secretary shall determine procedures governing the release of petroleum distillate from the Reserve. The procedures shall provide that:

''(1) The Secretary may—

''(A) sell petroleum distillate from the Reserve through a competitive process, or

''(B) enter into exchange agreements for the petroleum distillate that results in the Secretary receiving a greater volume of petroleum distillate as repayment than the volume provided to the acquirer;

''(2) In such sales or exchanges, the Secretary shall receive revenue or its equivalent in petroleum distillate that provides the Department with fair market value. At no time may the oil be sold or exchanged resulting in a loss of revenue or value to the United States; and

''(3) The Secretary shall only sell or dispose of the oil in the Reserve to entities customarily engaged in the sale and distribution of petroleum distillate.

''(e) Within 45 days of the date of the enactment of this section, the Secretary shall transmit to the President and, if the President approves, to the Congress a plan describing—

''(1) the acquisition of storage and related facilities or storage services for the Reserve, including the potential use of storage facilities not currently in use;

''(2) the acquisition of petroleum distillate for storage in the Reserve;

''(3) the anticipated methods of disposition of petroleum distillate from the Reserve;

''(4) the estimated costs of establishment, maintenance, and operation of the Reserve;

''(5) efforts the Department will take to minimize any potential need for future drawdowns and ensure that distributors and importers are not discouraged from maintaining and increasing supplies to the Northeast; and

''(6) actions to ensure quality of the petroleum distillate in the Reserve.

''NORTHEAST HOME HEATING OIL RESERVE ACCOUNT

''SEC. 184. (a) Upon a decision of the Secretary of Energy to establish a Reserve under this part, the Secretary of the Treasury shall establish in the Treasury of the United States an account known as the 'Northeast Home Heating Oil Reserve Account' (referred to in this section as the 'Account').

''(b) the Secretary of the Treasury shall deposit in the Account any amounts appropriated to the Account and any receipts from the sale, exchange, or other disposition of petroleum distillate from the Reserve.

''(c) The Secretary of Energy may obligate amounts in the Account to carry out activities under this part without the need for further appropriation, and amounts available to the Secretary of Energy for obligation under this section shall remain available without fiscal year limitation.

''EXEMPTIONS

''SEC. 185. An action taken under this part is not subject to the rulemaking requirements of section 523 of this Act, section 501 of the Department of Energy Organization Act, or section 553 of title 5, United States Code.

''AUTHORIZATION OF APPROPRIATIONS

''SEC. 186. There are authorized to be appropriated for fiscal years 2001, 2002, and 2003 such sums as may be necessary to implement this part.''.

SEC. 202. USE OF ENERGY FUTURES FOR FUEL PURCHASES.

(a) HEATING OIL STUDY.—The Secretary shall conduct a study on—

(1) the use of energy futures and options contracts to provide cost-effective protection from sudden surges in the price of heating oil (including number two fuel oil, propane, and kerosine) for state and local government agencies, consumer cooperatives, and other organizations that purchase heating oil in bulk to market to end use consumers in the Northeast (as defined in section 201); and

(2) how to most effectively inform organizations identified in paragraph (1) about the benefits and risks of using energy futures and options contracts.

(b) REPORT.—The Secretary shall transmit the study required in this section to the Committee on Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate not later than 180 days after the enactment of this section. The report shall contain a review of prior studies conducted on the subjects described in subsection (a).

MARGINAL WELL PURCHASES

SEC. 301. PURCHASE OF OIL FROM MARGINAL WELLS.

(a) PURCHASE OF OIL FROM MARGINAL WELLS.—Part B of Title I of the Energy Policy and Conservation Act (42 U.S.C. 6232 et seq.) is amended by adding the following new section after section 168:

''PURCHASE OF OIL FROM MARGINAL WELLS

''SEC. 169. (a) IN GENERAL.—From amounts authorized under section 166, in any case in which the price of oil decreases to an amount less than $15.00 per barrel (an amount equal to the annual average well head price per barrel for all domestic crude oil), adjusted for inflation, the Secretary may purchase oil from a marginal well at $15.00 per barrel, adjusted for inflation.

''(b) DEFINITION OF MARGINAL WELL.—The term 'marginal well' has the same meaning as the definition of 'stripper well property' in section 613A(c)(6)(E) of the Internal Revenue Code (26 U.S.C. 613A(c)(6)(E)).''.

(b) CONFORMING AMENDMENT.—The table of contents for the Energy Policy and Conservation Act is amended by inserting after the item relating to section 168 the following:

''Sec. 169. Purchase of oil from marginal wells.''.

TITLE IV

FEDERAL ENERGY MANAGEMENT

SEC. 401. FEMP.

Section 801 of the National Energy Conservation Policy Act (42 U.S.C. 8287(a)(2)(D)(iii) is amended by striking ''$750,000'' and inserting ''$10,000,000''.

TITLE V

ALASKA STATE JURISDICTION OVER SMALL HYDROELECTRIC PROJECTS

SEC. 501. ALASKA STATE JURISDICTION OVER SMALL HYDROELECTRIC PROJECTS.

Part I of the Federal Power Act (16 U.S.C. 792 et seq.) is amended by adding at the end the following:

''SEC. 32. ALASKA STATE JURISDICTION OVER SMALL HYDROELECTRIC PROJECTS.

''(a) DISCONTINUANCE OF REGULATION BY THE COMMISSION.—Notwithstanding sections 4(e) and 23(b), the Commission shall discontinue exercising licensing and regulatory authority under this Part over qualifying project works in the State of Alaska, effective on the date on which the Commission certifies that the State of Alaska has in place a regulatory program for water-power development that—

''(1) protects the public interest, the purposes listed in paragraph (2), and the environment to the same extent provided by licensing and regulation by the Commission under this Part and other applicable Federal laws, including the Endangered Species Act (16 U.S.C. 1531 et seq.) and the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

''(2) gives equal consideration to the purposes of—

''(A) energy conservation;

''(B) the protection, mitigation of damage to, and enhancement of, fish and wildlife (including related spawning grounds and habitat);

''(C) the protection of recreational opportunities,

''(D) the preservation of other aspects of environmental quality,

''(E) the interests of Alaska Natives, and

''(F) other beneficial public uses, including irrigation, flood control, water supply, and navigation; and

''(3) requires, as a condition of a license for any project works—

''(A) the construction, maintenance, and operation by a licensee at its own expense of such lights and signals as may be directed by the Secretary of the Department in which the Coast Guard is operating, and such fishways as may be prescribed by the Secretary of the Interior or the Secretary of Commerce, as appropriate;

''(B) the operation of any navigation facilities which may be constructed as part of any project to be controlled at all times by such reasonable rules and regulations as may be made by the Secretary of the Army; and

''(C) conditions for the protection, mitigation, and enhancement of fish and wildlife based on recommendations received pursuant to the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.) from the National Marine Fisheries Service, the United States Fish and Wildlife Service, and State fish and wildlife agencies.

''(b) DEFINITION OF 'QUALIFYING PROJECT WORKS'.—For purposes of this section, the term 'qualifying project works' means project works—

''(1) that are not part of a project licensed under this Part or exempted from licensing under this Part or section 405 of the Public Utility Regulatory Policies Act of 1978 prior to the date of enactment of this section;

''(2) for which a preliminary permit, a license application, or an application for an exemption from licensing has not been accepted for filing by the Commission prior to the date of enactment of subsection (c) unless such application is withdrawn at the election of the applicant);

''(3) that are part of a project that has a power production capacity of 5,000 kilowatts or less;

''(4) that are located entirely within the boundaries of the State of Alaska; and

''(5) that are not located in whole or in part on any Indian reservation, a conservation system unit (as defined in section 102(4) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3102(4))), or segment of a river designated for study for addition to the Wild and Scenic Rivers System.

''(c) ELECTION OF STATE LICENSING.—In the case of nonqualifying project works that would be a qualifying project works but for the fact that the project has been licensed (or exempted from licensing) by the Commission prior to the enactment of this section,

the licensee of such project may in its discretion elect to make the project subject to licensing and regulation by the State of Alaska under this system.

''(d) PROJECT WORKS ON FEDERAL LANDS.—With respect to projects located in whole or in part on a reservation, a conservation system unit, or the public lands, a State licences or exemption from licensing shall be subject to—

''(1) the approval of the Secretary having jurisdiction over such lands; and

''(2) such conditions as the Secretary may prescribe.

''(e) CONSULTATION WITH AFFECTED AGENCIES.—The Commission shall consult with the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Commerce before certifying the State of Alaska's regulatory program.

''(f) APPLICATION OF FEDERAL LAWS.—Nothing in this section shall preempt the application of Federal environmental, natural resources, or cultural resources protection laws according to their terms.

''(g) OVERSIGHT BY THE COMMISSION.—The State of Alaska shall notify the Commission not later than 30 days after making any significant modification to its regulatory program. The Commission shall periodically review the State's program to ensure compliance with the provisions of this section.

''(h) RESUMPTION OF COMMISSION AUTHORITY.—Notwithstanding subsection (a), the Commission shall reassert its licensing and regulatory authority under this Part if the Commission finds that the State of Alaska has not complied with one or more of the requirements of this section.

''(i) DETERMINATION BY THE COMMISSION.—

''(1) Upon application by the Governor of the State of Alaska, the Commission shall within 30 days commence a review of the State of Alaska's regulatory program for water-power development to determine whether it complies with the requirements of Subsection (a).

''(2) The Commission's review required by Paragraph (1) shall be completed with one year of initiation, and the Commission shall within 30 days thereafter issue a final order determining whether or not the State of Alaska's regulatory program for waterpower development complies with the requirements of subsection (a).

''(3) If the Commission fails to issue a final order in accordance with paragraph (2) the State of Alaska's regulatory program for water-powered development shall be deemed to be in compliance with subsection (a).''.

TITLE VI

WEATHERIZATION, SUMMER FILL, HYDROELECTRIC LICENSING PROCEDURES, AND INVENTORY OF OIL AND GAS RESERVES

SEC. 601. CHANGES IN WEATHERIZATION PROGRAM TO PROTECT LOW-INCOME PERSONS.

(a) The matter under the heading ''ENERGY CONSERVATION (INCLUDING TRANSFER OF FUNDS)'' in title II of the Department of the Interior and Related Agencies Appropriations Act, 2000 (113 Stat. 1535, 1501A–180), is amended by striking ''grants:'' and all that follows and inserting ''grants.''.

(b) Section 415 of the Energy Conservation and Production Act (42 U.S.C. 6865) is amended—

(1) in subsection (a)(1) by striking the first sentence;

(2) in subsection (a)(2) by—

(A) striking ''(A)''.

(B) striking ''approve a State's application to waive the 40 percent requirement established in paragraph (1) if the State includes in its plan'' and inserting ''establish'', and

(C) striking subparagraph (B);

(3) in subsection (c)(1) by—

(A) striking ''paragraphs (3) and (4)'' and inserting ''paragraph (3)'',

(B) striking ''$1600'' and inserting ''$2500'',

(C) striking ''and'' at the end of subparagraph (C),

(D) striking the period and inserting '', and'' in subparagraph (D), and

(E) inserting after subparagraph (D) the following new subparagraph:

''(E) the cost of making heating and cooling modifications, including replacement'';

(4) in subsection (c)(3) by—

(A) striking ''1991, the $1600 per dwelling unit limitation' and inserting '2000, the $2500 per dwelling unit average'',

(B) striking ''limitation'' and inserting ''average'' each time it appears, and

(C) inserting ''the'' after ''beginning of'' in subparagraph (B); and

(5) by striking subsection (c)(4).

SEC. 602. SUMMER FILL AND FUEL BUDGETING PROGRAMS.

(a) Part C of title II of the Energy Policy and Conservation Act (42 U.S.C.. 6211 et seq.) is amended by adding at the end the following:

''SEC. 273. SUMMER FILL AND FUEL BUDGETING PROGRAMS.

''(a) DEFINITIONS.—IN THIS SECTION:

''(1) BUDGET CONTRACT.—The term 'budget contract' means a contract between a retailer and a consumer under which the heating expenses of the consumer are spread evenly over a period of months.

''(2) FIXED-PRICE CONTRACT.—The term 'fixed-price contract' means a contract between a retailer and a consumer under which the retailer charges the consumer a set price for propane, kerosene, or heating oil without regard to market price fluctuations.

''(3) PRICE CAP CONTRACT.—The term 'price cap contract' means a contract between a retailer and a consumer under which the retailer charges the consumer the market price for propane, kerosene, or heating oil, but the cost of the propane, kerosene, or heating oil may exceed a maximum amount stated in the contract.

''(b) ASSISTANCE.—At the request of the chief executive officer of a State, the Secretary shall provide information, technical assistance, and funding—

''(1) to develop education and outreach programs to encourage consumers to fill their storage facilities for propane, kerosene, and heating oil during the summer months; and

''(2) to promote the use of budget contracts, price cap contracts, fixed-price contracts, and other advantageous financial arrangements;

to avoid severe seasonal price increases for and supply shortages of those products.

''(c) PREFERENCE.—In implementing this section, the Secretary shall give preference to States that contribute public funds or leverage private funds to develop State summer fill and fuel budgeting programs.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) $25,000,000 for fiscal year 2001; and

''(2) such sums as are necessary for each fiscal year thereafter.

''(3) INAPPLICABILITY OF EXPIRATION PROVISION.—Section 281 does not apply to this section.''.

(b) The table of contents in the first section of the Energy Policy and Conservation Act (42 U.S.C. prec. 6201) is amended by inserting after the item relating to section 272 the following:

''Sec. 273. Summer fill and fuel budgeting programs.''.

SEC. 603. EXPEDITED FERC HYDROELECTRIC LICENSING PROCEDURES.

The Federal Energy Regulatory Commission shall, in consultation with other appropriate agencies, immediately undertake a comprehensive review of policies, procedures and regulations for the licensing of hydroelectric projects to determine how to reduce the cost and time of obtaining a license. The Commission shall report its findings within six months of the date of enactment to the Congress, including any recommendations for legislative changes.

SEC. 604. SCIENTIFIC INVENTORY OF OIL AND GAS RESERVES.

(a) IN GENERAL.—The Secretary of the Interior, in consultation with the Secretaries of Agriculture and Energy, shall conduct an inventory of all onshore federal lands. The inventory shall identify:

(1) The United States Geological Survey reserve estimates of the oil and gas resources underlying these lands, and;

(2) The extent and nature of any restrictions or impediments to the development of such resources.

(b) Once completed, the USGS reserve estimates and the surface availability data as provided in (a)(2) shall be regularly updated and made publically available.

(c) The inventory shall be provided to the Committee on Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate within two years after the date of enactment of this section.

(d) There are authorized to be appropriated such sums as may be necessary to implement this section.

SEC. 605. ANNUAL HOME HEATING READINESS REPORTS.

(a) IN GENERAL.—Part A of title I of the Energy Policy and Conservation Act (42 U.S.C. 6211 et seq.) is amended by adding at the end the following:

''SEC. 108. ANNUAL HOME HEATING READINESS REPORTS.

''(a) IN GENERAL.—On or before September 1 of each year, Secretary, acting through the Administrator of the Energy Information Agency, shall submit to Congress a Home Heating Readiness Report on the readiness of the natural gas, heating oil and propane industries to supply fuel under various weather conditions, including rapid decreases in temperature.

''(b) CONTENTS.—The Home Heating Readiness Report shall include—

''(1) estimates of the consumption, expenditures, and average price per gallon of heating oil and propane and thousand cubic feet of natural gas for the upcoming period of October through March for various weather conditions, with special attention to extreme weather, and various regions of the country;

''(2) an evaluation of—

''(A) global and regional crude oil and refined product supplies;

''(B) the adequacy and utilization of refinery capacity;

''(C) the adequacy, utilization, and distribution of regional refined product storage capacity;

''(D) weather conditions;

''(E) the refined product transportation system;

''(F) market inefficiencies; and

''(G) any other factor affecting the functional capability of the heating oil industry and propane industry that has the potential to affect national or regional supplies and prices;

''(3) recommendations on steps that the Federal, State, and local governments can take to prevent or alleviate the impact of sharp and sustained increases in the price of natural gas, heating oil and propane; and

''(4) recommendations on steps that companies engaged in the production, refining, storage, transportation of heating oil or propane, or any other activity related to the

heating oil industry or propane industry, can take to prevent or alleviate the impact of sharp and sustained increases in the price of heating oil and propane.

''(c) INFORMATION REQUESTS.—The Secretary may request information necessary to prepare the Home Heating Readiness Report from companies described in subsection (b)(4).''.

(b) CONFORMING AND TECHNICAL AMENDMENTS.—The Energy Policy and Conservation Act is amended—

(1) in the table of contents in the first section (42 U.S.C. prec. 6201), by inserting after the item relating to section 106 the following:

''Sec. 107. Major fuel burning stationary source.
''Sec. 108. Annual home heating readiness reports.'';

and

(2) in section 107 (42 U.S.C. 6215), by striking ''SEC. 107. (a) No Governor'' and inserting the following:

''SEC. 107. MAJOR FUEL BURNING STATIONARY SOURCE.

''(a) No Governor''.

TITLE VII

NATIONAL OIL HEAT RESEARCH ALLIANCE ACT OF 1999

SEC. 701. SHORT TITLE.

This title may be cited as the 'National Oilheat Research Alliance Act of 2000'.

SEC. 702. FINDINGS.

Congress finds that—

(1) oilheat is an important commodity relied on by approximately 30,000,000 Americans as an efficient and economical energy source for commercial and residential space and hot water heating;

(2) oilheat equipment operates at efficiencies among the highest of any space heating energy source, reducing fuel costs and making oilheat an economical means of space heating;

(3) the production, distribution, and marketing of oilheat and oilheat equipment plays a significant role in the economy of the United States, accounting for approximately $12,900,000,000 in expenditures annually and employing millions of Americans in all aspects of the oilheat industry;

(4) only very limited Federal resources have been made available for oilheat research, development, safety, training, and education efforts, to the detriment of both the oilheat industry and its 30,000,000 consumers; and

(5) the cooperative development, self-financing, and implementation of a coordinated national oilheat industry program of research and development, training, and consumer education is necessary and important for the welfare of the oilheat industry, the general economy of the United States, and the millions of Americans that rely on oilheat for commercial and residential space and hot water heating.

SEC. 703. DEFINITIONS.

In this title:

(1) ALLIANCE.—The term ''Alliance'' means a national oilheat research alliance established under section 704.

(2) CONSUMER EDUCATION.—The term ''consumer education'' means the provision of information to assist consumers and other persons in making evaluations and decisions regarding oilheat and other nonindustrial commercial or residential space or hot water heating fuels.

(3) EXCHANGE.—The term ''exchange'' means an agreement that—

(A) entitles each party or its customers to receive oilheat from the other party; and

(B) requires only an insubstantial portion of the volumes involved in the exchange to be settled in cash or property other than the oilheat.

(4) INDUSTRY TRADE ASSOCIATION.—The term ''industry trade association'' means an organization described in paragraph (3) or (6) of section 501(c) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of that Code and is organized for the purpose of representing the oilheat industry.

(5) NO. 1 DISTILLATE.—The term ''No. 1 distillate'' means fuel oil classified as No. 1 distillate by the American Society for Testing and Materials.

(6) NO. 2 DYED DISTILLATE.—The term ''No. 2 dyed distillate'' means fuel oil classified as No. 2 distillate by the American Society for Testing and Materials that is indelibly dyed in accordance with regulations prescribed by the Secretary of the Treasury under section 4082(a)(2) of the Internal Revenue Code of 1986.

(7) OILHEAT.—The term ''oilheat'' means—

(A) No. 1 distillate; and

(B) No. 2 dyed distillate;

that is used as a fuel for nonindustrial commercial or residential space or hot water heating.

(8) OILHEAT INDUSTRY.—

(A) IN GENERAL.—The term ''oilheat industry'' means—

(i) persons in the production, transportation, or sale of oilheat; and

(ii) persons engaged in the manufacture or distribution of oilheat utilization equipment.

(B) EXCLUSION.—The term ''oilheat industry'' does not include ultimate consumers of oilheat.

(9) PUBLIC MEMBER.—The term ''public member'' means a member of the Alliance described in section 705(c)(1)(F).

(10) QUALIFIED INDUSTRY ORGANIZATION.—The term ''qualified industry organization'' means the National Association for Oilheat Research and Education or a successor organization.

(11) QUALIFIED STATE ASSOCIATION.—The term ''qualified State association'' means the industry trade association or other organization that the qualified industry organization or the Alliance determines best represents retail marketers in a State.

(12) RETAIL MARKETER.—The term ''retail marketer'' means a person engaged primarily in the sale of oilheat to ultimate consumers.

(13) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(14) WHOLESALE DISTRIBUTOR.—The term ''wholesale distributor'' means a person that—

(A)(i) produces No. 1 distillate or No. 2 dyed distillate;

(ii) imports No. 1 distillate or No. 2 dyed distillate; or

(iii) transports No. 1 distillate or No. 2 dyed distillate across State boundaries or among local marketing areas; and

(B) sells the distillate to another person that does not produce, import, or transport No. 1 distillate or No. 2 dyed distillate across State boundaries or among local marketing areas.

(15) STATE.—The term ''State'' means the several States, except the State of Alaska.

SEC. 704. REFERENDA.

(a) CREATION OF PROGRAM.—

(1) IN GENERAL.—The oilheat industry, through the qualified industry organization, may conduct, at its own expense, a referendum among retail marketers and wholesale distributors for the establishment of a national oilheat research alliance.

(2) REIMBURSEMENT OF COST.—The Alliance, if established, shall reimburse the qualified industry organization for the cost of accounting and documentation for the referendum

(3) CONDUCT.—A referendum under paragraph (1) shall be conducted by an independent auditing firm.

(4) VOTING RIGHTS.—

(A) RETAIL MARKETERS.—Voting rights of retail marketers in a referendum under paragraph (1) shall be based on the volume of oilheat sold in a State by each retail marketer in the calendar year previous to the year in which the referendum is conducted or in another representative period.

(B) WHOLESALE DISTRIBUTORS.—Voting rights of wholesale distributors in a referendum under paragraph (1) shall be based on the volume of No. 1 distillate and No. 2 dyed distillate sold in a State by each wholesale distributor in the calendar year previous to the year in which the referendum is conducted or in another representative period, weighted by the ratio of the total volume of No. 1 distillate and No. 2 dyed distillate sold for nonindustrial commercial and residential space and hot water heating in the State to the total volume of No. 1 distillate and No. 2 dyed distillate sold in that State.

(5) ESTABLISHMENT BY APPROVAL OF TWO-THIRDS.—

(A) IN GENERAL.—Subject to subparagraph (B), on approval of persons representing two-thirds of the total volume of oilheat voted in the retail marketer class and two-thirds of the total weighted volume of No. 1 distillate and No. 2 dyed distillate voted in the wholesale distributor class, the Alliance shall be established and shall be authorized to levy assessments under section 107.

(B) REQUIREMENT OF MAJORITY OF RETAIL MARKETERS.—Except as provided in subsection (b), the oilheat industry in a State shall not participate in the Alliance if less than 50 percent of the retail marketer vote in the State approves establishment of the Alliance.

(6) CERTIFICATION OF VOLUMES.—Each person voting in the referendum shall certify to the independent auditing firm the volume of oilheat, No. 1 distillate, or No. 2 dyed distillate represented by the vote of the person.

(7) NOTIFICATION.—Not later than 90 days after the date of enactment of this title, a qualified State association may notify the qualified industry organization in writing that a referendum under paragraph (1) will not be conducted in the State.

(b) SUBSEQUENT STATE PARTICIPATION.—The oilheat industry in a State that has not participated initially in the Alliance may subsequently elect to participate by conducting a referendum under subsection (a).

(c) TERMINATION OR SUSPENSION.—

(1) IN GENERAL.—On the initiative of the Alliance or on petition to the Alliance by retail marketers and wholesale distributors representing 25 percent of the volume of oilheat or weighted No. 1 distillate and No. 2 dyed distillate in each class, the Alliance shall, at its own expense, hold a referendum, to be conducted by an independent auditing firm selected by the Alliance, to determine whether the oilheat industry favors termination or suspension of the Alliance.

(2) VOLUME PERCENTAGES REQUIRED TO TERMINATE OR SUSPEND.—Termination or suspension shall not take effect unless termination or suspension is approved by persons representing more than one-half of the total volume of oilheat voted in the retail marketer class or more than one-half of the total volume of weighted No. 1 distillate and No. 2 dyed distillate voted in the wholesale distributor class.

(3) TERMINATION BY A STATE.—A state may elect to terminate participation by notifying the Alliance that 50 percent of the oilheat volume in the state has voted in a referendum to withdraw.

(d) CALCULATION OF OILHEAT SALES.—For the purposes of this section and section 105, the volume of oilheat sold annually in a State shall be determined on the basis of information provided by the Energy Information Administration with respect to a calendar year or other representative period.

SEC. 705. MEMBERSHIP.

(a) SELECTION.—

(1) IN GENERAL.—Except as provided in subsection (c)(1)(C), the qualified industry organization shall select members of the Alliance representing the oilheat industry in a State from a list of nominees submitted by the qualified State association in the State.

(2) VACANCIES.—A vacancy in the Alliance shall be filled in the same manner as the original selection.

(b) REPRESENTATION.—In selecting members of the Alliance, the qualified industry organization shall make best efforts to select members that are representative of the oilheat industry, including representation of—

(1) interstate and intrastate operators among retail marketers;

(2) wholesale distributors on No. 1 distillate and No. 2 dyed distillate;

(3) large and small companies among wholesale distributors and retail marketers; and

(4) diverse geographic regions of the country.

(c) NUMBER OF MEMBERS.—

(1) IN GENERAL.—The membership of the Alliance shall be as follows:

(A) One member representing each State with oilheat sales in excess of 32,000,000 gallons per year.

(B) If fewer than 24 States are represented under subparagraph (A), 1 member representing each of the States with the highest volume of annual oilheat sales, as necessary to cause the total number of States represented under subparagraph (A) and this subparagraph to equal 24.

(C) 5 representatives of retail marketers, 1 each to be selected by the qualified State associations of the 5 States with the highest volume of annual oilheat sales.

(D) 5 additional representatives of retail marketers.

(E) 21 representatives of wholesale distributors.

(F) 6 public members, who shall be representatives of significant users of oilheat, the oilheat research community, State energy officials, or other groups knowledgeable about oilheat.

(2) FULL-TIME OWNERS OR EMPLOYEES.—Other than the public members, Alliance members shall be full-time owners or employees of members of the oilheat industry, except that members described in subparagraphs (C), (D), and (E) of paragraph (1) may be employees of the qualified industry organization or an industry trade association.

(d) COMPENSATION.—Alliance members shall receive no compensation for their service, nor shall Alliance members be reimbursed for expenses relating to their service, except that public members, on request, may be reimbursed for reasonable expenses directly related to participation in meetings of the Alliance.

(e) TERMS.—

(1) IN GENERAL.—Subject to paragraph (4), a member of the Alliance shall serve a term of 3 years, except that a member filling an unexpired term may serve a total of 7 consecutive years.

(2) TERM LIMIT.—A member may serve not more than 2 full consecutive terms.

(3) FORMER MEMBERS.—A former member of the Alliance may be returned to the Alliance if the member has not been a member for a period of 2 years.

(4) INITIAL APPOINTMENTS.—Initial appointments to the Alliance shall be for terms of 1, 2, and 3 years, as determined by the qualified industry organization, staggered to provide for the subsequent selection of one-third of the members each year.

SEC. 706. FUNCTIONS.

(a) IN GENERAL.—

(1) PROGRAMS, PROJECTS; CONTRACTS AND OTHER AGREEMENTS.—The Alliance—

(A) shall develop programs and projects and enter into contracts or other agreements with other persons and entities for implementing this title, including programs—

(i) to enhance consumer and employee safety and training;

(ii) to provide for research, development, and demonstration of clean and efficient oilheat utilization equipment; and

(iii) for consumer education; and

(B) may provide for the payment of the costs of carrying out subparagraph (A) with assessments collected under section 707.

(2) COORDINATION.—The Alliance shall coordinate its activities with industry trade associations and other persons as appropriate to provide efficient delivery of services and to avoid unnecessary duplication of activities.

(3) ACTIVITIES.—

(A) EXCLUSIONS.—Activities under clause (i) or (ii) of paragraph (1)(A) shall not include advertising, promotions, or consumer surveys in support of advertising or promotions.

(B) RESEARCH, DEVELOPMENT, AND DEMONSTRATION ACTIVITIES.—

(i) IN GENERAL.—Research, development, and demonstration activities under paragraph (1)(A)(ii) shall include—

(I) all activities incidental to research, development, and demonstration of clean and efficient oilheat utilization equipment; and

(II) the obtaining of patents, including payments of attorney's fees for making and perfecting a patent application.

(ii) EXCLUDED ACTIVITIES.—Research, development, and demonstration activities under paragraph (1)(A)(ii) shall not include research, development, and demonstration of oilheat utilization equipment with respect to which technically feasible and commercially feasible operations have been verified, except that funds may be provided for improvements to existing equipment until the technical feasibility and commercial feasibility of the operation of those improvements have been verified.

(b) PRIORITIES.—In the development of programs and projects, the Alliance shall give priority to issues relating to—

(1) research, development, and demonstration;

(2) safety;

(3) consumer education; and

(4) training.

(c) ADMINISTRATION.—

(1) OFFICERS; COMMITTEES; BYLAWS.—The Alliance—

(A) shall select from among its members a chairperson and other officers as necessary;

(B) may establish and authorize committees and subcommittees of the Alliance to take specific actions that the Alliance is authorized to take; and

(C) shall adopt bylaws for the conduct of business and the implementation of this title.

(2) SOLICITATION OF OILHEAT INDUSTRY COMMENT AND RECOMMENDATIONS.—The Alliance shall establish procedures for the solicitation of oilheat industry comment and recommendations on any significant contracts and other agreements, programs, and projects to be funded by the Alliance.

(3) ADVISORY COMMITTEES.—The Alliance may establish advisory committees consisting of persons other than Alliance members.

(4) VOTING.—Each member of the Alliance shall have 1 vote in matters before the Alliance.

(d) ADMINISTRATIVE EXPENSES.—

(1) IN GENERAL.—The administrative expenses of operating the Alliance (not including costs incurred in the collection of assessments under section 707) plus amounts paid under paragraph (2) shall not exceed 7 percent of the amount of assessments collected in any calendar year, except that during the first year of operation of the Alliance such expenses and amounts shall not exceed 10 percent of the amount of assessments.

(2) REIMBURSEMENT OF THE SECRETARY.—

(A) IN GENERAL.—The Alliance shall annually reimburse the Secretary for costs incurred by the Federal Government relating to the Alliance.

(B) LIMITATION.—Reimbursement under subparagraph (A) for any calendar year shall not exceed the amount that the Secretary determines is twice the average annual salary of 1 employee of the Department of Energy.

(e) BUDGET.—

(1) PUBLICATION OF PROPOSED BUDGET.—Before August 1 of each year, the Alliance shall publish for public review and comment a proposed budget for the next calendar year, including the probable costs of all programs, projects, and contracts and other agreements.

(2) SUBMISSION TO THE SECRETARY AND CONGRESS.—After review and comment under paragraph (1), the Alliance shall submit the proposed budget to the Secretary and Congress.

(3) RECOMMENDATIONS BY THE SECRETARY.—The Secretary may recommend for inclusion in the budget programs and activities that the Secretary considers appropriate.

(4) IMPLEMENTATION.—The Alliance shall not implement a proposed budget until the expiration of 60 days after submitting the proposed budget to the Secretary.

(f) RECORDS; AUDITS.—

(1) RECORDS.—The Alliance shall—

(A) keep records that clearly reflect all of the acts and transactions of the Alliance; and

(B) make the records available to the public.

(2) AUDITS.—

(A) IN GENERAL.—The records of the Alliance (including fee assessment reports and applications for refunds under section 707(b)(4)) shall be audited by a certified public accountant at least once each year and at such other times as the Alliance may designate.

(B) AVAILABILITY OF AUDIT REPORTS.—Copies of each audit report shall be provided to the Secretary, the members of the Alliance, and the qualified industry organization, and, on request, to other members of the oilheat industry.

(C) POLICIES AND PROCEDURES.—

(i) IN GENERAL.—The Alliance shall establish policies and procedures for auditing compliance with this title.

(ii) CONFORMITY WITH GAAP.—The policies and procedures established under clause (i) shall conform with generally accepted accounting principles.

(g) PUBLIC ACCESS TO ALLIANCE PROCEEDINGS.—

(1) PUBLIC NOTICE.—The Alliance shall give at least 30 days' public notice of each meeting of the Alliance.

(2) MEETINGS OPEN TO THE PUBLIC.—Each meeting of the Alliance shall be open to the public.

(3) MINUTES.—The minutes of each meeting of the Alliance shall be made available to and readily accessible by the public.

(h) ANNUAL REPORT.—Each year the Alliance shall prepare and make publicly available a report that—

(1) includes a description of all programs, projects, and contracts and other agreements undertaken by the Alliance during the previous year and those planned for the current year; and

(2) details the allocation of Alliance resources for each such program and project.

SEC. 707. ASSESSMENTS.

(a) RATE.—The assessment rate shall be equal to two-tenths-cent per gallon of No. 1 distillate and No. 2 dyed distillate.

(b) COLLECTION RULES.—

(1) COLLECTION AT POINT OF SALE.—The assessment shall be collected at the point of sale of No. 1 distillate and No. 2 dyed distillate by a wholesale distributor to a person other than a wholesale distributor, including a sale made pursuant to an exchange.

(2) RESPONSIBILITY FOR PAYMENT.—A wholesale distributor—

(A) shall be responsible for payment of an assessment to the Alliance on a quarterly basis; and

(B) shall provide to the Alliance certification of the volume of fuel sold.

(3) NO OWNERSHIP INTEREST.—A person that has no ownership interest in No. 1 distillate or No. 2 dyed distillate shall not be responsible for payment of an assessment under this section.

(4) FAILURE TO RECEIVE PAYMENT.—

(A) REFUND.—A wholesale distributor that does not receive payments from a purchaser for No. 1 distillate or No. 2 dyed distillate within 1 year of the date of sale may apply for a refund from the Alliance of the assessment paid.

(B) AMOUNT.—The amount of a refund shall not exceed the amount of the assessment levied on the No. 1 distillate or No. 2 dyed distillate for which payment was not received.

(5) IMPORTATION AFTER POINT OF SALE.—The owner of No. 1 distillate or No. 2 dyed distillate imported after the point of sale—

(A) shall be responsible for payment of the assessment to the Alliance at the point at which the product enters the United States; and

(B) shall provide to the Alliance certification of the volume of fuel imported.

(6) LATE PAYMENT CHARGE.—The Alliance may establish a late payment charge and rate of interest to be imposed on any person who fails to remit or pay to the Alliance any amount due under this title.

(7) ALTERNATIVE COLLECTION RULES.—The Alliance may establish, or approve a request of the oilheat industry in a State for, an alternative means of collecting the assessment if another means is determined to be more efficient or more effective.

(c) SALE FOR USE OTHER THAN AS OILHEAT.—No. 1 distillate and No. 2 dyed distillate sold for uses other than as oilheat are excluded from the assessment.

(d) INVESTMENT OF FUNDS.—Pending disbursement under a program, project or contract or other agreement the Alliance may invest funds collected through assessments, and any other funds received by the Alliance, only—

(1) in obligations of the United States or any agency of the United States;

(2) in general obligations of any State or any political subdivision of a State;

(3) in any interest-bearing account or certificate of deposit of a bank that is a member of the Federal Reserve System; or

(4) in obligations fully guaranteed as to principal and interest by the United States.

(e) STATE, LOCAL, AND REGIONAL PROGRAMS.—

(1) COORDINATION.—The Alliance shall establish a program coordinating the operation of the Alliance with the operator of any similar State, local, or regional program created under State law (including a regulation), or similar entity.

(2) FUNDS MADE AVAILABLE TO QUALIFIED STATE ASSOCIATIONS.—

(A) IN GENERAL.—

(i) BASE AMOUNT.—The Alliance shall make available to the qualified State association of each State an amount equal to 15 percent of the amount of assessments collected in the State.

(ii) ADDITIONAL AMOUNT.—

(I) IN GENERAL.—A qualified state association may request that the Alliance provide to the association any portion of the remaining 85 percent of the amount of assessments collected in the State.

(II) REQUEST REQUIREMENTS.—A request under this clause shall—

(aa) specify the amount of funds requested;

(bb) describe in detail the specific uses for which the requested funds are sought;

(cc) include a commitment to comply with this title in using the requested funds; and

(dd) be made publicly available.

(III) DIRECT BENEFIT.—The Alliance shall not provide any funds in response to a request under this clause unless the Alliance determines that the funds will be used to directly benefit the oilheat industry.

(IV) MONITORING, TERMS, CONDITIONS, AND REPORTING REQUIREMENTS.—The Alliance shall—

(aa) monitor the use of funds provided under this clause; and

(bb) impose whatever terms, conditions, and reporting requirements that the Alliance considers necessary to ensure compliance with this title.

SEC. 708. MARKET SURVEY AND CONSUMER PROTECTION.

(a) PRICE ANALYSIS.—Beginning 2 years after establishment of the Alliance and annually thereafter, the Secretary of Commerce, using only data provided by the Energy Information Administration and other public sources, shall prepare and make available to the Congress, the Alliance, the Secretary of Energy, and the public, an analysis of changes in the price of oilheat relative to other energy sources. The oilheat price analysis shall compare indexed changes in the price of consumer grade oilheat of indexed changes in the price of residential electricity, residential natural gas, and propane on an annual national average basis. For purposes of indexing changes in oilheat, residential electricity, residential natural gas, and propane prices, the Secretary of Commerce shall use a 5-year rolling average price beginning with the year 4 years prior to the establishment of the Alliance.

(b) AUTHORITY TO RESTRICT ACTIVITIES.—If in any year the 5-year average price composite index of consumer grade oilheat exceeds the 5-year rolling average price composite index of residential electricity, residential natural gas, and propane in an amount greater than 10.1 percent, the activities of the Alliance shall be restricted to research and development, training, and safety matters. The Alliance shall inform the Secretary of Energy and the Congress of any restriction of activities under this subsection. Upon expiration of 180 days after the beginning of any such restriction of activities, the Secretary of Commerce shall again conduct the oilheat price analysis described in subsection (a). Activities of the Alliance shall continue to be restricted under this subsection until the price index excess is 10.1 percent or less.

SEC. 709. COMPLIANCE.

(a) IN GENERAL.—The Alliance may bring a civil action in United States district court to compel payment of an assessment under section 707.

(b) COSTS.—A successful action for compliance under this section may also require payment by the defendant of the costs incurred by the Alliance in bringing the action.

SEC. 710. LOBBYING RESTRICTIONS.

No funds derived from assessments under section 707 collected by the Alliance shall be used to influence legislation or elections, except that the Alliance may use such funds to formulate and submit to the Secretary recommendations for amendments to this title or other laws that would further the purposes of this title.

SEC. 711. DISCLOSURE.

Any consumer education activity undertaken with funds provided by the Alliance shall include a statement that the activities were supported, in whole or in part, by the Alliance.

SEC. 712. VIOLATIONS.

(a) PROHIBITION.—It shall be unlawful for any person to conduct a consumer education activity, undertaken with funds derived from assessments collected by the Alliance under section 707, that includes—

(1) a reference to a private brand name;

(2) a false or unwarranted claim on behalf of oilheat or related products; or

(3) a reference with respect to the attributes or use of any competing product.

(b) COMPLAINTS.—

(1) IN GENERAL.—A public utility that is aggrieved by a violation described in subsection (a) may file a complaint with the Alliance.

(2) TRANSMITTAL TO QUALIFIED STATE ASSOCIATION.—A complaint shall be transmitted concurrently to any qualified State association undertaking the consumer education activity with respect to which the complaint is made.

(3) CESSATION OF ACTIVITIES.—On receipt of a complaint under this subsection, the Alliance, and any qualified State association undertaking the consumer education activity with respect to which the complaint is made, shall cease that consumer education activity until—

(A) the complaint is withdrawn; or

(B) a court determines that the conduct of the activity complained of does not constitute a violation of subsection (a).

(c) RESOLUTION BY PARTIES.—

(1) IN GENERAL.—Not later than 10 days after a complaint is filed and transmitted under subsection (b), the complaining party, the Alliance, and any qualified State association undertaking the consumer education activity with respect to which the complaint is made shall meet to attempt to resolve the complaint.

(2) WITHDRAWAL OF COMPLAINT.—If the issues in dispute are resolved in those discussions, the complaining party shall withdraw its complaint.

(d) JUDICIAL REVIEW.—

(1) IN GENERAL.—A public utility filing a complaint under this section, the Alliance, a qualified State association undertaking the consumer education activity with respect to which a complaint with this section is made, or any person aggrieved by a violation of subsection (a) may seek appropriate relief in United States district court.

(2) RELIEF.—A public utility filing a complaint under this section shall be entitled to temporary and injunctive relief enjoining the consumer education activity with respect to which a complaint under this section is made until—

(A) the complaint is withdrawn; or

(B) the court has determined that the consumer education activity complained of does not constitute a violation of subsection (a).

(a) ATTORNEY'S FEES.—

(1) MERITORIOUS CASE.—In a case in Federal court in which the court grants a public utility injunctive relief under subsection (d), the

public utility shall be entitled to recover an attorney's fee from the Alliance and any qualified State association undertaking the consumer education activity with respect to which a complaint under this section is made.

(2) NONMERITORIOUS CASE.—In any case under subsection (d) in which the court determines a complaint under subsection (b) to be frivolous and without merit, the prevailing party shall be entitled to recover an attorney's fee.

(f) SAVINGS CLAUSE.—Nothing in this section shall limit causes of action brought under any other law.

SEC. 713. SUNSET.

This title shall cease to be effective as of the date that is 4 years after the date on which the Alliance is established.

SAN BERNARDINO NATIONAL FOREST LEGISLATION

MURKOWSKI AMENDMENT NO. 4328

Mr. SESSIONS (for Mr. MURKOWSKI) proposed an amendment to the bill (H.R. 3657) to provide for the conveyance of a small parcel of public domain land in the San Bernardino National Forest in the State of California, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. LAND CONVEYANCE AND SETTLEMENT, SAN BERNARDINO NATIONAL FOREST, CALIFORNIA.

(a) CONVEYANCE REQUIRED.—Subject to valid existing rights and settlement of claims as provided in this section, the Secretary of Agriculture shall convey to KATY 101.3 FM (in this section referred to as ''KATY'') all right, title and interest of the United States in and to a parcel of real property consisting of approximately 1.06 acres within the San Bernardino National Forest in Riverside County, California, generally located in the north ½ of section 23, township 5 south, range 2 east, San Bernardino meridian.

(b) LEGAL DESCRIPTION.—The Secretary and KATY shall, by mutual agreement, prepare the legal description of the parcel of real property to be conveyed under subsection (a), which is generally depicted as Exhibit A–2 in an appraisal report of the subject parcel dated August 26, 1999, by Paul H. Meiling.

(c) CONSIDERATION.—Consideration for the conveyance under subsection (a) shall be equal to the appraised fair market value of the parcel of real property to be conveyed. Any appraisal to determine the fair market value of the parcel shall be prepared in conformity with the Uniform Appraisal Standards for Federal Land Acquisition and approved by the Secretary.

(d) SETTLEMENT.—In addition to the consideration referred to in subsection (c), upon the receipt of $16,600 paid by KATY to the Secretary, the Secretary shall release KATY from any and all claims of the United States arising from the occupancy and use of the San Bernardino National Forest by KATY for communication site purposes.

(e) ACCESS REQUIREMENTS.—Notwithstanding section 1323(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3210(a)) or any other law, the Secretary is not required to provide access over National Forest System lands to the parcel of real property to be conveyed under subsection (a).

(f) ADMINISTRATIVE COSTS.—Any costs associated with the creation of a subdivided parcel, recordation of a survey, zoning, and planning approval, and similar expenses with respect to the conveyance under this section, shall be borne by KATY.

(g) ASSUMPTION OF LIABILITY.—By acceptance of the conveyance of the parcel of real property referred to in subsection (a), KATY, and its successors and assigns will indemnify and hold harmless the United States for any and all liability to General Telephone and Electronics Corporation (also known as ''GTE'') KATY, and any third party that is associated with the parcel, including liability for any buildings or personal property on the parcel belonging to GTE and any other third parties.

(h) TREATMENT OF RECEIPTS.—All funds received pursuant to this section shall be deposited in the fund established under Public Law 90–171 (16 U.S.C. 484a; commonly known as the Sisk Act), and the funds shall remain available to the Secretary, until expended, for the acquisition of lands, waters, and interests in land for the inclusion in the San Bernardino National Forest.

(i) RECEIPTS ACT AMENDMENT.—The Act of June 15, 1938 (Chapter 438:52 Stat. 699), as amended by the Acts of May 26, 1944 (58 Stat. 227), is further amended—

(1) by striking the comma after the words ''Secretary of Agriculture'';

(2) by striking the words ''with the approval of the National Forest Reservation Commission established by section 4 of the Act of March 1, 1911 (16 U.S.C. 513),'';

(3) by inserting the words '', real property or interests in lands,'' after the word ''lands'' the first time it is used;

(4) by striking ''San Bernardino and Cleveland'' and inserting ''San Bernardino, Cleveland and Los Angeles'';

(5) by striking ''county of Riverside'' each place it appears and inserting ''counties of Riverside and San Bernardino'';

(6) by striking ''as to minimize soil erosion and flood damage'' and inserting ''for National Forest System purposes''; and

(7) after the ''Provided further, That'', by striking the remainder of the sentence to the end of the paragraph, and inserting ''twelve and one-half percent of the monies otherwise payable to the State of California for the benefit of San Bernardino County under the aforementioned Act of March 1, 1911 (16 U.S.C. 500) shall be available to be appropriated for expenditure in furtherance of this Act.''.

SEC. 2. SANTA ROSA AND SAN JACINTO MOUNTAINS NATIONAL MONUMENT CLARIFYING AMENDMENTS.

The Santa Rosa and San Jacinto Mountains National Monument Act of 2000 is amended as follows:

(1) In the second sentence of section 2(d)(1), by striking ''and the Committee on Agriculture, Nutrition, and Forestry''.

(2) In the second sentence of section 4(a)(3), by striking ''Nothing in this section'' and inserting ''Nothing in this Act''.

(3) In section 4(c)(1) by striking ''any person, including''.

(4) In section 5, by adding at the end the following:

''(j) WILDERNESS PROTECTION.—Nothing in this Act alters the management of any areas designated as Wilderness which are within the boundaries of the National Monument. All such areas shall remain subject to the Wilderness Act (16 U.S.C. 1131 et seq.), the laws designating such areas as Wilderness, and other applicable laws. If any part of this Act conflicts with any provision of those laws with respect to the management of the Wilderness areas, such provision shall control.''.

SEC. 3. TECHNICAL CORRECTION.

The Santo Domingo Pueblo Claims Settlement Act of 2000 is amended by adding at the end:

''SEC. 7. MISCELLANEOUS PROVISIONS.

''(a) EXCHANGE OF CERTAIN LANDS WITH NEW MEXICO.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall acquire by exchange the State of New Mexico trust lands located in township 16 north, range 4 east, section 2, and all interests therein, including improvements, mineral rights and water rights.

''(2) USE OF OTHER LANDS.—In acquiring lands by exchange under paragraph (1), the Secretary may utilize unappropriated public lands within the State of New Mexico.

''(3) VALUE OF LANDS.—The lands exchanged under this subsection shall be of approximately equal value, and the Secretary may credit or debit the ledger account established in the Memorandum of Understanding between the Bureau of Land Management, the New Mexico State Land Office, and the New Mexico Commissioner of Public Lands, in order to equalize the values of the lands exchanged.

''(4) CONVEYANCE.—

''(A) BY SECRETARY.—Upon the acquisition of lands under paragraph (1), the Secretary shall convey all title and interest to such lands to the Pueblo by sale, exchange or otherwise, and the Pueblo shall have the exclusive right to acquire such lands.

''(B) BY PUEBLO.—Upon the acquisition of lands under subparagraph (A), the Pueblo may convey such land to the Secretary who shall accept and hold such lands in trust for the benefit of the Pueblo.

''(b) OTHER EXCHANGES OF LAND.—

''(1) IN GENERAL.—In order to further the purposes of this Act—

''(A) the Pueblo may enter into agreements to exchange restricted lands for lands described in paragraph (2); and

''(B) any land exchange agreements between the Pueblo and any of the parties to the action referred to in paragraph (2) that are executed not later than December 31, 2001, shall be deemed to be approved.

''(2) LANDS.—The land described in this paragraph is the land, title to which was at issue in *Pueblo of Santo Domingo* v. *Rael* (Civil No. 83–1888 (D.N.M.)).

''(3) LAND TO BE HELD IN TRUST.—Upon the acquisition of lands under paragraph (1), the Pueblo may convey such land to the Secretary who shall accept and hold such lands in trust for the benefit of the Pueblo.

''(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the provisions of section 5(a) relating to the extinguishment of the land claims of the Pueblo.

''(c) APPROVAL OF CERTAIN RESOLUTIONS.—All agreements, transactions, and conveyances authorized by Resolutions 97–010 and C22–99 as enacted by the Tribal Council of the Pueblo de Cochiti, and Resolution S.D. 12–99–36 as enacted by the Tribal Council of the Pueblo of Santo Domingo, pertaining to boundary disputes between the Pueblo de Cochiti and the Pueblo of Santo Domingo, are hereby approved, including the Pueblo de Cochiti's agreement to relinquish its claim to the southwest corner of its Spanish Land Grant, to the extent that such land overlaps with the Santo Domingo Pueblo Grant, and to disclaim any right to receive compensation from the United States or any other party with respect to such overlapping lands.''.

NATIONAL FOREST EDUCATION AND COMMUNITY PURPOSE LANDS ACT

MURKOWSKI (AND OTHERS) AMENDMENT NO. 4329

Mr. SESSIONS (for Mr. MURKOWSKI (for himself and Mr. BINGAMAN) proposed an amendment to the bill (H.R. 150) to authorize the Secretary of Agriculture to convey National Forest System lands for use for educational purposes, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

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TITLE I—CONVEYANCE OF NATIONAL FOREST SYSTEM LANDS FOR EDUCATIONAL PURPOSES

SECTION 101. SHORT TITLE.

This title may be cited as the ''Education Land Grant Act''.

SEC. 102. CONVEYANCE OF NATIONAL FOREST SYSTEM LANDS FOR EDUCATIONAL PURPOSES.

(a) AUTHORITY TO CONVEY.—Upon written application, the Secretary of Agriculture may convey National Forest System lands to a public school district for use for educational purposes if the Secretary determines that—

(1) the public school district seeking the conveyance will use the conveyed land for a public or publicly funded elementary or secondary school, to provide grounds or facilities related to such a school, or for both purposes;

(2) the conveyance will serve the public interest;

(3) the land to be conveyed is not otherwise needed for the purposes of the National Forest System;

(4) the total acreage to be conveyed does not exceed the amount reasonably necessary for the proposed use;

(5) the land is to be used for an established or proposed project that is described in detail in the application to the Secretary, and the conveyance would serve public objectives (either locally or at large) that outweigh the objectives and values which would be served by maintaining such land in Federal ownership;

(6) the applicant is financially and otherwise capable of implementing the proposed project;

(7) the land to be conveyed has been identified for disposal in an applicable land and resource management plan under the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.); and

(8) An opportunity for public participation in a disposal under this section has been provided, including at least one public hearing or meeting, to provide for public comments.

(b) ACREAGE LIMITATION.—A conveyance under this section may not exceed 80 acres. However, this limitation shall not be construed to preclude an entity from submitting a subsequent application under this section for an additional land conveyance if the entity can demonstrate to the Secretary a need for additional land.

(c) COSTS AND MINERAL RIGHTS.—(1) A conveyance under this section shall be for a nominal cost. The conveyance may not include the transfer of mineral or water rights.

(2) If necessary, the exact acreage and legal description of the real property conveyed under this Act shall be determined by a survey satisfactory to the Secretary and the applicant. The cost of the survey shall be borne by the applicant.

(d) REVIEW OF APPLICATIONS.—When the Secretary receives an application under this section, the Secretary shall—

(1) before the end of the 14-day period beginning on the date of the receipt of the application, provide notice of that receipt to the applicant; and

(2) before the end of the 120-day period beginning on that date—

(A) make a final determination whether or not to convey land pursuant to the application, and notify the applicant of that determination; or

(B) submit written notice to the applicant containing the reasons why a final determination has not been made.

(e) REVERSIONARY INTEREST.—If at any time after lands are conveyed pursuant to this section, the entity to whom the lands were conveyed attempts to transfer title to or control over the lands to another or the lands are devoted to a use other than the use for which the lands were conveyed, title to the lands shall revert to the United States.

TITLE II—ALA KAHAKAI NATIONAL HISTORIC TRAIL

SECTION 201. SHORT TITLE.

This title may be cited as the ''Ala Kahakai National Historic Trail Act''.

SEC. 202. FINDINGS.

Congress finds that—

(1) the Ala Kahakai (Trail by the Sea) is an important part of the ancient trail known as the ''Ala Loa'' (the long trail), which circumscribes the island of Hawaii;

(2) the Ala Loa was the major land route connecting 600 or more communities of the island kingdom of Hawaii from 1400 to 1700;

(3) the trail is associated with many prehistoric and historic housing areas of the island of Hawaii, nearly all the royal centers, and most of the major temples of the island;

(4) the use of the Ala Loa is also associated with many rulers of the kingdom of Hawaii, with battlefields and the movement of armies during their reigns, and with annual taxation;

(5) the use of the trail played a significant part in events that affected Hawaiian history and culture, including—

(A) Captain Cook's landing and subsequent death in 1779;

(B) Kamehameha I's rise to power and consolidation of the Hawaiian Islands under monarchical rule; and

(C) the death of Kamehameha in 1819, followed by the overthrow of the ancient religious system, the Kapu, and the arrival of the first western missionaries in 1820; and

(6) the trail—

(A) was used throughout the 19th and 20th centuries and continues in use today; and

(B) contains a variety of significant cultural and natural resources.

SEC. 203. AUTHORIZATION AND ADMINISTRATION.

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended by adding at the end the following:

''(22) ALA KAHAKAI NATIONAL HISTORIC TRAIL.—

''(A) IN GENERAL.—The Ala Kahakai National Historic Trail (the Trail by the Sea), a 175 mile long trail extending from 'Upolu Point on the north tip of Hawaii Island down the west coast of the Island around Ka Lae to the east boundary of Hawaii Volcanoes National Park at the ancient shoreline temple known as 'Waha'ula', as generally depicted on the map entitled 'Ala Kahakai Trail', contained in the report prepared pursuant to subsection (b) entitled 'Ala Kahakai National Trail Study and Environmental Impact Statement', dated January 1998.

''(B) MAP.—A map generally depicting the trail shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior.

''(C) ADMINISTRATION.—The trail shall be administered by the Secretary of the Interior.

''(D) LAND ACQUISITION.—No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the United States for the trail except with the consent of the owner of the land or interest in land.

''(E) PUBLIC PARTICIPATION; CONSULTATION.—The Secretary of the Interior shall—

''(i) encourage communities and owners of land along the trail, native Hawaiians, and

volunteer trail groups to participate in the planning, development, and maintenance of the trail; and

''(ii) consult with affected Federal, State, and local agencies, native Hawaiian groups, and landowners in the administration of the trail.''.

TITLE III—ADDITIONS TO NATIONAL PARK SYSTEM AREAS

SECTION 301. ADDITION TO SEQUOIA NATIONAL PARK.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall acquire by donation, purchase with donated or appropriated funds, or exchange, all interest in and to the land described in subsection (b) for addition to Sequoia National Park, California.

(b) LAND ACQUIRED.—The land referred to in subsection (a) is the land depicted on the map entitled ''Dillonwood'', numbered 102/80,044, and dated September 1999.

(c) ADDITION TO PARK.—Upon acquisition of the land under subsection (a)—

(1) the Secretary of the Interior shall—

(A) modify the boundaries of Sequoia National Park to include the land within the park; and

(B) administer the land as part of Sequoia National Park in accordance with all applicable laws; and

(2) The Secretary of Agriculture shall modify the boundaries of the Sequoia National Forest to exclude the land from the forest boundaries.

SECTION 302. BOUNDARY ADJUSTMENT TO INCLUDE CAT ISLAND.

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

(1) in the first sentence, by striking ''That, in'' and inserting the following:

''SECTION 1. GULF ISLANDS NATIONAL SEASHORE.

''(a) ESTABLISHMENT.—In''; and

(2) in the second sentence—

(A) by redesignating paragraphs (1) through (6) as subparagraphs (A) through (F), respectively, and indenting appropriately;

(B) by striking ''The seashore shall comprise'' and inserting the following:

''(b) COMPOSITION.—

''(1) IN GENERAL.—The seashore shall comprise the areas described in paragraphs (2) and (3).

''(2) AREAS INCLUDED IN BOUNDARY PLAN NUMBERED NS–GI–7100J.—The areas described in this paragraph are'': and

(C) by adding at the end the following:

''(3) CAT ISLAND.—Upon its acquisition by the Secretary, the area described in this paragraph is the parcel consisting of approximately 2,000 acres of land on Cat Island, Mississippi, as generally depicted on the map entitled 'Boundary Map, Gulf Islands National Seashore, Cat Island, Mississippi', numbered 635/80085, and dated November 9, 1999 (referred to in this Act as the 'Cat Island Map').

''(4) AVAILABILITY OF MAP.—The Cat Island Map shall be on file and available for public inspection in the appropriate offices of the National Park Service.''.

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

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

(2) by adding at the end the following:

''(e) ACQUISITION AUTHORITY.—

''(1) IN GENERAL.—The Secretary may acquire, from a willing seller only—

''(A) all land comprising the parcel described in subsection (b)(3) that is above the mean line of ordinary high tide, lying and being situated in Harrison County, Mississippi;

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

''(C)(i) land and interests in land on Cat Island outside the 2,000-acre area depicted on the Cat Island Map; and

''(ii) submerged land that lies within 1 mile seaward of Cat Island (referred to in this Act as the 'buffer zone'), except that submerged land owned by the State of Mississippi (or a subdivision of the State) may be acquired only by donation.

''(2) ADMINISTRATION.—

''(A) IN GENERAL.—Land and interests in land acquired under this subsection shall be administered by the Secretary, acting through the Director of the National Park Service.

''(B) BUFFER ZONE.—Nothing in this Act or any other provision of law shall require the State of Mississippi to convey to the Secretary any right, title, or interest in or to the buffer zone as a condition for the establishment of the buffer zone.

''(3) MODIFICATION OF BOUNDARY.—The boundary of the seashore shall be modified to reflect the acquisition of land under this subsection only after completion of the acquisition.''

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

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

(2) by adding at the end the following:

''(b) NO AUTHORITY TO REGULATE MARITIME ACTIVITIES.—Nothing in this Act or any other provision of law shall affect any right of the State of Mississippi, or give the Secretary any authority, to regulate maritime activities, including nonseashore fishing activities (including shrimping), in any area that, on the date of enactment of this subsection, is outside the designated boundary of the seashore (including the buffer zone).''.

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

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

(2) by adding at the end the following:

''(b) AGREEMENTS.—

''(1) IN GENERAL.—The Secretary may enter into agreements—

''(A) with the State of Mississippi for the purposes of managing resources and providing law enforcement assistance, subject to authorization by State law, and emergency services on or within any land on Cat Island and any water and submerged land within the buffer zone; and

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

''(2) NO AUTHORITY TO ENFORCE CERTAIN REGULATIONS.—Nothing in this subsection authorizes the Secretary to enforce Federal regulations outside the land area within the designated boundary of the seashore.''.

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

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

(2) by adding at the end the following:

''(b) AUTHORIZATION FOR ACQUISITION OF LAND.—In addition to the funds authorized by subsection (a), there are authorized to be appropriated such sums as are necessary to acquire land and submerged land on and adjacent to Cat Island, Mississippi.''.

TITLE IV—PECOS NATIONAL HISTORICAL PARK LAND EXCHANGE

SECTION 401. SHORT TITLE.

This title may be cited as the ''Pecos National Historical Park Land Exchange Act of 2000''.

SEC. 402. DEFINITIONS.

As used in this title—

(1) the term ''Secretaries'' means the Secretary of the Interior and the Secretary of Agriculture;

(2) the term ''landowner'' means Harold and Elisabeth Zuschlag, owners of land within the Pecos National Historical Park; and

(3) the term ''map'' means a map entitled ''Proposed Land Exchange for Pecos National Historical Park'', numbered 430/80,054, and dated November 19, 1999, revised September 18, 2000.

SEC. 403. LAND EXCHANGE.

(a) Upon the conveyance by the landowner to the Secretary of the Interior of the lands identified in subsection (b), the Secretary of Agriculture shall convey the following lands and interests to the landowner, subject to the provisions of this title:

(1) Approximately 160 acres of Federal lands and interests therein within the Santa Fe National Forest in the State of New Mexico, as generally depicted on the map; and

(2) The Secretary of the Interior shall convey an easement for water pipelines to two existing well sites, located within the Pecos National Historical Park, as provided in this paragraph.

(A) The Secretary of the Interior shall determine the appropriate route of the easement through Pecos National Historical Park and such route shall be a condition of the easement. The Secretary of the Interior may add such additional terms and conditions relating to the use of the well and pipeline granted under this easement as he deems appropriate.

(B) The easement shall be established, operated, and maintained in compliance with all Federal laws.

(b) The lands to be conveyed by the landowner to the Secretary of the Interior comprise approximately 154 acres within the Pecos National Historical Park as generally depicted on the map.

(c) The Secretary of Agriculture shall convey the lands and interests identified in subsection (a) only if the landowner conveys a deed of title to the United States, that is acceptable to and approved by the Secretary of the Interior.

(d) TERMS AND CONDITIONS.—

(1) IN GENERAL.—Except as otherwise provided in this Act, the exchange of lands and interests pursuant to this Act shall be in accordance with the provisions of section 206 of the Federal Land Policy and Management Act (43 U.S.C. 1716) and other applicable laws including the National Environmental Policy Act (42 U.S.C. 4321 et seq.).

(2) VALUATION AND APPRAISALS.—The values of the lands and interests to be exchanged pursuant to this Act shall be equal, as determined by appraisals using nationally recognized appraisal standards including the Uniform Appraisal Standards for Federal Land Acquisition. The Secretaries shall obtain the appraisals and insure they are conducted in accordance with the Uniform Appraisal Standards for Federal Land Acquisition. The appraisals shall be paid for in accordance 0with the exchange agreement between the Secretaries and the landowner.

(3) COMPLETION OF THE EXCHANGE.—The exchange of lands and interests pursuant to this title shall be completed not later than 180 days after National Environmental Policy Act requirements have been met and after the Secretary of the Interior approves the appraisals. The Secretaries shall report

to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives upon the successful completion of the exchange.

(4) ADDITIONAL TERMS AND CONDITIONS.—The Secretaries may require such additional terms and conditions in connection with the exchange of lands and interests pursuant to this title as the Secretaries consider appropriate to protect the interests of the United States.

(5) EQUALIZATION OF VALUES.—

(A) The Secretary of Agriculture shall equalize the values of Federal land conveyed under subsection (a) and the land conveyed to the Federal Government under subsection (b)—

(i) by the payment of cash to the Secretary of Agriculture or the landowner, as appropriate, except that notwithstanding section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)), the Secretary of Agriculture may accept a cash equalization payment in excess of 25 percent of the value of the Federal land; or

(ii) if the value of the Federal land is greater than the land conveyed to the Federal government, by reducing the acreage of the Federal land conveyed.

(B) DISPOSITION OF FUNDS.—Any funds received by the Secretary of Agriculture as cash equalization payment from the exchange under this section shall be deposited into the fund established by Public Law 90–171 (commonly known as the ''Sisk Act'') (16 U.S.C. 484a) and shall be available for expenditure, without further appropriation, for the acquisition of land and interests in the land in the State of New Mexico.

SEC. 404. BOUNDARY ADJUSTMENT AND MAPS.

(a) Upon acceptance of title by the Secretary of the Interior of the lands and interests conveyed to the United States pursuant to section 403 of this title, the boundaries of the Pecos National Historical Park shall be adjusted to encompass such lands. The Secretary of the Interior shall administer such lands in accordance with the provisions of law generally applicable to units of the National Park System, including the Act entitled ''An Act to establish a National Park Service, and for other purposes'', approved August 25, 1916 (16 U.S.C. 1, 2–4).

(b) The map shall be on file and available for public inspection in the appropriate offices of the Secretaries.

(c) Not later than 180 days after completion of the exchange described in section 3, the Secretaries shall transmit the map accurately depicting the lands and interests conveyed to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

TITLE V—NEW AREA STUDIES

SEC. 501. VICKSBURG CAMPAIGN TRAIL STUDY.

(a) SHORT TITLE.—

This section may be cited as the ''Vicksburg Campaign Trail Battlefields Preservation Act of 2000''.

(b) FINDINGS AND PURPOSES.—

(1) FINDINGS.—Congress finds that—

(A) there are situated along the Vicksburg Campaign Trail in the States of Mississippi, Louisiana, Arkansas, and Tennessee the sites of several key Civil War battles;

(B) the battlefields along the Vicksburg Campaign Trail are collectively of national significance in the history of the Civil War; and

(C) the preservation of those battlefields would vitally contribute to the understanding of the heritage of the United States.

(2) PURPOSE.—The purpose of this section is to authorize a feasibility study to determine what measures should be taken to preserve certain Civil War battlefields along the Vicksburg Campaign Trail.

(c) DEFINITIONS.—

In this section:

(1) CAMPAIGN TRAIL STATE.—The term ''Campaign Trail State'' means each of the States of Mississippi, Louisiana, Arkansas, and Tennessee, including political subdivisions of those States.

(2) CIVIL WAR BATTLEFIELD.—The term ''Civil War battlefield'' includes the following sites (including related structures adjacent to or thereon)—

(A) the battlefields at Helena and Arkansas Post, Arkansas;

(B) Goodrich's Landing near Transylvania, and sites in and around Lake Providence, East Carroll Parish, Louisiana;

(C) the battlefield at Milliken's Bend, Madison Parish, Louisiana;

(D) the route of Grant's march through Louisiana from Milliken's Bend to Hard Times, Madison and Tensas Parishes, Louisiana;

(E) the Winter Quarters at Tensas Parish, Louisiana;

(F) Grant's landing site at Bruinsburg, and the route of Grant's march from Bruinsburg to Vicksburg, Claiborne, Hinds, and Warren Counties, Mississippi;

(G) the battlefield at Port Gibson (including Shaifer House, Bethel Church, and the ruins of Windsor), Claiborne County, Mississippi;

(H) the battlefield at Grand Gulf, Claiborne County, Mississippi;

(I) the battlefield at Raymond (including Waverly, (the Peyton House)), Hinds County, Mississippi;

(J) the battlefield at Jackson, Hinds County, Mississippi;

(K) the Union siege lines around Jackson, Hinds County, Mississippi;

(L) the battlefield at Champion Hill (including Coker House), Hinds County, Mississippi;

(M) the battlefield at Big Black River Bridge, Hinds and Warren Counties, Mississippi;

(N) the Union fortifications at Haynes Bluff, Confederate fortifications at Snyder's Bluff, and remnants of Federal exterior lines, Warren County, Mississippi;

(O) the battlefield at Chickasaw Bayou, Warren County, Mississippi;

(P) Pemberton's Headquarters at Warren County, Mississippi;

(Q) the site of actions taken in the Mississippi Delta and Confederate fortifications near Grenada, Grenada County, Mississippi;

(R) the site of the start of Greirson's Raid and other related sites, LaGrange, Tennessee; and

(S) any other sites considered appropriate by the Secretary.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the National Park Service.

(d) FEASIBILITY STUDY.—

(1) IN GENERAL.—Not later than 3 years after the date funds are made available for this section, the Secretary shall complete a feasibility study to determine what measures should be taken to preserve Civil War battlefields along the Vicksburg Campaign Trail.

(2) COMPONENTS.—In completing the study, the Secretary shall—

(A) review current National Park Service programs, policies and criteria to determine the most appropriate means of ensuring the Civil War battlefields and associated natural, cultural, and historical resources are preserved;

(B) evaluate options for the establishment of a management entity for the Civil War battlefields consisting of a unit of government or a private nonprofit organization that—

(i) administers and manages the Civil War battlefields; and

(ii) possesses the legal authority to—

(I) receive Federal funds and funds from other units of government or other organizations for use in managing the Civil War battlefields;

(II) disburse Federal funds to other units of government or other nonprofit organizations for use in managing the Civil War battlefields;

(III) enter into agreements with the Federal government, State governments, or other units of government and nonprofit organizations; and

(IV) acquire land or interests in land by gift or devise, by purchase from a willing seller using donated or appropriated funds, or by donation;

(C) make recommendations to the Campaign Trail States for the management, preservation, and interpretation of the natural, cultural, and historical resources of the Civil War battlefields;

(D) identify appropriate partnerships among Federal, State, and local governments, regional entities, and the private sector, including nonprofit organizations and the organization known as ''Friends of the Vicksburg Campaign and Historic Trail'', in furtherance of the purposes of this section; and

(E) recommend methods of ensuring continued local involvement and participation in the management, protection, and development of the Civil War battlefields.

(e) REPORT.—Not later than 60 days after the date of completion of the study under this section, the Secretary shall submit a report describing the findings of the study to—

(1) the Committee on Energy and Natural Resources of the Senate; and

(2) the Committee on Resources of the House of Representatives.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,500,000.

SEC. 502. MIAMI CIRCLE SPECIAL RESOURCE STUDY.

(a) FINDINGS AND PURPOSES.

(1) FINDINGS.—Congress finds that—

(A) the Tequesta Indians were one of the earliest groups to establish permanent villages in southeast Florida;

(B) the Tequestas had one of only two North American civilizations that thrived and developed into a complex social chiefdom without an agricultural base;

(C) the Tequesta sites that remain preserved today are rare;

(D) the discovery of the Miami Circle, occupied by the Tequesta approximately 2,000 years ago, presents a valuable new opportunity to learn more about the Tequesta culture; and

(E) Biscayne National Park also contains and protects several prehistoric Tequesta sites.

(2) PURPOSE.—The purpose of this section is to direct the Secretary to conduct a special resource study to determine the national significance of the Miami Circle site as well as the suitability and feasibility of its inclusion in the National Park System as part of Biscayne National Park.

(b) DEFINITIONS.

In this section:

(1) MIAMI CIRCLE.—The term ''Miami Circle'' means the property in Miami-Dade County of the State of Florida consisting of the three parcels described in Exhibit A in the appendix to the summons to show cause and notice of eminent domain proceedings, filed February 18, 1999, in Miami-Dade County v. Brickell Point, Ltd., in the circuit

court of the 11th judicial circuit of Florida in and for Miami-Dade County.

(2) PARK.—The term ''Park'' means Biscayne National Park in the State of Florida.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the National Park Service.

(c) SPECIAL RESOURCE STUDY.

(1) IN GENERAL.—Not later than one year after the date funds are made available, the Secretary shall conduct a special resource study as described in paragraph (2). In conducting the study, the Secretary shall consult with the appropriate American Indian tribes and other interested groups and organizations.

(2) COMPONENTS.—In addition to a determination of national significance, feasibility, and suitability, the special resource study shall include the analysis and recommendations of the Secretary with respect to—

(A) which, if any, particular areas of or surrounding the Miami Circle should be included in the Park;

(B) whether any additional staff, facilities, or other resources would be necessary to administer the Miami Circle as a unit of the Park; and

(C) any impact on the local area that would result from the inclusion of Miami Circle in the Park.

(c) REPORT.—Not later than 30 days after completion of the study, the Secretary shall submit a report describing the findings and recommendations of the study to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the United States House of Representatives.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 503. APOSTLE ISLANDS WILDERNESS STUDY.

(a) SHORT TITLE.—This section may be cited as the ''Gaylord Nelson Apostle Islands Stewardship Act of 2000''.

(b) DECLARATIONS.—Congress declares that—

(1) the Apostle Islands National Lakeshore is a national and a Wisconsin treasure;

(2) the State of Wisconsin is particularly indebted to former Senator Gaylord Nelson for his leadership in the creation of the Lakeshore;

(3) after more than 28 years of enjoyment, some issues critical to maintaining the overall ecological, recreational, and cultural vision of the Lakeshore need additional attention;

(4) the general management planning process for the Lakeshore has identified a need for a formal wilderness study;

(5) all land within the Lakeshore that might be suitable for designation as wilderness are zoned and managed to protect wilderness characteristics pending completion of such a study;

(6) several historic lighthouses within the Lakeshore are in danger of structural damage due to severe erosion;

(7) the Secretary of the Interior has been unable to take full advantage of cooperative agreements with Federal, State, local, and tribal governmental agencies, institutions of higher education, and other nonprofit organizations that could assist the National Park Service by contributing to the management of the Lakeshore;

(8) because of competing needs in other units of the National Park System, the standard authorizing and budgetary process has not resulted in updated legislative authority and necessary funding for improvements to the Lakeshore; and

(9) the need for improvements to the Lakeshore and completion of a wilderness study should be accorded a high priority among National Park Service activities.

(c) DEFINITIONS.—In this section:

(1) LAKESHORE.—The term ''Lakeshore'' means the Apostle Islands National Lakeshore.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the National Park Service.

(d) WILDERNESS STUDY.—In fulfillment of the responsibilities of the Secretary under the Wilderness Act (16 U.S.C. 1131 et seq.) and of applicable agency policy, the Secretary shall evaluate areas of land within the Lakeshore for inclusion in the National Wilderness System.

(e) APOSTLE ISLANDS LIGHTHOUSES.—The Secretary shall undertake appropriate action (including protection of the bluff toe beneath the lighthouses, stabilization of the bank face, and dewatering of the area immediately shoreward of the bluffs) to protect the lighthouse structures at Raspberry Lighthouse and Outer Island Lighthouse on the Lakeshore.

(f) COOPERATIVE AGREEMENTS.—Section 6 of Public Law 91–424 (16 U.S.C. 460w–5) is amended—

(1) by striking ''SEC. 6. The lakeshore'' and inserting the following:

''SEC. 6. MANAGEMENT.

''(a) IN GENERAL.—The lakeshore''; and

(2) by adding at the end the following:

''(b) COOPERATIVE AGREEMENTS.—The Secretary may enter into a cooperative agreement with a Federal, State, tribal, or local government agency or a nonprofit private entity if the Secretary determines that a cooperative agreement would be beneficial in carrying out section 7.''.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(1) $200,000 to carry out subsection (d); and

(2) $3,900,000 to carry out subsection (e).

SEC. 504. HARRIET TUBMAN SPECIAL RESOURCE STUDY.

(a) SHORT TITLE.—This section may be cited as the ''Harriet Tubman Special Resource Study Act''.

(b) FINDINGS.—Congress finds that—

(1) Harriet Tubman was born into slavery on a plantation in Dorchester County, Maryland, in 1821;

(2) in 1849, Harriet Tubman escaped the plantation on foot, using the North Star for direction and following a route through Maryland, Delaware, and Pennsylvania to Philadelphia, where she gained her freedom;

(3) Harriet Tubman is an important figure in the history of the United States, and is most famous for her role as a ''conductor'' on the Underground Railroad, in which, as a fugitive slave, she helped hundreds of enslaved individuals to escape to freedom before and during the Civil War;

(4) during the Civil War, Harriet Tubman served the Union Army as a guide, spy, and nurse;

(5) after the Civil War, Harriet Tubman was an advocate for the education of black children;

(6) Harriet Tubman settled in Auburn, New York, in 1857, and lived there until 1913;

(7) while in Auburn, Harriet Tubman dedicated her life to caring selflessly and tirelessly for people who could not care for themselves, was an influential member of the community and an active member of the Thompson Memorial A.M.E. Zion Church, and established a home for the elderly;

(8) Harriet Tubman was a friend of William Henry Seward, who served as the Governor of and a Senator from the State of New York and as Secretary of State under President Abraham Lincoln;

(9) 4 sites in Auburn that directly relate to Harriet Tubman and are listed on the National Register of Historic Places are—

(A) Harriet Tubman's home;

(B) the Harriet Tubman Home for the Aged;

(C) the Thompson Memorial A.M.E. Zion Church; and

(D) Harriet Tubman Home for the Aged and William Henry Seward's home in Auburn are national historic landmarks.

(c) SPECIAL RESOURCES STUDY OF SITES ASSOCIATED WITH HARRIET TUBMAN.—

(1) IN GENERAL.—The Secretary of the Interior shall conduct a special resource study of the national significance, feasibility of long-term preservation, and public use of the following sites associated with Harriet Tubman:

(A) Harriet Tubman's Birthplace, located on Greenbriar Road, off of Route 50, in Dorchester County, Maryland.

(B) Bazel Church, located 1 mile South of Greenbriar Road in Cambridge, Maryland.

(C) Harriet Tubman's home, located at 182 South Street, Auburn, New York.

(D) The Harriet Tubman Home for the Aged, located at 180 South Street, Auburn, New York.

(E) The Thompson Memorial A.M.E. Zion Church, located at 33 Parker Street, Auburn, New York.

(F) Harriet Tubman's grave at Fort Hill Cemetery, located at 19 Fort Street, Auburn, New York.

(G) William Henry Seward's home, located at 33 South Street, Auburn, New York.

(2) INCLUSION OF SITES IN THE NATIONAL PARK SYSTEM.—The study under subsection (a) shall include an analysis and any recommendations of the Secretary concerning the suitability and feasibility of—

(A) designating one or more of the sites specified in paragraph (1) as units of the National Park System; and

(B) establishing a national heritage corridor that incorporates the sites specified in paragraph (1) and any other sites associated with Harriet Tubman.

(d) STUDY GUIDELINES.—In conducting the study authorized by this section, the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System contained in Section 8 of P.L. 91–383, as amended by Section 303 of the National Park Omnibus Management Act ((P.L. 105–391), 112 Stat. 3501).

(e) CONSULTATION.—In preparing and conducting the study under subsection (c), the Secretary shall consult with—

(1) the Governors of the States of Maryland and New York;

(2) a member of the Board of County Commissioners of Dorchester County, Maryland;

(3) the Mayor of the city of Auburn, New York;

(4) the owner of the sites specified in subsection (c); and

(5) the appropriate representatives of—

(A) the Thompson Memorial A.M.E. Zion Church;

(B) the Bazel Church;

(C) the Harriet Tubman Foundation; and

(D) the Harriet Tubman Organization, Inc.

(f) REPORT.—Not later than 2 years after the date on which funds are made available for the study under subsection (c), the Secretary shall submit to Congress a report describing the results of the study.

SECTION 505. CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL PARK COMMISSION.

Section 6(g) of the Chesapeake and Ohio Canal Development Act (16 U.S.C. 410–4(g)) is amended by striking ''thirty'' and inserting ''40''.

SEC. 506. UPPER HOUSATIONIC VALLEY NATIONAL HERITAGE AREA STUDY.

(a) SHORT TITLE.—This section may be cited as the ''Upper Housatonic Valley National Heritage Area Study Act of 2000''.

(b) Definitions.—

In this section:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) STUDY AREA.—The term ''Study Area'' means the Upper Housatonic Valley National Heritage Area, comprised of—

(A) the part of the watershed of the Housatonic River, extending 60 miles from Lanesboro, Massachusetts, to Kent, Connecticut;

(B) the towns of Canaan, Cornwall, Kent, Norfolk, North Canaan, Salisbury, Sharon, and Warren, Connecticut; and

(C) the towns of Alford, Dalton, Egremont, Great Barrington, Hinsdale, Lanesboro, Lee, Lenox, Monterey, Mount Washington, New Marlboro, Pittsfield, Richmond, Sheffield, Stockbridge, Tyringham, Washington, and West Stockbridge, Massachusetts.

(c) AUTHORIZATION OF STUDY.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this section, the Secretary shall complete a study of the Study Area.

(2) INCLUSIONS.—The study shall determine, through appropriate analysis and documentation, whether the Study Area—

(A) includes an assemblage of natural, historical, and cultural resources that represent distinctive aspects of the heritage of the United States that—

(i) are worthy of recognition, conservation, interpretation, and continued use; and

(ii) would best be managed—

(I) through partnerships among public and private entities; and

(II) by combining diverse and, in some cases, noncontiguous resources and active communities;

(B) reflects traditions, customs, beliefs, and folklife that are a valuable part of the story of the United States;

(C) provides outstanding opportunities to conserve natural, historical, cultural, or scenic features;

(D) provides outstanding recreational and educational opportunities;

(E) contains resources important to any theme of the Study Area that retains a degree of integrity capable of supporting interpretation;

(F) includes residents, business interests, nonprofit organizations, and State and local governments that—

(i) are involved in the planning of the Study Area;

(ii) have developed a conceptual financial plan that outlines the roles of all participants for development and management of the Study Area, including the Federal Government; and

(iii) have demonstrated support for the concept of a national heritage area;

(G) has a potential management entity to work in partnership with residents, business interests, nonprofit organizations, and State and local governments to develop a national heritage area consistent with continued State and local economic activity; and

(H) is depicted on a conceptual boundary map that is supported by the public.

(3) CONSULTATION.—In conducting the study, the Secretary shall consult with—

(A) State historic preservation officers;

(B) State historical societies; and

(C) other appropriate organizations.

(4) REPORT.—Not later than 3 fiscal years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the findings, conclusions, and recommendations of the study.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $300,000 to carry out this section.

SEC. 507. STUDY OF THE WASHINGTON-ROCHAMBEAU REVOLUTIONARY ROUTE.

(a) IN GENERAL.—Not later than 2 years after the date on which funds are made available to carry out this title, the Secretary of the Interior (referred to in this title as the ''Secretary'') shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a resource study of the approximately 600-mile route through Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and Virginia, used by George Washington and General Jean Baptiste Donatien de Vimeur, comte de Rochambeau, during the Revolutionary War.

(b) CONSULTATION.—In carrying out the study under subsection (a), the Secretary shall consult with—

(1) State and local historical associations and societies;

(2) State historic preservation agencies; and

(3) other appropriate organizations.

(c) CONTENTS.—The study under subsection (a) shall—

(1) identify the full range of resources and historic themes associated with the route referred to in subsection (a), including the relationship of the route to the Revolutionary War;

(2) identify alternatives for involvement by the National Park Service in the preservation and interpretation of the route referred to in subsection (a); and

(3) include cost estimates for any necessary acquisition, development, interpretation, operation, and maintenance associated with the alternatives identified under paragraph (2).

(d) COORDINATION WITH OTHER CONGRESSIONALLY MANDATED ACTIVITIES.—

(1) IN GENERAL.—The study under subsection (a) shall be carried out in coordination with—

(A) the study authorized under section 603 of division I of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 1a–5 note; Public Law 104–333); and

(B) the Crossroads of the American Revolution special resource study authorized by section 326(b)(3)(D) of H.R. 3423 of the 106th Congress, as enacted by section 1000(a)(3) of Public Law 106–113 (113 Stat. 1535, 1501A–194).

(2) RESEARCH.—Coordination under paragraph (1) shall—

(A) extend to—

(i) any research needed to complete the studies described in subparagraphs (A) and (B) of paragraph (1); and

(ii) any findings and implementation actions that result from completion of those studies; and

(B) use available resources to the maximum extent practicable to avoid unnecessary duplication of effort.

TITLE VI—PEOPLING OF AMERICA THEME STUDY

SECTION 601. SHORT TITLE.

This title may be cited as the ''Peopling of America Theme Study Act''.

SEC. 602. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) an important facet of the history of the United States is the story of how the United States was populated;

(2) the migration, immigration, and settlement of the population of the United States—

(A) is broadly termed the ''peopling of America''; and

(B) is characterized by—

(i) the movement of groups of people across external and internal boundaries of the United States and territories of the United States; and

(ii) the interactions of those groups with each other and with other populations;

(3) each of those groups has made unique, important contributions to American history, culture, art, and life;

(4) the spiritual, intellectual, cultural, political, and economic vitality of the United States is a result of the pluralism and diversity of the American population;

(5) the success of the United States in embracing and accommodating diversity has strengthened the national fabric and unified the United States in its values, institutions, experiences, goals, and accomplishments;

(6)(A) the National Park Service's official thematic framework, revised in 1996, responds to the requirement of section 1209 of the Civil War Sites Study Act of 1990 (16 U.S.C. 1a–5 note; Public Law 101–628), that ''the Secretary shall ensure that the full diversity of American history and prehistory are represented'' in the identification and interpretation of historic properties by the National Park Service; and

(B) the thematic framework recognizes that ''people are the primary agents of change'' and establishes the theme of human population movement and change—or ''peopling places''—as a primary thematic category for interpretation and preservation; and

(7) although there are approximately 70,000 listings on the National Register of Historic Places, sites associated with the exploration and settlement of the United States by a broad range of cultures are not well represented.

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

(1) to foster a much-needed understanding of the diversity and contribution of the breadth of groups who have peopled the United States; and

(2) to strengthen the ability of the National Park Service to include groups and events otherwise not recognized in the peopling of the United States.

SEC. 603. DEFINITIONS.

In this title:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) THEME STUDY.—The term ''theme study'' means the national historic landmark theme study required under section 604.

(3) PEOPLING OF AMERICA.—The term ''peopling of America'' means the migration to and within, and the settlement of, the United States.

SEC. 604. THEME STUDY.

(a) IN GENERAL.—The Secretary shall prepare and submit to Congress a national historic landmark theme study on the peopling of America.

(b) PURPOSE.—The purpose of the theme study shall be to identify regions, areas, trails, districts, communities, sites, buildings, structures, objects, organizations, societies, and cultures that—

(1) best illustrate and commemorate key events or decisions affecting the peopling of America; and

(2) can provide a basis for the preservation and interpretation of the peopling of America that has shaped the culture and society of the United States.

(c) IDENTIFICATION AND DESIGNATION OF POTENTIAL NEW NATIONAL HISTORIC LANDMARKS.—

(1) IN GENERAL.—The theme study shall identify and recommend for designation new national historic landmarks.

(2) LIST OF APPROPRIATE SITES.—The theme study shall—

(A) include a list in order of importance or merit of the most appropriate sites for national historic landmark designation; and

(B) encourage the nomination of other properties to the National Register of Historic Places.

(3) DESIGNATION.—On the basis of the theme study, the Secretary shall designate new national historic landmarks.

(d) NATIONAL PARK SYSTEM.—

(1) IDENTIFICATION OF SITES WITHIN CURRENT UNITS.—The theme study shall identify appropriate sites within units of the National Park System at which the peopling of America may be interpreted.

(2) IDENTIFICATION OF NEW SITES.—On the basis of the theme study, the Secretary shall recommend to Congress sites for which studies for potential inclusion in the National Park System should be authorized.

(e) CONTINUING AUTHORITY.—After the date of submission to Congress of the theme study, the Secretary shall, on a continuing basis, as appropriate to interpret the peopling of America—

(1) evaluate, identify, and designate new national historic landmarks; and

(2) evaluate, identify, and recommend to Congress sites for which studies for potential inclusion in the National Park System should be authorized.

(f) PUBLIC EDUCATION AND RESEARCH.—

(1) LINKAGES.—

(A) ESTABLISHMENT.—On the basis of the theme study, the Secretary may identify appropriate means for establishing linkages—

(i) between—

(I) regions, areas, trails, districts, communities, sites, buildings, structures, objects, organizations, societies, and cultures identified under subsections (b) and (d); and

(II) groups of people; and (ii) between—

(I) regions, areas, districts, communities, sites, buildings, structures, objects, organizations, societies, and cultures identified under subsection (b); and

(II) units of the National Park System identified under subsection (d).

(B) PURPOSE.—The purpose of the linkages shall be to maximize opportunities for public education and scholarly research on the peopling of America.

(2) COOPERATIVE ARRANGEMENTS.—On the basis of the theme study, the Secretary shall, subject to the availability of funds, enter into cooperative arrangements with State and local governments, educational institutions, local historical organizations, communities, and other appropriate entities to preserve and interpret key sites in the peopling of America.

(3) EDUCATIONAL INITIATIVES.—

(A) IN GENERAL.—The documentation in the theme study shall be used for broad educational initiatives such as—

(i) popular publications;

(ii) curriculum material such as the Teaching with Historic Places program;

(iii) heritage tourism products such as the National Register of Historic Places Travel Itineraries program; and

(iv) oral history and ethnographic programs.

(B) COOPERATIVE PROGRAMS.—On the basis of the theme study, the Secretary shall implement cooperative programs to encourage the preservation and interpretation of the peopling of America.

SEC. 605. COOPERATIVE AGREEMENTS.

The Secretary may enter into cooperative agreements with educational institutions, professional associations, or other entities knowledgeable about the peopling of America—

(1) to prepare the theme study;

(2) to ensure that the theme study is prepared in accordance with generally accepted scholarly standards; and

(3) to promote cooperative arrangements and programs relating to the peopling of America.

SEC. 606. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

TITLE VII—BIG HORN AND WASHAKIE COUNTIES, WYOMING LAND CONVEYANCE.

SECTION 701. CONVEYANCE.

(a) IN GENERAL.—On completion of an environmental analysis under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Secretary of the Interior, acting through the Director of the Bureau of Land Management (referred to in this Act as the ''Secretary''), shall convey to the Westside Irrigation District, Wyoming (referred to in this Act as ''Westside''), all right, title, and interest (excluding the mineral interest of the United States in and to such portions of the Federal land in Big Horn County and Washakie County, Wyoming, described in subsection (c), as the district enters into an agreement with the Secretary to purchase.

(b) PRICE.—The price of the land conveyed under subsection (a) shall be equal to the appraised value of the land, as determined by the Secretary.

(c) LAND DESCRIPTION.—

(1) IN GENERAL.—The land referred to in subsection (a) is the approximately 16,500 acres of land in Big Horn County and Washakie County, Wyoming, as depicted on the map entitled ''Westside Project'' and dated May 9, 2000.

(2) ADJUSTMENT.—On agreement of the Secretary and Westside, acreage may be added to or subtracted from the land to be conveyed as necessary to satisfy any mitigation requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(d) USE OF PROCEEDS.—Proceeds of the sale of land under subsection (a) shall be deposited in a special account in the Treasury of the United States and shall be available to the Secretary of the Interior, without further Act of appropriation, for the acquisition of land and interests in land in the Worland District of the Bureau of Land Management in the State of Wyoming that will benefit public recreation, public access, fish and wildlife habitat, * * *

TITLE VIII—COAL ACREAGE LIMITATIONS

SECTION 801. SHORT TITLE.

This title may be cited as the ''Coal Market Competition Act of 2000''.

SEC. 802. FINDINGS.

Congress finds that—

(1) Federal land contains commercial deposits of coal, the Nation's largest deposits of coal being located on Federal land in Utah, Colorado, Montana, and the Powder River Basin of Wyoming;

(2) coal is mined on Federal land through Federal coal leases under the Act of February 25, 1920 (commonly known as the ''Mineral Leasing Act'') (30 U.S.C. 181 et seq.);

(3) the sub-bituminous coal from these mines is low in sulfur, making it the cleanest burning coal for energy production;

(4) the Mineral Leasing Act sets for each leasable mineral a limitation on the amount of acreage of Federal leases any one producer may hold in any one State or nationally;

(5)(A) the present acreage limitation for Federal coal leases has been in place since 1976;

(B) currently the coal lease acreage limit of 46,080 acres per State is less than the per-State Federal lease acreage limit for potash (96,000 acres) and oil and gas (246,080 acres);

(6) coal producers in Wyoming and Utah are operating mines on Federal leaseholds that contain total acreage close to the coal lease acreage ceiling;

(7) the same reasons that Congress cited in enacting increases for State lease acreage caps applicable in the case of other minerals—the advent of modern mine technology, changes in industry economics, greater global competition, and the need to conserve Federal resources—apply to coal;

(8) existing coal mines require additional lease acreage to avoid premature closure, but those mines cannot relinquish mined-out areas to lease new acreage because those areas are subject to 10-year reclamation plans, and the reclaimed acreage is counted against the State and national acreage limits;

(9) to enable them to make long-term business decisions affecting the type and amount of additional infrastructure investments, coal producers need certainty that sufficient acreage of leasable coal will be available for mining in the future; and

(10) to maintain the vitality of the domestic coal industry and ensure the continued flow of valuable revenues to the Federal and State governments and of energy to the American public from coal production on Federal land, the Mineral Leasing Act should be amended to increase the acreage limitation for Federal coal leases.

SEC. 803. COAL MINING ON FEDERAL LAND.

Section 27(a) of the Act of February 25, 1920 (30 U.S.C. 184(a)), is amended—

(1) by striking ''(a)'' and all that follows through ''No person'' and inserting ''(a) COAL LEASES.—No person'';

(2) by striking ''forty-six thousand and eighty acres'' and inserting ''75,000 acres''; and

(3) by striking ''one hundred thousand acres'' each place it appears and inserting ''150,000 acres''.

TITLE IX—KENAI MOUNTAINS—TURNAGAIN ARM NATIONAL HERITAGE AREA.

SECTION 901. SHORT TITLE.

This title may be cited as the ''Kenai Mountains-Turnagain Arm National Heritage Area Act of 2000''.

SEC. 902. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Kenai Mountains-Turnagain Arm transportation corridor is a major gateway to Alaska and includes a range of transportation routes used first by indigenous people who were followed by pioneers who settled the Nation's last frontier;

(2) the natural history and scenic splendor of the region are equally outstanding; vistas of nature's power include evidence of earthquake subsidence, recent avalanches, retreating glaciers, and tidal action along Turnagain Arm, which has the world's second greatest tidal range;

(3) the cultural landscape formed by indigenous people and then by settlement, transportation, and modern resource development in this rugged and often treacherous natural setting stands as powerful testimony to the human fortitude, perseverance, and resourcefulness that is America's proudest heritage from the people who settled the frontier;

(4) there is a national interest in recognizing, preserving, promoting, and interpreting these resources;

(5) the Kenai Mountains-Turnagain Arm region is geographically and culturally cohesive because it is defined by a corridor of historical routes—trail, water, railroad, and roadways through a distinct landscape of mountains, lakes, and fjords;

(6) national significance of separate elements of the region include, but are not limited to, the Iditarod National Historic Trail, the Seward Highway National Scenic Byway, and the Alaska Railroad National Scenic Railroad;

(7) national heritage area designation provides for the interpretation of these routes, as well as the national historic districts and numerous historic routes in the region as part of the whole picture of human history in the wider transportation corridor including early Native trade routes, connections by waterway, mining trail, and other routes;

(8) national heritage area designation also provides communities within the region with the motivation and means for ''grassroots'' regional coordination and partnerships with each other and with borough, State, and Federal agencies; and

(9) national heritage area designation is supported by the Kenai Peninsula Historical Association, the Seward Historical Commission, the Seward City Council, the Hope and Sunrise Historical Society, the Hope Chamber of Commerce, the Alaska Association for Historic Preservation, the Cooper Landing Community Club, the Alaska Wilderness Recreation and Tourism Association, Anchorage Historic Properties, the Anchorage Convention and Visitors Bureau, the Cook Inlet Historical Society, the Moose Pass Sportsman's Club, the Alaska Historical Commission, the Gridwood Board of Supervisors, the Kenai River Special Management Area Advisory Board, the Bird/Indian Community Council, the Kenai Peninsula Borough Trails Commission, the Alaska Division of Parks and Recreation, the Kenai Peninsula Borough, the Kenai Peninsula Tourism Marketing Council, and the Anchorage Municipal Assembly.

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

(1) to recognize, preserve, and interpret the historic and modern resource development and cultural landscapes of the Kenai Mountains-Turnagain Arm historic transportation corridor, and to promote and facilitate the public enjoyment of these resources; and

(2) to foster, through financial and technical assistance, the development of cooperative planning and partnerships among the communities and borough, State, and Federal Government entities.

SEC. 903. DEFINITIONS.

In this title:

(1) HERITAGE AREA.—The term ''Heritage Area'' means the Kenai Mountains-Turnagain Arm National Heritage Area established by section 4(a) of this Act.

(2) MANAGEMENT ENTITY.—The term ''management entity'' means the 11-member Board of Directors of the Kenai Mountains-Turnagain Arm National Heritage Corridor Communities Association.

(3) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the Heritage Area.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 904. KENAI MOUNTAINS-TURNAGAIN ARM NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established the Kenai Mountains-Turnagain Arm National Heritage Area.

(b) BOUNDARIES.—The Heritage Area shall comprise the lands in the Kenai Mountains and upper Turnagain Arm region generally depicted on the map entitled ''Kenai Peninsula/Turnagain Arm National Heritage Corridor'', numbered ''Map #KMTA–1'', and dated ''August 1999''. The map shall be on file and available for public inspection in the offices of the Alaska Regional Office of the National Park Service and in the offices of the Alaska State Heritage Preservation Officer.

SEC. 905. MANAGEMENT ENTITY.

(a) The Secretary shall enter into a cooperative agreement with the management entity to carry out the purposes of this title. The cooperative agreement shall include information relating to the objectives and management of the Heritage Area, including the following:

(1) A discussion of the goals and objectives of the Heritage Area.

(2) An explanation of the proposed approach to conservation and interpretation of the Heritage Area.

(3) A general outline of the protection measures, to which the management entity commits.

(b) Nothing in this title authorizes the management entity to assume any management authorities or responsibilities on Federal lands.

(c) Representatives of other organizations shall be invited and encouraged to participate with the management entity and in the development and implementation of the management plan, including but not limited to: The State Division of Parks and Outdoor Recreation; the State Division of Mining, Land and Water; the Forest Service; the State Historic Preservation Office; the Kenai Peninsula Borough; the Municipality of Anchorage; the Alaska Railroad; the Alaska Department of Transportation; and the National Park Service.

(d) Representation of ex officio members in the nonprofit corporation shall be established under the bylaws of the management entity.

SEC. 906. AUTHORITIES AND DUTIES OF MANAGEMENT ENTITY.

(a) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the Secretary enters into a cooperative agreement with the management entity, the management entity shall develop a management plan for the Heritage Area, taking into consideration existing Federal, State, borough, and local plans.

(2) CONTENTS.—The management plan shall include, but not be limited to—

(A) comprehensive recommendations for conservation, funding, management, and development of the Heritage Area;

(B) a description of agreements on actions to be carried out by Government and private organizations to protect the resources of the Heritage Area;

(C) a list of specific and potential sources of funding to protect, manage, and develop the Heritage Area;

(D) an inventory of resources contained in the Heritage Area; and

(E) a description of the role and participation of other Federal, State and local agencies that have jurisdiction on lands within the Heritage Area.

(b) PRIORITIES.—The management entity shall give priority to the implementation of actions, goals, and policies set forth in the cooperative agreement with the Secretary and the heritage plan, including assisting communities within the region in—

(1) carrying out programs which recognize important resource values in the Heritage Area;

(2) encouraging economic viability in the affected communities;

(3) establishing and maintaining interpretive exhibits in the Heritage Area;

(4) improving and interpreting heritage trails;

(5) increasing public awareness and appreciation for the natural, historical, and cultural resources and modern resource development of the Heritage Area;

(6) restoring historic buildings and structures that are located within the boundaries of the Heritage Area; and

(7) ensuring that clear, consistent, and appropriate signs identifying public access points and sites of interest are placed throughout the Heritage Area.

(c) PUBLIC MEETINGS.—The management entity shall conduct 2 or more public meetings each year regarding the initiation and implementation of the management plan for the Heritage Area. The management entity shall place a notice of each such meeting in a newspaper of general circulation in the Heritage Area and shall make the minutes of the meeting available to the public.

SEC. 907. DUTIES OF THE SECRETARY.

(a) The Secretary, in consultation with the Governor of Alaska, or his designee, is authorized to enter into a cooperative agreement with the management entity. The cooperative agreement shall be prepared with public participation.

(b) In accordance with the terms and conditions of the cooperative agreement and upon the request of the management entity, and subject to the availability of funds, the Secretary may provide administrative, technical, financial, design, development, and operations assistance to carry out the purposes of this title.

SEC. 908. SAVINGS PROVISIONS.

(a) REGULATORY AUTHORITY.—Nothing in this title shall be construed to grant powers of zoning or management of land use to the management entity of the Heritage Area.

(b) EFFECT ON AUTHORITY OF GOVERNMENTS.—Nothing in this title shall be construed to modify, enlarge, or diminish any authority of the Federal, State, or local governments to manage or regulate any use of land as provided for by law or regulation.

(c) EFFECT ON BUSINESS.—Nothing in this title shall be construed to obstruct or limit business activity on private development or resource development activities.

SEC. 909. PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.

The management entity may not use funds appropriated to carry out the purposes of this Act to acquire real property or interest in real property.

SEC. 910. AUTHORIZATION OF APPROPRIATIONS.

(a) FIRST YEAR.—For the first year $350,000 is authorized to be appropriated to carry out the purposes of this title, and is made available upon the Secretary and the management entity completing a cooperative agreement.

(b) IN GENERAL.—There is authorized to be appropriated not more than $1,000,000 to carry out the purposes of this title for any fiscal year after the first year. Not more than $10,000,000, in the aggregate, may be appropriated for the Heritage Area.

(c) MATCHING FUNDS.—Federal funding provided under this Act shall be matched at least 25 percent by other funds or in-kind services.

(d) SUNSET PROVISION.—The Secretary may not make any grant or provide any assistance under this title beyond 15 years from the date that the Secretary and management entity complete a cooperative agreement.

GREATER YUMA PORT AUTHORITY OF YUMA COUNTY, ARIZONA LEGISLATION

MURKOWSKI (AND OTHERS) AMENDMENT NO. 4330

Mr. SESSIONS (for Mr. MURKOWSKI (for himself and Mr. BINGAMAN)) proposed an amendment to the bill (H.R. 3032) to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to convey property to the Greater Yuma Port Authority of Yuma

County, Arizona, for use as an international port of entry; as follows:

Strike all after the enacting clause and insert the following:

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TITLE I—LAND CONVEYANCE

SEC. 101. CONVEYANCE OF LANDS TO THE GREATER YUMA PORT AUTHORITY.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Secretary of the Interior, acting through the Bureau of Reclamation, may, in the 5-year period beginning on the date of the enactment of this section and in accordance with the conditions specified in subsection (b) convey to the Greater Yuma Port Authority the interests described in paragraph (2).

(2) INTERESTS DESCRIBED.—The interests referred to in paragraph (1) are the following:

(A) All right, title, and interest of the United States in and to the lands comprising Section 23, Township 11 South, Range 24 West, G&SRBM, Lots 1–4, NE¼, N½ NW¼, excluding lands located within the 60-foot border strip, in Yuma County, Arizona.

(B) All right, title, and interest of the United States in and to the lands comprising Section 22, Township 11 South, Range 24 West, G&SRBM, East 300 feet of Lot 1, excluding lands located within the 60-foot border strip, in Yuma County, Arizona.

(C) All right, title, and interest of the United States in and to the lands comprising Section 24, Township 11 South, Range 24 West, G&SRBM, West 300 feet, excluding lands in the 60-foot border strip, in Yuma County, Arizona.

(D) All right, title, and interest of the United States in and to the lands comprising the East 300 feet of the Southeast Quarter of Section 15, Township 11 South, Range 24 West, G&SRBM, in Yuma County, Arizona.

(E) The right to use lands in the 60-foot border strip excluded under subparagraphs (A), (B), and (C), for ingress to and egress from the international boundary between the United States and Mexico.

(b) DEED COVENANTS AND CONDITIONS.—Any conveyance under subsection (a) shall be subject to the following covenants and conditions:

(1) A reservation of rights-of-way for ditches and canals constructed or to be constructed by the authority of the United States, this reservation being of the same character and scope as that created with respect to certain public lands by the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945), as it has been, or may hereafter be amended.

(2) A leasehold interest in Lot 1, and the west 100 feet of Lot 2 in Section 23 for the operation of a Cattle Crossing Facility, currently being operated by the Yuma-Sonora Commercial Company, Incorporated. The lease as currently held contains 24.68 acres, more or less. Any renewal or termination of the lease shall be by the Greater Yuma Port Authority.

(3) Reservation by the United States of a 245-foot perpetual easement for operation and maintenance of the 242 Lateral Canal and Well Field along the northern boundary of the East 300 feet of Section 22, Section 23, and the West 300 feet of Section 24 as shown on Reclamation Drawing Nos. 1292–303–3624, 1292–303–3625, and 1292–303–3626.

(4) A reservation by the United States of all rights to the ground water in the East 300 feet of Section 15, the East 300 feet of Section 22, Section 23, and the West 300 feet of Section 24, and the right to remove, sell, transfer, or exchange the water to meet the obligations of the Treaty of 1944 with the Republic of Mexico, and Minute Order No. 242 for the delivery of salinity controlled water to Mexico.

(5) A reservation of all rights-of-way and easements existing or of record in favor of the public or third parties.

(6) A right-of-way reservation in favor of the United States and its contractors, and the State of Arizona, and its contractors, to utilize a 33-foot easement along all section lines to freely give ingress to, passage over, and egress from areas in the exercise of official duties of the United States and the State of Arizona.

(7) Reservation of a right-of-way to the United States for a 100-foot by 100-foot parcel for each of the Reclamation monitoring wells, together with unrestricted ingress and egress to both sites. One monitoring well is located in Lot 1 of Section 23 just north of the Boundary Reserve and just west of the Cattle Crossing Facility, and the other is located in the southeast corner of Lot 3 just north of the Boundary Reserve.

(8) An easement comprising a 50-foot strip lying North of the 60-foot International Boundary Reserve for drilling and operation of, and access to, wells.

(9) A reservation by the United States of 15/16 of all gas, oil, metals, and mineral rights.

(10) A reservation of 1/16 of all gas, oil, metals, and mineral rights retained by the State of Arizona.

(11) Such additional terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

(c) CONSIDERATION.—

(1) IN GENERAL.—As consideration for the conveyance under subsection (a), the Greater Yuma Port Authority shall pay the United States consideration equal to the fair market value on the date of the enactment of this Act of the interest conveyed.

(2) DETERMINATION.—For purposes of paragraph (1), the fair market value of any interest in land shall be determined taking into account that the land is undeveloped, that 80 acres is intended to be dedicated to use by the United States for Federal governmental purposes, and that an additional substantial portion of the land is dedicated to public right-of-way, highway, and transportation purposes.

(d) USE.—The Greater Yuma Port Authority and its successors shall use the interests conveyed solely for the purpose of the construction and operation of an international port of entry and related activities.

(e) COMPLIANCE WITH LAWS.—Before the date of the conveyance, actions required with respect to the conveyance under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the National Historic Preservation Act (16 U.S.C. 470 et seq.), and other applicable Federal laws must be completed at no cost to the United States.

(f) USE OF 60-FOOT BORDER STRIP.—Any use of the 60-foot border strip shall be made in coordination with Federal agencies having authority with respect to the 60-foot border strip.

(g) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of property conveyed under this section, and of any right-of-way that is subject to a right of use conveyed pursuant to subsection (a)(2)(E), shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Greater Yuma Port Authority.

(h) DEFINITIONS.—As used in this section:

(1) 60-FOOT BORDER STRIP.—The term ''60-foot border strip'' means lands in any of the Sections of land referred to in this Act located within 60 feet of the international boundary between the United States and Mexico.

(2) GREATER YUMA PORT AUTHORITY.—The term ''Greater Yuma Port Authority'' means Trust No. 84–184, Yuma Title & Trust Company, an Arizona Corporation, a trust for the benefit of the Cocopah Tribe, a Sovereign Nation, the County of Yuma, Arizona, the City of Somerton, and the City of San Luis, Arizona, or such other successor joint powers agency or public purpose entity as unanimously designated by those governmental units.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Bureau of Reclamation.

SEC. 102. CONVEYANCE OF LAND TO PARK COUNTY, WYOMING.

(a) FINDINGS.—Congress finds that—

(1) over 82 percent of the land in Park County, Wyoming, is owned by the Federal Government;

(2) the parcel of land described in subsection (d) located in Park County has been

withdrawn from the public domain for reclamation purposes and is managed by the Bureau of Reclamation;

(3) the land has been subject to a withdrawal review, a level I contaminant survey, and historical, cultural, and archaeological resource surveys by the Bureau of Reclamation;

(4) the Bureau of Land Management has conducted a cadastral survey of the land and has determined that the land is no longer suitable for return to the public domain;

(5) the Bureau of Reclamation and the Bureau of Land Management concur in the recommendation of disposal of the land as described in the documents referred to in paragraphs (3) and (4); and

(6) the County has evinced an interest in using the land for the purposes of local economic development.

(b) DEFINITIONS.—In this section:

(1) COUNTY.—The term ''County'' means Park County, Wyoming.

(2) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the General Services Administration.

(c) CONVEYANCE.—In consideration of payment of $240,000 to the Administrator by the County, the Administrator shall convey to the County all right, title, and interest of the United States in and to the parcel of land described in subsection (d).

(d) DESCRIPTION OF PROPERTY.—The parcel of land described in this subsection is the parcel located in the County comprising 190.12 acres, the legal description of which is as follows:

Sixth Principal Meridian, Park County, Wyoming

T. 53 N., R. 101 W.	*Acreage*
Section 20, S½SE¼SW¼SE¼	5.00
Section 29, Lot 7	9.91
Lot 9	38.24
Lot 10	31.29
Lot 12	5.78
Lot 13	8.64
Lot 14	0.04
Lot 15	9.73
S½NE¼NE¼NW¼	5.00
SW¼NE¼NW¼	10.00
SE¼NW¼NW¼	10.00
NW¼SW¼NW¼	10.00
Tract 101	13.24
Section 30, Lot 31	16.95
Lot 32	16.30

(e) RESERVATION OF RIGHTS.—The instrument of conveyance under subsection (c) shall reserve all rights to locatable, salable, leaseable coal, oil or gas resources.

(f) LEASES, EASEMENTS, RIGHTS-OF-WAY, AND OTHER RIGHTS.—The conveyance under subsection (c) shall be subject to any land-use leases, easements, rights-of-way, or valid existing rights in existence as of the date of the conveyance.

(g) ENVIRONMENTAL LIABILITY.—As a condition of the conveyance under subsection (c), the United States shall comply with the provisions of section 9620(h) of title 42, United States Code.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Administrator may require such additional terms and conditions in connection with the conveyance under subsection (c) as the Administrator considers appropriate to protect the interests of the United States.

(i) TREATMENT OF AMOUNTS RECEIVED.—The net proceeds received by the United States as payment under subsection (c) shall be deposited into the fund established in section 490(f) of title 40 of the United States Code, and may be expended by the Administrator for real property management and related activities not otherwise provided for, without further authorization.

SEC. 103. CONVEYANCE TO LANDUSKY SCHOOL DISTRICT, MONTANA

Subject to valid existing rights, the Secretary of the Interior shall issue to the Landudky School District, without consideration, a patent for the surface and mineral estates of approximately 2.06 acres of land as follows: T.25 N, R.24 E, Montana Prime Meridian, section 27 block 2, school reserve, and section 27, block 3, lot 13.

TITLE II—GOLDEN SPIKE/CROSSROADS OF THE WEST NATIONAL HERITAGE AREA STUDY

SEC. 201. AUTHORIZATION OF STUDY.

(a) DEFINITIONS.—For the purposes of this section:

(1) GOLDEN SPIKE RAIL STUDY.—The term ''Golden Spike Rail Study'' means the Golden Spike Rail Feasibility Study, Reconnaissance Survey, Ogden, Utah to Golden Spike National Historic Site'', National Park Service, 1993.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(3) STUDY AREA.—The term ''Study Area'' means the Golden Spike/Crossroads of the West National Heritage Area Study Area, the boundaries of which are described in subsection (d).

(b) IN GENERAL.—The Secretary shall conduct a study of the Study Area which includes analysis and documentation necessary to determine whether the Study Area—

(1) has an assemblage of natural, historic, and cultural resources that together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use, and are best managed through partnerships among public and private entities;

(2) reflects traditions, customs, beliefs, and folk-life that are a valuable part of the national story;

(3) provides outstanding opportunities to conserve natural, historic, cultural, or scenic features;

(4) provides outstanding recreational and educational opportunities;

(5) contains resources important to the identified theme or themes of the Study Area that retain a degree of integrity capable of supporting interpretation;

(6) includes residents, business interests, nonprofit organizations, and local and State governments who have demonstrated support for the concept of a National Heritage Area; and

(7) has a potential management entity to work in partnership with residents, business interests, nonprofit organizations, and local and State governments to develop a National Heritage Area consistent with continued local and State economic activity.

(c) CONSULTATION.—In conducting the study, the Secretary shall—

(1) consult with the State Historic Preservation Officer, State Historical Society, and other appropriate organizations; and

(2) use previously completed materials, including the Golden Spike Rail Study.

(d) BOUNDARIES OF STUDY AREA.—The Study Area shall be comprised of sites relating to completion of the first transcontinental railroad in the State of Utah, concentrating on those areas identified on the map included in the Golden Spike Rail Study.

(e) REPORT.—Not later than 3 fiscal years after funds are first made available to carry out this section, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the findings and conclusions of the study and recommendations based upon those findings and conclusions.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out the provisions of this section.

SEC. 202. CROSSROADS OF THE WEST HISTORIC DISTRICT.

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

(1) to preserve and interpret, for the educational and inspirational benefit of the public, the contribution to our national heritage of certain historic and cultural lands and edifices of the Crossroads of the West Historic District; and

(2) to enhance cultural and compatible economic redevelopment within the District.

(b) DEFINITIONS.—For the purposes of this section:

(1) DISTRICT.—The term ''District'' means the Crossroads of the West Historic District established by subsection (c).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(3) HISTORIC INFRASTRUCTURE.—The term ''historic infrastructure'' means the District's historic buildings and any other structure that the Secretary determines to be eligible for listing on the National Register of Historic Places.

(c) CROSSROADS OF THE WEST HISTORIC DISTRICT.—

(1) ESTABLISHMENT.—There is established the Crossroads of the West Historic District in the city of Ogden, Utah.

(2) BOUNDARIES.—The boundaries of the District shall be the boundaries depicted on the map entitled ''Crossroads of the West Historic District'', numbered OGGO-20,000, and dated March 22, 2000. The map shall be on file and available for public inspection in the appropriate offices of the Department of the Interior.

(d) DEVELOPMENT PLAN.—The Secretary may make grants and enter into cooperative agreements with the State of Utah, local governments, and nonprofit entities under which the Secretary agrees to pay not more than 50 percent of the costs of—

(1) preparation of a plan for the development of historic, architectural, natural, cultural, and interpretive resources within the District;

(2) implementation of projects approved by the Secretary under the development plan described in paragraph (1); and

(3) an analysis assessing measures that could be taken to encourage economic development and revitalization within the District in a manner consistent with the District's historic character.

(e) RESTORATION, PRESERVATION, AND INTERPRETATION OF PROPERTIES.—

(1) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the State of Utah, local governments, and nonprofit entities owning property within the District under which the Secretary may—

(A) pay not more than 50 percent of the cost of restoring, repairing, rehabilitating, and improving historic infrastructure within the District;

(B) provide technical assistance with respect to the preservation and interpretation of properties within the District; and

(C) mark and provide interpretation of properties within the District.

(2) NON-FEDERAL CONTRIBUTIONS.—When determining the cost of restoring, repairing, rehabilitating, and improving historic infrastructure within the District for the purposes of paragraph (1)(A), the Secretary may consider any donation of property, services, or goods from a non-Federal source as a contribution of funds from a non-Federal source.

(3) PROVISIONS.—A cooperative agreement under paragraph (1) shall provide that—

(A) the Secretary shall have the right of access at reasonable times to public portions of the property for interpretive and other purposes;

(B) no change or alteration may be made in the property except with the agreement of

the property owner, the Secretary, and any Federal agency that may have regulatory jurisdiction over the property; and

(C) any construction grant made under this section shall be subject to an agreement that provides—

(I) that conversion, use, or disposal of the project so assisted for purposes contrary to the purposes of this section shall result in a right of the United States to compensation from the beneficiary of the grant; and

(II) for a schedule for such compensation based on the level of Federal investment and the anticipated useful life of the project.

(4) APPLICATIONS.—

(A) IN GENERAL.—A property owner that desires to enter into a cooperative agreement under paragraph (1) shall submit to the Secretary an application describing how the project proposed to be funded will further the purposes of the management plan developed for the District.

(B) CONSIDERATION.—In making such funds available under this subsection, the Secretary shall give consideration to projects that provide a greater leverage of Federal funds.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section not more than $1,000,000 for any fiscal year and not more than $5,000,000 total.

TITLE III—BLACK ROCK DESERT-HIGH ROCK CANYON EMIGRANT TRAILS NATIONAL CONSERVATION AREA

SEC. 301. SHORT TITLE.

This title may be cited as the ''Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area Act of 2000''.

SEC. 302. FINDINGS.

The Congress finds the following:

(1) The areas of northwestern Nevada known as the Black Rock Desert and High Rock Canyon contain and surround the last nationally significant, untouched segments of the historic California emigrant Trails, including wagon ruts, historic inscriptions, and a wilderness landscape largely unchanged since the days of the pioneers.

(2) The relative absence of development in the Black Rock Desert and high Rock Canyon areas from emigrant times to the present day offers a unique opportunity to capture the terrain, sights, and conditions of the overland trails as they were experienced by the emigrants and to make available to both present and future generations of Americans the opportunity of experiencing emigrant conditions in an unaltered setting.

(3) The Black Rock Desert and High Rock Canyon areas are unique segments of the Northern Great Basin and contain broad representation of the Great Basin's land forms and plant and animal species, including golden eagles and other birds of prey, sage grouse, mule deer, pronghorn antelope, bighorn sheep, free roaming horses and burros, threatened fish and sensitive plants.

(4) The Black Rock-High Rock region contains a number of cultural and natural resources that have been declared eligible for National Historic Landmark and Natural Landmark status, including a portion of the 1843–44 John Charles Fremont exploration route, the site of the death of Peter Lassen, early military facilities, and examples of early homesteading and mining.

(5) The archeological, paleontological, and geographical resources of the Black Rock-High Rock region include numerous prehistoric and historic Native American sites, wooly mammoth sites, some of the largest natural potholes of North America, and a remnant dry Pleistocene lakebed (playa) where the curvature of the Earth may be observed.

(6) The two large wilderness mosaics that frame the conservation area offer exceptional opportunities for solitude and serve to protect the integrity of the viewshed of the historic emigrant trails.

(7) Public lands in the conservation area have been used for domestic livestock grazing for over a century, with resultant benefits to community stability and contributions to the local and State economies. It has not been demonstrated that continuation of this use would be incompatible with appropriate protection and sound management of the resource values of these lands; therefore, it is expected that such grazing will continue in accordance with the management plan for the conservation area and other applicable laws and regulations.

(8) The Black Rock Desert playa is a unique natural resource that serves as the primary destination for the majority of visitors to the conservation area, including visitors associated with large-scale permitted events. It is expected that such permitted events will continue to be administered in accordance with the management plan for the conservation area and other applicable laws and regulations.

SEC. 303. DEFINITIONS.

As used in this title:

(1) The term ''Secretary'' means the Secretary of the Interior.

(2) The term ''public lands'' has the meaning stated in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e)).

(3) The term ''conservation area'' means the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area established pursuant to section 304 of this title.

SEC. 304. ESTABLISHMENT OF CONSERVATION AREA.

(a) ESTABLISHMENT AND PURPOSES.—In order to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the unique and nationally important historical, cultural, paleontological, scenic, scientific, biological, educational, wildlife, riparian, wilderness, endangered species, and recreational values and resources associated with the Applegate-Lassen and Nobles Trails corridors and surrounding areas, there is hereby established the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area in the State of Nevada.

(b) AREAS INCLUDED.—The conservation area shall consist of approximately 797,100 acres of public lands as generally depicted on the map entitled ''Black Rock Desert Emigrant Trail National Conservation Area'' and dated July 19, 2000.

(c) MAPS AND LEGAL DESCRIPTION.—As soon as practicable after the date of the enactment of this title, the Secretary shall submit to Congress a map and legal description of the conservation area. The map and legal description shall have the same force and effect as if included in this title, except the Secretary may correct clerical and typographical errors in such map and legal description. Copies of the map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

SEC. 305. MANAGEMENT.

(a) MANAGEMENT.—The Secretary, acting through the Bureau of Land Management, shall manage the conservation area in a manner that conserves, protects and enhances its resources and values, including those resources and values specified in section 304(a), in accordance with this title, the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), and other applicable provisions of law.

(b) ACCESS.—

(1) IN GENERAL.—The Secretary shall maintain adequate access for the reasonable use and enjoyment of the conservation area.

(2) PRIVATE LAND.—The Secretary shall provide reasonable access to privately owned land or interests in land within the boundaries of the conservation area.

(3) EXISTING PUBLIC ROADS.—The Secretary is authorized to maintain existing public access within the boundaries of the conservation area in a manner consistent with the purposes for which the conservation area was established.

(c) USES.—

(1) IN GENERAL.—The Secretary shall only allow such uses of the conservation area as the Secretary finds will further the purposes for which the conservation area is established.

(2) OFF-HIGHWAY VEHICLE USE.—Except where needed for administrative purposes or to respond to an emergency, use of motorized vehicles in the conservation area shall be permitted only on roads and trails and in other areas designated for use of motorized vehicles as part of the management plan prepared pursuant to subsection (e).

(3) PERMITTED EVENTS.—The Secretary may continue to permit large-scale events in defined, low impact areas of the Black Rock Desert playa in the conservation area in accordance with the management plan prepared pursuant to subsection (e).

(d) HUNTING, TRAPPING, AND FISHING.—Nothing in this title shall be deemed to diminish the jurisdiction of the State of Nevada with respect to fish and wildlife management, including regulation of hunting and fishing, on public lands within the conservation area.

(e) MANAGEMENT PLAN.—Within three years following the date of enactment of this title, the Secretary shall develop a comprehensive resource management plan for the long-term protection and management of the conservation area. The plan shall be developed with full public participation and shall describe the appropriate uses and management of the conservation area consistent with the provisions of this title. The plan may incorporate appropriate decisions contained in any current management or activity plan for the area and may use information developed in previous studies of the lands within or adjacent to the conservation area.

(f) GRAZING.—Where the Secretary of the Interior currently permits livestock grazing in the conservation area, such grazing shall be allowed to continue subject to all applicable laws, regulations, and executive orders.

(g) VISITOR SERVICE FACILITIES.—The Secretary is authorized to establish, in cooperation with other public or private entities as the Secretary may deem appropriate, visitor service facilities for the purpose of providing information about the historical, cultural, ecological, recreational, and other resources of the conservation area.

SEC. 306. WITHDRAWAL.

(a) IN GENERAL.—Subject to valid existing rights, all Federal lands within the conservation area and all lands and interests therein which are hereafter acquired by the United States are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws, from location, entry, and patent under the mining laws, from operation of the mineral leasing and geothermal leasing laws and from the minerals materials laws and all amendments thereto.

SEC. 307. NO BUFFER ZONES.

The Congress does not intend for the establishment of the conservation area to lead to the creation of protective perimeters or buffer zones around the conservation area. The fact that there may be activities or uses on lands outside the conservation area that would not be permitted in the conservation area shall not preclude such activities or

uses on such lands up to the boundary of the conservation area consistent with other applicable laws.

SEC. 308. WILDERNESS.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act of 1964 (16 U.S.C. 1131 et seq.), the following lands in the State of Nevada are designated as wilderness, and, therefore, as components of the National Wilderness Preservation System:

(1) Certain lands in the Black Rock Desert Wilderness Study Area comprised of approximately 315,700 acres, as generally depicted on a map entitled ''Black Rock Desert Wilderness—Proposed'' and dated July 19, 2000, and which shall be known as the Black Rock Desert Wilderness.

(2) Certain lands in the Pahute Peak Wilderness Study Area comprised of approximately 57,400 acres, as generally depicted on a map entitled ''Pahute Peak Wilderness—Proposed'' and dated July 19, 2000, and which shall be known as the Pahute Peak Wilderness.

(3) Certain lands in the North Black Rock Range Wilderness Study Area comprised of approximately 30,800 acres, as generally depicted on a map entitled ''North Black Rock Range Wilderness—Proposed'' and dated July 19, 2000, and which shall be known as the North Black Rock Range Wilderness.

(4) Certain lands in the East Fork High Rock Canyon Wilderness Study Area comprised of approximately 52,800 acres, as generally depicted on a map entitled ''East Fork High Rock Canyon Wilderness—Proposed'' and dated July 19, 2000, and which shall be known as the East Fork High Rock Canyon Wilderness.

(5) Certain lands in the High Rock Lake Wilderness Study Area comprised of approximately 59,300 acres, as generally depicted on a map entitled ''High Rock Lake Wilderness—Proposed'' and dated July 19, 2000, and which shall be known as the High Rock Lake Wilderness.

(6) Certain lands in the Little High Rock Canyon Wilderness Study Area comprised of approximately 48,700 acres, as generally depicted on a map entitled ''Little High Rock Canyon Wilderness—Proposed'' and dated July 19, 2000, and which shall be known as the Little High Rock Canyon Wilderness.

(7) Certain lands in the High Rock Canyon Wilderness Study Area and Yellow Rock Canyon Wilderness Study Area comprised of approximately 46,600 acres, as generally depicted on a map entitled ''High Rock Canyon Wilderness—Proposed'' and dated July 19, 2000, and which shall be known as the High Rock Canyon Wilderness.

(8) Certain lands in the Calico Mountains Wilderness Study Area comprised of approximately 65,400 acres, as generally depicted on a map entitled ''Calico Mountains Wilderness—Proposed'' and dated July 19, 2000, and which shall be known as the Calico Mountains Wilderness.

(9) Certain lands in the South Jackson Mountains Wilderness Study Area comprised of approximately 56,800 acres, as generally depicted on a map entitled ''South Jackson Mountains Wilderness—Proposed'' and dated July 19, 2000, and which shall be known as the South Jackson Mountains Wilderness.

(10) Certain lands in the North Jackson Mountains Wilderness Study Area comprised of approximately 24,000 acres, as generally depicted on a map entitled ''North Jackson Mountains Wilderness—Proposed'' and dated July 19, 2000, and which shall be known as the North Jackson Mountains Wilderness.

(b) ADMINISTRATION OF WILDERNESS AREAS.—Subject to valid existing rights, each wilderness area designated by this title shall be administered by the Secretary in accordance with the provisions of the Wilderness title, except that any reference in such provisions to the effective date of the Wilderness title shall be deemed to be a reference to the date of enactment of this title and any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.

(c) MAPS AND LEGAL DESCRIPTION.—As soon as practicable after the date of the enactment of this title, the Secretary shall submit to Congress a map and legal description of the wilderness areas designated under this title. The map and legal description shall have the same force and effect as if included in this title, except the Secretary may correct clerical and typographical errors in such map and legal description. Copies of the map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(d) GRAZING.—Within the wilderness areas designated under subsection (a), the grazing of livestock, where established prior to the date of enactment of this title, shall be permitted to continue subject to such reasonable regulations, policies, and practices as the Secretary deems necessary, as long as such regulations, policies, and practices fully conform with and implement the intent of Congress regarding grazing in such areas as such intent is expressed in the Wilderness Act and section 101(f) of Public Law 101–628.

SEC. 309. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

TITLE IV—SAINT HELENA ISLAND NATIONAL SCENIC AREA

SEC. 401. SHORT TITLE.

This title may be cited as the ''Saint Helena Island National Scenic Area Act''.

SEC. 402. ESTABLISHMENT OF SAINT HELENA ISLAND NATIONAL SCENIC AREA, MICHIGAN.

(a) PURPOSE.—The purposes of this title are—

(1) to preserve and protect for present and future generations the outstanding resources and values of Saint Helena Island in Lake Michigan, Michigan; and

(2) to provide for the conservation, protection, and enhancement of primitive recreation opportunities, fish and wildlife habitat, vegetation, and historical and cultural resources of the island.

(b) ESTABLISHMENT.—For the purposes described in subsection (a), there shall be established the Saint Helena Island National Scenic Area (in this title referred to as the ''scenic area'').

(c) EFFECTIVE UPON CONVEYANCE.—Subsection (b) shall be effective upon conveyance of satisfactory title to the United States of the whole of Saint Helena Island, except that portion conveyed to the Great Lakes Lighthouse Keepers Association pursuant to section 1001 of the Coast Guard Authorization Act of 1996 (Public Law 104–324; 110 Stat. 3948).

SEC. 403. BOUNDARIES.

(a) SAINT HELENA ISLAND.—The scenic area shall comprise all of Saint Helena Island, in Lake Michigan, Michigan, and all associated rocks, pinnacles, islands, and islets within one-eighth mile of the shore of Saint Helena Island.

(b) BOUNDARIES OF HIAWATHA NATIONAL FOREST EXTENDED.—Upon establishment of the scenic area, the boundaries of the Hiawatha National Forest shall be extended to include all of the lands within the scenic area. All such extended boundaries shall be deemed boundaries in existence as of January 1, 1965, for the purposes of section 8 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9).

(c) PAYMENTS TO LOCAL GOVERNMENTS.—Solely for purposes of payments to local governments pursuant to section 6902 of title 31, United States Code, lands acquired by the United States under this title shall be treated as entitlement lands.

SEC. 404. ADMINISTRATION AND MANAGEMENT.

(a) ADMINISTRATION.—Subject to valid existing rights, the Secretary of Agriculture (in this title referred to as the ''Secretary'') shall administer the scenic area in accordance with the laws, rules, and regulations applicable to the National Forest System in furtherance of the purposes of this title.

(b) SPECIAL MANAGEMENT REQUIREMENTS.—*Within 3 years of the acquisition of 50 percent of the land authorized for acquisition under section 407, the Secretary shall develop an amendment to the land and resources management plan for the Hiawatha National Forest which will direct management of the scenic area*. Such an amendment shall conform to the provisions of this title. Nothing in this title shall require the Secretary to revise the land and resource management plan for the Hiawatha National Forest pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604). In developing a plan for management of the scenic area, the Secretary shall address the following special management considerations:

(1) PUBLIC ACCESS.—Alternative means for providing public access from the mainland to the scenic area shall be considered, including any available existing services and facilities, concessionaires, special use permits, or other means of making public access available for the purposes of this title.

(2) ROADS.—After the date of the enactment of this title, no new permanent roads shall be constructed within the scenic area.

(3) VEGETATION MANAGEMENT.—No timber harvest shall be allowed within the scenic area, except as may be necessary in the control of fire, insects, and diseases, and to provide for public safety and trail access. Notwithstanding the foregoing, the Secretary may engage in vegetation manipulation practices for maintenance of wildlife habitat and visual quality. Trees cut for these purposes may be utilized, salvaged, or removed from the scenic area as authorized by the Secretary.

(4) MOTORIZED TRAVEL.—Motorized travel shall not be permitted within the scenic area, except on the waters of Lake Michigan, and as necessary for administrative use in furtherance of the purposes of this title.

(5) FIRE.—Wildfires shall be suppressed in a manner consistent with the purposes of this title, using such means as the Secretary deems appropriate.

(6) INSECTS AND DISEASE.—Insect and disease outbreaks may be controlled in the scenic area to maintain scenic quality, prevent tree mortality, or to reduce hazards to visitors.

(7) DOCKAGE.—The Secretary shall provide through concession, permit, or other means docking facilities consistent with the management plan developed pursuant to this section.

(8) SAFETY.—The Secretary shall take reasonable actions to provide for public health and safety and for the protection of the scenic area in the event of fire or infestation of insects or disease.

(c) CONSULTATION.—In preparing the management plan, the Secretary shall consult with appropriate State and local government officials, provide for full public participation, and consider the views of all interested parties, organizations, and individuals.

SEC. 405. FISH AND GAME.

Nothing in this title shall be construed as affecting the jurisdiction or responsibilities of the State of Michigan with respect to fish and wildlife in the scenic area.

SEC. 406. MINERALS.

Subject to valid existing rights, the lands within the scenic area are hereby withdrawn from disposition under all laws pertaining to mineral leasing, including all laws pertaining to geothermal leasing. Also subject to valid existing rights, the Secretary shall not allow any mineral development on federally owned land within the scenic area, except that common varieties of mineral materials, such as stone and gravel, may be utilized only as authorized by the Secretary to the extent necessary for construction and maintenance of roads and facilities within the scenic area.

SEC. 407. ACQUISITION.

(a) ACQUISITION OF LANDS WITHIN THE SCENIC AREA.—The Secretary shall acquire, by purchase from willing sellers, gift, or exchange, lands, waters, structures, or interests therein, including scenic or other easements, within the boundaries of the scenic area to further the purposes of this title.

(b) ACQUISITION OF OTHER LANDS.—The Secretary may acquire, by purchase from willing sellers, gift, or exchange, not more than 10 acres of land, including any improvements thereon, on the mainland to provide access to and administrative facilities for the scenic area.

SEC. 408. AUTHORIZATION OF APPROPRIATIONS.

(a) ACQUISITION OF LANDS.—There are hereby authorized to be appropriated such sums as may be necessary for the acquisition of land, interests in land, or structures within the scenic area and on the mainland as provided in section 407.

(b) OTHER PURPOSES.—In addition to the amounts authorized to be appropriated under subsection (a), there are authorized to be appropriated such sums as may be necessary for the development and implementation of the management plan under section 404(b).

TITLE V—NATCHEZ TRACE PARKWAY BOUNDARY ADJUSTMENT

SEC. 501. DEFINITIONS.

In this title:

(1) PARKWAY.—The term ''Parkway'' means the Natchez Trace Parkway, Mississippi.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 502. BOUNDARY ADJUSTMENT AND LAND ACQUISITION.

(a) IN GENERAL.—The Secretary shall adjust the boundary of the Parkway to include approximately—

(1) 150 acres of land, as generally depicted on the map entitled ''Alternative Alignments/Area'', numbered 604–20062A and dated May 1998; and

(2) 80 acres of land, as generally depicted on the map entitled ''Emerald Mound Development Concept Plan'', numbered 604–20042E and dated August 1987.

(b) MAPS.—The maps referred to in subsection (a) shall be on file and available for public inspection in the office of the Director of the National Park Service.

(c) ACQUISITION.—The Secretary may acquire the land described in subsection (a) by donation, purchase with donated or appropriated funds, or exchange (including exchange with the State of Mississippi, local governments, and private persons).

(d) ADMINISTRATION.—Land acquired under this section shall be administered by the Secretary as part of the Parkway.

SEC. 503. AUTHORIZATION OF LEASING.

The Secretary, acting through the Superintendent of the Parkway, may lease land within the boundary of the Parkway to the city of Natchez, Mississippi, for any purpose compatible with the Parkway.

SEC. 504. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

TITLE VI—DIAMOND VALLEY LAKE INTERPRETIVE CENTER AND MUSEUM

SEC. 601. INTERPRETIVE CENTER AND MUSEUM, DIAMOND VALLEY LAKE, HEMET, CALIFORNIA.

(a) ASSISTANT FOR ESTABLISHMENT OF CENTER AND MUSEUM.—The Secretary of the Interior shall enter into an agreement with an appropriate entity for the purchase of sharing costs incurred to design, construct, furnish, and operate an interpretive center and museum, to be located on lands under the jurisdiction of the Metropolitan Water District of Southern California, intended to preserve, display, and interpret the paleontology discoveries made at and in the vicinity of the Diamond Valley Lake, near Hemet, California, and to promote other historical and cultural resources of the area.

(b) ASSISTANCE FOR NONMOTORIZED TRAILS.—The Secretary shall enter into an agreement with the State of California, a political subdivision of the State, or a combination of State and local public agencies for the purpose of sharing costs incurred to design, construct, and maintain a system of trails around the perimeter of the Diamond Valley Lake for use by pedestrians and nonmotorized vehicles.

(c) MATCHING REQUIREMENT.—The Secretary shall require the other parties to an agreement under this section to secure an amount of funds from non-Federal sources that is at least equal to the amount provided by the Secretary.

(d) TIME FOR AGREEMENT.—The Secretary shall enter into the agreements required by this section not later than 180 days after the date on which funds are first made available to carry out this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated not more than $14,000,000 to carry out this section.

TITLE VII—TECHNICAL AMENDMENTS TO ALASKA NATIVE CLAIMS SETTLEMENT ACT

SEC. 701. ALASKA NATIVE VETERANS.

Section 41 of the Alaska Native Claims Settlement Act (43 U.S.C. 1629g) is amended as follows:

(1) Subsection (a)(3)(I)(4) is amended by striking ''and Reindeer'' and inserting ''or''.

(2) Subsection (a)(4)(B) is amended by striking ''; and'' and inserting ''; or''.

(3) Subsection (b)(1)(B)(i) is amended by striking ''June 2, 1971'' and inserting ''December 31, 1971''.

(4) Subsection (b)(2) is amended by striking the matter preceding subparagraph (A) and inserting the following:

''(2) The personal representative or special administrator, appointed in an Alaska State court proceeding of the estate of a decedent who was eligible under subsection (b)(1)(A) may, for the benefit of the heirs, select an allotment if the decedent was a veteran who served in South East Asia at any time during the period beginning August 5, 1964, and ending December 31, 1971, and during that period the decedent—''.

SEC. 702. LEVIES ON SETTLEMENT TRUST INTERESTS.

Section 39(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1629e(c)) is amended by adding at the end the following new paragraph:

''(8) A beneficiary's interest in a settlement trust and the distributions thereon shall be subject to creditor action (including without limitation, levy attachment, pledge, lien, judgment execution, assignment, and the insolvency and bankruptcy laws) only to the extent that Settlement Common Stock and the distributions thereon are subject to such creditor action under section 7(h) of this Act.''.

TITLE VIII—NATIONAL LEADERSHIP SYMPOSIUM FOR AMERICAN INDIAN, ALASKAN NATIVE, AND NATIVE HAWAIIAN YOUTH

SEC. 801. ADMINISTRATION OF NATIONAL LEADERSHIP SYMPOSIUM FOR AMERICAN INDIAN, ALASKAN NATIVE, AND NATIVE HAWAIIAN YOUTH.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Education for the Washington Workshops Foundation $2,200,000 for administration of a national leadership symposium for American Indian, Alaskan Native, and Native Hawaiian youth on the traditions and values of American democracy.

(b) CONTENT OF SYMPOSIUM.—The symposium administered under subsection (a) shall—

(1) be comprised of youth seminar programs which study the workings and practices of American national government in Washington, DC, to be held in conjunction with the opening of the Smithsonian National Museum of the American Indian; and

(2) envision the participation and enhancement of American Indian, Alaskan Native, and Native Hawaiian youth in the American political process by interfacing in the firsthand operations of the United States Government.

SPANISH PEAKS WILDERNESS ACT OF 2000

MURKOWSKI (AND BINGAMAN) AMENDMENT NO. 4331

Mr. SESSIONS (for Mr. MURKOWSKI (for himself and Mr. BINGAMAN)) proposed an amendment to the bill (H.R. 898) designating certain land in the San Isabel National Forest in the State of Colorado as the ''Spanish Peaks Wilderness''; as follows:

Strike all after the enacting clause and insert the following:

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Sec. 1. Table of Contents

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Sec. 102. Designation of Spanish Peaks Wilderness
Sec. 103. Force and Effect Clause
Sec. 104. Access
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TITLE II—VIRGINIA WILDERNESS

Sec. 201. Short Title
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TITLE III—WASHOE TRIBE LAND CONVEYANCE

Sec. 301. Washoe Tribe Land Conveyance

TITLE IV—SAINT CROIX ISLAND REGIONAL HERITAGE CENTER

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Sec. 601. Mt. McKinley High Altitude Rescue Fee Study

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TITLE I—SPANISH PEAKS WILDERNESS, COLORADO

SECTION 101. SHORT TITLE.

This title may be cited as the ''Spanish Peaks Wilderness Act of 2000''.

SEC. 102. DESIGNATION OF SPANISH PEAKS WILDERNESS.

Section 2(a) of the Colorado Wilderness Act of 1993 (Public Law 103–77; 16 U.S.C. 1132 note) is amended by adding at the end the following:

''(20) SPANISH PEAKS WILDERNESS.—Certain land in the San Isabel National Forest that comprises approximately 18,000 acres, as generally depicted on a map entitled 'Proposed Spanish Peaks Wilderness', dated February 10, 1999, and which shall be known as the Spanish Peaks Wilderness.''

SEC. 103. FORCE AND EFFECT CLAUSE.

The map and boundary description of the Spanish Peaks Wilderness shall have the same force and effect as if included in the Colorado Wilderness Act of 1993 (Public Law 103–77; 16 U.S.C. 1132 note), except that the Secretary of Agriculture (hereinafter referred to as the ''Secretary'') may correct clerical and typographical errors in the map and boundary description.

SEC. 104. ACCESS.

(a) BULLS EYE MINE ROAD.—(1) With respect to the Bulls Eye Mine Road, the Secretary shall allow the continuation of those historic uses of the road which existed prior to the date of enactment of this title subject to such terms and conditions as the Secretary deems necessary.

(2) Nothing in this section—

(A) requires the Secretary to open the Bulls Eye Mine Road or otherwise restricts or limits the Secretary's management authority with respect to the road; or

(B) requires the Secretary to improve or maintain the road.

(3) The Secretary shall consult with local citizens and other interested parties regarding the implementation of this title with respect to the road.

(b) PRIVATE LANDS.—Access to any privately-owned land with the Spanish Peaks Wilderness shall be provided in accordance with section 5 of the Wilderness Act (16 U.S.C. 1134 et seq.).

SEC. 105. CONFORMING AMENDMENT.

Section 10 of the Colorado Wilderness Act of 1993 (Public Law 103–77; 16 U.S.C. 1132 note) is repealed.

TITLE II—VIRGINIA WILDERNESS

SECTION 201. SHORT TITLE

This title may be cited as the ''Virginia Wilderness Act of 2000''.

SEC. 202 DESIGNATION OF WILDERNESS AREAS.

Section 1 of the Act entitled ''An Act to designate certain National Forest System lands in the States of Virginia and West Virginia as wilderness areas'' (Public Law 100–326; 102 Stat. 584) is amended—

(1) in paragraph (5), by striking ''and'' at the end;

(2) in paragraph (6), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

''(7) certain land in the George Washington National Forest, comprising approximately 5,963 acres, as generally depicted on a map entitled 'The Priest Wilderness Study Area', dated June 6, 2000, to be known as the 'Priest Wilderness Area'; and

''(8) certain land in the George Washington National Forest, comprising approximately 4,608 acres, as generally depicted on a map entitled ''The Three Ridges Wilderness Study Area', dated June 6, 2000, to be known as the 'Three Ridges Wilderness Area.''.

TITLE III—WASHOE TRIBE LAND CONVEYANCE

SEC. 301. WASHOE TRIBE LAND CONVEYANCE.

(a) FINDINGS.—Congress finds that—

(1) the ancestral homeland of the Washoe Tribe of Nevada and California (referred to in this section as the ''Tribe'') included an area of approximately 5,000 square miles in and around Lake Tahoe, California and Nevada, and Lake Tahoe was the heart of the territory;

(2) in 1997, Federal, State, and local governments, together with many private landholders, recognized the Washoe people as indigenous people of Lake Tahoe Basin through a series of meetings convened by those governments at 2 locations in Lake Tahoe;

(3) the meetings were held to address protection of the extraordinary natural, recreational, and ecological resources in the Lake Tahoe region;

(4) the resulting multiagency agreement includes objectives that support the traditional and customary uses of Forest Service land by the Tribe; and

(5) those objectives include the provision of access by members of the Tribe to the shore of Lake Tahoe in order to reestablish traditional and customary cultural practices.

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

(1) to implement the joint local, State, tribal, and Federal objective of returning the Tribe to Lake Tahoe; and

(2) to ensure that members of the Tribe have the opportunity to engage in traditional and customary cultural practices on the shore of Lake Tahoe to meet the needs of spiritual renewal, land stewardship, Washoe horticulture and ethnobotony, subsistence gathering, traditional learning, and reunification of tribal and family bonds.

(c) CONVEYANCE.—Subject to valid existing rights and subject to the easement reserved under subsection (d), the Secretary of Agriculture shall convey to the Secretary of the Interior, in trust for the Tribe, for no consideration, all right, title, and interest in the parcel of land comprising approximately 24.3 acres, located within the Lake Tahoe Basin Management Unit north of Skunk Harbor, Nevada, and more particularly described as Mount Diablo Meridian, T15N, R18E, section 27, lot 3.

(d) EASEMENT.—

(1) IN GENERAL.—The conveyance under subsection (c) shall be made subject to reservation to the United States of a nonexclusive easement for public and administrative access over Forest Development Road #15N67 to National Forest System land.

(2) ACCESS BY INDIVIDUALS WITH DISABILITIES.—The Secretary shall provide a reciprocal easement to the Tribe permitting vehicular access to the parcel over Forest Development Road #15N67 to—

(A) members of the Tribe for administrative and safety purposes; and

(B) members of the Tribe who, due to age, infirmity, or disability, would have difficulty accessing the conveyed parcel on foot.

(e) USE OF LAND.—

(1) IN GENERAL.—In using the parcel conveyed under subsection (c), the Tribe and members of the Tribe—

(A) shall limit the use of the parcel to traditional and customary uses and stewardship conservation for the benefit of the Tribe;

(B) shall not permit any permanent residential or recreational development on, or commercial use of, the parcel (including commercial development, tourist accommodations, gaming, sale of timber, or mineral extraction); and

(C) shall comply with environmental requirements that are no less protective than environmental requirements that apply under the Regional Plan of the Tahoe Regional Planning Agency.

(2) REVERSION.—If the Secretary of the Interior, after notice to the Tribe and an opportunity for a hearing, based on monitoring of use of the parcel by the Tribe, makes a finding that the Tribe has used or permitted the use of the parcel in violation of paragraph (1) and the Tribe fails to take corrective or remedial action directed by the Secretary of the Interior, title to the parcel shall revert to the Secretary of Agriculture.

TITLE IV—SAINT CROIX ISLAND REGIONAL HERITAGE CENTR

SECTION 401. SHORT TITLE.

This title may be cited as the ''Saint Croix Island Heritage Act''.

SEC. 402. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) Saint Croix Island is located in the Saint Croix River, a river that is the boundary between the State of Maine and Canada;

(2) the Island is the only international historic site in the National Park System;

(3) in 1604, French nobleman Pierre Dugua Sieur de Mons, accompanied by a courageous group of adventurers that included Samuel Champlain, landed on the Island and began the construction of a settlement;

(4) the French settlement on the Island in 1604 and 1605 was the initial site of the first permanent settlement in the New World, predating the English settlement of 1607 at Jamestown, Virginia;

(5) many people view the expedition that settled on the Island in 1604 as the beginning of the Acadian culture in North America;

(6) in October, 1998, the National Park Service completed a general management plan to manage and interpret the Saint Croix Island International Historic Site;

(7) the plan addresses a variety of management alternatives, and concludes that the best management strategy entails developing an interpretive trail and ranger station at Red Beach, Maine, and a regional heritage center in downtown Calais, Maine, in cooperation with Federal, State, and local agencies;

(8) a 1982 memorandum of understanding, signed by the Department of the Interior and the Canadian Department for the Environment, outlines a cooperative program to commemorate the international heritage of the Saint Croix Island site and specifically to prepare for the 400th anniversary of the settlement in 2004; and

(9) only four years remain before the 400th anniversary of the settlement at Saint Croix Island, an occasion that should be appropriately commemorated.

(b) PURPOSE.—The purpose of this title is to direct the Secretary of the Interior to take all necessary and appropriate steps to work with Federal, State, and local agencies, historical societies, and nonprofit organizations to facilitate the development of a regional heritage center in downtown Calais, Maine before the 400th anniversary of the settlement of Saint Croix Island.

SEC. 403. DEFINITIONS.

In this title:

(1) ISLAND.—The term ''Island'' means Saint Croix Island, located in the Saint Croix River, between Canada and the State of Maine.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the National Park Service.

SEC. 404. SAINT CROIX ISLAND REGIONAL HERITAGE CENTER.

(a) IN GENERAL.—The Secretary shall provide assistance in planning, constructing, and operating a regional heritage center in downtown Calais, Maine, to facilitate the management and interpretation of the Saint Croix Island International Historic Site.

(b) COOPERATIVE AGREEMENTS.—To carry out subsection (a), in administering the Saint Croix Island International Historic Site, the Secretary may enter into cooperative agreements under appropriate terms and conditions with other Federal agencies, State and local agencies and nonprofit organizations—

(1) to provide exhibits, interpretive services (including employing individuals to provide such services), and technical assistance;

(2) to conduct activities that facilitate the dissemination of information relating to the Saint Croix Island International Historic Site;

(3) to provide financial assistance for the construction of the regional heritage center in exchange for space in the center that is sufficient to interpret the Saint Croix Island International Historic Site; and

(4) to assist with the operation and maintenance of the regional heritage center.

SEC. 405. AUTHORIZATION OF APPROPRIATIONS.

(a) DESIGN AND CONSTRUCTION.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this title (including the design and construction of the regional heritage center) $2,000,000.

(2) EXPENDITURE.—Paragraph (1) authorizes funds to be appropriated on the condition that any expenditure of those funds shall be matched on a dollar-for-dollar basis by funds from non-Federal sources.

(b) OPERATION AND MAINTENANCE.—There are authorized to be appropriated such sums as are necessary to maintain and operate interpretive exhibits in the regional heritage center.

TITLE V—PARK AREA BOUNDARY ADJUSTMENTS

SEC. 501. HAWAII VOLCANOES NATIONAL PARK.

The first section of the Act entitled ''An Act to add certain lands on the island of Hawaii to the Hawaii National Park, and for other purposes'', approved June 20, 1938 (16 U.S.C. 391b), is amended by striking ''park: *Provided*,'' and all that follows and inserting ''park. Land (including the land depicted on the map entitled 'NPS–PAC 1997HW') may be acquired by the Secretary through donation, exchange, or purchase with donated or appropriated funds.''.

SEC. 502. CORRECTIONS IN DESIGNATIONS OF HAWAIIAN NATIONAL PARKS.

(a) HAWAI'I VOLCANOES NATIONAL PARK.—

(1) IN GENERAL.—Public Law 87–278 (75 Stat. 577) is amended by striking ''Hawaii Volcanoes National Park'' each place it appears and inserting ''Hawai'i Volcanoes National Park''.

(2) REFERENCES.—Any reference in any law (other than this section), regulation, document, record, map, or other paper of the United States to ''Hawaii Volcanoes National Park'' shall be considered a reference to ''Hawai'i Volcanoes National Park''.

(b) HALEAKALĀ NATIONAL PARK.—

(1) IN GENERAL.—Public Law 86–744 (74 Stat. 881) is amended by striking ''Haleakala National Park'' and inserting ''Haleakalā National Park''.

(2) REFERENCES.—Any reference in any law (other than this section), regulation, document, record, map, or other paper of the United States to ''Haleakala National Park'' shall be considered a reference to ''Haleakalā National Park''.

(c) KALOKO-HONOKŌHAU.—

(1) IN GENERAL.—Section 505 of the National Parks and Recreation Act of 1978 (16 U.S.C. 396d) is amended—

(A) in the section heading, by striking ''KALOKO-HONOKOHAU'' and inserting ''KALOKO-HONOKŌHAU''; and

(B) by striking ''Kaloko-Honokohau'' each place it appears and inserting ''Kaloko-Honokōhau''.

(2) REFERENCES.—Any reference in any law (other than this section), regulation, document, record, map, or other paper of the United States to ''Kaloko-Honokohau National Historical Park'' shall be considered a reference to ''Kaloko-Honokōhau National Historical Park''.

(d) PU'UHONUA O HŌNAUNAU NATIONAL HISTORICAL PARK.—

(1) IN GENERAL.—The Act of July 21, 1955 (chapter 385; 69 Stat. 376), as amended by section 305 of the National Parks and Recreation Act of 1978 (92 Stat. 3477), is amended by striking ''Puuhonua o Honaunau National Historical Park'' each place it appears and inserting ''Pu'uhonua o Hōnaunau National Historical Park''.

(2) REFERENCES.—Any reference in any law (other than this section), regulation, document, record, map, or other paper of the United States to ''Puuhonua o Honaunau National Historical Park shall be considered a reference to ''Pu'uhonua o Hōnaunau National Historical Park''.

(e) PU'UKOHOLĀ HEIAU NATIONAL HISTORIC SITE.—

(1) IN GENERAL.—Public Law 92–388 (86 Stat. 562) is amended by striking ''Puukohola Heiau National Historic Site'' each place it appears and inserting ''Pu'ukoholā Heiau National Historic Site''.

(2) REFERENCES.—Any reference in any law (other than this section), regulation, document, record, map, or other paper of the United States to ''Puukohola Heiau National Historic Site'' shall be considered a reference to ''Pu'ukoholā Heiau National Historic Site''.

(f) CONFORMING AMENDMENTS.—

(1) Section 401(8) of the National Parks and Recreation Act of 1978 (Public Law 95–625; 92 Stat. 3489) is amended by striking ''Hawaii Volcanoes'' each place it appears and inserting ''Hawai'i Volcanoes''.

(2) The first section of Public Law 94–567 (90 Stat. 2692) is amended in subsection (e) by striking ''Haleakala'' each place it appears and inserting ''Haleakalā''.

SEC. 503. HAMILTON GRANGE NATIONAL MEMORIAL.

(a) Not withstanding the provisions of the Act of November 19, 1988 (16 U.S.C. 431 note.), the Secretary of the Interior is authorized to accept by donation not to exceed one acre of land or interests in land from the City of New York for the purpose of relocating Hamilton Grange. Such land to be donated shall be within close proximity to the existing location of Hamilton Grange.

(b) Lands and interests in land acquired pursuant to section (a) shall be added to and administered as part of Hamilton Grange National Memorial.

SEC. 504. SAINT-GAUDENS NATIONAL HISTORIC SITE.

Public Law 88–543 (16 U.S.C. 461 (note)), which established Saint-Gaudens National Historic Site, is amended—

(1) in section 3 by striking ''not to exceed sixty-four acres of lands and interests therein'' and inserting ''279 acres of lands and buildings, or interests therein'';

(2) in section 6 by striking ''$2,677,000'' from the first sentence and inserting ''$10,632,000''; and

(3) in section 6 by striking ''$80,000'' from the last sentence and inserting ''$2,000,000''.

SEC. 505. FORT MATANZAS NATIONAL MONUMENT

(a) DEFINITIONS—

In this section.

(1) MAP.—The term ''Map'' means the map entitled ''fort Matanzas National Monument'', numbered 347/80,004 and dated February, 1991.

(2) MONUMENT.—The term ''Monument'' means the Fort Matanzas National Monument in Florida.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(b) REVISION OF BOUNDARY.—

(1) IN GENERAL.—The boundary of the Monument is revised to include an area totaling approximately 70 acres, as generally depicted on the Map.

(2) AVAILABILITY OF MAP.—The Map shall be on file and available for public inspection in the office of the Director of the National Park Service.

(c) ACQUISITION OF ADDITIONAL LAND.—

The Secretary may acquire any land, water, or interests in land that are located within the revised boundary of the Monument by—

(1) donation;

(2) purchase with donated or appropriated funds;

(3) transfer from any other Federal agency; or

(4) exchange.

(d) ADMINISTRATION.—

Subject to applicable laws, all land and interests in land held by the United States that are included in the revised boundary under section 2 shall be administered by the Secretary as part of the Monument.

(c) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated such sums as are necessary to carry out this section.

TITLE VI—ALASKA NATIONAL PARK UNIT REPORTS

SEC. 601. MT. MCKINLEY HIGH ALTITUDE RESCUE FEE STUDY.

No later than nine months after the enactment of this section, the Secretary of the Interior (hereinafter referred to as the ''Secretary'') shall complete a report on the suitability and feasibility of recovering the costs of high altitude rescues on Mt. McKinley, within Denali National Park and Preserve. The Secretary shall also report on the suitability and feasibility of requiring climbers to provide proof of medical insurance prior to the issuance of a climbing permit by the National Park Service. the report shall also review the amount of fees charged for a climbing permit and make such recommendations for changing the fee structure as the Secretary deems appropriate. Upon completion, the report shall be submitted to the Committee on Energy and Natural Resources of the Senate, and the Committee on Resources of the House of Representatives.

SECTION 602. ALASKA NATIVE HIRING REPORT

(a) Within six months after the enactment of this section the Secretary of the Interior (hereinafter referred to as the ''Secretary'' shall submit a report detailing the progress the Department has made in the implementation of the provisions of sections 1307 and 1308 of the Alaska National Interest Lands Conservation Act and provisions of the Indian Self-Determination and Education Assistance Act. The report shall include a detailed action plan on the future implementation of the provisions of sections 1307 and 1308 of the Alaska National Interest Lands Conservation Act and provisions of the Indian Self-Determination and Education Assistance Act. The report shall describe, in detail, the measures and actions that will be taken, along with a description of the anticipated results to be achieved during the next three fiscal years. The report shall focus on lands under the jurisdiction of the Department of the Interior in Alaska and shall also

address any laws, rules, regulations and policies which act as a deterrent to hiring Native Alaskans or contracting with Native Alaskans to perform and conduct activities and programs of those agencies and bureaus under the jurisdiction of the Department of the Interior.

(b) The report shall be completed within existing appropriations and shall be transmitted to the Committee on Resources of the United States Senate; and the Committee on Resources of the United States House of Representatives.

SEC. 603. PILOT PROGRAM.

(a) In furtherance of the goals of sections 1307 and 1308 of the Alaska National Interest Lands Conservation Act and the provisions of the Indian Self-Determination and Education Assistance Act, the Secretary shall—

(1) implement pilot programs to employ residents of local communities at the following units of the National Park System located in northwest Alaska:

(A) Bering Land Bridge National Preserve,

(B) Cape Krusenstern National Monument,

(C) Kobuk Valley National Park, and

(D) Noatak National Preserve; and

(2) report on the results of the programs within one year to the Committee on Energy and Natural Resources of the United States and the Committee on Resources of the House of Representatives.

(b) In implementing the programs, the Secretary shall consult with the Native Corporations, non-profit organizations, and Tribal entities in the immediate vicinity of such units and shall also, to the extent practicable, involve such groups in the development of interpretive materials and the pilot programs relating to such units.

TITLE VII—GLACIER BAY NATIONAL PARK RESOURCE MANAGEMENT

SECTION 701. SHORT TITLE.

This Act may be cited as the ''Glacier Bay National Park Resource Management Act of 2000''.

SEC. 702. DEFINITIONS.

As used in this title—

(1) the term ''local residents'' means those persons living within the vicinity of Glacier Bay National Park and Preserve, including but not limited to the residents of Hoonah, Alaska, who are descendants of those who had an historic and cultural tradition of sea gull egg gathering within the boundary of what is now Glacier Bay National Park and Preserve;

(2) the term ''outer waters'' means all of the marine waters within the park outside of Glacier Bay proper;

(3) the term ''park'' means Glacier Bay National Park;

(4) the term ''Secretary'' means the Secretary of the Interior; and

(5) the term ''State'' means the State of Alaska.

SEC. 703. COMMERCIAL FISHING.

(a) IN GENERAL.—The Secretary shall allow for commercial fishing in the outer waters of the park in accordance with the management plan referred to in subsection (b) in a manner that provides for the protection of park resources and values.

(b) MANAGEMENT PLAN.—The Secretary and the State shall cooperate in the development of a management plan for the regulation of commercial fisheries in the outer waters of the park in accordance with existing Federal and State laws and any applicable international conservation and management treaties.

(c) SAVINGS.—(1) Nothing in this title shall alter or affect the provisions of section 123 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1999 (Public Law 105–277), as amended by section 501 of the 1999 Emergency Supplemental Appropriations Act (Public Law 106–31).

(2) Nothing in this title shall enlarge or diminish Federal or State title, jurisdiction, or authority with respect to the waters of the State of Alaska, the waters within Glacier Bay National Park and Preserve, or tidal or submerged lands.

(d) STUDY.—(1) Not later than one year after the date funds are made available, the Secretary, in consultation with the State, the National Marine Fisheries Service, the International Pacific Halibut Commission, and other affected agencies shall develop a plan for a comprehensive multi-agency research and monitoring program to evaluate the health of fisheries resources in the park's marine waters, to determine the effect, if any, of commercial fishing on—

(A) the productivity, diversity, and sustainability of fishery resources in such waters; and

(B) park resources and values.

(2) The Secretary shall promptly notify the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives upon the completion of the plan.

(3) The Secretary shall complete the program set forth in the plan not later than seven years after the date the Congressional Committees are notified pursuant to paragraph (2), and shall transmit the results of the program to such Committees on a biennial basis.

SEC. 704. SEA GULL EGG COLLECTION STUDY.

(a) STUDY.—The Secretary, in consultation with local residents, shall undertake a study of sea gulls living within the park to assess whether sea gull eggs can be collected on a limited basis without impairing the biological sustainability of the sea gull population in the park. The study shall be completed no later than two years after the date funds are made available.

(b) RECOMMENDATIONS.—If the study referred to in subsection (a) determines that the limited collection of sea gull eggs can occur without impairing the biological sustainability of the sea gull population in the park, the Secretary shall submit recommendations for legislation to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives.

SEC. 705. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as are necessary to carry out this title.

FEDERAL COURTS IMPROVEMENT ACT OF 2000

HATCH AMENDMENT NO. 4332

Mr. SESSIONS (for Mr. HATCH) proposed an amendment to the bill (S. 2915) to make improvements in the operation and administration of the Federal courts, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Federal Courts Improvement Act of 2000''.

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

Sec. 1. Short title and table of contents.

TITLE I—JUDICIAL FINANCIAL ADMINISTRATION

Sec. 101. Extension of Judiciary Information Technology Fund.

Sec. 102. Disposition of miscellaneous fees.

Sec. 103. Transfer of retirement funds.

Sec. 104. Increase in chapter 9 bankruptcy filing fee.

Sec. 105. Increase in fee for converting a chapter 7 or chapter 13 bankruptcy case to a chapter 11 bankruptcy case.

Sec. 106. Bankruptcy fees.

TITLE II—JUDICIAL PROCESS IMPROVEMENTS

Sec. 201. Extension of statutory authority for magistrate judge positions to be established in the district courts of Guam and the Northern Mariana Islands.

Sec. 202. Magistrate judge contempt authority.

Sec. 203. Consent to magistrate judge authority in petty offense cases and magistrate judge authority in misdemeanor cases involving juvenile defendants.

Sec. 204. Savings and loan data reporting requirements.

Sec. 205. Membership in circuit judicial councils.

Sec. 206. Sunset of civil justice expense and delay reduction plans.

Sec. 207. Repeal of Court of Federal Claims filing fee.

Sec. 208. Technical bankruptcy correction.

Sec. 209. Technical amendment relating to the treatment of certain bankruptcy fees collected.

Sec. 210. Maximum amounts of compensation for attorneys.

Sec. 211. Reimbursement of expenses in defense of certain malpractice actions.

TITLE III—JUDICIAL PERSONNEL ADMINISTRATION, BENEFITS, AND PROTECTIONS

Sec. 301. Judicial administrative officials retirement matters.

Sec. 302. Applicability of leave provisions to employees of the Sentencing Commission.

Sec. 303. Payments to military survivors benefits plan.

Sec. 304. Creation of certifying officers in the judicial branch.

Sec. 305. Amendment to the jury selection process.

Sec. 306. Authorization of a circuit executive for the Federal circuit.

Sec. 307. Residence of retired judges.

Sec. 308. Recall of judges on disability status.

Sec. 309. Personnel application and insurance programs relating to judges of the Court of Federal Claims.

Sec. 310. Lump-sum payment for accumulated and accrued leave on separation.

Sec. 311. Employment of personal assistants for handicapped employees.

Sec. 312. Mandatory retirement age for director of the Federal judicial center.

Sec. 313. Reauthorization of certain Supreme Court Police authority.

TITLE IV—FEDERAL PUBLIC DEFENDERS

Sec. 401. Tort Claims Act amendment relating to liability of Federal public defenders.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Extensions relating to bankruptcy administrator program.

Sec. 502. Additional place of holding court in the district of Oregon.

TITLE I—JUDICIAL FINANCIAL ADMINISTRATION

SEC. 101. EXTENSION OF JUDICIARY INFORMATION TECHNOLOGY FUND.

Section 612 of title 28, United States Code, is amended—

(1) by striking ''equipment'' each place it appears and inserting ''resources'';

(2) by striking subsection (f) and redesignating subsections (g) through (k) as subsections (f) through (j), respectively;

(3) in subsection (g), as so redesignated, by striking paragraph (3); and

(4) in subsection (i), as so redesignated—

(A) by striking ''Judiciary'' each place it appears and inserting ''judiciary'';

(B) by striking ''subparagraph (c)(1)(B)'' and inserting ''subsection (c)(1)(B)''; and

(C) by striking ''under (c)(1)(B)'' and inserting ''under subsection (c)(1)(B)''.

SEC. 102. DISPOSITION OF MISCELLANEOUS FEES.

For fiscal year 2001 and each fiscal year thereafter, any portion of miscellaneous fees collected as prescribed by the Judicial Conference of the United States under sections 1913, 1914(b), 1926(a), 1930(b), and 1932 of title 28, United States Code, exceeding the amount of such fees in effect on September 30, 2000, shall be deposited into the special fund of the Treasury established under section 1931 of title 28, United States Code.

SEC. 103. TRANSFER OF RETIREMENT FUNDS.

Section 377 of title 28, United States Code, is amended by adding at the end the following:

''(p) TRANSFER OF RETIREMENT FUNDS.—Upon election by a bankruptcy judge or a magistrate judge under subsection (f) of this section, all of the accrued employer contributions and accrued interest on those contributions made on behalf of the bankruptcy judge or magistrate judge to the Civil Service Retirement and Disability Fund under section 8348 of title 5 shall be transferred to the fund established under section 1931 of this title, except that if the bankruptcy judge or magistrate judge elects under section 2(c) of the Retirement and Survivor's Annuities for Bankruptcy Judges and Magistrates Act of 1988 (Public Law 100–659), to receive a retirement annuity under both this section and title 5, only the accrued employer contributions and accrued interest on such contributions, made on behalf of the bankruptcy judge or magistrate judge for service credited under this section, may be transferred.''.

SEC. 104. INCREASE IN CHAPTER 9 BANKRUPTCY FILING FEE.

Section 1930(a)(2) of title 28, United States Code, is amended by striking ''$300'' and inserting ''equal to the fee specified in paragraph (3) for filing a case under chapter 11 of title 11. The amount by which the fee payable under this paragraph exceeds $300 shall be deposited in the fund established under section 1931 of this title''.

SEC. 105. INCREASE IN FEE FOR CONVERTING A CHAPTER 7 OR CHAPTER 13 BANKRUPTCY CASE TO A CHAPTER 11 BANKRUPTCY CASE.

The flush paragraph at the end of section 1930(a) of title 28, United States Code, is amended by striking ''$400'' and inserting ''the amount equal to the difference between the fee specified in paragraph (3) and the fee specified in paragraph (1)''.

SEC. 106. BANKRUPTCY FEES.

Section 1930(a) of title 28, United States Code, is amended by adding at the end the following:

''(7) In districts that are not part of a United States trustee region as defined in section 581 of this title, the Judicial Conference of the United States may require the debtor in a case under chapter 11 of title 11 to pay fees equal to those imposed by paragraph (6) of this subsection. Such fees shall be deposited as offsetting receipts to the fund established under section 1931 of this title and shall remain available until expended.''.

TITLE II—JUDICIAL PROCESS IMPROVEMENTS

SEC. 201. EXTENSION OF STATUTORY AUTHORITY FOR MAGISTRATE JUDGE POSITIONS TO BE ESTABLISHED IN THE DISTRICT COURTS OF GUAM AND THE NORTHERN MARIANA ISLANDS.

Section 631 of title 28, United States Code, is amended—

(1) by striking the first two sentences of subsection (a) and inserting the following: ''The judges of each United States district court and the district courts of the Virgin Islands, Guam, and the Northern Mariana Islands shall appoint United States magistrate judges in such numbers and to serve at such locations within the judicial districts as the Judicial Conference may determine under this chapter. In the case of a magistrate judge appointed by the district court of the Virgin Islands, Guam, or the Northern Mariana Islands, this chapter shall apply as though the court appointing such a magistrate judge were a United States district court.''; and

(2) by inserting in the first sentence of paragraph (1) of subsection (b) after ''Commonwealth of Puerto Rico,'' the following: ''the Territory of Guam, the Commonwealth of the Northern Mariana Islands,''.

SEC. 202. MAGISTRATE JUDGE CONTEMPT AUTHORITY.

Section 636(e) of title 28, United States Code, is amended to read as follows:

''(e) CONTEMPT AUTHORITY.—

''(1) IN GENERAL.—A United States magistrate judge serving under this chapter shall have within the territorial jurisdiction prescribed by the appointment of such magistrate judge the power to exercise contempt authority as set forth in this subsection.

''(2) SUMMARY CRIMINAL CONTEMPT AUTHORITY.—A magistrate judge shall have the power to punish summarily by fine or imprisonment such contempt of the authority of such magistrate judge constituting misbehavior of any person in the magistrate judge's presence so as to obstruct the administration of justice. The order of contempt shall be issued under the Federal Rules of Criminal Procedure.

''(3) ADDITIONAL CRIMINAL CONTEMPT AUTHORITY IN CIVIL CONSENT AND MISDEMEANOR CASES.—In any case in which a United States magistrate judge presides with the consent of the parties under subsection (c) of this section, and in any misdemeanor case proceeding before a magistrate judge under section 3401 of title 18, the magistrate judge shall have the power to punish, by fine or imprisonment, criminal contempt constituting disobedience or resistance to the magistrate judge's lawful writ, process, order, rule, decree, or command. Disposition of such contempt shall be conducted upon notice and hearing under the Federal Rules of Criminal Procedure.

''(4) CIVIL CONTEMPT AUTHORITY IN CIVIL CONSENT AND MISDEMEANOR CASES.—In any case in which a United States magistrate judge presides with the consent of the parties under subsection (c) of this section, and in any misdemeanor case proceeding before a magistrate judge under section 3401 of title 18, the magistrate judge may exercise the civil contempt authority of the district court. This paragraph shall not be construed to limit the authority of a magistrate judge to order sanctions under any other statute, the Federal Rules of Civil Procedure, or the Federal Rules of Criminal Procedure.

''(5) CRIMINAL CONTEMPT PENALTIES.—The sentence imposed by a magistrate judge for any criminal contempt provided for in paragraphs (2) and (3) shall not exceed the penalties for a Class C misdemeanor as set forth in sections 3581(b)(8) and 3571(b)(6) of title 18.

''(6) CERTIFICATION OF OTHER CONTEMPTS TO THE DISTRICT COURT.—Upon the commission of any such act—

''(A) in any case in which a United States magistrate judge presides with the consent of the parties under subsection (c) of this section, or in any misdemeanor case proceeding before a magistrate judge under section 3401 of title 18, that may, in the opinion of the magistrate judge, constitute a serious criminal contempt punishable by penalties exceeding those set forth in paragraph (5) of this subsection; or

''(B) in any other case or proceeding under subsection (a) or (b) of this section, or any other statute, where—

''(i) the act committed in the magistrate judge's presence may, in the opinion of the magistrate judge, constitute a serious criminal contempt punishable by penalties exceeding those set forth in paragraph (5) of this subsection;

''(ii) the act that constitutes a criminal contempt occurs outside the presence of the magistrate judge; or

''(iii) the act constitutes a civil contempt,

the magistrate judge shall forthwith certify the facts to a district judge and may serve or cause to be served, upon any person whose behavior is brought into question under this paragraph, an order requiring such person to appear before a district judge upon a day certain to show cause why that person should not be adjudged in contempt by reason of the facts so certified. The district judge shall thereupon hear the evidence as to the act or conduct complained of and, if it is such as to warrant punishment, punish such person in the same manner and to the same extent as for a contempt committed before a district judge.

''(7) APPEALS OF MAGISTRATE JUDGE CONTEMPT ORDERS.—The appeal of an order of contempt under this subsection shall be made to the court of appeals in cases proceeding under subsection (c) of this section. The appeal of any other order of contempt issued under this section shall be made to the district court.''.

SEC. 203. CONSENT TO MAGISTRATE JUDGE AUTHORITY IN PETTY OFFENSE CASES AND MAGISTRATE JUDGE AUTHORITY IN MISDEMEANOR CASES INVOLVING JUVENILE DEFENDANTS.

(a) AMENDMENTS TO TITLE 18.—

(1) PETTY OFFENSE CASES.—Section 3401(b) of title 18, United States Code, is amended by striking ''that is a class B misdemeanor charging a motor vehicle offense, a class C misdemeanor, or an infraction,'' after ''petty offense''.

(2) CASES INVOLVING JUVENILES.—Section 3401(g) of title 18, United States Code, is amended—

(A) by striking the first sentence and inserting the following: ''The magistrate judge may, in a petty offense case involving a juvenile, exercise all powers granted to the district court under chapter 403 of this title.'';

(B) in the second sentence by striking ''any other class B or C misdemeanor case'' and inserting ''the case of any misdemeanor, other than a petty offense,''; and

(C) by striking the last sentence.

(b) AMENDMENTS TO TITLE 28.—Section 636(a) of title 28, United States Code, is amended by striking paragraphs (4) and (5) and inserting in the following:

''(4) the power to enter a sentence for a petty offense; and

''(5) the power to enter a sentence for a class A misdemeanor in a case in which the parties have consented.''.

SEC. 204. SAVINGS AND LOAN DATA REPORTING REQUIREMENTS.

Section 604 of title 28, United States Code, is amended in subsection (a) by striking the second paragraph designated (24).

SEC. 205. MEMBERSHIP IN CIRCUIT JUDICIAL COUNCILS.

Section 332(a) of title 28, United States Code, is amended—

(1) by striking paragraph (3) and inserting the following:

''(3) Except for the chief judge of the circuit, either judges in regular active service or judges retired from regular active service under section 371(b) of this title may serve as members of the council. Service as a member of a judicial council by a judge retired from regular active service under section 371(b) may not be considered for meeting the requirements of section 371(f)(1) (A), (B), or (C).''; and

(2) in paragraph (5) by striking ''retirement,'' and inserting ''retirement under section 371(a) or 372(a) of this title,''.

SEC. 206. SUNSET OF CIVIL JUSTICE EXPENSE AND DELAY REDUCTION PLANS.

Section 103(b)(2)(A) of the Civil Justice Reform Act of 1990 (Public Law 101–650; 104 Stat. 5096; 28 U.S.C. 471 note), as amended by Public Law 105–53 (111 Stat. 1173), is amended by inserting ''471,'' after ''sections''.

SEC. 207. REPEAL OF COURT OF FEDERAL CLAIMS FILING FEE.

Section 2520 of title 28, United States Code, and the item relating to such section in the table of contents for chapter 165 of such title, are repealed.

SEC. 208. TECHNICAL BANKRUPTCY CORRECTION.

Section 1228 of title 11, United States Code, is amended by striking ''1222(b)(10)'' each place it appears and inserting ''1222(b)(9)''.

SEC. 209. TECHNICAL AMENDMENT RELATING TO THE TREATMENT OF CERTAIN BANKRUPTCY FEES COLLECTED.

(a) AMENDMENT.—The first sentence of section 406(b) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1990 (Public Law 101–162; 103 Stat. 1016; 28 U.S.C. 1931 note) is amended by striking ''service enumerated after item 18'' and inserting ''service not of a kind described in any of the items enumerated as items 1 through 7 and as items 9 through 18, as in effect on November 21, 1989,''.

(b) APPLICATION OF AMENDMENT.—The amendment made by subsection (a) shall not apply with respect to fees collected before the date of enactment of this Act.

SEC. 210. MAXIMUM AMOUNTS OF COMPENSATION FOR ATTORNEYS.

Section 3006A(d)(2) of title 18, United States Code, is amended—

(1) in the first sentence—

(A) by striking ''$3,500'' and inserting ''$5,200''; and

(B) by striking ''$1,000'' and inserting ''$1,500'';

(2) in the second sentence by striking ''$2,500'' and inserting ''$3,700'';

(3) in the third sentence—

(A) by striking ''$750'' and inserting ''$1,200''; and

(B) by striking ''$2,500'' and inserting ''$3,900'';

(4) by inserting after the second sentence the following: ''For representation of a petitioner in a non-capital habeas corpus proceeding, the compensation for each attorney shall not exceed the amount applicable to a felony in this paragraph for representation of a defendant before a judicial officer of the district court. For representation of such petitioner in an appellate court, the compensation for each attorney shall not exceed the amount applicable for representation of a defendant in an appellate court.''; and

(5) in the last sentence by striking ''$750'' and inserting ''$1,200''.

SEC. 211. REIMBURSEMENT OF EXPENSES IN DEFENSE OF CERTAIN MALPRACTICE ACTIONS.

Section 3006A(d)(1) of title 18, United States Code, is amended by striking the last sentence and inserting ''Attorneys may be reimbursed for expenses reasonably incurred, including the costs of transcripts authorized by the United States magistrate or the court, and the costs of defending actions alleging malpractice of counsel in furnishing representational services under this section. No reimbursement for expenses in defending against malpractice claims shall be made if a judgment of malpractice is rendered against the counsel furnishing representational services under this section. The United States magistrate or the court shall make determinations relating to reimbursement of expenses under this paragraph.''.

TITLE III—JUDICIAL PERSONNEL ADMINISTRATION, BENEFITS, AND PROTECTIONS

SEC. 301. JUDICIAL ADMINISTRATIVE OFFICIALS RETIREMENT MATTERS.

(a) DIRECTOR OF ADMINISTRATIVE OFFICE.—Section 611 of title 28, United States Code, is amended—

(1) in subsection (d), by inserting ''a congressional employee in the capacity of primary administrative assistant to a Member of Congress or in the capacity of staff director or chief counsel for the majority or the minority of a committee or subcommittee of the Senate or House of Representatives,'' after ''Congress,'';

(2) in subsection (b)—

(A) by striking ''who has served at least fifteen years and'' and inserting ''who has at least fifteen years of service and has''; and

(B) in the first undesignated paragraph, by striking ''who has served at least ten years,'' and inserting ''who has at least ten years of service,''; and

(3) in subsection (c)—

(A) by striking ''served at least fifteen years,'' and inserting ''at least fifteen years of service,''; and

(B) by striking ''served less than fifteen years,'' and inserting ''less than fifteen years of service,''.

(b) DIRECTOR OF THE FEDERAL JUDICIAL CENTER.—Section 627 of title 28, United States Code, is amended—

(1) in subsection (e), by inserting ''a congressional employee in the capacity of primary administrative assistant to a Member of Congress or in the capacity of staff director or chief counsel for the majority or the minority of a committee or subcommittee of the Senate or House of Representatives,'' after ''Congress,'';

(2) in subsection (c)—

(A) by striking ''who has served at least fifteen years and'' and inserting ''who has at least fifteen years of service and has''; and

(B) in the first undesignated paragraph, by striking ''who has served at least ten years,'' and inserting ''who has at least ten years of service,''; and

(3) in subsection (d)—

(A) by striking ''served at least fifteen years,'' and inserting ''at least fifteen years of service,''; and

(B) by striking ''served less than fifteen years,'' and inserting ''less than fifteen years of service,''.

SEC. 302. APPLICABILITY OF LEAVE PROVISIONS TO EMPLOYEES OF THE SENTENCING COMMISSION.

(a) IN GENERAL.—Section 996(b) of title 28, United States Code, is amended by striking all after ''title 5,'' and inserting ''except the following: chapters 45 (Incentive Awards), 63 (Leave), 81 (Compensation for Work Injuries), 83 (Retirement), 85 (Unemployment Compensation), 87 (Life Insurance), and 89 (Health Insurance), and subchapter VI of chapter 55 (Payment for accumulated and accrued leave).''.

(b) SAVINGS PROVISION.—Any leave that an individual accrued or accumulated (or that otherwise became available to such individual) under the leave system of the United States Sentencing Commission and that remains unused as of the date of the enactment of this Act shall, on and after such date, be treated as leave accrued or accumulated (or that otherwise became available to such individual) under chapter 63 of title 5, United States Code.

SEC. 303. PAYMENTS TO MILITARY SURVIVORS BENEFITS PLAN.

Section 371(e) of title 28, United States Code, is amended by inserting after ''such retired or retainer pay'' the following: '', except such pay as is deductible from the retired or retainer pay as a result of participation in any survivor's benefits plan in connection with the retired pay,''.

SEC. 304. CREATION OF CERTIFYING OFFICERS IN THE JUDICIAL BRANCH.

(a) APPOINTMENT OF DISBURSING AND CERTIFYING OFFICERS.—Chapter 41 of title 28, United States Code, is amended by adding at the end the following:

''§ 613. Disbursing and certifying officers

''(a) DISBURSING OFFICERS.—The Director may designate in writing officers and employees of the judicial branch of the Government, including the courts as defined in section 610 other than the Supreme Court, to be disbursing officers in such numbers and locations as the Director considers necessary. Such disbursing officers shall—

''(1) disburse moneys appropriated to the judicial branch and other funds only in strict accordance with payment requests certified by the Director or in accordance with subsection (b);

''(2) examine payment requests as necessary to ascertain whether they are in proper form, certified, and approved; and

''(3) be held accountable for their actions as provided by law, except that such a disbursing officer shall not be held accountable or responsible for any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificate for which a certifying officer is responsible under subsection (b).

''(b) CERTIFYING OFFICERS.—

''(1) IN GENERAL.—The Director may designate in writing officers and employees of the judicial branch of the Government, including the courts as defined in section 610 other than the Supreme Court, to certify payment requests payable from appropriations and funds. Such certifying officers shall be responsible and accountable for—

''(A) the existence and correctness of the facts recited in the certificate or other request for payment or its supporting papers;

''(B) the legality of the proposed payment under the appropriation or fund involved; and

''(C) the correctness of the computations of certified payment requests.

''(2) LIABILITY.—The liability of a certifying officer shall be enforced in the same manner and to the same extent as provided by law with respect to the enforcement of the liability of disbursing and other accountable officers. A certifying officer shall be required to make restitution to the United States for the amount of any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificates made by the certifying officer, as well as for any payment prohibited by law or which did not represent a legal obligation under the appropriation or fund involved.

''(c) RIGHTS.—A certifying or disbursing officer—

''(1) has the right to apply for and obtain a decision by the Comptroller General on any question of law involved in a payment request presented for certification; and

''(2) is entitled to relief from liability arising under this section in accordance with title 31.

''(d) OTHER AUTHORITY NOT AFFECTED.—Nothing in this section affects the authority of the courts with respect to moneys deposited with the courts under chapter 129 of this title.''.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 41 of title 28, United States Code, is amended by adding at the end the following:

''613. Disbursing and certifying officers.''.

(c) RULE OF CONSTRUCTION.—The amendment made by subsection (a) shall not be construed to authorize the hiring of any Federal officer or employee.

(d) DUTIES OF DIRECTOR.—Section 604(a)(8) of title 28, United States Code, is amended to read as follows:

''(8) Disburse appropriations and other funds for the maintenance and operation of the courts;''.

SEC. 305. AMENDMENT TO THE JURY SELECTION PROCESS.

Section 1865 of title 28, United States Code, is amended—

(1) in subsection (a) by inserting ''or the clerk under supervision of the court if the court's jury selection plan so authorizes,'' after ''jury commission,''; and

(2) in subsection (b) by inserting ''or the clerk if the court's jury selection plan so provides,'' after ''may provide,''.

SEC. 306. AUTHORIZATION OF A CIRCUIT EXECUTIVE FOR THE FEDERAL CIRCUIT.

Section 332 of title 28, United States Code, is amended by adding at the end the following:

''(h)(1) The United States Court of Appeals for the Federal Circuit may appoint a circuit executive, who shall serve at the pleasure of the court. In appointing a circuit executive, the court shall take into account experience in administrative and executive positions, familiarity with court procedures, and special training. The circuit executive shall exercise such administrative powers and perform such duties as may be delegated by the court. The duties delegated to the circuit executive may include the duties specified in subsection (e) of this section, insofar as such duties are applicable to the Court of Appeals for the Federal Circuit.

''(2) The circuit executive shall be paid the salary for circuit executives established under subsection (f) of this section.

''(3) The circuit executive may appoint, with the approval of the court, necessary employees in such number as may be approved by the Director of the Administrative Office of the United States Courts.

''(4) The circuit executive and staff shall be deemed to be officers and employees of the United States within the meaning of the statutes specified in subsection (f)(4).

''(5) The court may appoint either a circuit executive under this subsection or a clerk under section 711 of this title, but not both, or may appoint a combined circuit executive/clerk who shall be paid the salary of a circuit executive.''.

SEC. 307. RESIDENCE OF RETIRED JUDGES.

Section 175 of title 28, United States Code, is amended by adding at the end the following:

''(c) Retired judges of the Court of Federal Claims are not subject to restrictions as to residence. The place where a retired judge maintains the actual abode in which such judge customarily lives shall be deemed to be the judge's official duty station for the purposes of section 456 of this title.''.

SEC. 308. RECALL OF JUDGES ON DISABILITY STATUS.

Section 797(a) of title 28, United States Code, is amended—

(1) by inserting ''(1)'' after ''(a)''; and

(2) by adding at the end the following:

''(2) Any judge of the Court of Federal Claims receiving an annuity under section 178(c) of this title (pertaining to disability) who, in the estimation of the chief judge, has recovered sufficiently to render judicial service, shall be known and designated as a senior judge and may perform duties as a judge when recalled under subsection (b) of this section.''.

SEC. 309. PERSONNEL APPLICATION AND INSURANCE PROGRAMS RELATING TO JUDGES OF THE COURT OF FEDERAL CLAIMS.

(a) IN GENERAL.—Chapter 7 of title 28, United States Code, is amended by inserting after section 178 the following:

''§ 179. Personnel application and insurance programs

''(a) For purposes of construing and applying title 5, a judge of the United States Court of Federal Claims shall be deemed to be an 'officer' under section 2104(a) of such title.

''(b) For purposes of construing and applying chapter 89 of title 5, a judge of the United States Court of Federal Claims who—

''(1) is retired under section 178 of this title; and

''(2) was enrolled in a health benefits plan under chapter 89 of title 5 at the time the judge became a retired judge,

shall be deemed to be an annuitant meeting the requirements of section 8905(b)(1) of title 5, notwithstanding the length of enrollment prior to the date of retirement.

''(c) For purposes of construing and applying chapter 87 of title 5, including any adjustment of insurance rates by regulation or otherwise, a judge of the United States Court of Federal Claims in regular active service or who is retired under section 178 of this title shall be deemed to be a judge of the United States described under section 8701(a)(5) of title 5.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 7 of title 28, United States Code, is amended by striking the item relating to section 179 and inserting the following:

''179. Personnel application and insurance programs.''.

SEC. 310. LUMP-SUM PAYMENT FOR ACCUMULATED AND ACCRUED LEAVE ON SEPARATION.

Section 5551(a) of title 5, United States Code, is amended in the first sentence by striking ''or elects'' and inserting '', is transferred to a position described under section 6301(2)(xiii) of this title, or elects''.

SEC. 311. EMPLOYMENT OF PERSONAL ASSISTANTS FOR HANDICAPPED EMPLOYEES.

Section 3102(a)(1) of title 5, United States Code, is amended—

(1) in subparagraph (A) by striking ''and'';

(2) in subparagraph (B) by adding ''and'' after the semicolon; and

(3) by adding at the end the following:

''(C) an office, agency, or other establishment in the judicial branch;''.

SEC. 312. MANDATORY RETIREMENT AGE FOR DIRECTOR OF THE FEDERAL JUDICIAL CENTER.

(a) IN GENERAL.—Section 627 of title 28, United States Code, is amended—

(1) by striking subsection (a); and

(2) by redesignating subsections (b) through (f) as subsections (a) through (e), respectively.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 376 of title 28, United States Code, is amended—

(1) in paragraph (1)(D) by striking ''subsection (b)'' and inserting ''subsection (a)''; and

(2) in paragraph (2)(D) by striking ''subsection (c) or (d)'' and inserting ''subsection (b) or (c)''.

SEC. 313. REAUTHORIZATION OF CERTAIN SUPREME COURT POLICE AUTHORITY.

Section 9(c) of the Act entitled ''An Act relating to the policing of the building and grounds of the Supreme Court of the United States'', approved August 18, 1949 (40 U.S.C. 13n(c)) is amended in the first sentence by striking ''2000'' and inserting ''2004''.

TITLE IV—FEDERAL PUBLIC DEFENDERS

SEC. 401. TORT CLAIMS ACT AMENDMENT RELATING TO LIABILITY OF FEDERAL PUBLIC DEFENDERS.

Section 2671 of title 28, United States Code, is amended in the second undesignated paragraph—

(1) by inserting ''(1)'' after ''includes''; and

(2) by striking the period at the end and inserting the following: '', and (2) any officer or employee of a Federal public defender organization, except when such officer or employee performs professional services in the course of providing representation under section 3006A of title 18.''.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. EXTENSIONS RELATING TO BANKRUPTCY ADMINISTRATOR PROGRAM.

Section 302(d)(3) of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (28 U.S.C. 581 note) is amended—

(1) in subparagraph (A), in the matter following clause (ii), by striking ''or October 1, 2002, whichever occurs first''; and

(2) in subparagraph (F)—

(A) in clause (i)—

(i) in subclause (II), by striking ''or October 1, 2002, whichever occurs first''; and

(ii) in the matter following subclause (II), by striking ''October 1, 2003, or''; and

(B) in clause (ii), in the matter following subclause (II)—

(i) by striking ''before October 1, 2003, or''; and

(ii) by striking '', whichever occurs first''.

SEC. 502. ADDITIONAL PLACE OF HOLDING COURT IN THE DISTRICT OF OREGON.

Section 117 of title 28, United States Code, is amended by striking ''Eugene'' and inserting ''Eugene or Springfield''.

HART-SCOTT-RODINO ANTITRUST IMPROVEMENTS ACT OF 2000

HATCH (AND OTHERS) AMENDMENT NO. 4333

Mr. SESSIONS (for Mr. HATCH (for himself, Mr. LEAHY, Mr. DEWINE, and Mr. KOHL)) proposed an amendment to the bill (S. 1854) to reform the Hart-Scott-Rodino Antitrust Improvements Act of 1976; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''21st Century Acquisition Reform and Improvement Act of 2000''.

SEC. 2. MODIFICATION OF NOTIFICATION REQUIREMENT.

Section 7A(a) of the Clayton Act (15 U.S.C. 18a(a)) is amended to read as follows:

''(a) Except as exempted pursuant to subsection (c), no person shall acquire, directly or indirectly, any voting securities or assets of any other person, unless both persons (or in the case of a tender offer, the acquiring

person) file notification pursuant to rules under subsection (d)(1) and the waiting period described in subsection (b)(1) has expired, if—

''(1) the acquiring person, or the person whose voting securities or assets are being acquired, is engaged in commerce or in any activity affecting commerce; and

''(2) as a result of such acquisition, the acquiring person would hold an aggregate total amount of the voting securities and assets of the acquired person—

''(A) in excess of $200,000,000 (as adjusted and published for the first fiscal year beginning after September 30, 2002, and each third fiscal year thereafter, in the same manner as provided in section 8(a)(5) of this Act to reflect the percentage change in the gross national product for such fiscal year compared to the gross national product for the year ending September 30, 2001); or

''(B)(i) in excess of $50,000,000 (as so adjusted and published) but not in excess of $200,000,000 (as so adjusted and published); and

''(ii)(I) any voting securities or assets of a person engaged in manufacturing which has annual net sales or total assets of $10,000,000 (as so adjusted and published) or more are being acquired by any person which has total assets or annual net sales of $100,000,000 (as so adjusted and published) or more;

''(II) any voting securities or assets of a person not engaged in manufacturing which has total assets of $10,000,000 (as so adjusted and published) or more are being acquired by any person which has total assets or annual net sales of $100,000,000 (as so adjusted and published) or more; or

''(III) any voting securities or assets of a person with total assets or annual net sales of $100,000,000 (as so adjusted and published) or more are being acquired by any person with total assets or annual net sales of $10,000,000 (as so adjusted and published) or more.

In the case of a tender offer, the person whose voting securities are sought to be acquired by a person required to file notification under this subsection shall file notification pursuant to rules under subsection (d).''.

SEC. 3. INFORMATION AND DOCUMENTARY REQUESTS.

Section 7A(e)(1) of the Clayton Act (15 U.S.C. 18a(e)(1)) is amended—

(1) by inserting ''(A)'' after ''(1)''; and

(2) by adding at the end the following:

''(B)(i) The Assistant Attorney General and the Federal Trade Commission shall each designate a senior official who does not have direct responsibility for the review of any enforcement recommendation under this section concerning the transaction at issue to hear any petition filed by such person to determine—

''(I) whether the request for additional information or documentary material is unreasonably cumulative, unduly burdensome, or duplicative; or

''(II) whether the request for additional information or documentary material has been substantially complied with by the petitioning person.

''(ii) Internal review procedures for petitions filed pursuant to clause (i) shall include reasonable deadlines for expedited review of such petitions, after reasonable negotiations with investigative staff, in order to avoid undue delay of the merger review process.

''(iii) Not later than 90 days after the date of the enactment of the 21st Century Acquisition Reform and Improvement Act of 2000, the Assistant Attorney General and the Federal Trade Commission shall conduct an internal review and implement reforms of the merger review process in order to eliminate unnecessary burden, remove costly duplication, and eliminate undue delay, in order to achieve a more effective and more efficient merger review process.

''(iv) Not later than 120 days after the date of the enactment of the 21st Century Acquisition Reform and Improvement Act of 2000, the Assistant Attorney General and the Federal Trade Commission shall issue or amend their respective industry guidance, regulations, operating manuals, and relevant policy documents, to the extent appropriate, to implement each reform in this subparagraph.

''(v) Not later than 180 days after the date of the enactment of the 21st Century Acquisition Reform and Improvement Act of 2000, the Assistant Attorney General and the Federal Trade Commission shall each report to Congress—

''(I) which reforms each agency has adopted under this subparagraph;

''(II) which steps each agency has taken to implement internal reforms under this subparagraph; and

''(III) the effects of such reforms.''.

SEC. 4. CALCULATION OF TIME PERIODS.

Section 7A of the Clayton Act (15 U.S.C. 18a) is amended—

(1) in subsection (e)(2), by striking ''20 days'' and inserting ''30 days''; and

(2) by adding at the end the following:

''(k) If the end of any period of time provided in this section falls on a Saturday, Sunday, or legal public holiday (as defined in section 6103(a) of title 5, United States Code), then such period shall be extended to the end of the next day that is not a Saturday, Sunday, or legal public holiday.''.

SEC. 5. ADDITIONAL REQUIREMENTS FOR ANNUAL REPORTS.

Section 7A(j) of the Clayton Act (15 U.S.C. 18a(j)) is amended—

(1) by inserting ''(1)'' after ''(j)''; and

(2) by adding at the end the following:

''(2) Beginning with the report filed in 2001, the Federal Trade Commission, in consultation with the Assistant Attorney General, shall include in the report to Congress required by this subsection—

''(A) the number of notifications filed under this section;

''(B) the number of notifications filed in which the Assistant Attorney General or Federal Trade Commission requested the submission of additional information or documentary material relevant to the proposed acquisition;

''(C) data relating to the length of time for parties to comply with requests for the submission of additional information or documentary material relevant to the proposed acquisition;

''(D) the number of petitions filed pursuant to rules and regulations promulgated under this Act regarding a request for the submission of additional information or documentary material relevant to the proposed acquisition and the manner in which such petitions were resolved;

''(E) data relating to the volume (in number of boxes or pages) of materials submitted pursuant to requests for additional information or documentary material; and

''(F) the number of notifications filed in which a request for additional information or documentary materials was made but never complied with prior to resolution of the case.''.

SEC. 6. CONFORMING AMENDMENTS TO CERTAIN REGULATIONS.

(a) IN GENERAL.—The thresholds established by rule and promulgated as 16 C.F.R. 802.20 shall be adjusted by the Federal Trade Commission on January 1, 2003, and each third year thereafter, in the same manner as is set forth in section 8(a)(5) of the Clayton Act (15 U.S.C. 19(a)(5)). The adjusted amount shall be rounded to the nearest $1,000,000.

(b) PUBLICATION.—As soon as practicable, but not later than January 31, 2003, and each third year thereafter, the Federal Trade Commission shall publish the adjusted amount required by this subsection (a).

SEC. 7. EFFECTIVE DATE.

This Act, and the amendments made by this Act, shall take effect on the first day of the first month that begins more than 30 days after the date of the enactment of this Act.

EARTH, WIND, AND FIRE AUTHORIZATION ACT OF 2000

On October 18, 2000, the Senate amended and passed S. 1639, as follows:

S. 1639

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 ''Earthquake Hazards Reduction Authorization Act of 2000''.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

(a) FEDERAL EMERGENCY MANAGEMENT AGENCY.—Section 12(a)(7) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706(a)) is amended—

(1) by striking ''and'' after ''1998''; and

(2) by striking ''1999.'' and inserting ''1999; $19,861,000 for the fiscal year ending September 30, 2001, of which $450,000 is for National Earthquake Hazard Reduction Program-eligible efforts of an established multistate consortium to reduce the unacceptable threat of earthquake damages in the New Madrid seismic region through efforts to enhance preparedness, response, recovery, and mitigation; $20,705,000 for the fiscal year ending September 30, 2002; and $21,585,000 for the fiscal year ending September 30, 2003.''.

(b) UNITED STATES GEOLOGICAL SURVEY.—Section 12(b) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706(b)) is amended—

(1) by inserting after ''operated by the Agency.'' the following: ''There are authorized to be appropriated to the Secretary of the Interior for purposes of carrying out, through the Director of the United States Geological Survey, the responsibilities that may be assigned to the Director under this Act $48,360,000 for fiscal year 2001, of which $3,500,000 is for the Global Seismic Network and $100,000 is for the Scientific Earthquake Studies Advisory Committee established under section 10 of the Earthquake Hazards Reduction Act of 2000; $50,415,000 for fiscal year 2002, of which $3,600,000 is for the Global Seismic Network and $100,000 is for the Scientific Earthquake Studies Advisory Committee; and $52,558,000 for fiscal year 2003, of which $3,700,000 is for the Global Seismic Network and $100,000 is for the Scientific Earthquake Studies Advisory Committee;

(2) by striking ''and'' at the end of paragraph (1);

(3) by striking ''1999,'' at the end of paragraph (2) and inserting ''1999;''; and

(4) by inserting after paragraph (2) the following:

''(3) $9,000,000 of the amount authorized to be appropriated for fiscal year 2001;

''(4) $9,250,000 of the amount authorized to be appropriated for fiscal year 2002; and

''(5) $9,500,000 of the amount authorized to be appropriated for fiscal year 2003,''.

(c) REAL-TIME SEISMIC HAZARD WARNING SYSTEM.—Section 2(a)(7) of the Act entitled ''An Act To authorize appropirations for carrying out the Earthquake Hazards Reduction Act of 1977 for fiscal years 1998 and 1999, and for other purposes (111 Stat. 1159; 42 U.S.C.

7704 nt) is amended by striking ''1999.'' and inserting ''1999, $2,600,000 for fiscal year 2001, $2,710,000 for fiscal year 2002, and $2,825,000 for fiscal year 2003.''.

(d) NATIONAL SCIENCE FOUNDATION.—Section 12(c) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706(c)) is amended—

(1) by striking ''1998, and'' and inserting ''1998,''; and

(2) by striking ''1999.'' and inserting ''1999, and (5) $19,000,000 for engineering research and $11,900,000 for geosciences research for the fiscal year ending September 30, 2001. There are authorized to be appropriated to the National Science Foundation $19,808,000 for engineering research and $12,406,000 for geosciences research for fiscal year 2002 and $20,650,000 for engineering research and $12,933,000 for geosciences research for fiscal year 2003.''.

(e) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—Section 12(d) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706(d)) is amended—

(1) by striking ''1998, and''; and inserting ''1998,''; and

(2) by striking ''1999.'' and inserting ''1999, $2,332,000 for fiscal year 2001, $2,431,000 for fiscal year 2002, and $2,534,300 for fiscal year 2003.''.

SEC. 3. REPEALS.

Section 10 and subsections (e) and (f) of section 12 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7705d and 7706 (e) and (f)) are repealed.

SEC. 4. ADVANCED NATIONAL SEISMIC RESEARCH AND MONITORING SYSTEM.

The Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.) is amended by adding at the end the following new section:

''SEC. 13. ADVANCED NATIONAL SEISMIC RESEARCH AND MONITORING SYSTEM.

''(a) ESTABLISHMENT.—The Director of the United States Geological Survey shall establish and operate an Advanced National Seismic Research and Monitoring System. The purpose of such system shall be to organize, modernize, standardize, and stabilize the national, regional, and urban seismic monitoring systems in the United States, including sensors, recorders, and data analysis centers, into a coordinated system that will measure and record the full range of frequencies and amplitudes exhibited by seismic waves, in order to enhance earthquake research and warning capabilities.

''(b) MANAGEMENT PLAN.—Not later than 90 days after the date of the enactment of the Earthquake Hazards Reduction Authorization Act of 2000, the Director of the United States Geological Survey shall transmit to the Congress a 5-year management plan for establishing and operating the Advanced National Seismic Research and Monitoring System. The plan shall include annual cost estimates for both modernization and operation, milestones, standards, and performance goals, as well as plans for securing the participation of all existing networks in the Advanced National Seismic Research and Monitoring System and for establishing new, or enhancing existing, partnerships to leverage resources.

''(c) AUTHORIZATION OF APPROPRIATIONS.—

''(1) EXPANSION AND MODERNIZATION.—In addition to amounts appropriated under section 12(b), there are authorized to be appropriated to the Secretary of the Interior, to be used by the Director of the United States Geological Survey to establish the Advanced National Seismic Research and Monitoring System—

''(A) $33,500,000 for fiscal year 2002;

''(B) $33,700,000 for fiscal year 2003;

''(C) $35,100,000 for fiscal year 2004;

''(D) $35,000,000 for fiscal year 2005; and

''(E) $33,500,000 for fiscal year 2006.

''(2) OPERATION.—In addition to amounts appropriated under section 12(b), there are authorized to be appropriated to the Secretary of the Interior, to be used by the Director of the United States Geological Survey to operate the Advanced National Seismic Research and Monitoring System—

''(A) $4,500,000 for fiscal year 2002; and

''(B) $10,300,000 for fiscal year 2003.''.

SEC. 5. NETWORK FOR EARTHQUAKE ENGINEERING SIMULATION.

The Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.) is amended by adding at the end the following new section:

''SEC. 14. NETWORK FOR EARTHQUAKE ENGINEERING SIMULATION.

''(a) ESTABLISHMENT.—The Director of the National Science Foundation shall establish the George E. Brown, Jr. Network for Earthquake Engineering Simulation that will upgrade, link, and integrate a system of geographically distributed experimental facilities for earthquake engineering testing of full-sized structures and their components and partial-scale physical models. The system shall be integrated through networking software so that integrated models and databases can be used to create model-based simulation, and the components of the system shall be interconnected with a computer network and allow for remote access, information sharing, and collaborative research.

''(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts appropriated under section 12(c), there are authorized to be appropriated $28,200,000 for fiscal year 2001 for the Network for Earthquake Engineering Simulation. In addition to amounts appropriated under section 12(c), there are authorized to be appropriated to the National Science Foundation for the Network for Earthquake Engineering Simulation—

''(1) $24,400,000 for fiscal year 2002;

''(2) $4,500,000 for fiscal year 2003; and

''(3) $17,000,000 for fiscal year 2004.''.

SEC. 6. BUDGET COORDINATION.

Section 5 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7704) is amended—

(1) by striking subparagraph (A) of subsection (b)(1) and redesignating subparagraphs (B) through (F) of subsection (b)(1) as subparagraphs (A) through (E), respectively;

(2) by striking ''in this paragraph'' in the last sentence of paragraph (1) of subsection (b) and inserting ''in subparagraph (E)''; and

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

''(c) BUDGET COORDINATION.—

''(1) GUIDANCE.—The Agency shall each year provide guidance to the other Program agencies concerning the preparation of requests for appropriations for activities related to the Program, and shall prepare, in conjunction with the other Program agencies, an annual Program budget to be submitted to the Office of Management and Budget.

''(2) REPORTS.—Each Program agency shall include with its annual request for appropriations submitted to the Office of Management and Budget a report that—

''(A) identifies each element of the proposed Program activities of the agency;

''(B) specifies how each of these activities contributes to the Program; and

''(C) states the portion of its request for appropriations allocated to each element of the Program.''.

SEC. 7. REPORT ON AT-RISK POPULATIONS.

Not later than one year after the date of the enactment of this Act, and after a period for public comment, the Director of the Federal Emergency Management Agency shall transmit to the Congress a report describing the elements of the Program that specifically address the needs of at-risk populations, including the elderly, persons with disabilities, non-English-speaking families, single-parent households, and the poor. Such report shall also identify additional actions that could be taken to address those needs and make recommendations for any additional legislative authority required to take such actions.

SEC. 8. PUBLIC ACCESS TO EARTHQUAKE INFORMATION.

Section 5(b)(2)(A)(ii) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7704(b)(2)(A)(ii)) is amended by inserting '', and development of means of increasing public access to available locality-specific information that may assist the public in preparing for or responding to earthquakes'' after ''and the general public''.

SEC. 9. LIFELINES.

Section 4(6) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7703(6)) is amended by inserting ''and infrastructure'' after ''communication facilities''.

SEC. 10. SCIENTIFIC EARTHQUAKE STUDIES ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—The Director of the United States Geological Survey shall establish a Scientific Earthquake Studies Advisory Committee.

(b) ORGANIZATION.—The Director shall establish procedures for selection of individuals not employed by the Federal Government who are qualified in the seismic sciences and other appropriate fields and may, pursuant to such procedures, select up to ten individuals, one of whom shall be designated Chairman, to serve on the Advisory Committee. Selection of individuals for the Advisory Committee shall be based solely on established records of distinguished service, and the Director shall ensure that a reasonable cross-section of views and expertise is represented. In selecting individuals to serve on the Advisory Committee, the Director shall seek and give due consideration to recommendations from the National Academy of Sciences, professional societies, and other appropriate organizations.

(c) MEETINGS.—The Advisory Committee shall meet at such times and places as may be designated by the Chairman in consultation with the Director.

(d) DUTIES.—The Advisory Committee shall advise the Director on matters relating to the United States Geological Survey's participation in the National Earthquake Hazards Reduction Program, including the United States Geological Survey's roles, goals, and objectives within that Program, its capabilities and research needs, guidance on achieving major objectives, and establishing and measuring performance goals. The Advisory Committee shall issue an annual report to the Director for submission to Congress on or before September 30 of each year. The report shall describe the Advisory Committee's activities and address policy issues or matters that affect the United States Geological Survey's participation in the National Earthquake Hazards Reduction Program.

EXTENDING ENERGY CONSERVATION PROGRAMS

Mr. SESSIONS. Mr. President, I ask unanimous consent the Senate proceed to the consideration of H.R. 2884, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2884) to extend energy conservation programs under the Energy Policy

and Conservation Act through fiscal year 2003.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4327

Mr. SESSIONS. Senators MURKOWSKI and BINGAMAN have an amendment at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS], for Mr. MURKOWSKI, proposes an amendment numbered 4327.

(The text of the amendment is printed in today's Record under ''Amendments Submitted.'')

Mr. SESSIONS. I ask unanimous consent the amendment be agreed to, the bill be read the third time and passed, as amended, the motion to reconsider be laid upon the table, and that any statement relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4327) was agreed to.

The bill (H.R. 2884), as amended, was read the third time and passed.

CONVEYING PUBLIC DOMAIN LAND IN THE SAN BERNARDINO NATIONAL FOREST IN THE STATE OF CALIFORNIA

Mr. SESSIONS. I ask unanimous consent the Energy Committee be discharged from further consideration of H.R. 3657, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3657) to provide for the conveyance of a small parcel of public domain land in the San Bernardino National Forest in the State of California, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4328

Mr. SESSIONS. Senator MURKOWSKI has an amendment at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS], for Mr. MURKOWSKI, proposes an amendment numbered 4328.

The amendment is as follows:

SECTION 1. LAND CONVEYANCE AND SETTLEMENT, SAN BERNARDINO NATIONAL FOREST, CALIFORNIA.

(a) CONVEYANCE REQUIRED.—Subject to valid existing rights and settlement of claims as provided in this section, the Secretary of Agriculture shall convey to KATY 101.3 FM (in this section referred to as ''KATY'') all right, title and interest of the United States in and to a parcel of real property consisting of approximately 1.06 acres within the San Bernardino National Forest in Riverside County, California, generally located in the north ½ of section 23, township 5 south, range 2 east, San Bernardino meridian.

(b) LEGAL DESCRIPTION.—The Secretary and KATY shall, by mutual agreement, prepare the legal description of the parcel of real property to be conveyed under subsection (a), which is generally depicted as Exhibit A–2 in an appraisal report of the subject parcel dated August 26, 1999, by Paul H. Meiling.

(c) CONSIDERATION.—Consideration for the conveyance under subsection (a) shall be equal to the appraised fair market value of the parcel of real property to be conveyed. Any appraisal to determine the fair market value of the parcel shall be prepared in conformity with the Uniform Appraisal Standards for Federal Land Acquisition and approved by the Secretary.

(d) SETTLEMENT.—In addition to the consideration referred to in subsection (c), upon the receipt of $16,600 paid by KATY to the Secretary, the Secretary shall release KATY from any and all claims of the United States arising from the occupancy and use of the San Bernardino National Forest by KATY for communication site purposes.

(e) ACCESS REQUIREMENTS.—Notwithstanding section 1323(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3210(a)) or any other law, the Secretary is not required to provide access over National Forest System lands to the parcel of real property to be conveyed under subsection (a).

(f) ADMINISTRATIVE COSTS.—Any costs associated with the creation of a subdivided parcel, recordation of a survey, zoning, and planning approval, and similar expenses with respect to the conveyance under this section, shall be borne by KATY.

(g) ASSUMPTION OF LIABILITY.—By acceptance of the conveyance of the parcel of real property referred to in subsection (a), KATY, and its successors and assigns will indemnify and hold harmless the United States for any and all liability to General Telephone and Electronics Corporation (also known as ''GTE'') KATY, and any third party that is associated with the parcel, including liability for any buildings or personal property on the parcel belonging to GTE and any other third parties.

(h) TREATMENT OF RECEIPTS.—All funds received pursuant to this section shall be deposited in the fund established under Public Law 90–171 (16 U.S.C. 484a; commonly known as the Sisk Act), and the funds shall remain available to the Secretary, until expended, for the acquisition of lands, waters, and interests in land for the inclusion in the San Bernardino National Forest.

(i) RECEIPTS ACT AMENDMENT.—The Act of June 15, 1938 (Chapter 438:52 Stat. 699), as amended by the Acts of May 26, 1944 (58 Stat. 227), is further amended—

(1) by striking the comma after the words ''Secretary of Agriculture'';

(2) by striking the words ''with the approval of the National Forest Reservation Commission established by section 4 of the Act of March 1, 1911 (16 U.S.C. 513),'';

(3) by inserting the words '', real property or interests in lands,'' after the word ''lands'' the first time it is used;

(4) by striking ''San Bernardino and Cleveland'' and inserting ''San Bernardino, Cleveland and Los Angeles'';

(5) by striking ''county of Riverside'' each place it appears and inserting ''counties of Riverside and San Bernardino'';

(6) by striking ''as to minimize soil erosion and flood damage'' and inserting ''for National Forest System purposes''; and

(7) after the ''Provided further, That'', by striking the remainder of the sentence to the end of the paragraph, and inserting ''twelve and one-half percent of the monies otherwise payable to the State of California for the benefit of San Bernardino County under the aforementioned Act of March 1, 1911 (16 U.S.C. 500) shall be available to be appropriated for expenditure in furtherance of this Act.''.

SEC. 2. SANTA ROSA AND SAN JACINTO MOUNTAINS NATIONAL MONUMENT CLARIFYING AMENDMENTS.

The Santa Rosa and San Jacinto Mountains National Monument Act of 2000 is amended as follows:

(1) In the second sentence of section 2(d)(1), by striking ''and the Committee on Agriculture, Nutrition, and Forestry''.

(2) In the second sentence of section 4(a)(3), by striking ''Nothing in this section'' and inserting ''Nothing in this Act''.

(3) In section 4(c)(1), by striking ''any person, including''.

(4) In section 5, by adding at the end the following:

''(j) WILDERNESS PROTECTION.—Nothing in this Act alters the management of any areas designated as Wilderness which are within the boundaries of the National Monument. All such areas shall remain subject to the Wilderness Act (16 U.S.C. 1131 et seq.), the laws designating such areas as Wilderness, and other applicable laws. If any part of this Act conflicts with any provision of those laws with respect to the management of the Wilderness areas, such provision shall control.''.

SEC. 3. TECHNICAL CORRECTION.

The Santo Domingo Pueblo Claims Settlement Act of 2000 is amended by adding at the end:

''SEC. 7. MISCELLANEOUS PROVISIONS.

''(a) EXCHANGE OF CERTAIN LANDS WITH NEW MEXICO.—

''(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall acquire by exchange the State of New Mexico trust lands located in township 16 north, range 4 east, section 2, and all interests therein, including improvements, mineral rights and water rights.

''(2) USE OF OTHER LANDS.—In acquiring lands by exchange under paragraph (1), the Secretary may utilize unappropriated public lands within the State of New Mexico.

''(3) VALUE OF LANDS.—The lands exchanged under this subsection shall be of approximately equal value, and the Secretary may credit or debit the ledger account established in the Memorandum of Understanding between the Bureau of Land Management, the New Mexico State Land Office, and the New Mexico Commissioner of Public Lands, in order to equalize the values of the lands exchanged.

''(4) CONVEYANCE.—

''(A) BY SECRETARY.—Upon the acquisition of lands under paragraph (1), the Secretary shall convey all title and interest to such lands to the Pueblo by sale, exchange or otherwise, and the Pueblo shall have the exclusive right to acquire such lands.

''(B) BY PUEBLO.—Upon the acquisition of lands under subparagraph (A), the Pueblo may convey such land to the Secretary who shall accept and hold such lands in trust for the benefit of the Pueblo.

(b) OTHER EXCHANGES OF LAND.—

''(1) IN GENERAL.—In order to further the purposes of this Act—

''(A) the Pueblo may enter into agreements to exchange restricted lands for lands described in paragraph (2); and

''(B) any land exchange agreements between the Pueblo and any of the parties to the action referred to in paragraph (2) that are executed not later than December 31, 2001, shall be deemed to be approved.

''(2) LANDS.—The land described in this paragraph is the land, title to which was at issue in Pueblo of Santo Domingo v. Rael (Civil No. 83–1888 (D.N.M.)).

''(3) LAND TO BE HELD IN TRUST.—Upon the acquisition of lands under paragraph (1), the

Pueblo may convey such land to the Secretary who shall accept and hold such lands in trust for the benefit of the Pueblo.

''(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the provisions of section 5(a) relating to the extinguishment of the land claims of the Pueblo.

''(c) APPROVAL OF CERTAIN RESOLUTIONS.—All agreements, transactions, and conveyances authorized by Resolutions 97–010 and C22–99 as enacted by the Tribal Council of the Pueblo de Cochiti, and Resolution S.D. 12–99–36 as enacted by the Tribal Council of the Pueblo of Santo Domingo, pertaining to boundary disputes between the Pueblo de Cochiti and the Pueblo of Santo Domingo, are hereby approved, including the Pueblo de Cochiti's agreement to relinquish its claim to the southwest corner of its Spanish Land Grant, to the extent that such land overlaps with the Santo Domingo Pueblo Grant, and to disclaim any right to receive compensation from the United States or any other party with respect to such overlapping lands.''

Mr. SESSIONS. I ask unanimous consent the amendment be agreed to.

The amendment (No. 4328) was agreed to.

Mr. SESSIONS. I ask unanimous consent the bill be read the third time and passed, as amended, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3657), as amended, was read the third time and passed.

AUTHORIZING THE EXCHANGE OF LAND AT THE GEORGE WASHINGTON MEMORIAL PARKWAY IN McLEAN, VIRGINIA

Mr. SESSIONS. Mr. President, I ask unanimous consent the Energy Committee be discharged from further consideration of H.R. 4835, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4835) to authorize the exchange of land between the Secretary of the Interior and the Director of Central Intelligence at the George Washington Memorial Parkway in McLean, Virginia, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. SESSIONS. I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statement relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4835) was read the third time and passed.

EDUCATION LAND GRANT ACT

Mr. SESSIONS. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill H.R. 150.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 150) entitled ''An Act to authorize the Secretary of Agriculture to convey National Forest System lands for use for educational purposes, and for other purposes'', with the following House amendment to Senate amendment:

In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

SECTION. 1. SHORT TITLE.

This Act may be cited as the ''Education Land Grant Act''.

SEC. 2. CONVEYANCE OF NATIONAL FOREST SYSTEM LANDS FOR EDUCATIONAL PURPOSES.

(a) AUTHORITY TO CONVEY.—Upon application, the Secretary of Agriculture may convey National Forest System lands for use for educational purposes if the Secretary determines that—

(1) the entity seeking the conveyance will use the conveyed land for a public or publicly funded elementary or secondary school, to provide grounds or facilities related to such a school, or for both purposes;

(2) the conveyance will serve the public interest;

(3) the land to be conveyed is not otherwise needed for the purposes of the National Forest System; and

(4) the total acreage to be conveyed does not exceed the amount reasonably necessary for the proposed use.

(b) ACREAGE LIMITATION.—A conveyance under this section may not exceed 80 acres. However, this limitation shall not be construed to preclude an entity from submitting a subsequent application under this section for an additional land conveyance if the entity can demonstrate to the Secretary a need for additional land.

(c) COSTS AND MINERAL RIGHTS.—A conveyance under this section shall be for a nominal cost. The conveyance may not include the transfer of mineral rights.

(d) REVIEW OF APPLICATIONS.—When the Secretary receives an application under this section, the Secretary shall—

(1) before the end of the 14-day period beginning on the date of the receipt of the application, provide notice of that receipt to the applicant; and

(2) before the end of the 120-day period beginning on that date—

(A) make a final determination whether or not to convey land pursuant to the application, and notify the applicant of that determination; or

(B) submit written notice to the applicant containing the reasons why a final determination has not been made.

(e) REVERSIONARY INTEREST.—If at any time after lands are conveyed pursuant to this section, the entity to whom the lands were conveyed attempts to transfer title to or control over the lands to another or the lands are devoted to a use other than the use for which the lands were conveyed, without the consent of the Secretary, title to the lands shall revert to the United States.

AMENDMENT NO. 4329

Mr. SESSIONS. I ask unanimous consent the Senate concur in the amendment of the House, with further amendment which is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS], for Mr. MURKOWSKI, proposes an amendment numbered 4329.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

The amendment (No. 4329) was agreed to.

GREATER YUMA PORT AUTHORITY CONVEYANCE

Mr. SESSIONS. I ask unanimous consent the Senate proceed to the consideration of Calendar No. 930, H.R. 3023.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3023) to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to convey property to the Greater Yuma Port Authority of Yuma County, Arizona, for use as an international port of entry.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Energy and Natural Resources, with an amendment; as follows:

[Omit the part in boldface brackets and insert the part printed in italic.]

S. 3023

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

SECTION 1. CONVEYANCE OF LANDS TO THE GREATER YUMA PORT AUTHORITY.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Secretary of the Interior, acting through the Bureau of Reclamation, may, in the 5-year period beginning on the date of the enactment of this Act and in accordance with the conditions specified in subsection (b) convey to the Greater Yuma Port Authority the interests described in paragraph (2).

(2) INTERESTS DESCRIBED.—The interests referred to in paragraph (1) are the following:

(A) All right, title, and interest of the United States in and to the lands comprising Section 23, Township 11 South, Range 24 West, G&SRBM, Lots 1–4, NE¼, N½ NW¼, excluding lands located within the 60-foot border strip, in Yuma County, Arizona.

(B) All right, title, and interest of the United States in and to the lands comprising Section 22, Township 11 South, Range 24 West, G&SRBM, East 300 feet of Lot 1, excluding lands located within the 60-foot border strip, in Yuma County, Arizona.

(C) All right, title, and interest of the United States in and to the lands comprising Section 24, Township 11 South, Range 24 West, G&SRBM, West 300 feet, excluding lands in the 60-foot border strip, in Yuma County, Arizona.

(D) All right, title, and interest of the United States in and to the lands comprising the East 300 feet of the Southeast Quarter of Section 15, Township 11 South, Range 24 West, G&SRBM, in Yuma County, Arizona.

(E) The right to use lands in the 60-foot border strip excluded under subparagraphs (A), (B), and (C), for ingress to and egress from the international boundary between the United States and Mexico.

(b) DEED COVENANTS AND CONDITIONS.—Any conveyance under subsection (a) shall be subject to the following covenants and conditions:

(1) A reservation of rights-of-way for ditches and canals constructed or to be constructed by the authority of the United States, this reservation being of the same character and scope as that created with respect to certain public lands by the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945), as it has been, or may hereafter be amended.

(2) A leasehold interest in Lot 1, and the west 100 feet of Lot 2 in Section 23 for the operation of a Cattle Crossing Facility, currently being operated by the Yuma-Sonora Commercial Company, Incorporated. The lease as currently held contains 24.68 acres, more or less. Any renewal or termination of the lease shall be by the Greater Yuma Port Authority.

(3) Reservation by the United States of a 245-foot perpetual easement for operation and maintenance of the 242 Lateral Canal and Well Field along the northern boundary of the East 300 feet of Section 22, Section 23, and the West 300 feet of Section 24 as shown on Reclamation Drawing Nos. 1292–303–3624, 1292–303–3625, and 1292–303–3626.

(4) A reservation by the United States of all rights to the ground water in the East 300 feet of Section 15, the East 300 feet of Section 22, Section 23, and the West 300 feet of Section 24, and the right to remove, sell, transfer, or exchange the water to meet the obligations of the Treaty of 1944 with the Republic of Mexico, and Minute Order No. 242 for the delivery of salinity controlled water to Mexico.

(5) A reservation of all rights-of-way and easements existing or of record in favor of the public or third parties.

(6) A right-of-way reservation in favor of the United States and its contractors, and the State of Arizona, and its contractors, to utilize a 33-foot easement along all section lines to freely give ingress to, passage over, and egress from areas in the exercise of official duties of the United States and the State of Arizona.

(7) Reservation of a right-of-way to the United States for a 100-foot by 100-foot parcel for each of the Reclamation monitoring wells, together with unrestricted ingress and egress to both sites. One monitoring well is located in Lot 1 of Section 23 just north of the Boundary Reserve and just west of the Cattle Crossing Facility, and the other is located in the southeast corner of Lot 3 just north of the Boundary Reserve.

(8) An easement comprising a 50-foot strip lying North of the 60-foot International Boundary Reserve for drilling and operation of, and access to, wells.

(9) A reservation by the United States of 15/16 of all gas, oil, metals, and mineral rights.

(10) A reservation of 1/16 of all gas, oil, metals, and mineral rights retained by the State of Arizona.

(11) Such additional terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

(c) CONSIDERATION.—

(1) IN GENERAL.—As consideration for the conveyance under subsection (a), the Greater Yuma Port Authority shall pay the United States consideration equal to the fair market value on the date of the enactment of this Act of the interest conveyed.

[(2) DETERMINATION.—For purposes of paragraph (1), the fair market value of any interest in land shall be determined—

[(A) taking into account that the land is undeveloped, that 80 acres of the land is intended to be dedicated to use by the Federal Government for Federal governmental purposes, and that an additional substantial portion of the land is dedicated to public right-of-way, highway, and transportation purposes; and

[(B) deducting the cost of compliance with applicable Federal laws pursuant to subsection (e).]

(2) DETERMINATION.—For purposes of paragraph (1), the fair market value of any interest in land shall be determined taking into account that the land is undeveloped, that 80 acres is intended to be dedicated to use by the United States for Federal governmental purposes, and that an additional substantial portion of the land is dedicated to public right-of-way, highway, and transportation purposes.

(d) USE.—The Greater Yuma Port Authority and its successors shall use the interests conveyed solely for the purpose of the construction and operation of an international port of entry and related activities.

(e) COMPLIANCE WITH LAWS.—Before the date of the conveyance, actions required with respect to the conveyance under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the National Historic Preservation Act (16 U.S.C. 470 et seq.), and other applicable Federal laws must be completed at no cost to the United States.

(f) USE OF 60-FOOT BORDER STRIP.—Any use of the 60-foot border strip shall be made in coordination with Federal agencies having authority with respect to the 60-foot border strip.

(g) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of property conveyed under this section, and of any right-of-way that is subject to a right of use conveyed pursuant to subsection (a)(2)(E), shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Greater Yuma Port Authority.

(h) DEFINITIONS.—

(1) 60-FOOT BORDER STRIP.—The term ''60-foot border strip'' means lands in any of the Sections of land referred to in this Act located within 60 feet of the international boundary between the United States and Mexico.

(2) GREATER YUMA PORT AUTHORITY.—The term ''Greater Yuma Port Authority'' means Trust No. 84–184, Yuma Title & Trust Company, an Arizona Corporation, a trust for the benefit of the Cocopah Tribe, a Sovereign Nation, the County of Yuma, Arizona, the City of Somerton, and the City of San Luis, Arizona, or such other successor joint powers agency or public purpose entity as unanimously designated by those governmental units.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Bureau of Reclamation.

Mr. SESSIONS. I ask unanimous consent the committee amendment be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4330

Mr. SESSIONS. Senator MURKOWSKI has an amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS], for Mr. MURKOWSKI, proposes an amendment numbered 4330.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. SESSIONS. I ask unanimous consent the amendment be agreed to, the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4330) was agreed to.

The bill (H.R. 3023), as amended, was read the third time and passed.

SPANISH PEAKS WILDERNESS ACT OF 1999

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Energy Committee be discharged from further consideration of H.R. 898, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 898) designating certain land in San Isabel National Forest in the State of Colorado as the ''Spanish Peaks Wilderness''.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4331

Mr. SESSIONS. Mr. President, Senator MURKOWSKI has an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS], for Mr. MURKOWSKI, for himself and Mr. BINGAMAN, proposes an amendment numbered 4331.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. SESSIONS. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4331) was agreed to.

The bill (H.R. 898), as amended, was read the third time and passed.

SAFETY AND WELL-BEING OF U.S. CITIZENS INJURED WHILE TRAVELING IN MEXICO

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of H. Con. Res. 232, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 232) expressing the sense of the Congress concerning the safety and well-being of United States citizens injured while traveling in Mexico.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the concurrent resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (H. Con. Res. 232) was agreed to.

The preamble was agreed to.

INTERNATIONAL MALARIA CONTROL ACT OF 2000

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 728, S. 2943.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2943) to authorize additional assistance for international malaria control, and to provide for coordination and consultation in providing assistance under the Foreign Assistance Act of 1961 with respect to malaria, HIV, and tuberculosis.

There being no objection, the Senate proceeded to consider the bill.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2943) was read the third time and passed, as follows:

S. 2943

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 ''International Malaria Control Act of 2000''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The World Health Organization estimates that there are 300,000,000 to 500,000,000 cases of malaria each year.

(2) According to the World Health Organization, more than 1,000,000 persons are estimated to die due to malaria each year.

(3) According to the National Institutes of Health, about 40 percent of the world's population is at risk of becoming infected.

(4) About half of those who die each year from malaria are children under 9 years of age.

(5) Malaria kills one child each 30 seconds.

(6) Although malaria is a public health problem in more than 90 countries, more than 90 percent of all malaria cases are in sub-Saharan Africa.

(7) In addition to Africa, large areas of Central and South America, Haiti and the Dominican Republic, the Indian subcontinent, Southeast Asia, and the Middle East are high risk malaria areas.

(8) These high risk areas represent many of the world's poorest nations.

(9) Malaria is particularly dangerous during pregnancy. The disease causes severe anemia and is a major factor contributing to maternal deaths in malaria endemic regions.

(10) Pregnant mothers who are HIV-positive and have malaria are more likely to pass on HIV to their children.

(11) ''Airport malaria'', the importing of malaria by international travelers, is becoming more common, and the United Kingdom reported 2,364 cases of malaria in 1997, all of them imported by travelers.

(12) In the United States, of the 1,400 cases of malaria reported to the Centers for Disease Control and Prevention in 1998, the vast majority were imported.

(13) Between 1970 and 1997, the malaria infection rate in the United States increased by about 40 percent.

(14) Malaria is caused by a single-cell parasite that is spread to humans by mosquitoes.

(15) No vaccine is available and treatment is hampered by development of drug-resistant parasites and insecticide-resistant mosquitoes.

SEC. 3. ASSISTANCE FOR MALARIA PREVENTION, TREATMENT, CONTROL, AND ELIMINATION.

(a) FINDINGS.—Congress recognizes the growing international problem of malaria and the impact of this epidemic on many nations, particularly in the nations of sub-Saharan Africa. Congress further recognizes the negative interaction among the epidemics of malaria, HIV and tuberculosis in many nations, particularly in the nations of sub-Saharan Africa. Congress directs the Administrator of the United States Agency for International Development to undertake activities designed to control malaria in recipient countries by—

(1) coordinating with the appropriate Federal officials and organizations to develop and implement, in partnership with recipient nations, a comprehensive malaria prevention and control program; and

(2) coordinating, consistent with clause (i), malaria prevention and control activities with efforts by recipient nations to prevent and control HIV and tuberculosis.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the President $50,000,000 for each of the fiscal years 2001 and 2002 to carry out this paragraph.

SEC. 4. COORDINATION AND CONSULTATION.

(a) IN GENERAL.—In providing the assistance and carrying out the activities provided for under this Act, the Administrator of the United States Agency for International Development should work in coordination with appropriate Federal officials.

(b) PURPOSE.—The purpose of such interagency coordination and consultation is to help ensure that the financial assistance provided by the United States is utilized in a manner that advances, to the greatest extent possible, the public health of recipient countries.

(c) PROVISION OF INFORMATION TO RECIPIENT COUNTRIES.—The Administrator of the United States Agency for International Development shall take appropriate steps to provide recipient countries with information concerning the development of vaccines and therapeutic agents for, HIV, malaria, and tuberculosis.

(d) INFORMATION SPECIFIED.—The Administrator of the United States Agency for International Development should provide to appropriate officials in recipient countries information concerning participation in, and the results of, clinical trials conducted by United States Government agencies for vaccines and therapeutic agents for HIV, malaria, and tuberculosis.

(e) CONSIDERATION OF INTERACTION AMONG EPIDEMICS.—The Administrator of the United States Agency for International Development should consider the interaction among the epidemics of HIV, malaria, and tuberculosis as the United States provides financial and technical assistance to recipient countries under this Act.

SUPPORTING EFFORTS OF BOLIVIA'S DEMOCRATICALLY ELECTED GOVERNMENT

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of S. Res. 375, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 375) supporting the efforts of Bolivia's democratically elected government.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 375) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 375

Whereas the stability of democracy in Latin America and the eradication of illegal narcotics from the Andean nations are vital national security interests of the United States;

Whereas the democratically elected Government of Bolivia has taken dramatic steps to eradicate illegal narcotics under the Dignity Plan, resulting in the elimination of 80 percent of the illegal coca crop in just two years, a record of achievement unmatched worldwide;

Whereas the Government of Bolivia is now approaching the completion of coca eradication in the Chapare and will begin eradication operations in the Yungas regions in 2002;

Whereas there are indications that narcotics traffickers from outside Bolivia are stepping up efforts to keep a foothold in Bolivia by agitating among the rural poor and indigenous populations, creating civil disturbances, blockading roads, organizing strikes and protests, and taking actions designed to force the Government of Bolivia to abandon its aggressive counter narcotics campaign; and

Whereas the government of Bolivian President Hugo Banzer Suarez has shown remarkable restraint in dealing with the protesters through dialogue and openness while respecting human rights: Now, therefore, be it

Resolved, That (a) the Senate calls upon the Government of Bolivia to continue its successful program of coca eradication and looks forward to the Government of Bolivia achieving its commitment to the total eradication of illegal coca in Bolivia by the end of 2002.

(b) It is the sense of the Senate that—

(1) the United States, as a full partner in Bolivia's efforts to build democracy, to eradicate illegal narcotics, and to reduce poverty through development and economic growth, should fully support the democratically elected Government of Bolivia;

(2) the release of emergency supplemental assistance already approved by the United States for sustainable development activities in Bolivia should be accelerated;

(3) on a priority basis, the President should look for additional ways to provide increased tangible support to the people and Government of Bolivia;

(4) the Government of Bolivia should continue to respect the human rights of all of

its citizens and continue to discuss legitimate concerns of Bolivia's rural population; and

(5) indigenous leaders should enter into discussions with the government on issues of concern and cease provocative acts that could lead to escalating violence.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

EXPRESSING SENSE OF CONGRESS REGARDING TAIWAN'S PARTICIPATION IN THE UNITED NATIONS

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to consideration of H. Con. Res. 390, which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 390) expressing the sense of the Congress regarding Taiwan's participation in the United Nations and other international organizations.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 390) was agreed to.

The preamble was agreed to.

AMENDING THE IMMIGRATION AND NATIONALITY ACT

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 4068, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4068) to amend the Immigration and Nationality Act to extend for an additional 3 years the special immigrant religious worker program.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I rise today to call on the Senate to support H.R. 4068, which will extend the religious worker visa for an additional three years. I am a cosponsor and strong supporter of Senate legislation that would make permanent the provisions of our immigration law that provide for special immigrant visas for religious workers sponsored by religious organizations in the United States. These visas allow religious denominations or organizations in the United States to bring in foreign nationals to perform religious work here. This modest program—which provides for up to 5,000 religious immigrant visas a year—was created in the Immigration Act of 1990, and has been extended ever since. Although I believe the program should be made permanent, I am willing to support a three-year extension given the lateness of the session and the fact that the program expired upon last week's end of the fiscal year.

The importance of this program to America's religious community has been demonstrated by the fact that leaders from a variety of faiths have come to Congress both this year and in past years to testify on its behalf. It is also important to note, however, that these religious workers contribute significantly not just to their religious communities, but to the community as a whole. They work in hospitals, nursing homes, and homeless shelters. They help immigrants and refugees adjust to the United States. In other words, they perform vital tasks that too often go undone.

I have worked on this issue consistently over the years. Most recently, I cosponsored a bill in 1997 that would have made this program permanent. We were forced in that year as well to settle for a 3-year extension of the program. It is my hope and expectation that this will be the last short-term extension of this program, and that the substantial benefit that our country has derived from this program will lead us to make the program permanent 3 years from now.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4068) was read the third time and passed.

WARTIME VIOLATION OF ITALIAN AMERICAN CIVIL LIBERTIES ACT

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 862, H.R. 2442.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2442) to provide for the preparation of a Government report detailing injustices suffered by Italian Americans during World War II, and a formal acknowledgment of such injustices by the President.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with amendments, as follows:

[Omit the parts in boldface brackets and insert the part printed in italic.]

H.R. 2442

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 "Wartime Violation of Italian American Civil Liberties Act".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The freedom of more than 600,000 Italian-born immigrants in the United States and their families was restricted during World War II by Government measures that branded them "enemy aliens" and included carrying identification cards, travel restrictions, and seizure of personal property.

(2) During World War II more than 10,000 Italian Americans living on the West Coast were forced to leave their homes and prohibited from entering coastal zones. More than 50,000 were subjected to curfews.

(3) During World War II thousands of Italian American immigrants were arrested, and hundreds were interned in military camps.

(4) Hundreds of thousands of Italian Americans performed exemplary service and thousands sacrificed their lives in defense of the United States.

(5) At the time, Italians were the largest foreign-born group in the United States, and today are the fifth largest immigrant group in the United States, numbering approximately 15 million.

(6) The impact of the wartime experience was devastating to Italian American communities in the United States, and its effects are still being felt.

(7) A deliberate policy kept these measures from the public during the war. Even 50 years later much information is still classified, the full story remains unknown to the public, and it has never been acknowledged in any official capacity by the United States Government.

SEC. 3. REPORT.

The **[**Inspector**]** *Attorney* General **[**of the Department of Justice**]** shall conduct a comprehensive review of the treatment by the United States Government of Italian Americans during World War II, and not later than one year after the date of the enactment of this Act shall submit to the Congress a report that documents the findings of such review. The report shall cover the period between September 1, 1939, and December 31, 1945, and shall include the following:

(1) The names of all Italian Americans who were taken into custody in the initial roundup following the attack on Pearl Harbor, and prior to the United States declaration of war against Italy.

(2) The names of all Italian Americans who were taken into custody.

(3) The names of all Italian Americans who were interned and the location where they were interned.

(4) The names of all Italian Americans who were ordered to move out of designated areas under the United States Army's "Individual Exclusion Program".

(5) The names of all Italian Americans who were arrested for curfew, contraband, or other violations under the authority of Executive Order No. 9066.

(6) Documentation of Federal Bureau of Investigation raids on the homes of Italian Americans.

(7) A list of ports from which Italian American fishermen were restricted.

(8) The names of Italian American fishermen who were prevented from fishing in prohibited zones and therefore unable to pursue their livelihoods.

(9) The names of Italian Americans whose boats were confiscated.

(10) The names of Italian American railroad workers who were prevented from working in prohibited zones.

(11) A list of all civil liberties infringements suffered by Italian Americans during World War II, as a result of Executive Order No. 9066, including internment, hearings without benefit of counsel, illegal searches and seizures, travel restrictions, enemy alien registration requirements, employment restrictions, confiscation of property, and forced evacuation from homes.

(12) An explanation of [why some] *whether* Italian Americans were subjected to civil liberties infringements, as a result of Executive Order No. 9066, [while] *and if so, why* other Italian Americans were not.

(13) A review of the wartime restrictions on Italian Americans to determine how civil liberties can be better protected during national emergencies.

SEC. 4. SENSE OF THE CONGRESS.

It is the sense of the Congress that—

(1) the story of the treatment of Italian Americans during World War II needs to be told in order to acknowledge that these events happened, to remember those whose lives were unjustly disrupted and whose freedoms were violated, to help repair the damage to the Italian American community, and to discourage the occurrence of similar injustices and violations of civil liberties in the future;

(2) Federal agencies, including the Department of Education and the National Endowment for the Humanities, should support projects such as—

(A) conferences, seminars, and lectures to heighten awareness of this unfortunate chapter in our Nation's history;

(B) the refurbishment of and payment of all expenses associated with the traveling exhibit ''Una Storia Segreta'', exhibited at major cultural and educational institutions throughout the United States; and

(C) documentaries to allow this issue to be presented to the American public to raise its awareness;

(3) an independent, volunteer advisory committee should be established comprised of representatives of Italian American organizations, historians, and other interested individuals to assist in the compilation, research, and dissemination of information concerning the treatment of Italian Americans; and

(4) after completion of the report required by this Act, financial support should be provided for the education of the American public through the production of a documentary film suited for public broadcast.

[SEC. 5. FORMAL ACKNOWLEDGEMENT.]

(5) The President [shall] *should*, on behalf of the United States Government, formally acknowledge that these events during World War II represented a fundamental injustice against Italian Americans.

Mr. FEINGOLD. Mr. President, I rise today to speak on the Wartime Violation of Italian American Civil Liberties Act. While the American people generally know about the internment of Japanese Americans during World War II, they are largely unaware of the U.S. government's mistreatment of people of other ethnic backgrounds during this difficult time in our nation's history. I believe we need a complete and thorough review of our government's mistreatment of Americans during World War II.

Mr. President, S. 2442 is a worthy bill. I had some reservations about this bill because it is not as inclusive as it might have been. The U.S. should fully assess its treatment of all Americans of European descent during World War II, including Italian and German Americans, as well as European refugees fleeing persecution, to acknowledge those whose lives were unjustly disrupted and whose freedoms were violated and to discourage the future occurrence of similar injustices.

I recognize, however, that time is short in this session of Congress. So, I will not object to H.R. 2442 going forward at this time. But I want my colleagues to know that by withholding an objection at this time, I am not abandoning my effort to make sure that the mistreatment of other Americans during World War II, including German Americans, and European refugees are also properly recognized and reviewed. I look forward to working with Senator HATCH and my colleagues on this issue next year.

Mr. HATCH. I thank the Senator from Wisconsin for his comments. I appreciate the Senator's comments and plan to work with him next year to examine the experiences of others whose liberties may not have been respected by our government during World War II.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the committee amendments be agreed to, the bill be read a third time and passed, as amended, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The bill (H.R. 2442), as amended, was read the third time and passed.

AMENDING THE HMONG VETERANS' NATURALIZATION ACT OF 2000

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5234, received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5234) to amend the Hmong Veterans' Naturalization Act of 2000 to extend the applicability of that Act to certain former spouses of deceased Hmong veterans.

There being no objection, the Senate proceeded to consider the bill.

Mr. WELLSTONE. Mr. President, I want to thank my colleagues for their support for H.R. 5234, which I introduced in the Senate as S. 3060. I am so pleased that the Senate will pass this critical legislation. It will ensure that widows and widowers of Hmong veterans who died in Laos, Thailand and Vietnam are also covered by the Hmong Veterans Naturalization Act. This critical change applies fairness to the law so that widows, like spouses of surviving veterans, will be able to take the United States citizenship test with a translator.

The United States owes a great debt to the widows of Hmong veterans. During the Vietnam War, in the covert operations in Laos, they sacrificed everything they had in service to this country. It is almost impossible to imagine the impact of the Vietnam War on the Hmong Community in South East Asia. Hmong soldiers died at ten times the rate of American soldiers in the Vietnam War. As many as 20,000 Hmong were killed serving our country. When adults were killed, children as young as twelve and thirteen rose up to take their place. When Hmong soldiers died, they left behind families with no means of support. They left their loved ones to fend for themselves in a hostile country.

Because of the covert nature of the United States Operations in Laos, the heroics and sacrifice of this community long went unrecognized. By facilitating the naturalization of Hmong widows, we offer small compensation, but tremendous thanks and honor to people who gave us their lives and livelihoods. Twenty five years later, we cannot give them back their loved ones, though their loved ones gave their lives for us. All we can do is we honor their service in a way that is long overdue and give them the tools to become citizens in the nation for which they heroically fought, and died.

No one in Congress understood better what we owe to the Hmong community than my old and dear friend, Congressman Bruce Vento. No one here did more for the Hmong people. He dedicated himself to ensure that Hmong and Lao veterans and their families received the honor and respect that was so long deserved and too long delayed. One of the many great legacies of his life will indeed be his work with the Hmong community in Minnesota. I wish to honor him today for that dedication and for that deep respect and compassion. But there is no tribute I can deliver that would bring him more greater pride than when 45,000 Hmong veterans, widows and spouses whom he was one of the first to recognize as American heroes, become American citizens.

I thank my colleagues again for their support.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5234) was read the third time and passed.

MOTHER TERESA RELIGIOUS WORKERS ACT

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 587, S. 2406.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2406) to amend the Immigration and Nationality Act to provide permanent authority for entry into the United States of certain religious workers.

There being no objection, the Senate proceeded to consider the bill.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the

table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2406) was read the third time and passed, as follows:

S. 2406

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 ''Mother Teresa Religious Workers Act''.

SEC. 2. PERMANENT AUTHORITY FOR ENTRY INTO UNITED STATES OF CERTAIN RELIGIOUS WORKERS.

Section 101(a)(27)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(C)(ii)) is amended by striking ''before October 1, 2000,'' each place it appears.

EDUCATION LAND GRANT ACT

Mr. SESSIONS. Mr. President, I ask unanimous consent the Chair lay before the Senate a message from the House of Representatives on the bill (S. 2812).

There being no objection, the Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 2812) entitled ''An Act to amend the Immigration and Nationality Act to provide a waiver of the oath of renunciation and allegiance for naturalization of aliens having certain disabilities'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. WAIVER OF OATH OF RENUNCIATION AND ALLEGIANCE FOR NATURALIZATION OF ALIENS HAVING CERTAIN DISABILITIES.

Section 337(a) of the Immigration and Nationality Act (8 U.S.C. 1448(a)) is amended by adding at the end the following:

''The Attorney General may waive the taking of the oath by a person if in the opinion of the Attorney General the person is unable to understand, or to communicate an understanding of, its meaning because of a physical or developmental disability or mental impairment. If the Attorney General waives the taking of the oath by a person under the preceding sentence, the person shall be considered to have met the requirements of section 316(a)(3) with respect to attachment to the principles of the Constitution and well disposition to the good order and happiness of the United States.''.

SEC. 2. EFFECTIVE DATE.

The amendment made by section 1 shall apply to persons applying for naturalization before, on, or after the date of the enactment of this Act.

Mr. DODD. Mr. President, I rise to thank my colleagues for unanimously agreeing to pass S. 2812, a bill introduced earlier this year by Senator HATCH and myself to amend the Immigration and nationality Act to eliminate a barrier that has prevented persons with certain mental disabilities from becoming United States citizens. By passing this bill today, Congress will make our immigration policy more fair and more humane.

The bill we will pass today will not dramatically change or improve our immigration policies—that work remains to be done—but this bill will make a big difference in the lives of a few American families—families like the Dowds, the Costas, the Wickers, and the Teixlers of Connecticut. Back in July, I explained why we need to pass this legislation. I told a story about a young man named Mathieu. Mathieu's family—his mother, his father, and his sister—have all become naturalized U.S. citizens. But Mathieu has not been allowed to become a citizen because he's a 23-year-old autistic man who cannot swear an oath of loyalty to the United States, which is required as part of the naturalization process. His naturalization request has been in limbo since November of 1996 because Mathieu could not understand some of the questions he was asked by the INS agent processing his application for citizenship. For years Mathieu's mother has lived in fear that her most vulnerable child could be removed from the country and sent to a nation that he hardly knows, and where he has no family or friends.

As I explained in July, Mathieu's mother—again, a United States citizen—wants what every American in her position would want. She wants to know that all of her children, including her most vulnerable child, will have the protections of citizenship. Mathieu's life is here. His friends and caregivers are here. His family is here. Mathieu's place is here, and now, with the passage of this bill, Mathieu's mother can rest easy because Mathieu can join the rest of his family as a U.S. citizen.

This legislation has not been the subject of great debate, but it is an important correction for us to make. I thank Catherine Cushman, and attorney who works for the Connecticut Office of Protection and Advocacy for Persons with Disabilities, for bringing this issue to my attention. I also thank Catholic Charities, USA for their guidance and expertise on this matter. Finally, I thank Senator HATCH, Senator DEWINE, Senator FEINGOLD, Senator FEINSTEIN, Senator KENNEDY, and Senator KOHL for their support of this bill.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate agree to the amendment of the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERNATIONAL PATIENT ACT OF 2000

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of H.R. 2961, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2961) to amend the Immigration and Nationality Act to authorize a 3-year pilot program under which the Attorney General may extend the period for voluntary departure in the case of certain nonimmigrant aliens who require medical treatment in the United States and were admitted under the visa waiver pilot program, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2961) was read the third time and passed.

GREAT APE CONSERVATION ACT OF 2000

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 921, H.R. 4320.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4320) to assist in the conservation of great apes by supporting and providing financial resources for the conservation programs of countries within the range of great apes and projects of persons with demonstrated expertise in the conservation of great apes.

There being no objection, the Senate proceeded to consider the bill.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4320) was read the third time and passed.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION APPROPRIATIONS, FISCAL YEARS 2002 THROUGH 2005

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 914, H.R. 4110.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4110) to amend title 44, United States Code, to authorize appropriations for the National Historical Publications and Records Commission for fiscal years 2002 through 2005.

There being no objection, the Senate proceeded to consider the bill.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4110) was read the third time and passed.

APPROVING PLACEMENT OF PAINTINGS IN SENATE RECEPTION ROOM

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 380 submitted by Senator LOTT and Senator DASCHLE.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 380) approving the placement of 2 paintings in the Senate reception room.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 380) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 380

Resolved, That the Senate Commission on Art (referred to in this resolution as the ''Commission'') shall procure appropriate paintings of Senator Arthur H. Vandenberg and Senator Robert F. Wagner and place such paintings in the 2 unfilled spaces on the south wall of the Senate reception room.

SEC. 2. (a) The paintings shall be rendered in oil on canvas and shall be consistent in style and manner with the paintings of Senators Clay, Calhoun, Webster, LaFollette, and Taft now displayed in the Senate reception room.

(b) The paintings may be procured through purchase, acceptance as a gift of appropriate existing paintings, or through the execution of appropriate paintings by a qualified artist or artists to be selected and contracted by the Commission.

SEC. 3. The expenses of the Commission in carrying out this resolution shall be paid out of the contingent fund of the Senate on vouchers signed by the Secretary of the Senate and approved by the Committee on Rules and Administration.

SUPPORT FOR RECOGNITION OF LIBERTY DAY

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 376, which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 376) expressing the sense of the Congress regarding support for the recognition of a Liberty Day.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (H. Con. Res. 376) was agreed to.

The preamble was agreed to.

FEDERAL COURTS IMPROVEMENT ACT OF 2000

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 860, S. 2915.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 2915) to make improvements in the operation and administration of the Federal courts, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment, as follows:

[Strike out all after the enacting clause and insert the part printed in italic.]

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Federal Courts Improvement Act of 2000''.

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

Sec. 1. Short title and table of contents.

TITLE I—JUDICIAL FINANCIAL ADMINISTRATION

Sec. 101. Extension of Judiciary Information Technology Fund.
Sec. 102. Disposition of miscellaneous fees.
Sec. 103. Transfer of retirement funds.
Sec. 104. Increase in chapter 9 bankruptcy filing fee.
Sec. 105. Increase in fee for converting a chapter 7 or chapter 13 bankruptcy case to a chapter 11 bankruptcy case.
Sec. 106. Bankruptcy fees.

TITLE II—JUDICIAL PROCESS IMPROVEMENTS

Sec. 201. Extension of statutory authority for magistrate judge positions to be established in the district courts of Guam and the Northern Mariana Islands.
Sec. 202. Magistrate judge contempt authority.
Sec. 203. Consent to magistrate judge authority in petty offense cases and magistrate judge authority in misdemeanor cases involving juvenile defendants.
Sec. 204. Savings and loan data reporting requirements.
Sec. 205. Membership in circuit judicial councils.
Sec. 206. Sunset of civil justice expense and delay reduction plans.
Sec. 207. Repeal of Court of Federal Claims filing fee.
Sec. 208. Technical bankruptcy correction.
Sec. 209. Technical amendment relating to the treatment of certain bankruptcy fees collected.
Sec. 210. Maximum amounts of compensation for attorneys.
Sec. 211. Reimbursement of expenses in defense of certain malpractice actions.

TITLE III—JUDICIAL PERSONNEL ADMINISTRATION, BENEFITS, AND PROTECTIONS

Sec. 301. Judicial administrative officials retirement matters.
Sec. 302. Applicability of leave provisions to employees of the Sentencing Commission.
Sec. 303. Payments to military survivors benefits plan.
Sec. 304. Creation of certifying officers in the judicial branch.
Sec. 305. Authority to prescribe fees for technology resources in the courts.
Sec. 306. Amendment to the jury selection process.
Sec. 307. Authorization of a circuit executive for the Federal circuit.
Sec. 308. Residence of retired judges.
Sec. 309. Recall of judges on disability status.
Sec. 310. Personnel application and insurance programs relating to judges of the Court of Federal Claims.
Sec. 311. Lump-sum payment for accumulated and accrued leave on separation.
Sec. 312. Employment of personal assistants for handicapped employees.
Sec. 313. Mandatory retirement age for director of the Federal judicial center.

TITLE IV—FEDERAL PUBLIC DEFENDERS

Sec. 401. Tort Claims Act amendment relating to liability of Federal public defenders.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Extensions relating to bankruptcy administrator program.
Sec. 502. Additional place of holding court in the district of Oregon.

TITLE I—JUDICIAL FINANCIAL ADMINISTRATION

SEC. 101. EXTENSION OF JUDICIARY INFORMATION TECHNOLOGY FUND.

Section 612 of title 28, United States Code, is amended—

(1) by striking ''equipment'' each place it appears and inserting ''resources'';

(2) by striking subsection (f) and redesignating subsections (g) through (k) as subsections (f) through (j), respectively;

(3) in subsection (g), as so redesignated, by striking paragraph (3); and

(4) in subsection (i), as so redesignated—

(A) by striking ''Judiciary'' each place it appears and inserting ''judiciary'';

(B) by striking ''subparagraph (c)(1)(B)'' and inserting ''subsection (c)(1)(B)''; and

(C) by striking ''under (c)(1)(B)'' and inserting ''under subsection (c)(1)(B)''.

SEC. 102. DISPOSITION OF MISCELLANEOUS FEES.

For fiscal year 2001 and each fiscal year thereafter, any portion of miscellaneous fees collected as prescribed by the Judicial Conference of the United States under sections 1913, 1914(b), 1926(a), 1930(b), and 1932 of title 28, United States Code, exceeding the amount of such fees in effect on September 30, 2000, shall be deposited into the special fund of the Treasury established under section 1931 of title 28, United States Code.

SEC. 103. TRANSFER OF RETIREMENT FUNDS.

Section 377 of title 28, United States Code, is amended by adding at the end the following:

''(p) TRANSFER OF RETIREMENT FUNDS.—Upon election by a bankruptcy judge or a magistrate judge under subsection (f) of this section, all of the accrued employer contributions and accrued interest on those contributions made on behalf of the bankruptcy judge or magistrate judge to the Civil Service Retirement and Disability Fund under section 8348 of title 5 shall be transferred to the fund established under section 1931 of this title, except that if the bankruptcy judge or magistrate judge elects under section 2(c) of the Retirement and Survivor's Annuities for Bankruptcy Judges and Magistrates Act of 1988 (Public Law 100–659), to receive a retirement annuity under both this section and title 5, only the accrued employer contributions and accrued interest on such contributions, made on behalf of the bankruptcy judge or magistrate judge for service credited under this section, may be transferred.''.

SEC. 104. INCREASE IN CHAPTER 9 BANKRUPTCY FILING FEE.

Section 1930(a)(2) of title 28, United States Code, is amended by striking ''$300'' and inserting ''equal to the fee specified in paragraph (3) for filing a case under chapter 11 of title 11. The amount by which the fee payable under this paragraph exceeds $300 shall be deposited in the fund established under section 1931 of this title''.

SEC. 105. INCREASE IN FEE FOR CONVERTING A CHAPTER 7 OR CHAPTER 13 BANKRUPTCY CASE TO A CHAPTER 11 BANKRUPTCY CASE.

The flush paragraph at the end of section 1930(a) of title 28, United States Code, is amended by striking ''$400'' and inserting ''the amount equal to the difference between the fee specified in paragraph (3) and the fee specified in paragraph (1)''.

SEC. 106. BANKRUPTCY FEES.

Section 1930(a) of title 28, United States Code, is amended by adding at the end the following:

''(7) In districts that are not part of a United States trustee region as defined in section 581 of this title, the Judicial Conference of the United States may require the debtor in a case under chapter 11 of title 11 to pay fees equal to those imposed by paragraph (6) of this subsection. Such fees shall be deposited as offsetting receipts to the fund established under section 1931 of this title and shall remain available until expended.''.

TITLE II—JUDICIAL PROCESS IMPROVEMENTS

SEC. 201. EXTENSION OF STATUTORY AUTHORITY FOR MAGISTRATE JUDGE POSITIONS TO BE ESTABLISHED IN THE DISTRICT COURTS OF GUAM AND THE NORTHERN MARIANA ISLANDS.

Section 631 of title 28, United States Code, is amended—

(1) by striking the first two sentences of subsection (a) and inserting the following: ''The judges of each United States district court and the district courts of the Virgin Islands, Guam, and the Northern Mariana Islands shall appoint United States magistrate judges in such numbers and to serve at such locations within the judicial districts as the Judicial Conference may determine under this chapter. In the case of a magistrate judge appointed by the district court of the Virgin Islands, Guam, or the Northern Mariana Islands, this chapter shall apply as though the court appointing such a magistrate judge were a United States district court.''; and

(2) by inserting in the first sentence of paragraph (1) of subsection (b) after ''Commonwealth of Puerto Rico,'' the following: ''the Territory of Guam, the Commonwealth of the Northern Mariana Islands,''.

SEC. 202. MAGISTRATE JUDGE CONTEMPT AUTHORITY.

Section 636(e) of title 28, United States Code, is amended to read as follows:

''(e) CONTEMPT AUTHORITY.—

''(1) IN GENERAL.—A United States magistrate judge serving under this chapter shall have within the territorial jurisdiction prescribed by the appointment of such magistrate judge the power to exercise contempt authority as set forth in this subsection.

''(2) SUMMARY CRIMINAL CONTEMPT AUTHORITY.—A magistrate judge shall have the power to punish summarily by fine or imprisonment such contempt of the authority of such magistrate judge constituting misbehavior of any person in the magistrate judge's presence so as to obstruct the administration of justice. The order of contempt shall be issued under the Federal Rules of Criminal Procedure.

''(3) ADDITIONAL CRIMINAL CONTEMPT AUTHORITY IN CIVIL CONSENT AND MISDEMEANOR CASES.—In any case in which a United States magistrate judge presides with the consent of the parties under subsection (c) of this section, and in any misdemeanor case proceeding before a magistrate judge under section 3401 of title 18, the magistrate judge shall have the power to punish, by fine or imprisonment, criminal contempt constituting disobedience or resistance to the magistrate judge's lawful writ, process, order, rule, decree, or command. Disposition of such contempt shall be conducted upon notice and hearing under the Federal Rules of Criminal Procedure.

''(4) CIVIL CONTEMPT AUTHORITY IN CIVIL CONSENT AND MISDEMEANOR CASES.—In any case in which a United States magistrate judge presides with the consent of the parties under subsection (c) of this section, and in any misdemeanor case proceeding before a magistrate judge under section 3401 of title 18, the magistrate judge may exercise the civil contempt authority of the district court. This paragraph shall not be construed to limit the authority of a magistrate judge to order sanctions under any other statute, the Federal Rules of Civil Procedure, or the Federal Rules of Criminal Procedure.

''(5) CRIMINAL CONTEMPT PENALTIES.—The sentence imposed by a magistrate judge for any criminal contempt provided for in paragraphs (2) and (3) shall not exceed the penalties for a Class C misdemeanor as set forth in sections 3581(b)(8) and 3571(b)(6) of title 18.

''(6) CERTIFICATION OF OTHER CONTEMPTS TO THE DISTRICT COURT.—Upon the commission of any such act—

''(A) in any case in which a United States magistrate judge presides with the consent of the parties under subsection (c) of this section, or in any misdemeanor case proceeding before a magistrate judge under section 3401 of title 18, that may, in the opinion of the magistrate judge, constitute a serious criminal contempt punishable by penalties exceeding those set forth in paragraph (5) of this subsection; or

''(B) in any other case or proceeding under subsection (a) or (b) of this section, or any other statute, where—

''(i) the act committed in the magistrate judge's presence may, in the opinion of the magistrate judge, constitute a serious criminal contempt punishable by penalties exceeding those set forth in paragraph (5) of this subsection;

''(ii) the act that constitutes a criminal contempt occurs outside the presence of the magistrate judge; or

''(iii) the act constitutes a civil contempt,

the magistrate judge shall forthwith certify the facts to a district judge and may serve or cause to be served, upon any person whose behavior is brought into question under this paragraph, an order requiring such person to appear before a district judge upon a day certain to show cause why that person should not be adjudged in contempt by reason of the facts so certified. The district judge shall thereupon hear the evidence as to the act or conduct complained of and, if it is such as to warrant punishment, punish such person in the same manner and to the same extent as for a contempt committed before a district judge.

''(7) APPEALS OF MAGISTRATE JUDGE CONTEMPT ORDERS.—The appeal of an order of contempt under this subsection shall be made to the court of appeals in cases proceeding under subsection (c) of this section. The appeal of any other order of contempt issued under this section shall be made to the district court.''.

SEC. 203. CONSENT TO MAGISTRATE JUDGE AUTHORITY IN PETTY OFFENSE CASES AND MAGISTRATE JUDGE AUTHORITY IN MISDEMEANOR CASES INVOLVING JUVENILE DEFENDANTS.

(a) AMENDMENTS TO TITLE 18.—

(1) PETTY OFFENSE CASES.—Section 3401(b) of title 18, United States Code, is amended by striking ''that is a class B misdemeanor charging a motor vehicle offense, a class C misdemeanor, or an infraction,'' after ''petty offense''.

(2) CASES INVOLVING JUVENILES.—Section 3401(g) of title 18, United States Code, is amended—

(A) by striking the first sentence and inserting the following: ''The magistrate judge may, in a petty offense case involving a juvenile, exercise all powers granted to the district court under chapter 403 of this title.'';

(B) in the second sentence by striking ''any other class B or C misdemeanor case'' and inserting ''the case of any misdemeanor, other than a petty offense,''; and

(C) by striking the last sentence.

(b) AMENDMENTS TO TITLE 28.—Section 636(a) of title 28, United States Code, is amended by striking paragraphs (4) and (5) and inserting in the following:

''(4) the power to enter a sentence for a petty offense; and

''(5) the power to enter a sentence for a class A misdemeanor in a case in which the parties have consented.''.

SEC. 204. SAVINGS AND LOAN DATA REPORTING REQUIREMENTS.

Section 604 of title 28, United States Code, is amended in subsection (a) by striking the second paragraph designated (24).

SEC. 205. MEMBERSHIP IN CIRCUIT JUDICIAL COUNCILS.

Section 332(a) of title 28, United States Code, is amended—

(1) by striking paragraph (3) and inserting the following:

''(3) Except for the chief judge of the circuit, either judges in regular active service or judges retired from regular active service under section 371(b) of this title may serve as members of the council. Service as a member of a judicial council by a judge retired from regular active service under section 371(b) may not be considered for meeting the requirements of section 371(f)(1) (A), (B), or (C).''; and

(2) in paragraph (5) by striking ''retirement,'' and inserting ''retirement under section 371(a) or 372(a) of this title,''.

SEC. 206. SUNSET OF CIVIL JUSTICE EXPENSE AND DELAY REDUCTION PLANS.

Section 103(b)(2)(A) of the Civil Justice Reform Act of 1990 (Public Law 101–650; 104 Stat. 5096; 28 U.S.C. 471 note), as amended by Public Law 105–53 (111 Stat. 1173), is amended by inserting ''471,'' after ''sections''.

SEC. 207. REPEAL OF COURT OF FEDERAL CLAIMS FILING FEE.

Section 2520 of title 28, United States Code, and the item relating to such section in the table of contents for chapter 165 of such title, are repealed.

SEC. 208. TECHNICAL BANKRUPTCY CORRECTION.

Section 1228 of title 11, United States Code, is amended by striking ''1222(b)(10)'' each place it appears and inserting ''1222(b)(9)''.

SEC. 209. TECHNICAL AMENDMENT RELATING TO THE TREATMENT OF CERTAIN BANKRUPTCY FEES COLLECTED.

(a) AMENDMENT.—The first sentence of section 406(b) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1990 (Public Law 101–162; 103 Stat. 1016; 28 U.S.C. 1931 note) is amended by striking ''service enumerated after item 18'' and inserting ''service not of a kind described in any of the items enumerated as items 1 through 7 and as items 9 through 18, as in effect on November 21, 1989,''.

(b) APPLICATION OF AMENDMENT.—The amendment made by subsection (a) shall not apply with respect to fees collected before the date of enactment of this Act.

SEC. 210. MAXIMUM AMOUNTS OF COMPENSATION FOR ATTORNEYS.

Section 3006A(d)(2) of title 18, United States Code, is amended—

(1) in the first sentence—

(A) by striking ''$3,500'' and inserting ''$5,200''; and

(B) by striking ''$1,000'' and inserting ''$1,500'';

(2) in the second sentence by striking ''$2,500'' and inserting ''$3,700'';

(3) in the third sentence—

(A) by striking ''$750'' and inserting ''$1,200''; and

(B) by striking ''$2,500'' and inserting ''$3,900'';

(4) by inserting after the second sentence the following: ''For representation of a petitioner in a non-capital habeas corpus proceeding, the compensation for each attorney shall not exceed the amount applicable to a felony in this paragraph for representation of a defendant before a judicial officer of the district court. For representation of such petitioner in an appellate court, the compensation for each attorney shall not exceed the amount applicable for representation of a defendant in an appellate court.''; and

(5) in the last sentence by striking ''$750'' and inserting ''$1,200''.

SEC. 211. REIMBURSEMENT OF EXPENSES IN DEFENSE OF CERTAIN MALPRACTICE ACTIONS.

Section 3006A(d)(1) of title 18, United States Code, is amended by striking the last sentence and inserting ''Attorneys may be reimbursed for expenses reasonably incurred, including the costs of transcripts authorized by the United States magistrate or the court, and the costs of defending actions alleging malpractice of counsel in furnishing representational services under this section. No reimbursement for expenses in defending against malpractice claims shall be made if a judgment of malpractice is rendered against the counsel furnishing representational services under this section. The United States magistrate or the court shall make determinations relating to reimbursement of expenses under this paragraph.''.

TITLE III—JUDICIAL PERSONNEL ADMINISTRATION, BENEFITS, AND PROTECTIONS

SEC. 301. JUDICIAL ADMINISTRATIVE OFFICIALS RETIREMENT MATTERS.

(a) DIRECTOR OF ADMINISTRATIVE OFFICE.—Section 611 of title 28, United States Code, is amended—

(1) in subsection (d), by inserting ''a congressional employee in the capacity of primary administrative assistant to a Member of Congress or in the capacity of staff director or chief counsel for the majority or the minority of a committee or subcommittee of the Senate or House of Representatives,'' after ''Congress,'';

(2) in subsection (b)—

(A) by striking ''who has served at least fifteen years and'' and inserting ''who has at least fifteen years of service and has''; and

(B) in the first undesignated paragraph, by striking ''who has served at least ten years,'' and inserting ''who has at least ten years of service,''; and

(3) in subsection (c)—

(A) by striking ''served at least fifteen years,'' and inserting ''at least fifteen years of service,''; and

(B) by striking ''served less than fifteen years,'' and inserting ''less than fifteen years of service,''.

(b) DIRECTOR OF THE FEDERAL JUDICIAL CENTER.—Section 627 of title 28, United States Code, is amended—

(1) in subsection (e), by inserting ''a congressional employee in the capacity of primary administrative assistant to a Member of Congress or in the capacity of staff director or chief counsel for the majority or the minority of a committee or subcommittee of the Senate or House of Representatives,'' after ''Congress,'';

(2) in subsection (c)—

(A) by striking ''who has served at least fifteen years and'' and inserting ''who has at least fifteen years of service and has''; and

(B) in the first undesignated paragraph, by striking ''who has served at least ten years,'' and inserting ''who has at least ten years of service,''; and

(3) in subsection (d)—

(A) by striking ''served at least fifteen years,'' and inserting ''at least fifteen years of service,''; and

(B) by striking ''served less than fifteen years,'' and inserting ''less than fifteen years of service,''.

SEC. 302. APPLICABILITY OF LEAVE PROVISIONS TO EMPLOYEES OF THE SENTENCING COMMISSION.

(a) IN GENERAL.—Section 996(b) of title 28, United States Code, is amended by striking all after ''title 5,'' and inserting ''except the following: chapters 45 (Incentive Awards), 63 (Leave), 81 (Compensation for Work Injuries), 83 (Retirement), 85 (Unemployment Compensation), 87 (Life Insurance), and 89 (Health Insurance), and subchapter VI of chapter 55 (Payment for accumulated and accrued leave).''.

(b) SAVINGS PROVISION.—Any leave that an individual accrued or accumulated (or that otherwise became available to such individual) under the leave system of the United States Sentencing Commission and that remains unused as of the date of the enactment of this Act shall, on and after such date, be treated as leave accrued or accumulated (or that otherwise became available to such individual) under chapter 63 of title 5, United States Code.

SEC. 303. PAYMENTS TO MILITARY SURVIVORS BENEFITS PLAN.

Section 371(e) of title 28, United States Code, is amended by inserting after ''such retired or retainer pay'' the following: '', except such pay as is deductible from the retired or retainer pay as a result of participation in any survivor's benefits plan in connection with the retired pay,''.

SEC. 304. CREATION OF CERTIFYING OFFICERS IN THE JUDICIAL BRANCH.

(a) APPOINTMENT OF DISBURSING AND CERTIFYING OFFICERS.—Chapter 41 of title 28, United States Code, is amended by adding at the end the following:

''§ 613. Disbursing and certifying officers

''(a) DISBURSING OFFICERS.—The Director may designate in writing officers and employees of the judicial branch of the Government, including the courts as defined in section 610 other than the Supreme Court, to be disbursing officers in such numbers and locations as the Director considers necessary. Such disbursing officers shall—

''(1) disburse moneys appropriated to the judicial branch and other funds only in strict accordance with payment requests certified by the Director or in accordance with subsection (b);

''(2) examine payment requests as necessary to ascertain whether they are in proper form, certified, and approved; and

''(3) be held accountable for their actions as provided by law, except that such a disbursing officer shall not be held accountable or responsible for any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificate for which a certifying officer is responsible under subsection (b).

''(b) CERTIFYING OFFICERS.—

''(1) IN GENERAL.—The Director may designate in writing officers and employees of the judicial branch of the Government, including the courts as defined in section 610 other than the Supreme Court, to certify payment requests payable from appropriations and funds. Such certifying officers shall be responsible and accountable for—

''(A) the existence and correctness of the facts recited in the certificate or other request for payment or its supporting papers;

''(B) the legality of the proposed payment under the appropriation or fund involved; and

''(C) the correctness of the computations of certified payment requests.

''(2) LIABILITY.—The liability of a certifying officer shall be enforced in the same manner and to the same extent as provided by law with respect to the enforcement of the liability of disbursing and other accountable officers. A certifying officer shall be required to make restitution to the United States for the amount of any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificates made by the certifying officer, as well as for any payment prohibited by law or which did not represent a legal obligation under the appropriation or fund involved.

''(c) RIGHTS.—A certifying or disbursing officer—

''(1) has the right to apply for and obtain a decision by the Comptroller General on any question of law involved in a payment request presented for certification; and

''(2) is entitled to relief from liability arising under this section in accordance with title 31.

''(d) OTHER AUTHORITY NOT AFFECTED.—Nothing in this section affects the authority of the courts with respect to moneys deposited with the courts under chapter 129 of this title.''.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 41 of title 28, United States Code, is amended by adding at the end the following:

''613. Disbursing and certifying officers.''.

(c) RULE OF CONSTRUCTION.—The amendment made by subsection (a) shall not be construed to authorize the hiring of any Federal officer or employee.

(d) DUTIES OF DIRECTOR.—Section 604(a)(8) of title 28, United States Code, is amended to read as follows:

''(8) Disburse appropriations and other funds for the maintenance and operation of the courts;''.

SEC. 305. AUTHORITY TO PRESCRIBE FEES FOR TECHNOLOGY RESOURCES IN THE COURTS.

(a) IN GENERAL.—Chapter 41 of title 28, United States Code, (as amended by this Act) is amended by adding at the end the following:

''§ 614. Authority to prescribe fees for technology resources in the courts

''The Judicial Conference is authorized to prescribe reasonable fees under sections 1913, 1914, 1926, 1930, and 1932, for collection by the courts for use of information technology resources provided by the judiciary for remote access to the courthouse by litigants and the public, and to facilitate the electronic presentation of cases. Fees under this section may be collected only to cover the costs of making such information technology resources available for the purposes set forth in this section. Such fees shall not be required of persons financially unable to pay them. All fees collected under this section shall be deposited in the Judiciary Information Technology Fund and be available to the Director without fiscal year limitation to be expended on information technology resources developed or acquired to advance the purposes set forth in this section.''.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 41 of title 28, United States Code, is amended by adding at the end the following:

''614. Authority to prescribe fees for technology resources in the courts.''.

(c) TECHNICAL AMENDMENT.—Chapter 123 of title 28, United States Code, is amended—

(1) by redesignating the section 1932 entitled ''Revocation of earned release credit'' as section 1933 and placing it after the section 1932 entitled ''Judicial Panel on Multidistrict Litigation''; and

(2) in the table of sections by striking the 2 items relating to section 1932 and inserting the following:

''1932. Judicial Panel on Multidistrict Litigation.

''1933. Revocation of earned release credit.''.

SEC. 306. AMENDMENT TO THE JURY SELECTION PROCESS.

Section 1865 of title 28, United States Code, is amended—

(1) in subsection (a) by inserting ''or the clerk under supervision of the court if the court's jury selection plan so authorizes,'' after ''jury commission,''; and

(2) in subsection (b) by inserting ''or the clerk if the court's jury selection plan so provides,'' after ''may provide,''.

SEC. 307. AUTHORIZATION OF A CIRCUIT EXECUTIVE FOR THE FEDERAL CIRCUIT.

Section 332 of title 28, United States Code, is amended by adding at the end the following:

''(h)(1) The United States Court of Appeals for the Federal Circuit may appoint a circuit executive, who shall serve at the pleasure of the court. In appointing a circuit executive, the court shall take into account experience in administrative and executive positions, familiarity with court procedures, and special training. The circuit executive shall exercise such administrative powers and perform such duties as may be delegated by the court. The duties delegated to the circuit executive may include the duties specified in subsection (e) of this section, insofar as such duties are applicable to the Court of Appeals for the Federal Circuit.

''(2) The circuit executive shall be paid the salary for circuit executives established under subsection (f) of this section.

''(3) The circuit executive may appoint, with the approval of the court, necessary employees in such number as may be approved by the Director of the Administrative Office of the United States Courts.

''(4) The circuit executive and staff shall be deemed to be officers and employees of the United States within the meaning of the statutes specified in subsection (f)(4).

''(5) The court may appoint either a circuit executive under this subsection or a clerk under section 711 of this title, but not both, or may appoint a combined circuit executive/clerk who shall be paid the salary of a circuit executive.''.

SEC. 308. RESIDENCE OF RETIRED JUDGES.

Section 175 of title 28, United States Code, is amended by adding at the end the following:

''(c) Retired judges of the Court of Federal Claims are not subject to restrictions as to residence. The place where a retired judge maintains the actual abode in which such judge customarily lives shall be deemed to be the judge's official duty station for the purposes of section 456 of this title.''.

SEC. 309. RECALL OF JUDGES ON DISABILITY STATUS.

Section 797(a) of title 28, United States Code, is amended—

(1) by inserting ''(1)'' after ''(a)''; and

(2) by adding at the end the following:

''(2) Any judge of the Court of Federal Claims receiving an annuity under section 178(c) of this title (pertaining to disability) who, in the estimation of the chief judge, has recovered sufficiently to render judicial service, shall be known and designated as a senior judge and may perform duties as a judge when recalled under subsection (b) of this section.''.

SEC. 310. PERSONNEL APPLICATION AND INSURANCE PROGRAMS RELATING TO JUDGES OF THE COURT OF FEDERAL CLAIMS.

(a) IN GENERAL.—Chapter 7 of title 28, United States Code, is amended by inserting after section 178 the following:

''§ 179. Personnel application and insurance programs

''(a) For purposes of construing and applying title 5, a judge of the United States Court of Federal Claims shall be deemed to be an 'officer' under section 2104(a) of such title.

''(b) For purposes of construing and applying chapter 89 of title 5, a judge of the United States Court of Federal Claims who—

''(1) is retired under section 178 of this title; and

''(2) was enrolled in a health benefits plan under chapter 89 of title 5 at the time the judge became a retired judge,

shall be deemed to be an annuitant meeting the requirements of section 8905(b)(1) of title 5, notwithstanding the length of enrollment prior to the date of retirement.

''(c) For purposes of construing and applying chapter 87 of title 5, including any adjustment of insurance rates by regulation or otherwise, a judge of the United States Court of Federal Claims in regular active service or who is retired under section 178 of this title shall be deemed to be a judge of the United States described under section 8701(a)(5) of title 5.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 7 of title 28, United States Code, is amended by striking the item relating to section 179 and inserting the following:

''179. Personnel application and insurance programs.''.

SEC. 311. LUMP-SUM PAYMENT FOR ACCUMULATED AND ACCRUED LEAVE ON SEPARATION.

Section 5551(a) of title 5, United States Code, is amended in the first sentence by striking ''or elects'' and inserting '', is transferred to a position described under section 6301(2)(xiii) of this title, or elects''.

SEC. 312. EMPLOYMENT OF PERSONAL ASSISTANTS FOR HANDICAPPED EMPLOYEES.

Section 3102(a)(1) of title 5, United States Code, is amended—

(1) in subparagraph (A) by striking ''and'';

(2) in subparagraph (B) by adding ''and'' after the semicolon; and

(3) by adding at the end the following:

''(C) an office, agency, or other establishment in the judicial branch;''.

SEC. 313. MANDATORY RETIREMENT AGE FOR DIRECTOR OF THE FEDERAL JUDICIAL CENTER.

(a) IN GENERAL.—Section 627 of title 28, United States Code, is amended—

(1) by striking subsection (a); and

(2) by redesignating subsections (b) through (f) as subsections (a) through (e), respectively.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 376 of title 28, United States Code, is amended—

(1) in paragraph (1)(D) by striking ''subsection (b)'' and inserting ''subsection (a)''; and

(2) in paragraph (2)(D) by striking ''subsection (c) or (d)'' and inserting ''subsection (b) or (c)''.

TITLE IV—FEDERAL PUBLIC DEFENDERS

SEC. 401. TORT CLAIMS ACT AMENDMENT RELATING TO LIABILITY OF FEDERAL PUBLIC DEFENDERS.

Section 2671 of title 28, United States Code, is amended in the second undesignated paragraph—

(1) by inserting ''(1)'' after ''includes''; and

(2) by striking the period at the end and inserting the following: '', and (2) any officer or employee of a Federal public defender organization, except when such officer or employee performs professional services in the course of providing representation under section 3006A of title 18.''.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. EXTENSIONS RELATING TO BANKRUPTCY ADMINISTRATOR PROGRAM.

Section 302(d)(3) of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (28 U.S.C. 581 note) is amended—

(1) in subparagraph (A), in the matter following clause (ii), by striking ''or October 1, 2002, whichever occurs first''; and

(2) in subparagraph (F)—

(A) in clause (i)—

(i) in subclause (II), by striking ''or October 1, 2002, whichever occurs first''; and

(ii) in the matter following subclause (II), by striking ''October 1, 2003, or''; and

(B) in clause (ii), in the matter following subclause (II)—

(i) by striking ''before October 1, 2003, or''; and

(ii) by striking '', whichever occurs first''.

SEC. 502. ADDITIONAL PLACE OF HOLDING COURT IN THE DISTRICT OF OREGON.

Section 117 of title 28, United States Code, is amended by striking ''Eugene'' and inserting ''Eugene or Springfield''.

AMENDMENT NO. 4332

Mr. SESSIONS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS], for Mr. HATCH, proposes an amendment numbered 4332.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. HATCH. Mr. President, this amendment in the nature of a substitute is the product of negotiations between myself and Senator LEAHY, the ranking member of the Judiciary Committee, and Senators GRASSLEY and TORRICELLI, the chairman and ranking member of the Administrative Oversight and the Courts Subcommittee. It is my hope that the Senate will act speedily to pass S. 2915, with this amendment, and return it to the House for that body's approval.

As chairman of the Judiciary Committee, I have the responsibility to review the operation of federal court process and procedures. In doing so, I have strived to ensure that our federal judicial system is administered in an efficient and cost-effective manner, while maintaining a high level of quality in the administration of justice. The substitute amendment I am offering today includes numerous changes to our laws that the Judicial Conference, the governing body of the federal courts, believes are necessary to improve the functions of our courts. They are changes that I believe will help increase the efficiency of the federal judiciary, while ensuring that justice is served.

The amendment contains provisions that reduce unnecessary expenses and improve the efficiency of the judicial system. Specifically, it extends civil and criminal contempt authority to magistrate judges so that they can perform more effectively their existing statutory duties for the district court. It also authorizes magistrate judges (1) to try misdemeanor cases involving juveniles (cases that currently are tried in district court) and (2) to try all petty offense cases without first having to obtain the consent of the defendant. Making these changes will reduce caseload burdens on district judges, thereby permitting district judges more time to handle more serious crimes and more serious offenders.

The amendment also contains provisions that decrease the amount of time judges must devote to non-judicial matters. For example, one such provision raises the maximum compensation level paid to federal or community defenders representing defendants appearing before magistrate or district judges before they must seek a waiver for payment in excess of the prescribed maximum. Currently, payment in excess of the maximum requires the approval of both the judge who presided over the case and the chief judge of the

court. Because the last increase in the maximum compensation level was enacted 14 years ago, federal and community defenders are forced to seek payment waivers in a significant number of cases. As a consequence, judges are forced to spend more time acting as an administrator (attending to ministerial matters) and less time acting as a judge (attending to their civil and criminal dockets). The amendment remedies this problem.

In addition, the amendment contains a provision designed to address the growing trend of Criminal Justice Act (''CJA'') panel attorneys being subject to unfounded suits by the defendants they formerly represented. Under current law, CJA panel attorneys must pay their own legal expenses in defending malpractice suits brought by former clients. The result is a chilling effect on the willingness of attorneys to participate as CJA panel attorneys—a chilling effect that serves only to make the obtaining of adequate representation for defendants more difficult. Under current law, the Director of the Administrative Office of the United States Courts is authorized to provide representation for and indemnity to federal and community defender organizations for malpractice claims that arise as a result or furnishing representational services. No such provision, however, is made for CJA panel attorneys. The amendment rectifies this situation and provides CJA panel attorneys with the same protection afforded other federal defenders.

Importantly, the amendment contains provisions designed to assist handicapped employees working for the federal judiciary. These provisions bring the federal judiciary into alignment with the Executive Branch and other government bodies.

The amendment also contains a provision extending for four years the authority of the U.S. Supreme Court Police to provide security beyond the Supreme Court building and grounds for Justices, Court employees, and official visitors. Under current law, this authority will terminate automatically on December 29, 2000. Because security concerns of the Justices and employees of the Supreme Court have not diminished, it is essential that the off-grounds authority of the Supreme Court Police be continued without interruption.

I have touched on only a few of the provisions contained in this amendment. This amendment sets forth a number of other provisions designed to improve judicial financial and personnel administration, judicial process, and other court-related matters. Each of these provisions is intended to enhance the operation of the federal judiciary. It is my hope that my colleagues in the Senate will agree to this amendment quickly, that the House will do likewise, and that this legislation will be signed by the President in short order.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the amendment be agreed to, the committee amendment, as amended, be agreed to, the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4332) was agreed to.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 2915), as amended, was read the third time and passed.

HART-SCOTT-RODINO ANTITRUST IMPROVEMENTS ACT OF 2000

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 576, S. 1854.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 1854) to reform the Hart-Scott-Rodino Antitrust Improvements Act of 1976.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment, as follows:

[Strike out all after the enacting clause and insert the part printed in italic.]

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Hart-Scott-Rodino Antitrust Improvements Act of 2000''.

SEC. 2. INCREASE IN THE SIZE OF THE TRANSACTION THRESHOLDS.

(a) IN GENERAL.—Section 7A(a) of the Clayton Act (15 U.S.C. 18a(a)) is amended—

(1) in paragraph (3)(B), by striking ''$15,000,000'' and inserting ''$50,000,000''; and

(2) by adding at the end the following: ''The filing threshold established in paragraph (3)(B) shall be adjusted by the Federal Trade Commission on January 1, 2005, and each year thereafter, in the same manner as is set forth in section 8(a)(5) of the Clayton Act (15 U.S.C. 19(a)(5)). The adjusted amount shall be rounded to the nearest $1,000,000. As soon as practicable, but not later than January 31 of each year, the Federal Trade Commission shall publish the adjusted amount required by this paragraph.''.

(b) FILING FEES.—Section 605 of Public Law 101–162 (103 Stat. 1031; 15 U.S.C. 18a note) is amended to read as follows:

''SEC. 605.(a)(1) The Federal Trade Commission shall assess and collect filing fees which shall be paid by persons acquiring voting securities or assets who are required to file premerger notifications by this section.

''(2) The filing fee shall be—

''(A) $45,000 if, as a result of the acquisition, the acquiring person would hold an aggregate total amount of the voting securities and assets of the acquired person in an amount of at least $50,000,000 but not exceeding $100,000,000;

''(B) $100,000 if the total amount referred to in clause (i) is greater than $100,000,000 but not exceeding $1,000,000,000; and

''(C) $200,000 if the total amount referred to in clause (i) is greater than $1,000,000,000.

''(2) When the filing threshold established in subsection (a)(3)(B) is adjusted pursuant to subsection (a), the $50,000,000 threshold established in paragraph (1)(B)(i) shall be adjusted to the same amount.

''(3) No notification shall be considered filed until payment of the fee required by this subsection.

''(4) Fees collected pursuant to this subsection shall be divided and credited as provided in section 605 of Public Law 101–162 (103 Stat. 1031; 15 U.S.C. 18a note) (as in effect on the day before the date of enactment of this subsection).''.

SEC. 3. INFORMATION AND DOCUMENTARY REQUESTS.

Section 7A(e)(1) of the Clayton Act (15 U.S.C. 18a(e)) is amended)—

(1) by inserting ''(A)'' after ''(1)''; and

(2) by inserting at the end the following:

''(B)(i) The Assistant Attorney General and the Federal Trade Commission shall each designate a senior official not directly having supervisory responsibility in, or having responsibility for, the review of any enforcement recommendation under this section concerning the transaction at issue to hear any petition filed by the acquiring person or the person whose voting securities or assets are to be acquired, to determine—

''(I) whether the request for additional information or documentary material is unreasonably cumulative, unduly burdensome or duplicative; or

''(II) whether the request for additional information or documentary material has been substantially complied with by the petitioning person.

''(ii) Internal review procedures for petitions filed pursuant to clause (i) shall include reasonable deadlines for expedited review of any such petitions filed, after reasonable negotiations with investigative staff, in order to avoid undue delay of the merger review process.

''(iii) Upon the date of enactment of the Hart-Scott-Rodino Antitrust Improvements Act of 2000, the Assistant Attorney General and the Federal Trade Commission shall conduct an internal review and implement reforms of the merger review process in order to eliminate unnecessary burden, remove costly duplication, and eliminate undue delay, in order to achieve a more effective and more efficient merger review process.

''(iv) Not later than 120 days after the date of enactment of the Hart-Scott-Rodino Antitrust Improvements Act of 2000, the Assistant Attorney General and the Federal Trade Commission shall issue or amend their respective industry guidance, regulations, operating manuals and relevant policy documents, where appropriate, to implement each reform in this subparagraph.

''(v) Not later than 180 days after the date of enactment of the Hart-Scott-Rodino Antitrust Improvements Act of 2000, the Assistant Attorney General and the Federal Trade Commission shall each report to Congress—

''(I) what reforms each agency has adopted under this subparagraph;

''(II) what steps each has taken to implement such internal reforms; and

''(III) the effects of those reforms.''.

SEC. 4. CALCULATION OF FILING PERIODS.

Section 7A of the Clayton Act (15 U.S.C. 18a) is amended—

(1) in subsection (e)(2), by striking ''20 days'' and inserting ''30 days''; and

(2) by adding at the end the following:

''(k) If the end of any period of time provided in this section falls on a Saturday, Sunday, or legal holiday, then that period shall be extended to the end of the following business day.''.

SEC. 5. ADDITIONAL REQUIREMENTS FOR ANNUAL REPORTS.

Section 7A(j) of the Clayton Act (15 U.S.C. 18a(j)) is amended by—

(1) inserting ''(1)'' after ''(j)''; and

(2) inserting at the end the following:

''(2) Beginning with the report filed in 2001, the Federal Trade Commission, in consultation with the Assistant Attorney General, shall include in the report to Congress required by this subsection—

''(A) the number of notifications filed under this section;

''(B) the number of notifications filed in which the Assistant Attorney General or Federal Trade Commission requested the submission of additional information or documentary material relevant to the proposed acquisition;

''(C) data relating to the length of time for parties to comply with requests for the submission of additional information or documentary material relevant to the proposed acquisition;

''(D) the number of petitions filed pursuant to rules and regulations promulgated under this Act regarding a request for the submission of additional information or documentary material relevant to the proposed acquisition and the manner in which such petitions were resolved;

''(E) data relating to the volume (in number of boxes or pages) of materials submitted pursuant to requests for additional information or documentary material; and

''(F) the number of notifications filed in which a request for additional information or documentary materials was made but never complied with prior to resolution of the case.''.

SEC. 6. CONFORMING AMENDMENTS TO CERTAIN REGULATIONS.

(a) IN GENERAL.—The thresholds established by rule and promulgated as 16 C.F.R. 802.20 shall be adjusted by the Federal Trade Commission on January 1, 2005, and each year thereafter, in the same manner as is set forth in section 8(a)(5) of the Clayton Act (15 U.S.C. 19(a)(5)). The adjusted amount shall be rounded to the nearest $1,000,000.

(b) PUBLICATION.—As soon as practicable, but not later than January 31 of each year, the Federal Trade Commission shall publish the adjusted amount required by this subsection (a).

AMENDMENT NO. 4333

Mr. SESSIONS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS], for Mr. HATCH, for himself, Mr. LEAHY, Mr. DEWINE, and Mr. KOHL, proposes an amendment numbered 4333.

The amendment is as follows:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''21st Century Acquisition Reform and Improvement Act of 2000''.

SEC. 2. MODIFICATION OF NOTIFICATION REQUIREMENT.

Section 7A(a) of the Clayton Act (15 U.S.C. 18a(a)) is amended to read as follows:

''(a) Except as exempted pursuant to subsection (c), no person shall acquire, directly or indirectly, any voting securities or assets of any other person, unless both persons (or in the case of a tender offer, the acquiring person) file notification pursuant to rules under subsection (d)(1) and the waiting period described in subsection (b)(1) has expired, if—

''(1) the acquiring person, or the person whose voting securities or assets are being acquired, is engaged in commerce or in any activity affecting commerce; and

''(2) as a result of such acquisition, the acquiring person would hold an aggregate total amount of the voting securities and assets of the acquired person—

''(A) in excess of $200,000,000 (as adjusted and published for the first fiscal year beginning after September 30, 2002, and each third fiscal year thereafter, in the same manner as provided in section 8(a)(5) of this Act to reflect the percentage change in the gross national product for such fiscal year compared to the gross national product for the year ending September 30, 2001); or

''(B)(i) in excess of $50,000,000 (as so adjusted and published) but not in excess of $200,000,000 (as so adjusted and published); and

''(ii)(I) any voting securities or assets of a person engaged in manufacturing which has annual net sales or total assets of $10,000,000 (as so adjusted and published) or more are being acquired by any person which has total assets or annual net sales of $100,000,000 (as so adjusted and published) or more;

''(II) any voting securities or assets of a person not engaged in manufacturing which has total assets of $10,000,000 (as so adjusted and published) or more are being acquired by any person which has total assets or annual net sales of $100,000,000 (as so adjusted and published) or more; or

''(III) any voting securities or assets of a person with total assets or annual net sales of $100,000,000 (as so adjusted and published) or more are being acquired by any person with total assets or annual net sales of $10,000,000 (as so adjusted and published) or more.

In the case of a tender offer, the person whose voting securities are sought to be acquired by a person required to file notification under this subsection shall file notification pursuant to rules under subsection (d).''.

SEC. 3. INFORMATION AND DOCUMENTARY REQUESTS.

Section 7A(e)(1) of the Clayton Act (15 U.S.C. 18a(e)(1)) is amended—

(1) by inserting ''(A)'' after ''(1)''; and

(2) by adding at the end the following:

''(B)(i) The Assistant Attorney General and the Federal Trade Commission shall each designate a senior official who does not have direct responsibility for the review of any enforcement recommendation under this section concerning the transaction at issue to hear any petition filed by such person to determine—

''(I) whether the request for additional information or documentary material is unreasonably cumulative, unduly burdensome, or duplicative; or

''(II) whether the request for additional information or documentary material has been substantially complied with by the petitioning person.

''(ii) Internal review procedures for petitions filed pursuant to clause (i) shall include reasonable deadlines for expedited review of such petitions, after reasonable negotiations with investigative staff, in order to avoid undue delay of the merger review process.

''(iii) Not later than 90 days after the date of the enactment of the 21st Century Acquisition Reform and Improvement Act of 2000, the Assistant Attorney General and the Federal Trade Commission shall conduct an internal review and implement reforms of the merger review process in order to eliminate unnecessary burden, remove costly duplication, and eliminate undue delay, in order to achieve a more effective and more efficient merger review process.

''(iv) Not later than 120 days after the date of the enactment of the 21st Century Acquisition Reform and Improvement Act of 2000, the Assistant Attorney General and the Federal Trade Commission shall issue or amend their respective industry guidance, regulations, operating manuals, and relevant policy documents, to the extent appropriate, to implement each reform in this subparagraph.

''(v) Not later than 180 days after the date of the enactment of the 21st Century Acquisition Reform and Improvement Act of 2000, the Assistant Attorney General and the Federal Trade Commission shall each report to Congress—

''(I) which reforms each agency has adopted under this subparagraph;

''(II) which steps each agency has taken to implement internal reforms under this subparagraph; and

''(III) the effects of such reforms.''.

SEC. 4. CALCULATION OF TIME PERIODS.

Section 7A of the Clayton Act (15 U.S.C. 18a) is amended—

(1) in subsection (e)(2), by striking ''20 days'' and inserting ''30 days''; and

(2) by adding at the end the following:

''(k) If the end of any period of time provided in this section falls on a Saturday, Sunday, or legal public holiday (as defined in section 6103(a) of title 5, United States Code), then such period shall be extended to the end of the next day that is not a Saturday, Sunday, or legal public holiday.''.

SEC. 5. ADDITIONAL REQUIREMENTS FOR ANNUAL REPORTS.

Section 7A(j) of the Clayton Act (15 U.S.C. 18a(j)) is amended—

(1) by inserting ''(1)'' after ''(j)''; and

(2) by adding at the end the following:

''(2) Beginning with the report filed in 2001, the Federal Trade Commission, in consultation with the Assistant Attorney General, shall include in the report to Congress required by this subsection—

''(A) the number of notifications filed under this section;

''(B) the number of notifications filed in which the Assistant Attorney General or Federal Trade Commission requested the submission of additional information or documentary material relevant to the proposed acquisition;

''(C) data relating to the length of time for parties to comply with requests for the submission of additional information or documentary material relevant to the proposed acquisition;

''(D) the number of petitions filed pursuant to rules and regulations promulgated under this Act regarding a request for the submission of additional information or documentary material relevant to the proposed acquisition and the manner in which such petitions were resolved;

''(E) data relating to the volume (in number of boxes or pages) of materials submitted pursuant to requests for additional information or documentary material; and

''(F) the number of notifications filed in which a request for additional information or documentary materials was made but never complied with prior to resolution of the case.''.

SEC. 6. CONFORMING AMENDMENTS TO CERTAIN REGULATIONS.

(a) IN GENERAL.—The thresholds established by rule and promulgated as 16 C.F.R. 802.20 shall be adjusted by the Federal Trade Commission on January 1, 2003, and each third year thereafter, in the same manner as is set forth in section 8(a)(5) of the Clayton Act (15 U.S.C. 19(a)(5)). The adjusted amount shall be rounded to the nearest $1,000,000.

(b) PUBLICATION.—As soon as practicable, but not later than January 31, 2003, and each third year thereafter, the Federal Trade Commission shall publish the adjusted amount required by this subsection (a).

SEC. 7. EFFECTIVE DATE.

This Act, and the amendments made by this Act, shall take effect on the first day of the first month that begins more than 30 days after the date of the enactment of this Act.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the amendment be agreed to, the committee substitute be agreed to, as amended, the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4333) was agreed to.

The committee amendment, in the nature of a substitute, as amended, was agreed to.

The bill (S. 1854), as amended, was read the third time and passed.

ORDERS FOR MONDAY, OCTOBER 23, 2000

Mr. SESSIONS. Mr. President, on behalf of the majority leader, I now ask unanimous consent that when the Senate completes its business today, it recess until the hour of 4:30 p.m. on Monday, October 23.

I further ask unanimous consent that on Monday, immediately following the prayer, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to a period of morning business until 4:45 p.m., with Senators speaking up to 5 minutes each with Senator HARKIN recognized during the morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SESSIONS. Mr. President, for the information of all Senators, the majority leader would advise them that the Senate will convene for a brief session on Monday afternoon for scheduled announcements and possible procedural action on the bankruptcy conference report.

On Tuesday, the Senate is expected to begin consideration of any available conference reports. Leadership will notify the Senators on Monday if votes will be necessary during Tuesday's session of the Senate. It is hoped the Senate can complete its business prior to the expiration of the current continuing resolution. Therefore, votes are possible on Tuesday and will occur throughout the day on Wednesday.

RECESS UNTIL MONDAY, OCTOBER 23, 2000, AT 4:30 P.M.

Mr. SESSIONS. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 7:19 p.m., recessed until Monday, October 23, 2000, at 4:30 p.m.

NOMINATIONS

Executive nominations received by the Senate October 19, 2000:

DEPARTMENT OF DEFENSE

HANS MARK, OF TEXAS, TO BE ASSISTANT TO THE SECRETARY OF DEFENSE FOR NUCLEAR AND CHEMICAL AND BIOLOGICAL DEFENSE PROGRAMS, VICE HAROLD P. SMITH, JR., RESIGNED.

EXECUTIVE OFFICE OF THE PRESIDENT

GREGORY M. FRAZIER, OF KANSAS, TO BE CHIEF AGRICULTURAL NEGOTIATOR, OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR. (NEW POSITION)

INTERNATIONAL ATOMIC ENERGY AGENCY

NORMAN A. WULF, OF VIRGINIA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FORTY-FOURTH SESSION OF THE GENERAL CONFERENCE OF THE INTERNATIONAL ATOMIC ENERGY AGENCY.

INSTITUTE OF AMERICAN INDIAN & ALASKA NATIVE CULTURE & ARTS DEVELOPMENT

ALLEN E. CARRIER, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT FOR A TERM EXPIRING MAY 19, 2004, VICE DUANE H. KING, TERM EXPIRED.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

BILL DUKE, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2006, VICE CHARLES PATRICK HENRY, TERM EXPIRED.

NATIONAL COUNCIL ON DISABILITY

MARCA BRISTO, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2001. (REAPPOINTMENT)

BARRY GOLDWATER SCHOLARSHIP & EXCELLENCE IN EDUCATION FOUNDATION

PEGGY GOLDWATER-CLAY, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING JUNE 5, 2006. (REAPPOINTMENT)

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be commander

LT. CDR. JANET B. GAMMON, 0000
LT. CDR. KURT B. HINRICHS, 0000
LT. CDR. JOHN E. MINITER JR., 0000
LT. CDR. ROBERT P. FORGIT, 0000
LT. CDR. MARGARETHA L. LUKSHIDES, 0000
LT. CDR. PAUL B. ANDERSON, 0000
LT. CDR. JOHN KOEPPEN, 0000
LT. CDR. WILLIAM F. RYAN, 0000
LT. CDR. MICHAEL STANLEY, 0000
LT. CDR. WILLARD S. ELLIS, 0000
LT. CDR. DAVID M. SINGER, 0000
LT. CDR. MARK G. MASER, 0000
LT. CDR. MILLARD F. ROBERTS, 0000
LT. CDR. JONATHAN L. WOOD, 0000
LT. CDR. WILLIAM R. LOOMIS, 0000
LT. CDR. KATHEN P. CADDY, 0000
LT. CDR. MICHAEL P. STROM, 0000
LT. CDR. CHRISTOPHER D. MAY, 0000
LT. CDR. FRED W. REMEN, 0000
LT. CDR. STEVAN C. LITTLE, 0000
LT. CDR. EDWARD WINGFIELD, 0000
LT. CDR. SCOTT F. OGAN, 0000
LT. CDR. MARGARET A. BLOMME, 0000
LT. CDR. MALCOLM C. VELEY, 0000
LT. CDR. SERENA J. DIETRICH, 0000
LT. CDR. DOUGLAS W. HEUGEL, 0000
LT. CDR. LAWRENCE V. FOGG, 0000
LT. CDR. ROBERT W. RITCHIE, 0000
LT. CDR. JOHN M. PROKOP, 0000
LT. CDR. NONA M. SMITH, 0000
LT. CDR. KEVIN J. GATELY, 0000
LT. CDR. LISA MILONE, 0000
LT. CDR. BRUCE F. BRUNI, 0000
LT. CDR. GREGORY R. PHILLIPS, 0000
LT. CDR. MICHAEL D. COLLINS, 0000
LT. CDR. CONRAD W. ZVARA, 0000
LT. CDR. STEVENS E. MOORE, 0000
LT. CDR. JOHN T. LAUFER, 0000
LT. CDR. FRANCIS S. PELKOWSKI, 0000
LT. CDR. ROBERT F. CUNNINGHAM, 0000
LT. CDR. THOMAS C. THOMAS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

CDR. MARK S. TELICH, 0000
CDR. MICHAEL A. RUSZCZYK, 0000
CDR. STEPHEN J. KENEALY, 0000
CDR. MICHAEL T. BROWN, 0000
CDR. PATRICK L. DONAHUE JR., 0000
CDR. RAY T. BURKE, 0000
CDR. MICHAEL F. MORIARTY, 0000
CDR. MARTIN A. HYMAN, 0000
CDR. RICHARD G. SULLIVAN, 0000
CDR. ROBERT J. GALLAGHER, 0000
CDR. DONALD C. GRANT, 0000
CDR. LAUREN L. JOHNSON, 0000
CDR. FRANK E. MULLEN, 0000
CDR. KEITH C. GROSS, 0000
CDR. JAMES Z. CARTER, 0000
CDR. TIMOTHY R. GIRTON, 0000
CDR. PAUL H. CRISSY, 0000
CDR. STEVEN T. PENN, 0000
CDR. JOHN M. BROWN, 0000
CDR. DEBORAH A. DOMBECK, 0000

AFRICAN DEVELOPMENT FOUNDATION

CLAUDE A. ALLEN, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING SEPTEMBER 22, 2005, VICE MARION M. DAWSON, TERM EXPIRED.

WILLIE GRACE CAMPBELL, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING SEPTEMBER 22, 2005. (REAPPOINTMENT)

INTER-AMERICAN FOUNDATION

FRED P. DUVAL, OF ARIZONA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING OCTOBER 6, 2002, VICE ANN BROWNELL SLOANE, TERM EXPIRED.

EXTENSIONS OF REMARKS

TRIBUTE TO BO SHAFER

HON. JOHN J. DUNCAN, JR.
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. DUNCAN. Mr. Speaker, today I want to recognize Mr. Bo Shafer, who recently became the International President of the Kiwanis Club.

He is one of the finest men I know.

All who know Bo Shafer agree that he is a compassionate leader who serves our Country well. His dedication and commitment to community service and involvement are an example to everyone.

He has served for 33 years on the Salvation Army Board, raised millions of dollars for the Center of Hope and other organizations, and served as an elder and Sunday school teacher at the Second Presbyterian Church, just to name a few.

In 1995 he was named Community Leader of the Year by the Religious Heritage of America. Bo Shafer also served as United Way chairman in 1983 and co-chairman with his wife, Mary, in 1994.

Bo's devotion to community service can only be outdone by his commitment to family. Bo and Mary have been married for 33 years. They have a beautiful family, including the recent addition of their first grandchild, Christopher.

This Country would be a better place if we had more men like Bo Shafer.

I want to say thank you to a great Tennessean, a great American, my friend, Bo Shafer. I have included a copy of an article written in Kiwanis Magazine honoring Bo Shafer that I would like to call to the attention of my colleagues and other readers of the RECORD.

[From Kiwanis Magazine, Oct. 2000]

AT THE HEART OF BO SHAFER

(By Chuck Jonak)

At Cain Seed Hollow, Bo and Mary Shafer's family finds a Tennessean slice of paradise. Norris Lake laps lightly at its banks some 100 feet below the cottage's second-story deck. Leaves rustle, Hummingbirds flit about in zigzag flight. Vixen lazes away her dog's life, napping between the two rocking chairs where Bo and Mary watch the sun set over the river lake's distant horizon. The quite's so loud, you can hear yourself think.

Soaking up the serenity, Bo reflects on the countless good times centered on this rustic retreat he carved into a plot of sloping woods: a fireplace crackling on a winter's night with his beloved wife snuggling close; churning up homemade ice cream while his young daughter, Heidi, stands wide-eyed by his side; the scent of the forest as he cuts fallen trees with his teenage son, Andy; the inner-tube train filled with his kids' friends bouncing and laughing behind a slow-moving speedboat's wake. Soon, a grandchild (or two or three) will create new memories, gleefully playing below on his kids' swings—now still.

Bo counts his blessings. A life rich with love and joy, he's always strived to share it with as many people as possible, and he will be afforded a global opportunity to expand upon a lifelong devotion to community service as Kiwanis' 2000–01 International President—while spreading his homespun ''Boverbs'':

''JOY COMES FROM GIVING; PLEASURE COMES FROM TAKING''

''I don't think people are born with a servant heart; I think we're born selfish,'' Bo theorizes. ''And if you don't have spiritual help, you really don't have the right heart to do things for other people and expect nothing in return. When I ask people why they help others, the answer I usually get is that it makes them feel good. That's fine, but if you do it for that reason, that's not altruistic service.''

Bo knows. His civic involvement, particularly in the fund-raising arena, in which he's raised millions of dollars, is as deep as his roots to his hometown of Knoxville, Tennessee. He always has devoted about 50 percent of his waking hours to community service of some form.

Consider a sampling: 33 years on the Salvation Army Board, including $5 million raised for the Center of Hope as campaign co-chairman (with good friend and Knoxville Rotarian Dale Keasling); United Way chairman in 1983 and co-chairman (with Mary) in 1994, including $1.6 million raised for McNabb Children and Youth Center as campaign co-chairman (again with Keasling); Second Presbyterian Church elder and Sunday school teacher for 31 years; and 1995 Community Leader of the Year by the Religious Heritage of America.

''WE ARE BLESSED TO BE A BLESSING TO OTHERS''

''With United Way, I'd visit agencies and learn more and more about how many people need help,'' President Bo says, ''I really learned how blessed I am, which I've talked about a thousand times. We all are, you know, because I've seen some real, real problems that just break your heart. And those types of things change your life. That's one of the reasons I love Kiwanis, because we're the people on the other end. We're so lucky to be able to help others.''

Bo's servant heart was nurtured by his parents. His mother, Evelyn, age 93, with whom he lunches nearly every Wednesday, has a master's degree in child development. She taught school for a while but then stayed home to raise Bo, his twin sister, and his brother and other sister.

His father, Alex, who died in 1967, was the son of a West Virginia railroad machinist, an insurance agent, and a Knoxville Kiwanian. In 1965 alone, he was the Kentucky-Tennessee Kiwanis District governor, the Knoxville Elk Club exalted leader, and a local school board member. Still, Bo's dad—and his mother—always were involved in their children's activities.

''DON'T WORRY THAT YOUR CHILDREN AREN'T LISTENING TO YOU; WORRY THAT THEY'RE WATCHING YOU''

''I had a very supportive family. My parents were the biggest influence on me by far, and my daddy influenced me most on community service,'' Bo recalls. ''He had a good heart; he always was helping people.''

Born February 1, 1937, Bo had an active childhood, especially in sports. He was on the high school basketball and track teams, and he excelled at football, earning all-state honors and a scholarship to the University of Tennessee (UT) in Knoxville.

Notably, he was a charter member of the West High School Key Club, and then he became a charter member of the UT Circle K club. Years later when Bo was the Circle K club's Kiwanis sponsor, he helped it form a Big Brothers chapter.

In college, football—which is taken very seriously at UT—occupied much of his time. A six-foot-two-inch, 220-pound ''average'' tackle who played iron-man football (offense and defense) for the Volunteers, he saw a lot of action as a junior and was a first-stringer his senior year. (The Vols went to the 1956 Sugar Bowl with tailback Johnny Majors and to the 1957 Gator Bowl.)

Bo was more than just a jock, though: His senior year, he was elected student government president. He graduated in 1959 with a bachelor's degree in business.

Then it was off to the United States Army for 18 months with his Reserve Officers' Training Corps commission. He was a first lieutenant in the military police with a logistical command unit stationed in Metz, France, for more than a year. He credits that experience (as well as seven years in the US Army Reserve) for enhancing his leadership skills.

Returning home, Bo began the pursuit of his career aspirations and soon opened the Shafer Insurance Agency with his father in 1963. (Today, the agency has 17 employees, including his son, who also is a UT business grad.)

''NOTHING WORTHWHILE IS EASY''

''I wrote a paper in the ninth grade about being an insurance agent; that's what I wanted to be,'' Bo says. ''My daddy never came home and complained about the business; he just talked about it positively. I never had another thing that I ever wanted to do except to follow in his footsteps.''

Well, almost nothing. By 1966, Bo was active in the Kiwanis Club of Knoxville (having joined in 1962 with his father's gentle persuasion) as the club's sponsor for the UT Circle K'ers, and, in Mary's words, was ''the most eligible bachelor in town.'' Now, it seems that Mary, who was a UT education major, a former Miss Knoxville contestant (who won Miss Congeniality), and the Sweetheart of Circle K, had been spotted on campus by Bo.

''THE REASON GUYS DON'T ASK OUT GIRLS IS BECAUSE WE'RE HUGE CHICKENS''

In September 1966, Mary was helping to organize a benefit fashion show. Knowing that Bo was in the military, she phoned him to ask if he would model in his uniform. He declined but said, ''You sure sound pretty; I'm going to come downtown and see you,'' which he did. (What a line!)

Though Mary had a boyfriend at the time, Bo was persistent, and they eventually began dating. She recalls that on their first date, they went to his office, and some little boys stopped by with their report cards. He had a practice of rewarding these disadvantaged kids with a dollar for good grades, which he did, and then he sent the boys on their way, reminding them to brush their teeth.

''I just thought he was the nicest, most others-centered person I had ever met,'' Mary recalls. ''He has a real heart for other people. He never gets mad. He doesn't talk about others. He doesn't get upset with people, always giving them the benefit of the doubt. I mean, He's just a good person.''

Bo had an equally positive impression of Mary: ''I had dated lots of girls, but I never had the inclination to ask one of them to marry me,'' he says. ''I knew within three weeks that Mary was the one. She is such a good-hearted person. I was ready to marry her right away.''

They waited until the following September. ''We've had as near a perfect marriage as possible; never had an argument in 33 years,'' Bo says. ''I'm a lucky man.''

So are their daughter and son. Mary worked as a substitute teacher briefly, but then she stayed home, because she and Bo believe children need a devoted mother's care and comfort.

''MOTHERS ARE THE MOST IMPORTANT PEOPLE IN THE WORLD, AREN'T THEY? YOU EVER SEE AN ATHLETE SAY 'HI, DADDY,' ON TELEVISION?''

''When you think about it, mothers are critical to society, because they're raising the next generation,'' Mary says. ''We put our futures in mothers' hands.''

Responsible fatherhood counts a lot too, of course, and Bo always stressed the importance of good character and trust. ''It takes 20 years to build a reputation, but it only takes one minute to ruin it,'' he says. ''I told my kids there's a difference between reputation and character: Reputation is what people think about you, and character is what you really are. Your character is determined by what you do when nobody's looking.''

Mary and Bo clearly succeeded at parenting. Heidi, 29, taught third grade before giving birth to Christopher this past March and deciding to stay home with her newborn. ''You hear about families whose parents never spent any time with them and never told them they love them, and that's just the opposite of ours,'' says Heidi, who fondly remembers her weekly before-school breakfasts with her dad. ''You never doubted that they were there for you, and that they loved you.''

''I LOVE YOU' IS THE HARDEST THING IN THE WORLD TO GET OUT. HOW DUMB IS THAT?''

Andy, 27, continues in his father's footsteps in Kiwanis and other civic groups. ''We always have been a family of example,'' he notes. ''Heidi and I both saw how much our parents helped other people, so it was natural for me to become a Kiwanian.''

Though it's not a ''Boverb,'' it is true that into every life some rain must fall. The past year has rained two traumatic events on the Shafer family: Mary's recurrence of cancer (which now is in remission) and an automobile accident that killed Bo's 28-year-old nephew. Still, they keep a positive attitude.

''PROBLEMS CAN MAKE YOU BETTER OR BITTER''

''You realize how important it is to do what you need to do now, instead of waiting to get to it later, because later may not be here,'' Bo says ''(The cancer) really has made us a better couple, love each other better, and love life more. It can make you a better person.''

Mary echoes his sentiments: ''When you are threatened with a terminal illness, it makes you realize how precious life is. You look at leaves and see that they're absolutely gorgeous. And it helps you realize what's really important.''

''QUIT COMPLAINING, AND START APPRECIATING LIFE''

Bo claims he altered his perspective on life and quit complaining in 1983 when he was the United Way chairman: ''I held a crack baby in my arms, and I looked at this little girl and said, 'What did she do to deserve this?' The answer was 'nothing.' And I asked, 'What did I do to deserve not to be there?' And the answer was 'nothing.'

''We're blessed beyond most of the world's wildest dreams. We don't even know what a problem is; we have to make them up. The problems we complain about, most people would love to have: 'The transmission is out in my third car. My steak wasn't tender enough. The ride's too long in the airplane.' I tell them to look out the window and think about crossing the ocean on the Nina, Pinta, and Santa Maria and shut your mouth!'' he concludes with a laugh.

Bo is well aware of the real problems in the world. He recounts an experience in the Philippines where he saw 4,000 families squashed together in houses the size of a car—with no water, no sewers, no electricity, ''When I was leaving,'' he notes, ''I noticed five little girls practicing Kiwanis' second Object (the Golden Rule)—picking lice out of each other's hair.''

Not surprisingly, Bo has a theory about humankind's woes. He calls it ''10–80–10'': 10 percent of people do something about problems; 80 percent of people don't notice problems; and 10 percent of people cause problems.

''HAVE YOU GOT 'A ROUND TUIT' ''

Bo recalls another apropos anecdote: ''I went to a funeral years ago, and I asked a guy who was a friend of the guy who died, 'Who's going to take his place?' He looked down at the ground, kicked a rock, and said, 'He didn't leave a vacancy.' And that's what happens when somebody doesn't do anything for anybody but themselves. If you don't love other people, who's going to miss you? Most people don't ever get around to helping others. You need something that helps you get around to it, and Kiwanis is a catalyst.''

It certainly has been for Bo. He is the epitome of an active Kiwanian: 38 years in the Knoxville club with 32 years of perfect attendance; 1975–76 club president; chairman of numerous club committees; 10 years as Key Club sponsor, and another five as Circle K sponsor; 1982–83 lieutenant governor; chairman of numerous district committees; 1988–89 Kentucky-Tennessee District governor (distinguished); a member of the International Board since 1994; and so on and so on.

''A FISH GETS CAUGHT BECAUSE IT DOESN'T KEEP ITS MOUTH SHUT''

By his own admission, though, Bo never had a driving ambition to reach district and International leadership positions. He had to be talked into running for district governor and International Trustee. Lexington, Kentucky, Kiwanian John Gorrell, the district's 1989–90 governor, was one of the individuals encouraging Bo, and Past International President Aubrey Irby was another.

''I was a lieutenant governor when Aubrey made his official visit to our district,'' Bo explains, ''and he told me: 'Bo, you ought to go further, but don't run for any job. If the door opens, just go through it. If that one doesn't open, another one will.' Well, the doors opened, I went through them, and here I am.

''Now, it's an unbelievable honor and privilege to be President—to be able to say I represent Kiwanians. I'm always amazed when I visit Kiwanians at the dedication they have. There are so many people who are really dedicated Kiwanians.''

Count President Bo among them, and watch for him to be a true motivator, building enthusiasm wherever he goes. And foremost among his goals is growth—but as a way to a means. ''Growth isn't my real goal; helping more people is,'' he clarifies.

When it comes to enthusiasm about Kiwanis and the need for more service through growth—stand back and listen to Bo go:

''People aren't joining Kiwanis because we're not asking. We've talked ourselves into thinking that nobody wants to join Kiwanis, and that is not right. Surveys show that young adults want to do more (service work), but no one asks them. That's exactly what we need to start doing. As soon as we start asking, our organization is going to grow.''

''IDEAS ARE EASY: EXECUTION IS WHAT'S HARD''

''What you have to do is when you're around someone, you should be a Kiwanian and start talking about Kiwanis. And you don't say, 'Do you want to join the Kiwanis club?' What I always say is how lucky we are to be able to help other people and talk about a Kiwanis project. Tell people what Kiwanis does, and ask, 'Would you be interested in helping us help other people, especially children?'

''I talk about what a privilege it is to be able to help others. It's not a duty; it's a privilege. I think in everybody's heart they want to help people, and we need to appeal to that side of it. Hardly anybody can say no when you talk in that context. And the people who say no, well, we don't want them in Kiwanis anyway.

''We need to show people what it's like to be a good Kiwanian. If we show them—be happy, have the right attitude, have a smile on your face—they'll be more inclined to join. It's important to be positive, not negative. People just have to look at the pluses instead of the minuses.

''In my opinion, if a club is not willing to grow, we need to form another one in the same town with young people. I was up at the lake a few years ago, and I saw this great big, strong-looking oak tree. I looked at it and said, 'Man, that thing's been there a long time.' I came back the next week, and that oak tree was down. But I looked around and noticed all these little oak saplings growing around it. And I said, 'The woods are OK,' and then I thought of Kiwanis.''

''NOTHING GOOD HAPPENS UNLESS YOU MAKE IT HAPPEN''

''All we need to do is get a passion to grow. There is about one Kiwanian per 20,000 people in the world, and about 50 percent of the world needs help. We have so much to do, and that's why we need to grow. Getting other people to help us help others is an easy project, if we make that a passion.

''If we can get the leadership—starting from the very top—to start talking positively about how lucky we are and change that attitude, shoot, we can grow like gangbusters. If we talk about Kiwanis in a positive manner, then people will want to join.''

''The more people we ask, the more new members we'll have and more people will stay who are going to be the right kind of members—active members.''

Get the message? You will. President Bo plans on making it crystal-clear during his time in Kiwanis' highest office. And while he's at it, he'll be stressing a few other points as well.

Among them will be Kiwanis' sponsored programs—from K–Kids to Circle K. He believes Kiwanians need to pay more attention to these young volunteers.

''Our biggest problem is Kiwanians not going to their meetings and not being personally involved,'' Bo says. ''We need to teach youngster about giving. Teaching them that is one of the most important things we can do, because they're in their formative years, and if they learn to help others, well, that changes the world.''

Which leads to another focal point for Bo: the Worldwide Service Project and its successful completion. ''I used to say, 'We can't change the world, but each one of us can change a life,' '' he says. ''But now I realize we literally are changing the world by virtually eliminating IDD (iodine deficiency disorders).''

You also can expect Bo to dig into his pockets and pass out an endless supply of his trademark Super Bubble gum. (For the record, he buys about 20,000 pieces annually from Hackney Cash and Carry on Dale Avenue in Knoxville.) He began the tradition with a United Way fund-raising campaign slogan in 1982: ''Don't gum up the works by not doing your part.''

When he's completed his year as Kiwanis' impassioned ambassador, Bo will return to his hometown and his home club with more stories and more sayings. If you go looking for him, though, you might need to drive over to Cain Seed Hollow, because that's where he and Mary love to be.

You'll probably find him cutting wood, building, and adding touches to the 28-foot by 70-foot ''cabin'' he's constructed over the past 25 years with its rough-cut-oak exterior and wall-to-wall wooden interior. (''I didn't plan for it to be this big when I first had it in mind,'' Bo says. ''I just love to build.'')

You might arrive as he's sawing two-by-fours for another new deck while listening to a UT football game on the radio (''I guarantee I won't be sitting around watching television,'' he says), whistling away, happy as can be.

Or maybe you'll catch Mary and Bo on those rocking chairs, waiting for another gorgeous sunset, quietly thanking God for another beautiful day.

AUTHORIZING AN INTERPRETIVE CENTER NEAR DIAMOND VALLEY LAKE, CALIFORNIA

SPEECH OF

HON. MARY BONO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mrs. BONO. Madam Speaker, I join my colleagues, Representatives KEN CALVERT, JERRY LEWIS, DUNCAN HUNTER, GRACE NAPOLITANO, RON PACKARD, GARRY MILLER, and JOE BACA in support of H.R. 4187, which provides funding and other assistance for the creation of the Western Archeology and Paleontology Center in southern California's Riverside County, in close proximity to the Diamond Valley Lake Reservoir.

This facility will serve as both an interpretive center and museum to ensure the protection and preservation of the many prehistoric archaeological and paleontological findings uncovering during the lake's construction. These discoveries included rock paintings and carvings, bone and stone tools, pottery, a partial mammoth skeleton, mastodon tusks, and much more. A system of trails will be designed around the perimeter of the lake for use by pedestrians and non-motorized vehicles.

From the initial stages of discussion, this center has benefited from the guidance provided by the University of California at Riverside and a consortium of local individuals and organizations. The House report language directs the Secretary of the Interior to work with the University, the Metropolitan Water District (MWD), and local stakeholders in establishing and operating the center.

The State of California has already contributed $6 million dollars to the establishment of the Western Center, and more than $10 million dollars has been included in this year's state budget for the construction and maintenance of the center.

Diamond Valley Lade is the largest man-made lake in southern California. It was constructed at a cost of $2.1 billion dollars, over a period of ten years. This project, located near the communities of Hemet, San Jacinto and Temecula in California's 44th congressional district, will provide an essential emergency water supply for the residents of the Los Angeles basin and the surrounding communities.

While Diamond Valley Lake will fulfill a critical water need for southern California, the unexpected benefit of this project was the discovery of a significant scientific treasure trove—the largest repository of prehistoric fossils in southern California. The establishment of a center and museum that will preserve these unique resources for future generations will benefit not only the people of California, but, the entire nation.

Mr. Speaker, I want to also extend my appreciation to Chairman YOUNG and HANSEN for their efforts on behalf of this bill, and urge my colleagues to pass this important legislation.

IN TRIBUTE TO WALTER BRENNAN AND JOEL MCCREA

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. GALLEGLY. Mr. Speaker, I rise to pay tribute to two stars from my home in Ventura County, California, who made their mark on the world as screen legends and in Ventura County as good neighbors.

The duo will be honored this weekend with a statue in Old Town in Camarillo.

My best screen memories of Walter Brennan are probably the same as many—that of the shuffling, wizened and crotchety patriarch Grandpa Amos in The Real McCoys. The Real McCoys was ''a moral show . . . about the love of a family,'' in the words of Kathleen ''Kate McCoy'' Nolan. We could use more of that fare on television today.

No brag, just fact.

Walter Brennan became Amos McCoy after a successful career on the big screen. Walter Brennan died in Oxnard, California, in 1974 at the age of 80, but his film career—which began in 1927—didn't end until a year later when his last film, Smoke in the Wind, was released.

In all, Walter Brennan acted in 186 films and three television series, not to count the singular TV shows in which he appeared. Mr. Brennan was the first actor to win the Best Supporting Oscar and the first to win three Oscars.

But to his neighbors in Moorpark, where he lived for some 20 years, the film and television star was just Mr. Brennan. It's fitting that a statute to Walter Brennan will grace Old Town Camarillo. Walter Brennan twice served as the city's grand marshal and his son lives in the city. A daughter still makes Moorpark her home.

Joel McCrea made his home in Moorpark Road at the foot of the Norwegian Grade, where his grandson still lives.

Joel McCrea began his career as a movie stuntman and landed his first starring role in The Silver Horde. He starred in dozens of more films throughout the 1930s and '40s. In the '50s, he starred as Ranger Jase Pearson in the television series Tales of the Texas Rangers.

Cry Blood, Apache, which was released in 1970, was a family affair. Joel McCrea and his son, Jody, starred in the film, and Jody McCrea also produced it.

Much of the McCrea Ranch now serves the public as parkland.

Mr. Speaker, Walter Brennan and Joel McCrea enriched our lives in many ways. I know my colleagues will join me in paying tribute to their memories.

TRIBUTE TO MS. LAURA J. CLARK OF DOTHAN, AL

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. CRAMER. Mr. Speaker, I rise today to thank Ms. Laura J. Clark and her mother for sharing their extraordinary talent with the Children's Advocacy Centers. These ladies have gone to great lengths to fight child abuse. They have turned the misery and shame of child abuse into a beautiful song. Through music, they are reaching out to abused children and adults who were abused as children.

Ms. Clark and her mother are donating the profits of the compact disc and tape sales to the Southeast Alabama Child Advocacy Center.

Mr. Speaker, I enter into the CONGRESSIONAL RECORD the lyrics to ''For the Children'' so that others might have the opportunity read these words and find comfort in the song's message.

FOR THE CHILDREN (MUSIC AND LYRICS BY JO JOHNSON, ARRANGED BY BUDDY SKIPPER)

I need a safety blanket, I need a secret place to hide
I need someone to listen to me when I tell them I hurt inside
I have nightmares in the daytime then I cry myself to sleep
Where's an angle to watch over me when I pray ''my soul to keep''?
I know you can't believe it, our stories break your heart in two
I know you can never see it but it's happening yes it's happening believe us it's true
We've got to make it right for the children
Got to give them hope and heal their broken hearts
We've got to make it right for the children
Let them learn of love instead of hate and ask them to forgive us because we're so late
We've got to take despair from the children
Got to let them know how much we care
We've got to make it right for the children
And with God's help we'll do the right thing we'll open up our arms
Yes with God's help we'll do the right thing and make sure that the children will come to no more harm
We've got to make it right for the children
Got to give them hope and heal their broken hearts
We've got to make it right for the children
For the children
We will make it right.

IN HONOR OF MARCUS STEELE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. KUCINICH. Mr. Speaker, today I honor the memory of Mr. Marcus Steele, a sophomore at Cleveland Central Catholic High School who died tragically on October 13, 2000 during a football game against Trinity.

It is always devastating to hear stories about the untimely deaths of young people, but it is even more difficult when the tragedy strikes close to home. There is a void in the hearts of many in the city of Cleveland today, as we say good-bye to this loved and respected young man. Marcus didn't knowingly put himself into harms way; he was simply playing the game that he loved. We cannot explain why he was taken from us at such a young age, but we must do our best to reflect upon the positive ways in which Marcus touched our lives.

Marcus was a warm, caring individual who was genuinely admired by all those around him. His classmates and teammates describe him as open, motivated, jovial and popular. Marcus will be remembered most for his catching smile and his dedication to and appreciation for his family and friends. Also, as a linebacker and running back on the football team and as a key member of the basketball team, Marcus's wealth of athletic talent will certainly be missed on the playing fields at Cleveland Central Catholic. In characterizing him as an athlete, football coach Paul Cunningham said, ''Marcus never held anything back in practice, and he played the game that way too. He was a hard-nosed kid with a real future in this sport. You don't replace him. Marcus was one of a kind.''

Mr. Speaker, it is with a heavy heart that I ask my fellow colleagues in the House of Representatives to join me today in remembering Marcus Steele. He was a fine young man who will surely be missed by all who knew him. I also wish to take this opportunity to extend my sincere condolences and sympathy to his family and friends and the staff, classmates, coaches and teammates of Marcus Steele at Cleveland Central Catholic High School. May you find the faith and strength to carry you through this difficult time.

TRIBUTE TO FORMER CONGRESSMAN ROMAN PUCINSKI

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. HYDE. Mr. Speaker, despite the Vice President's claim to have invented the Internet, a strong case can be made that former Congressman Roman Pucinski (D-Chicago) had a lot to do with this development. A Chicago Sun-Times article from the Casual Friday Column of Friday, October 29, 1999, referred to this interesting fact, and I am pleased to share it with my colleagues.

''POOCH'' MAY BE THE FATHER OF NET

On October 20, 1969, history was made when the first e-mail was sent on ARPANET, the predecessor of today's Internet.

So if you think presidential hopeful Al Gore ''invented'' the Internet, you're sadly mistaken.

Another pol can lay claim to inventing the Net. None other than Chicago's own Roman C. Pucinski, 80, the retired Democratic congressman, one-time Chicago alderman and longtime Chicago Sun-Times reporter.

Roman's daughter, Aurelia, Cook County Circuit Court clerk, let us know the other day that the elder Pucinski was the real father of the Internet. She shared old press releases and speeches on the subject with Casual Friday. We even saw ''Pooch's'' original notes.

On Jan. 17, 1963, Pucinski proposed a national scientific computer network. He chaired the House Education and Labor Committee, which voted a sum ''not to exceed $7,000'' to begin studies on the computer network. Proud daughter Aurelia suggests that Roman proposed National Information System ultimately evolved into today's Internet. Maybe it did.

In a speech in 1965, Pucinski said he foresaw scientists having pocket-size TVs that tied in with the world. Shades of Palm Pilots.

''In a matter of seconds, a scientist will be able to communicate and interrogate the world's storehouse of information and reproduce instantly any article or portion he may need,'' Pucinski said.

Sounds like Yahoo! And other Web directories and search engines!

Back in the days when computer punch cards were symbols of high tech, Pucinski predicted that the computer industry someday would ''stand beside steel, transportation, auto production and building construction as one of this nation's basic industries—holding out great hope for employment not only among the young but also among the old.'' What a master of understatement.

Footnote: Chicago booster Pucinski wanted the university-based data center to be based here. If it has unfolded that way, maybe Silicon Prairie would have put the Silicon Valley in its shadow, maybe it still will. Let's win one for the Pooch.

HONORING THE 119TH AIR CONTROL SQUADRON

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. DUNCAN. Mr. Speaker, after 50 years as a mobile, tactical radar unit, the 119th Air Control Squadron, commanded by Lt. Col. John F. White at McGhee Tyson Air Base in the Second District of Tennessee, is observing its half-century of service this month.

This is also a unique and interesting time for the squadron, as it will be the oldest Air National Guard unit in East Tennessee to move to the United States Space Command.

The Space Command was looking for a unit that had a depth of experience in command and control, running an operations center for a general office, controlling forces, movement of forces, the operations of forces, and responding to other tasks. The 119th Air Control Squadron matched these qualifications and demands perfectly.

The unit was federally recognized 50 years ago on October 6, 1950, while located on Sutherland Avenue at the former site of McGhee Tyson Airport in west Knoxville. It was called to active duty in 1952 to Otis Air Force Base in Massachusetts. It has been at its present location at McGhee Tyson Air Base since 1956.

Over the past decade, the unit has completed seven major Air Force command inspections. The last one was in 1996 at White Sands Missile Range in New Mexico when the unit received the highest rating ever given an air squadron during an Operational Readiness Inspection.

The 119th Squadron has been awarded six Air Force Outstanding Unit Awards, two Joint Meritorious Service Awards, two National Guard Meritorious Service Awards, and two Air Guard Outstanding Mission Support Squadron Awards.

Mr. Speaker, I know that I join with the citizens of the 2nd District in congratulating Lt. Col. John F. White and the 119th Squadron for their service and devotion to the people of East Tennessee and the world. I want to wish them all the luck in the future on their new missions and endeavors. I ask my fellow colleagues and other readers of the RECORD to join me in thanking the 119th Squadron for their many years of service and contributions to East Tennessee and the United States. Our Nation is certainly a better place because of people like those who serve in the beloved 119th Air Control Squadron.

RECOGNIZING JOSEPH PHELPS

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize and honor Joseph Phelps for his outstanding leadership role in making health care accessible to all members of our community. Mr. Phelps will be honored by the St. Helena Hospital Foundation for being a key supporter of many important health, cultural and educational organizations in Napa Valley.

Upon graduation from college, where he studied engineering and construction management, Joseph Phelps spent three years as a naval officer in the Pacific during the Korean War. After returning from duty, he presided over the expansion of a small local firm into a nationally prominent construction organization.

In 1972, Mr. Phelps developed the Joseph Phelps Vineyards, located in Spring Valley near St. Helena, CA. The vineyards stretch across a 600-acre ranch that is characterized by rolling hills, California native oaks, and 160 acres of tended vines.

Over the years, Mr. Phelps has not only established one of the most respected benchmarks of California wine quality, but has contributed to numerous health care benefits in the community, including the establishment of the health resource library at The Women's Center of St. Helena Hospital.

Additionally, Mr. Phelps is a major supporter of the annual Napa Valley Wine Auction, which has become the nation's largest and most successful charity wine auction. The auction has raised over $20 million for such critical programs as Napa Women's Emergency Services, Hospice of Napa Valley, Planned Parenthood, and Healthy Moms and Babies.

Mr. Phelps will be honored for these and many other contributions at the St. Helena

Hospital Foundation's annual gala in November, of which the proceeds will support seminars, support groups, community outreach and diagnostic testing at The Women's Center of St. Helena Hospital.

Mr. Speaker, it is appropriate at this time that we acknowledge and honor Mr. Joseph Phelps for his continued support and tremendous contributions to the communities of Napa Valley.

PHYSICAL SECURITY OF NATIONAL DEFENSE INFORMATION

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. RILEY. Mr. Speaker, I enter into the RECORD the following letter associated with my remarks of October 17 contained on page E1808 of the CONGRESSIONAL RECORD.

ASSISTANT SECRETARY OF DEFENSE FOR COMMAND, CONTROL, COMMUNICATIONS, AND INTELLIGENCE,
Washington, DC, September 29, 2000.

Hon. BOB RILEY,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE RILEY: This is in response to your letter to Secretary Cohen concerning the $10 million that Congress appropriated in the Department of Defense Appropriations Act, 2000 (Public Law 106–79) to be available only for retrofitting security containers that are under the control of, or that are accessible by, defense contractors. Secretary Cohen has asked me to respond since this is a matter under my direct purview. Thank you for your letter.

As you may be aware, the Joint Security Commission II, led by retired General Welch, addressed this issue in the Commission's report dated August 24, 1999. The Commission found that a program calling for industry to convert to the electronic lock would be potentially expensive with little commensurate benefit in terms of improved security. The Commission estimated that the cost of such a program for only 5 of the many Defense Contractors would exceed $100 million. The Commission further recommended that these funds would be better spent to augment the Defense Security Service's National Industrial Security Program and to provide at least some of the wherewithal for expediting the personnel security process for industry. The threats we face are not from people breaking into locked containers, but rather from computer network attacks, signal intercepts, and security cleared insiders who compromise national security.

After careful consideration, Secretary Cohen earlier this year concluded that ''retrofitting industry locks would impose a large expense on taxpayers without a commensurate security benefit,'' and so advised Congress in his letter of January 18, 2000.

We understand and share your desire to improve the physical security of national defense information and will continue to work toward that goal.

Sincerely,

———.
(For Arthur L. Money).

WEST PAPUA, INDONESIA; THE NEXT EAST TIMOR TRAGEDY

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. FALEOMAVAEGA. Mr. Speaker, I come before our colleagues and our great Nation tonight to discuss a disturbing matter I have raised before—the bloody struggle for freedom and democracy that is being waged halfway around the world in the Pacific by the courageous people of West Papua, a province subjugated by Indonesia and renamed Irian Jaya.

Although many of our colleagues are familiar with Indonesia's atrocious and despicable record of human rights violations in East Timor and West Timor—the world has neglected to address the parallel tragedy that is being played out as we speak in West Papua.

Indonesian President Abdurrahman Wahid, to his credit, has attempted to engage the people of West Papua, in a national dialogue to defuse the incredible tensions arising from four decades of military repression and violence perpetrated against the Papuan people. As part of his peace initiative, President Wahid expressly authorized Papuans to raise their Morning Star flags, a deeply emotional symbol of the Papuan people's desire for justice and self-determination.

In recent weeks, however, armed Indonesian security forces have violated President Wahid's order, perhaps based upon a conflicting directive from Vice President Megawati Sukarnoputri, and forcibly taken down Morning Star flags in the mountainside town of Wamena. This touched off a massive riot resulting in upwards of 58 deaths and dozens of injured citizens.

On Monday (October 9, 2000), Amnesty International reported that, ''Indonesian security forces opened fire during attempts to forcibly remove Papuan flags flying in several locations in Wamena town.'' With hundreds of people taken into custody, Amnesty International stated that, ''some of those released told local human rights monitors that they witnessed other detainees being tortured by the police. The police reportedly beat, kicked and used razor blades to torture those who refused to renounce support for Papuan independence.'' Amnesty International, in particular, took note that 15 individuals have been denied total access to their attorneys and families, raising fears that these Papuans are being tortured or subject to extrajudicial execution.

Mr. Speaker, these recent developments in Indonesia's campaign of violence against the Papuan people are shocking and reprehensible. However, I am not surprised by this ugly show of brutality, for it is nothing new. It is part and parcel of a long history of Jakarta's oppression of the native people of West Papua.

The first chapter in this tragic story began in 1961, when the people of West Papua, with the assistance of the Netherlands and Australia, prepared to declare independence from the Dutch, their former colonial master. This enraged Indonesia, which invaded West Papua and urged war against Holland. Skillfully playing the Communist card against the United States, Indonesia simultaneously threatened to become a Soviet ally, prompting the United States to take Jakarta's side in the West Papua issue. Once the Dutch were advised by President Kennedy's administration that they could not count on United States backing in a conflict with Indonesia, the Netherlands ceased support for West Papua's independence and deserted the Papuan people. Indonesia was thus given a green light to ravage West Papua in 1963, destroying the Papuan people's dreams of freedom and self-determination.

In 1969, the second chapter unfolded, when the United Nations supervised a fraudulent referendum called the ''Act of Free Choice'', which, upon review, was clearly designed to give cover and official sanctioning of Indonesia's forced occupation of West Papua. West Papuans derisively refer to it as the ''Act of No Choice'', since only 1,025 delegates hand-picked by Jakarta were allowed to vote, with bribery and death threats used to coerce them. The rest of the 800,000 citizens of West Papua had absolutely no say in the rigged plebiscite. Despite calling for a ''one person-one vote'' referendum, the United Nations shamefully acquiesced and recognized the defective vote—a vote which, not surprisingly, was unanimous for West Papua to remain with Indonesia.

Since Indonesia and its military subjugated West Papua, the Papuan people have suffered under one of the most repressive and violent systems of colonial occupation in the twentieth century. Incredible as it may seem, Mr. Speaker, as the world witnessed in East Timor, the estimate of West Papuans who have been killed or who have simply vanished from the fact of the earth during the Indonesian occupation numbers in the hundreds of thousands. Papuans project that between 200,000 to 300,000 of their people have disappeared at the hands of the Indonesians.

Mr. Speaker, in recent years our Nation has rightfully intervened to stop ethnic cleansing and genocide, such as in Kosovo, yet for decades in West Papua the Indonesians have been allowed to commit outrageous human rights abuses of the highest magnitude.

Mr. Speaker, the depth and intensity of this conflict spanning four decades underscores the fact that the people of West Papua do not desire and will never accept being part of Indonesia. In all ways, manner and fashion, they are a people and culture dramatically distinct and apart from the rest of Indonesia.

In an attempt to overwhelm the Papuan people, the Indonesian Government has chosen a policy of mass transmigration, not unlike what China is doing in Tibet. The West Papuan people have been inundated with an annual influx of over 10,000 families from the rest of Indonesia. Already, the migrants threaten to outnumber the West Papuans, reducing the indigenous natives to a minority in their own homeland.

Mr. Speaker, the tragic situation in West Papua greatly concerns me. With Jakarta's renewed thirst for blood, I would ask that all of our colleagues join in urging the Indonesian Government to exercise restraint and immediately stop the killings and human rights violations in West Papua.

To that effect, Mr. Speaker, earlier this year, our colleagues—Representatives JOHN LEWIS, CYNTHIA MCKINNEY, LANE EVANS, DONALD PAYNE, ROBERT WEXLER, ALCEE HASTINGS and GREGORY MEEKS—joined me in a letter to President Clinton strongly expressing our deep

concerns with Indonesia's repression in West Papua and requesting that the ''U.S. ensure that the Indonesian military and police refrain from any violent response'' to the Papuan people's advocacy for independence. Our letter further requested the Administration to work with United Nations Secretary General Kofi Annan in undertaking a thorough and complete review of the 1969 U.N. ''Act of Free Choice''.

I commend President Clinton for his forthright response and gracious letter, in which the President stated, ''The U.S. response to events in West Papua is aimed at minimizing the likelihood of violence and promoting reconciliation between Papua and the Indonesian government.'' The President further stated ''* * * we have strongly urged Indonesia to uphold justice, human rights, and the rule of law in Papua and to refrain from using tactics of repression similar to those that were condemned by the world community in East Timor. We will continue to impress on Indonesia's leaders the high costs associated with any attempt to use military-backed militias to incite violence or to intimidate the people of Papua.''

I thank the President for his stated commitment to stop Indonesia's practices of brutality in West Papua and look forward to concrete, timely action from the Administration in response to the recent troubling developments in West Papua.

Mr. Speaker, as the leader of the free world and protector of the oppressed, our great Nation cannot in good conscience continue to look away as another nightmare like East Timor raises its ugly head. I ask our colleagues to hear the urgent pleas for help of the people of West Papua and take steps now with the Administration to prevent another East Timor massacre from taking place.

Thank you, Mr. Speaker, and I submit the aforementioned letters regarding West Papua from our colleagues and President Clinton for the RECORD.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 30, 2000.

Hon. WILLIAM J. CLINTON,
President, The White House, Washington, DC.

DEAR MR. PRESIDENT: We are deeply concerned with recent developments in Papua, also known as West Papua or Irian Jaya, the eastern-most part of Indonesia. The Second Papuan People's Congress ended the first week of June with a declaration of independence from Indonesia, to which the Indonesian government responded by declaring it would take all action necessary to maintain the state's territorial integrity.

This independence declaration—dated retroactively to December 1, 1961, when Papuan leaders first declared Papua a sovereign nation separate from its Dutch colonial rulers—follows years of economic exploitation and human rights violations by the Indonesian government and military regime. The decisions of the Papuan Congress, attended by five hundred delegated representatives, more than two thousand others inside the hall and some twenty thousand supporters outside, reflect views held widely throughout the territory. While it is premature for the U.S. government to take a stand in favor or against the declaration adopted by the Papuan Congress, we feel that the State Department should at least demonstrate an understanding of the underlying reasons for the decision taken by the Papuan representatives.

The independence declaration of the Second Papuan People's Conference reflects over thirty years of grievance resulting from a fraudulent Act of Free Choice held in 1969. A brutally repressive military regime organized the Act, refusing universal suffrage and convening an assembly of only 1,025 hand-picked men. They met under extreme duress and at gunpoint, resulting in an ''unanimous'' decision to remain with Indonesia. To its detriment, the United Nations, which was supposed to supervise the Act but was marginalized throughout the process, endorsed the results and has done virtually nothing to protect the rights and freedoms of the Papuan people since then.

The U.S. government must take responsibility for the diplomatic moves leading to the U.N.'s betrayal of the Papuans. U.S. administrations were instrumental in negotiating talks between Indonesia and the Netherlands about Paupua, resulting in the New York Agreement in 1962 and the eventual Act of Free Choice. The talks, over which a U.S. diplomat preside, took place without any Papuan representation and were followed by six years of extreme repression capped by the denial of the right to a genuine act of self-determination. Having brokered an agreement providing for the Act of Free Choice, the U.S. government had a responsibility to ensure its fair implementation. Yet despite egregious human rights violations perpetrated against the Papuan people, the U.S. voted in favor of U.N. General Assembly Resolution 2504 of December 19 in 1969, recognizing the official inclusion of Papua in the Indonesian state.

Given the involvement of the U.S. in the aforementioned agreements, we request that the Administration call upon the U.N. Secretary General to undertake a thorough review of the 1969 Act of Free Choice. We remain deeply concerned about escalating activities in Papua of pro-Indonesia militia groups, similar to those that operated in East Timor, many of whom are linked to the Indonesian Armed Forces. We further request that the U.S. ensure that the Indonesian military and police refrain from any violent response to the declaration of independence, as has already been suggested by some in the Indonesian security forces and government. We will continue to diligently monitor the situation in Papua, particularly in the context of severe military repression throughout the Indonesian archipelago.

We thank you for your serious consideration of our requests and look forward to your response.

Sincerely.

Eni F.H. Faleomavaega, Donald M. Payne, Robert Wexler, Alcee L. Hastings, Cynthia A. McKinney, Lane Evans, John Lewis, Gregory W. Meeks.

THE WHITE HOUSE,
Washington, DC, July 9, 2000.

Hon. ENI F.H. FALEOMAVAEGA,
House of Representatives, Washington, DC.

DEAR ENI: Thank you for your letter regarding recent developments in West Papua, Indonesia.

The U.S. response to events in West Papua is aimed at minimizing the likelihood of violence and promoting reconciliation between Papua and the Indonesian government. Our policy is based on three principles.

First, we have reiterated our support for the territorial integrity of Indonesia. We continue to believe that a stable, democratic and united Indonesia is the key to continued stability in the region.

Second, we have publicly called for the Government of Indonesia to address the legitimate concerns of the residents of Papua within the context of a unified Indonesia. We strongly support a meaningful dialogue between the Government of Indonesia and Papuan political representatives as the best and most appropriate means to address the underlying problems that have led to calls for independence. Such a dialogue is the appropriate form to discuss any potential review of the UN-sanctioned process that resulted in West Papua's inclusion into Indonesia.

Third, we have strongly urged Indonesia to uphold justice, human rights, and the rule of law in Papua and to refrain from using tactics of repression similar to those that were condemned by the world community in East Timor. We will continue to impress on Indonesia's leaders the high costs associated with any attempt to use military-backed militias to incite violence or to intimidate the people of Papua.

I appreciate your interest in Papua and look forward to continuing to work with you to ensure the peaceful resolution of the situation.

Sincerely,

BILL.

AIR FORCE SCIENCE AND TECHNOLOGY FOR THE 21ST CENTURY ACT

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. HALL of Ohio. Mr. Speaker, today I am introducing the Air Force Science and Technology for the 21st Century Act, a bill to strengthen the Science and Technology (S&T) program of the U.S. Air Force.

Today, the Air Force S&T program is a shadow of what it once was. Spending has been slashed from its high water mark a decade ago. Research focus has shifted from long-term topics with the potential for revolutionary advances to projects that have only short-term, incremental payoff. Morale among scientists in the Air Force Research Laboratory is down as a result of layoffs, budget cuts, and an uncertain future for the S&T program. In recent years, we've seen a pattern where research programs are funded, then cut by the Air Force, then restored by Congress. This roller coaster trend results in inefficiency and loss of continuity.

The decline has begun to set off alarm bells outside the Air Force. Earlier this year, the Air Force Association—one of the Air Force's strongest allies—issued a blistering report, concluding that by not treating research and development as a high priority, the Air Force has ''shortchanged the nation's future military-technological edge'' which ''could cost the nation dearly on future battlefields.'' Last month, a coalition representing one million scientists and engineers warned that the ''chronic decline in Federal funding going to aeronautics research,'' including Pentagon spending, could result in a ''catastrophic loss.''

Prodding by Congress apparently has failed to move scientific research to a higher Air Force priority. In 1998, Congress passed a resolution urging an increase in the science and technology budget of the Defense Department by 2 percent (adjusted for inflation). When the Air Force refused to comply, I offered legislation the following year repeating the request, singling out the Air Force for jeopardizing the stability of the defense science and technology base. Though the legislation was enacted into law, the Air Force still failed

to meet the standard in this year's budget request (using last year's appropriated level for S&T funding as the baseline).

Even guidance within the Defense Department hasn't shaken the Air Force's determination to siphon off scientific research funds for other purposes. The Director of Defense Research and Engineering (DDR&E) issued guidelines for supporting S&T funding which the Air Force did not follow. The Air Force also ignored Defense Science Board recommendations to maintain a viable science and technology program by halting cuts and stabilizing the annual budgets.

What this means is that in a world of increasingly uncertain threats, the Air Force weapons systems of the future may not give us the technological edge that the tomorrow's warfighter will need. Many of the Air Force technologies that have played starring roles in recent conflicts are the result of science and technology investments made 20 or more years ago. A few of these technologies include stealth aircraft, the Global Positioning System (GPS), night vision devices, and guided munitions (smart bombs). If the Air Force of the 1960s and 1970s had followed the same direction as today's Air Force, some of these technologies would not be available today.

The Air Force was established by leaders who recognized that a long-term commitment to science and technology was the key to maintaining air supremacy in warfare. While technology is important to all the services, it is uniquely critical to the Air Force's mission. The Army and the Navy strategies for winning a war rely on mass and troop numbers. The Air Force strategy, as shown in recent conflicts, relies on massing warfighting effects by exploiting technological advantage. However, beginning in the late 1980s, organizational changes within the Department of Defense and the Air Force had the inadvertent effect of reducing the influence of scientists and their advocates in shaping Air Force policy.

In 1986, Congress passed the Goldwater-Nichols Department of Defense Reorganization Act, which mandated sweeping and impressive improvements in the planning, organization and responsiveness of the military services. In response to the requirements of the Act, the Air Force—unlike the other services—relegated key science positions to lower levels within the organization.

Prior to Goldwater-Nichols, the top advocate for science under the Secretary of the Air Force was the Assistant Secretary for Research, Development, and Logistics. Subsequently, the equivalent slot became the Deputy Assistant Secretary for Science, Technology, and Engineering, buried deeper in the bureaucracy. Prior to Goldwater-Nichols, a Deputy Chief of Staff for Development, Research, and Acquisition—with the rank of Lieutenant General (3-star)—reported to the Chief of Staff. That position was eliminated after Goldwater-Nichols.

Another major organizational change occurred when Air Force Systems Command (AFSC) was abolished in 1992 and its functions were merged with Air Force Logistics Command (AFLC). AFSC, headed by a general officer (4-star), had been responsible for supporting science, technology, research, and development. The new merged organization, Air Force Materiel Command (AFMC), had far more duties. Since then, the AFMC commanders have not been as forceful advocates for science and acquisition issues as the AFSC commanders had been.

As a result of these changes, when high level Air Force decisions are made there is no one at the table who has an intimate knowledge of scientific research and whose principal mission includes defending science and technology. As the Air Force Association reported, ''The focus of the major commands, and that of Air Force headquarters, is apparently now on near-term payoff and relevance to the existing mission. There is no countervailing Air Force entity arguing for long-term investment and long-term payoff.''

The most observable consequence of these organizational changes is plummeting science and technology funding as the advocates of other Air Force needs divide up the budget pie first. In 1989, the Air Force spent almost $2.7 billion on science and technology (in fiscal year 2000 constant dollars). In fiscal year 2001, the Air Force proposed spending under $1.3 billion, a drop of 55 percent. Though some decline in science and technology might be expected due to the defense draw down of recent years, this does not justify the dramatic drop in Air force S&T funding. During that same period, the Army cut its science and technology budget by only 20 percent, and the Navy actually made a substantial increase.

These numbers do not tell the full story of the Air Force's efforts to divert S&T dollars for higher priorities. In the late 1990s, internal Air Force budget planning documents proposed much deeper reductions. However, DDR&E forced the Air Force to submit higher numbers and Congress increased the funding levels even more.

There are other more subtle effects of a reduced Air Force priority on science and technology that do not show up in the S&T budget figures. More and more, the Air Force Research Laboratory devotes resources to short-term engineering projects tied to enhancing current weapons systems instead of long-term science topics with the potential for dramatic results. For example, last year the Air Force tried to eliminate the hypersonics (high-speed aircraft) program because it had no direct weapon system application even though it had significant military application in the future. Congress overruled the Air Force and restored the funding.

Other signs of a lower priority for science and technology include fewer advanced technical degrees among officers and civilians, layoffs in the Air Force Research Laboratory, and reduced support for the Air Force's graduate school of engineering, the Air Force Institute of Technology (which the Air Force tried to abolish a few years ago). A 1999 Air Force report titled ''Science and Technology Workforce for the 21st Century'' noted, ''There is a problem with the [Air Force Research Laboratory] being underappreciated in what it accomplishes and has provided to the force'' and that this is ''particularly true at the highest levels of Air Force leadership.''

The consequence of a lower priority on science and technology will not show up for many years, but it will certainly have a devastating effect on the future capabilities of the Air Force. With an ever smaller force and a desire by Americans to keep their military personnel out of direct danger, a reliance on technological superiority is a requirement that will only grow in importance.

Merely restoring a robust funding level to science and technology is not enough without a commitment by the Air Force to maintain stable support for the programs. In the last two years, Congress restored many of the Air Force's S&T cuts. However, the action was completed late in the budget process after already disrupting programs, delaying contracts, and reducing morale. Also, by that time, the Air Force was well into the process for the following budget year with new damaging cuts, and the cycle was repeated.

Further, accounting gimmicks can be used to mask real cuts while maintaining the fiction of stable funding. For example, in the fiscal year 2000 budget request, the Air Force cut about $90 million in applied research. Because of a controversial budget scoring decision the overall top line of the S&T account showed only a slight decline.

Institutional support for S&T is required to deal with the hiring and retention issues that are particularly challenging to the technical workforce within the laboratory. An understanding of the need for long-term science is critical to targeting research areas that will ultimately result in the strongest national defense. For all of these reasons, maintaining or even increasing the S&T top line without increasing the commitment to the S&T program from the Air Force leadership would be a hollow victory.

As a result of outside pressure, the Air Force submitted an S&T budget for fiscal year 2001 that reflected a modest gain over the slim proposal it submitted the year before (though significantly below the level appropriated by Congress the year before). Still, the projected budget for the next five years shows a continued downward drift in funding levels (adjusted for inflation).

Congress, unfortunately, cannot mandate a change in the corporate culture of the Air Force. As I have explained, we cannot fix the basic problem through the annual funding process. Since the problem has its roots in legislative and administrative organizational action, I am proposing a series of organizational changes to correct it.

The bill I am introducing, the Air Force Science and Technology for the 21st Century Act, establishes an Office of Air Force Research within the office of the Secretary of the Air Force. This will give a clear line of responsibility for the development and implementation of Air Force science policy and ensure that the S&T program has visibility at the level of the Secretary of the Air Force. Also, it requires that the program be managed by a major general (2-star). The current head of the Air Force Research Laboratory is a brigadier general (1-star).

The bill also establishes the Air Force Science and Technology Policy Council chaired by the Vice Chief of Staff of the Air Force. The purpose of the Council is to aid the Air Force in prioritizing research needs against operational and acquisition needs and provide the senior level endorsement of the Science and Technology program that is so desperately needed to maintain the program as an Air Force priority. By adding scientific duties to the job of the Vice Chief of Staff, who is a general officer (4-star), the Air Force will be guaranteed a powerful science and technology advocate.

Finally, the bill provides statutory authority to the Air Force Scientific Advisory Board, a panel of 15 civilians. This provision is intended to strengthen the board's independence and tie it directly to the Air Force Secretary and the Director of Air Force Research.

My proposal is intended to create an organizational structure that will permit excellence and not stifle it. The legislation is based on the best ideas and thoughtful recommendations of current and former Air Force and Department of Defense military and civilian technologies and industry specialists. All three of the recommended changes are similar to the successful model instituted by the Navy for science and technology.

We cannot go back to the days before the Goldwater-Nichols Act and the era of AFSC. However, the modest changes I am proposing might re-create some of the earlier features of Air Force organization that made the Air Force the technological powerhouse that it once was.

Near the close of World War II, General Henry H. ''Hap'' Arnold, the ''father'' of the Air Force, remarked, ''For twenty years the Air Force was built around pilots and more pilots. The next Air Force will be built around scientists.'' The vision of General Arnold and the founders of the modern Air Force has been proven in battle time and time again. Unless we can restore that vision to the Air Force of the future, we will lose the technological magic that so much sets our fighting forces above all others. That is a vision we cannot afford to lose.

H.R. —

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 ''Air Force Science and Technology for the 21st Century Act''.

SEC. 2. OFFICE OF AIR FORCE RESEARCH.

(a) IN GENERAL.—(1) Chapter 803 of title 10, United States Code, is amended by adding at the end the following new sections:

''§ 8023. Office of Air Force Research

''(a)(1) There is in the Office of the Secretary of the Air Force an Office of Air Force Research, at the head of which is a Director of Air Force Research.

''(2) Subject to the authority, direction, and control of the Secretary of the Air Force, the Director of Air Force Research serves as—

''(A) the principal advisor to the Secretary of the Air Force on all research matters;

''(B) the principal advisor to the Chief of Staff of the Air Force on all research matters; and

''(C) the principal Air Force representative on research matters to other Government, academic, scientific, and corporate agencies.

''(3) Unless appointed to higher grade under another provision of law, an officer, while serving as Director of Air Force Research, has the grade of major general.

''(b)(1) There is a Deputy Director of Air Force Research, who shall be an employee in the Senior Executive Service and shall be located at and assigned to a major laboratory or field installation.

''(2) Subject to the authority, direction, and control of the Director of Air Force Research, the Deputy Director of Air Force Research is—

''(A) responsible for the execution of the Air Force Research Laboratory technical program; and

''(B) responsible for operational aspects of the Air Force Research Laboratory.

''(c) The Office of Air Force Research shall perform such duties as the Secretary of the Air Force prescribes relating to—

''(1) the encouragement, promotion, planning, initiation, and coordination of Air Force research;

''(2) the conduct of Air Force research in augmentation of and in conjunction with the research and development conducted by the bureaus and other agencies and offices of the Department of the Air Force; and

''(3) the supervision, administration, and control of activities within or for the Department relating to patents, inventions, trademarks, copyrights, and royalty payments, and matters connected therewith.

''(d) Subject to the authority, direction, and control of the Secretary of the Air Force, the Director of Air Force Research shall ensure that the management and conduct of the science and technology programs of the Air force are carried out in a manner that will foster the transition of science and technology to higher levels of research, development, test, and evaluation.

''(e) Sufficient information relative to estimates of appropriations for research by the several bureaus and offices shall be furnished to the Office of Air Force Research to assist it in coordinating Air Force research and carrying out its other duties.

''(f) The Office of Air Force Research shall perform its duties under the authority of the Secretary, and its orders are considered as coming from the Secretary.

''§ 8024. Air Force Science and Technology Policy Council

''(a) There is in the Department of the Air Force a Science and Technology Policy Council consisting of—

''(1) the Vice Chief of Staff of the Air Force, as chairman, with the power of decision;

''(2) the Assistant Secretary of the Air Force with responsibilities for acquisition;

''(3) the Director of Air Force Research;

''(4) the commander of the Air Force Materiel Command; and

''(5) The Deputy Chief of Staff of the Air Force with responsibilities for installations.

''(b) The responsibilities of the Council include the following:

''(1) To advise the Secretary of the Air Force and the Chief of Staff of the Air Force on matters of broad policy and budget relating to the Air Force science and technology program.

''(2) To identify, set priorities among, and endorse future Air Force technological capabilities.

''(3) To oversee and review major science and technology programs as they relate to meeting capabilities identified pursuant to paragraph (2).

''(4) To determine the appropriate balance between programs for the purpose of meeting requirements and programs for the purpose of pursuing long-term technologies.

''(5) To identify, set priorities among, and endorse planning and budgeting for the transition of science and technology to higher levels of research, development, test, and evaluation.

''(c) Subject to the approval of the Secretary of the Air Force, the Council shall appoint, from among personnel of the Department of the Air Force, a staff to assist the Council in carrying out its responsibilities.

''§ 8025. Air Force Scientific Advisory Board

''(a) The Secretary of the Air Force may appoint an Air Force Scientific Advisory Board consisting of not more than 15 civilians preeminent in the fields of science, research, and development work. Each member serves for such term as the Secretary specifies.

''(b) The Board shall meet at such times as the Secretary specifies to consult with and advise the Chief of Staff of the Air Force and the Director of Air Force Research.

''(c) No law imposing restrictions, requirements, or penalties in relation to the employment of persons, the performance of services, or the payment or receipt of compensation in connection with any claim, proceeding, or matter involving the United States applies to members of the Board solely by reason of their membership on the Board.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new items:

''8023. Office of Air Force Research.
''8024. Air Force Science and Technology Policy Council.
''8025. Air Force Scientific Advisory Board.''.

(b) CONFORMING AMENDMENT.—Section 8014(b) of title 10, United States Code, is amended—

(1) by redesignating paragraph (6) as paragraph (7); and

(2) by inserting after paragraph (5) the following new paragraph:

''(6) The Director of Air Force Research.''.

CONTINUED PARTICIPATION OF RUSSIA IN THE GROUP OF EIGHT (G 8) MUST BE CONDITIONED ON RUSSIA'S ADHERENCE TO THE NORMS AND STANDARDS OF DEMOCRACY—H. CON. RES. 425

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. LANTOS. Mr. Speaker, last Thursday with some of our distinguished Republican and Democratic colleagues, I introduced House Concurrent Resolution 425 which expresses the sense of the Congress that continued participation by the Russian Federation in the Group of Eight (G 8) must be conditioned on Russia's own voluntary acceptance of and adherence to the norms and standards of democracy. Let me give some background on this resolution, indicate the need for it, and discuss our hope about what it will achieve.

In 1991, Mr. Speaker, after the collapse of the Soviet Union, the Group of Seven (G 7)—the key democratic industrialized nations of this world, which are the United States, the United Kingdom, Germany, France, Italy, Canada and Japan—invited the president of the new Russia, Boris Yeltsin, to attend meetings with the leaders of the G 7, the President of the United States and his counterparts. This invitation for President Yeltsin to meet with the G 7 following the formal conclusion of the meeting, was a down payment on our expectation that Russia would develop in a democratic way.

After several years of informal Russian participation at meetings following the formal meetings of the G 7, in 1998 Russia was officially invited to become a member of the expanded G 7, which was renamed the G 8. So for the last few years, the seven leading industrial democracies of the world opened up their very exclusive club to Russia in anticipation that democratic tendencies and developments will grow in Russia, and that Russia will take what we hope will be its rightful place as one of the great industrial democracies of the world.

We realized, of course Mr. Speaker, that economically it will take a long time for Russia to become a significant power. At present Russian gross domestic product (GDP) is about the same as that of Belgium. It certainly cannot be argued that the economic state of

Russia qualifies it for membership in the G 8, but our hope for democratic developments in Russia gave us the justification for continued membership by Russia in the G 8.

Mr. Speaker, recent very disturbing trends in Russia with respect to press freedom and a number of other issues, such as the war in Chechnya, have raised very severe doubts concerning democratic development in that country. The handling of the submarine tragedy, where the Russian Government reverted to the worst practices of the former Soviet Union, and the handling of the fire at the television tower, where, incredibly, it took President Putin's approval to cut power to the television tower as the fire was raging, raised some very serious questions with respect to the democratic direction that the new Russian Government is taking.

Our resolution—which is cosponsored by the Chairman of the Helsinki Commission, our Republican colleague Mr. CHRIS SMITH of New Jersey; the Chairman of the House International Relations Committee, Mr. GILMAN of New York; a senior Democratic member of the International Relations Committee, Mr. BERMAN of California—is designed to hoist the flag of caution to Mr. Putin's government. Our resolution indicates that while we are anxious and eager to build good and cooperative relations with Russia along the full spectrum of issues, we simply cannot countenance continued Russian participation as a member of the G 8 as long as there are blatant attacks on press freedom and other actions that undermine democracy.

Mr. Speaker, it will take a long time to build democracy in Russia, but one of the very few encouraging signs of the last decade in Russia was the presence of a free press. Political leaders clearly do not like to be criticized and Mr. Putin does not like to be criticized, but if the Russian President wishes to be the head of a democratic country, not a newly totalitarian Russia, he will have to get accustomed to the fact that criticism is part and parcel of political leadership in democratic societies.

Mr. Speaker, we are hoping that Mr. Putin's regime will put an end to the persecution and harassment of whatever is left of the free media in Russia. If that happens, we will be pleased to see continued Russian participation in the G 8. But if the Russian government's onslaught on the free media continues, I am certain that the vast majority of my colleagues, will join us in saying that Russia should no longer belong to the G 8.

It is my understanding that some of the leaders on the Senate Foreign Relations Committee are contemplating the introduction of parallel legislation. We are very pleased to see this because the Congress of the United States will speak with a unified voice on this issue.

Mr. Speaker, I ask that the full text of House Concurrent Resolution 425 be placed in The RECORD, and I urge my colleagues to join as cosponsors of this legislation.

H. Con. Res. 425

Expressing the sense of the Congress that the continued participation of the Russian Federation in the Group of Eight must be conditioned on Russia's own voluntary acceptance of and adherence to the norms and standards of democracy.

Whereas in 1991 and subsequent years the leaders of the Group of Seven (''G 7''), the forum of the heads of state or heads of government of the major free-market economies of the world which meet annually in a summit meeting, invited Russia to a post-summit dialogue, and in 1998 the leaders of the Group of Seven formally invited Russia to participate in an annual gathering that thereafter became known as the Group of Eight ('G 8'), although the Group of Seven have continued to hold informal summit meetings and ministerial meetings that do not include Russia;

Whereas the invitation to President Yeltsin of Russia to participate in these annual summits was in recognition of his commitment to democratization and economic liberalization, despite the fact that the Russian economy has been weak and its commitment to democratic principles has been uncertain;

Whereas those countries which are members of the Group of Seven are pluralistic democratic societies with democratic political institutions and practices, and they have committed themselves to the observance of universally recognized standards of human rights, respect for individual liberties and democratic political practices;

Whereas a free news media and freedom of speech are fundamental to the functioning of a democratic society and essential for the protection of individual liberties, and such freedoms can exist only in an environment that is free of state control of the news media, that is free of any form of state censorship or official coercion of any kind, and that is protected and guaranteed by the rule of law;

Whereas the Russian Federation has engaged in a series of government actions that are hostile and threatening to privately-owned, independently operated media enterprises, particularly those new outlets that have been critical of government policies and government actions; and

Whereas the continued participation of the Russian Federation in the Group of Eight must be conditioned on Russia's own voluntary acceptance of and adherence to the norms and standards of democracy;

Now, therefore, be it *Resolved by the House of Representatives (the Senate concurring),* That it is the sense of the Congress that the participation of the Russian Federation in the Group of Eight must be linked to the Russian Federation's adherence to the norms and standards of democracy, including:

(1) the existence of a free, unfettered press that fosters the development of an independent media and the free exchange of ideas and views, including opportunities for private ownership of media enterprises, the right of people to receive news without government interference and harassment, and the freedom of journalists to publish opinions and news reports without fear of censorship or punishment;

(2) the freedom of all religious groups freely to practice their faith in Russia, without undue government interference on the rights and the peaceful activities of such religious organizations;

(3) equal treatment and respect for the human rights and the right to own private property of all citizens of the Russian Federation;

(4) initiation of genuine negotiations for a just and peaceful resolution of the conflict in Chechnya, including a full investigation of the conflict and bringing to justice those individuals, civilian or military, who in a court of law are found to be guilty of violating human rights;

(5) respect for the rule of law and improvement of civil and legal institutions to implement and defend these rights; and

(6) reform of the judicial system to prevent the arbitrary detention of citizens and provide for a speedy trial and equal access to the judicial system.

The President and the Secretary of State are requested to convey to appropriate officials of the Government of the Russian Federation, including the President, the Prime Minister, and the Minister of Foreign Affairs, this expression of the views of the Congress.

HONORING BROWARD COUNTY FIRE RESCUE

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. DEUTSCH. Mr. Speaker, I rise today to recognize the efforts of Broward County Fire Rescue, of Broward County, Florida. The State of Florida Department of Health, Bureau of Emergency Medical Services (EMS) recently selected Broward County Fire Rescue as the 2000 State of Florida EMS Injury Prevention Agency of the Year. Indeed, Broward County Fire Rescue exemplifies the Emergency Medical Service's injury prevention efforts throughout the State of Florida.

Each year, the State of Florida Department of Health's Bureau of Emergency Medical Services names one of the state's 250 EMS providers as the best injury prevention unit in the state. The award encourages EMS providers throughout the state to become more active in injury prevention efforts.

Broward County fire rescue had many great accomplishments this year. It was the first agency in the county to give a heart attack clotting drug, Retavase, to patients en route to the hospital. The agency received a $100,000 grant to enhance their heart attack prevention plan by placing automatic external defibrillators in public buildings. These defibrillators have proved life-saving in cases of dire heart attack emergencies. Prioritizing quality of care for patients, Broward County Fire Rescuers make an extra effort to transport heart attack victims to the county hospitals best equipped to care for victims rather than the nearest hospital. Also, the agency has increased fire prevention awareness by airing fire-safety announcements before films at local movie theaters.

Mr. Speaker, I extend a hearty congratulations to Broward County Fire Rescue for their leadership in medical and rescue excellence. They go above and beyond what is demanded of them and perform their heroic services with professionalism and success.

HONORING GARY MCPHERSON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. McINNIS. Mr. Speaker, it is with immense sadness that I take this moment to celebrate the life of Colorado State Representative Gary McPherson. Gary tragically passed

away at age 37. For the past six years, Gary served the State of Colorado with great distinction as a Member of the Colorado State House of Representatives. As family, friends, and colleagues mourn this sudden and terrible loss, I would like to pay tribute to this statesman and friend.

Gary was born in Auburn, Washington, but attended school at Platte Valley Academy in Nebraska, graduating in 1981. He went on to Union College where his thirst for knowledge earned him a degree in business administration, as well as minors in history, psychology, social science and sociology. Gary then went on to earn his law degree at the University of Nebraska in 1988.

After law school, Gary moved on to what would become a highly successful career. His time as a lawyer saw him practicing for a number of different law firms, including Hall & Evans, Elrod, Katz, Preco & Look P.C., Fortune & Lawritson P.C., and most recently Kissinger & Fellman P.C.

In addition to his many accomplishments as a lawyer, Gary also served in the Colorado Legislature with great distinction. As a legislator, Representative McPherson fought hard on a range of issues important to Colorado's future. During his tenure in the legislature, Gary served as member of the Appropriations and Judicial committees as well as Chairman of the House Finance Committee.

Before serving in the Colorado State Legislature, Representative McPherson was a member of numerous organizations promoting the health and vitality of his community and all of Colorado. He served as president and board member of Jackson Farms Homeowners Association, director of the Attorney/Physician Suspension Alternative Project, chairman of the ABA Prelaw Couseling Committee, board member and legislative liaison for the Colorado Bar Association Military Law Commission, and vice chairman and board member of Arapahoe County Park and Recreation District.

Giving back to his community was a priority for Representative McPherson and his hard work and determination earned him a number of awards. His honors include Colorado Bar Association's Outstanding Young Lawyer, Aurora Public Schools Superintendent's Award, International Academy of Trial Lawyer's Award, and CACI Legislator of the Year 1995.

Gary was an incredible human being, a loving and devoted father, husband, and friend. His compassion for others and commitment to his community will not soon be forgotten. Gary served his community, State, and Nation admirably. This statesman, family man, and friend will be greatly missed.

PUTIN'S POTEMKIN DEMOCRACY IN RUSSIA

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. LANTOS. Mr. Speaker, recent very disturbing trends in Russia with respect to press freedom have raised serious doubts about democratic development in that country. The current effort by Russian President Vladimir Putin to eliminate the independent news media in Russia is a serious threat to Russia's democratic future.

It will take a long time to build democracy in Russia, Mr. Speaker, but one of the very few encouraging signs of the last decade in Russia was the presence of a free press. Unfortunately, Mr. Speaker, I am using the past tense—it was an encouraging sign.

I sincerely hope that Mr. Putin's administration puts an end to the persecution and harassment of whatever is left of the free media in Russia. But the attack against the independent media is serious and systematic, and it is deadly earnest.

Mr. Speaker, the Washington Post (October 2, 2000) published an excellent editorial expressing serious concern about freedom of the press in Russia. I ask that the text of this editorial be placed in the RECORD. I urge my colleagues to read this important editorial.

IMAGE AND REALITY IN RUSSIA

[The Washington Post, Oct. 2, 2000]

Russian President Vladimir Putin tends to his international image with skill. He dines with American media heavyweights in new York City and professes his commitment to a free press. He lunches with former dissident Nathan Sharansky in the Kremlin and insists on his love of human rights. For a pathetically small price—a bit of attention—he co-opts Mikhail Gorbachev, who in turn says nice things about the young Russian president to foreign media. All this impresses Western leaders. Meanwhile, Mr. Putin is in the process of destroying the independent media in Russia. If he succeeds, democratization will be severely set back.

On a small scale, you can see Mr. Putin at work in the case of Andrei Babitsky, who is scheduled to go on trial in southern Russia today. Mr. Babistsky is a reporter for Radio Free Europe/Radio Liberty who reported honestly on brutal Russian behavior in Chechnya. Russian security forces arrested him for this affront and then arranged for him to be kidnapped by Chechen criminals. President Putin pretended to know nothing about this until international pressure became a liability, at which point Mr. Babitsky was freed. But the bullying did not stop. Mr. Putin's administration is prosecuting the reporter for carrying false documents—documents forced on him by his kidnappers.

Mr. Putin's assault on Media-Most is potentially more serious. The company owns NTV, the only Russian television network not controlled by the government. It also owns a radio station and publishes a daily newspaper and, in partnership with The Washington Post Co.'s Newsweek, a weekly magazine. Its survival now is threatened by a commercial dispute with the giant natural gas company, Gazprom, that lent it money.

As in the Babitsky case, Mr. Putin pretends not to be involved in this dispute. But the Kremlin owns a large piece of Gazprom and effectively controls the firm. Mr. Putin's administration set the stage for the dispute by throwing Media-Most's owner into prison for three days. After this KGB-style intimidation, the owner, Vladimir Gusinsky, was pressured—by a member of Mr. Putin's cabinet acting in close consultation with the Kremlin—to sign an unfavorable contract. Mr. Gusinsky was promised in return his freedom, which President Putin apparently feels is a commodity to be bargained, not a fundamental right. Now, despite Mr. Putin's protest of noninvolvement in a commercial dispute, his prosecutor-general has opened a criminal fraud case against Mr. Gusinsky.

The West has little leverage over Russia. Oil prices are high, meaning that Russia, an oil-producing country, no longer needs Western loans. But as his image campaign suggests, Mr. Putin does crave acceptance in the West. Western leaders should welcome him as long as he respects democracy at home. If he does not—if he persists in undermining Russia's independent media—the G-8 group of leading industrialized nations should return to being a G 7. A Potempkin democrat does not belong in the club of democracies.

RESOLUTION HONORING NOBEL LAUREATES DR. ERIC R. KANDEL AND DR. PAUL GREENGARD

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to introduce a resolution to honor the American winners of the Nobel Prize in Physiology or Medicine for 2000, Drs. Eric R. Kandel and Paul Greengard. These two distinguished scientists will share this year's award with a third winner, Dr. Arvid Carlsson of Sweden.

The scientists were recognized by the Nobel Assembly at Karolinska Institute for their important contributions to understanding how brain cells interact with each other at the molecular level to create moods and memories in individuals. Their separate but related pursuits, which began in the 1950s, have provided the basis for today's understanding of mental illness and neurological disorders, including schizophrenia, depression, bipolar disorder, Alzheimer's disease, and Parkinson's disease. This understanding has been essential for the drugs and treatments that have been already developed for these afflictions and provide the foundation for even more promising research in these areas.

Last year, the Office of the Surgeon General published Mental Health: A Report of the Surgeon General, which noted that although the United States leads the world in understanding the importance of mental health to the overall health of its people, the nation still has many challenges to meet. Today, one in five people in the United States are afflicted with some form of mental disorder. Furthermore, mental disorder is one of the key contributors to a leading cause of preventable deaths-—suicide. The federal government, particularly the National Institutes of Health (NIH) has provided strong support toward research efforts in the mental health area. Indeed, NIH contributed to the discoveries made by Drs. Kandel and Greengard through grants and research support for over 30 years. As we celebrate the honor bestowed by the Nobel Assembly upon Drs. Kandel and Greengard, we should also look forward to the challenges ahead, which include not only continued scientific research but also improving the delivery of mental health services and helping society to overcome ingrained fears and misconceptions concerning mental illness.

GEORGE E. BROWN, JR. UNITED STATES COURTHOUSE

SPEECH OF

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. UDALL of Colorado. Mr. Speaker, I want to take this opportunity to add a few words to those of my colleagues in support of this bill to designate the U.S. Courthouse on 12th Street in Riverside, California, as the ''George E. Brown, Jr., United States Courthouse.'' I think this is a worthy honor for a man who brought so much to his constituents in California, to colleagues in Congress, and to the citizens of this country.

The death of George Brown, Jr. last year deprived this Congress and this country of a great champion of science and technology. While I worked with him for only a brief time, I felt as though I had known him for years because he had been a colleague and friend of my father and because his reputation was so well known.

George Brown was a man of courage and vision and ideological consistency. In his 34 years of distinguished service in the House, he worked to advance energy and resource conservation, sustainable agriculture, advanced technology development, space exploration, international scientific cooperation, and the integration of technology in education.

With or without a Courthouse in his name, George Brown will be remembered. But I'm sure if he were with us here today, George would appreciate this gesture on the part of his colleagues and the country to ensure his legacy lasts beyond our own lifetimes.

HONORING ABDUL CONTEH

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. HALL of Ohio. Mr. Speaker, on Sunday Major League Soccer honored Abdul Conteh, a star of the San Jose Earthquakes, by presenting the inaugural New York Life Humanitarian of the Year Award to him.

I want to add my voice to those honoring Mr. Conteh, and I want to commend Major League Soccer and New York Life for drawing attention to the world's humanitarian crises and to those working to do something to ease suffering.

Abdul Conteh was born in Freetown, the capital of Sierra Leone. His family moved to the United States when he was a teenager, but he has not forgotten his people and his country and he is using his hard-won fame to champion their needs. In conjunction with the Santa Clara Valley chapter of the American Red Cross, Mr. Conteh recently launched an initiative to raise funds to alleviate the suffering of a people who have experienced gruesome atrocities, death, and destruction during nine years of war.

His hope is to fund a school and other projects that can help his people reclaim their lives. As he works toward this goal he is doing something else too: he is raising the awareness of soccer fans and others who otherwise wouldn't think about Sierra Leone—Americans who can do something to help the people of a nation founded by former slaves, people who have been trapped by fighting over the lucrative diamond trade for nine long years.

Rebel forces—funded by stealing Sierra Leone's diamonds and assisted by Liberia's president, Charles Taylor—have brutalized innocent men, women and children throughout Sierra Leone. They have driven hundreds of thousands from their homes and killed tens of thousands more. Some 20,000 of these suffered forced amputations of their hands, ears, or legs by machete; most of these victims died. Untold numbers of girls and women have been raped, many of them left infected with AIDS as a result. The country, which should be one of the richest in Africa, consistently ranks as the poorest in the world and the most miserable by every measure.

I have been to Sierra Leone and I have seen first-hand the results of these rebels. Last December, Congressman FRANK WOLF and I visited camps for the survivors of the rebels' attacks. We met thousands of people who are lucky to be alive, who did not bleed to death as they struggled to flee the rebels who had just cut off their arms, legs, or ears. Few were spared rebels' grotesque and evil acts. Infants' arms and legs were cut off. Young men in the prime of their life suddenly had half of a leg, or no hands. Women were raped by rebels and then had their arms amputated—only to give birth several months later as a result of the rape they suffered.

Mr. Conteh knows first-hand what I have just described; more than 20 of his family members have been killed in the bloodshed. The horrible images we all have seen and the stories we have heard about the atrocities in Sierra Leone touch Mr. Conteh and others personally. It is the survivors who are left with the empty beds, the missing generations, and the questions from the children as to why their friends, uncles, cousins, siblings, or parents are no longer here.

Through his initiative, Mr. Conteh will make a difference in people's lives in Sierra Leone. I commend Mr. Conteh for his efforts on behalf of the people of Sierra Leone, I congratulate him for receiving this prestigious humanitarian award, and I wish him and others doing lifesaving work in Sierra Leone all the best.

BLASTING STERLING PRIVATE FEE-FOR-SERVICE M+C PLAN FOR RISK AVOIDANCE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. STARK. Mr. Speaker, I am outraged that the Sterling Life Insurance Company, which operates the only approved private fee-for-service Medicare+Choice (M+C) plan, has established a benefit package for 2001 that is designed to enroll healthier patients and avoid sicker patients. For 2001, Sterling will require 50 percent copayments for home health services and durable medical equipment.

What Sterling is doing is an unconscionable rip-off of sicker beneficiaries and the Medicare program itself. Home health and DME are services that are associated with sicker patients, who are also more costly, so Sterling is deliberately avoiding sicker, more costly patients.

Under the Medicare law, M+C plans must provide all standard Medicare benefits, but are permitted to modify the cost sharing amounts for those services as long as the total actuarial value of the cost sharing does not exceed the total actuarial amount of the cost sharing in the traditional Medicare program. The Health Care Financing Administration (HCFA) must approve the actuarial value of the cost sharing, but has no authority under the statute to prevent M+C plans from tailoring their cost sharing amounts as they choose.

I will introduce legislation to require HCFA to approve all cost sharing amounts of M+C plans and prohibit M+C plans from manipulating cost sharing amounts to avoid sicker patients. Sterling is saying that they are trying to avoid fraud, but clearly, they are deliberately seeking to enroll only healthier, more profitable patients, while avoiding sicker, more costly patients. Since the Republicans have slowed the implementation of risk-adjustment of payments to M+C plans, Sterling will be overpaid for the patients that it enrolls. This practice is an obscene rip off of Medicare and the taxpayers, and I will try to stop it. When the new Congress convenes in January, I will introduce legislation to give HCFA authority to approve all cost sharing amounts to prevent such blatant risk avoidance.

REGARDING H.R. 4838

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Ms. SANCHEZ. Mr. Speaker, I'd like to take this opportunity to commend the House of Representatives for the successful passage of H.R. 4838, which waives the oath of allegiance requirement for people with disabilities that seek citizenship in our great nation.

The need for such a bill is best exemplified in the case of Vijai Rajan of Anaheim, California. Twenty-five-year-old Vijai was born in India and has been residing in the U.S. since she was four months old. Ms. Rajan has several disabilities including cerebral palsy, muscular dystrophy, and Crohn's disease which prevents her from raising her hand or memorizing and understanding the oath. Doctors say her comprehension is that of a baby or toddler.

This piece of legislation is significant in expressing our nation's view of acceptance and welcoming of new citizens. These people cannot be denied citizenship when they have played by all the rules and have waited for so long.

Her parents' four year battle with the INS is nearly over and Vijai as well as the other 1,100 disabilities waiver applicants are closer to becoming citizens of the United States. I am certain that these family members enjoy peace of mind and inner satisfaction knowing that their loved ones are part of America.

AUTHORIZING FUNDS FOR ILLINOIS/MICHIGAN CANAL COMMISSION

SPEECH OF

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. WELLER. Mr. Speaker, I rise today to support H.R. 3926, bipartisan legislation I introduced with Representatives LIPINSKI, BIGGERT, and GUTIERREZ. H.R. 3926 will increase the authorization cap of the Illinois and Michigan Canal Heritage Corridor from $250,000 to $1,000,000.

The Illinois and Michigan Canal Heritage Corridor was the first park of its kind, established by Congress in 1984. Created for the historical and cultural importance of the Illinois and Michigan Canal, it was a ''partnership park'' which involved local decision making and input combined with federal designation and support. The corridor is special for many reasons; it includes valuable natural resources, state and local parks, transportation networks, cities and towns, rural and industrial uses, wildlife preserves and nature activities such as hiking, fishing, canoeing and camping. The heritage corridor has been critical to preserving historic sites that played a critical role in the history of Illinois and the nation.

The I&M Canal was the first of the manmade waterways that established the corridor as a nationally significant transportation network. Much of the canal still exists along with the towns and cities and farms surrounding it. In fact, the canal encompasses five counties stretching from Chicago to LaSalle-Peru.

Among the first visionaries of the Canal was Louis Joliet who conceptualized a system for bringing together the Great Lakes and the Mississippi as early as 1673. Plans and funding were developed in 1827 and the route of the canal was settled upon. Twenty-one years later, the canal was opened for traffic for the first time—but this was only a beginning. The canal would grow substantially over the coming decades as it was influenced by enormous economic growth. In turn, the canal spurred its own economic growth and became the economic center of the region. The 97-mile canal was dug by hand, largely from immigrant Irish labor out of rock and was a minimum of 6 feet deep and 60 feet wide.

The Canal helped to build Chicago and was the center of not only industrial growth but also agricultural growth. Mining industries grew along the canal and plants to process farm products were built. The canal also fostered the growth of the wallpaper and watch industry. Towns developed around the rapidly growing canal area and tolls on products shipped on the canal generated $1 million for the state.

Shipping on the Canal peaked in 1882 then began a gradual decline due to rail and other forms of traffic. The I&M Canal closed in 1933 after the development of the Illinois Waterway, but in that same year the Civilian Conservation Corps began work that created many of the parks and trails that line the canal today. In 1974, the 60 mile section from Joliet to LaSalle was designated the Illinois & Michigan Canal State Trial under the stewardship of the Illinois Department of Conservation.

Now as the Illinois and Michigan Canal National Heritage Corridor, the canal continues to provide unparalleled cultural and recreational opportunities for residents and visitors. A partnership exists between The Illinois and Michigan Canal National Heritage Corridor Commission, the Canal Corridor Association, the Heritage Corridor Convention and Visitors Bureau and the Illinois Department of Natural Resources which ensures the continuing development of the canal and its resources.

The I&M Canal needs to be able to access additional funds for many worthwhile projects including heritage tourism projects, heritage education, and preservation and conservation. An increase in the authorization cap will allow the possibility of increased funding, providing the development and improvement of parks and museums across the canal. Teachers will be able to be trained and student resources will be developed and enhanced. Vital historic resources such as the I&M Canal, architecture, landscapes and Native American archaeological sites will be preserved and revitalized.

Mr. Speaker, 16 heritage corridors have been created since the Illinois and Michigan Canal Heritage Corridor, and all but three have received $1,000,000 authorization caps. It is time to bring the Illinois and Michigan Canal in line with these other heritage areas and provide it the opportunity for additional funding. I thank Chairmen YOUNG and HANSEN for allowing this bill to come to the floor today and I thank all cosponsors of this legislation and urge its passage.

LAKE BARCROFT: PAYING TRIBUTE TO A COMMUNITY CELEBRATING 50 YEARS

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. DAVIS of Virginia. Mr. Speaker, today I rise to pay honor to the community of Lake Barcroft, in Falls Church, Virginia, which will be celebrating its 50th anniversary this coming Wednesday, October 18, 2000, Driving or walking through the community, the natural beauty of Lake Barcroft may be taken for granted. It is easy to overlook the obvious and never think to question why or how the present evolved. Trees and bushes planted 35 years ago turned mud flats into gardens. Street signs unique to Lake Barcroft grace the landscape. Curbs and gutters prevent flooding and erosion, and the lake itself is a glittering gem.

The Barcroft community was named in memory of Dr. John Barcroft, who built both a home and a mill on a tract of land that came to be known as Barcroft Hill. The surrounding land, known as Munson Hill Farm, was a large tract of land between what is now Bailey's Crossroads and Seven Corners. During the Civil War, both Munson Hill Farm and Bailey's Crossroads were scenes of military action. Dr. Barcroft's home and mill were overrun by the retreating Union Army after the Battle of Bull Run. Bailey's Crossroads became a Union encampment while the Confederates occupied positions in both Annandale and Fairfax County. Later, the Federals constructed Fort Buffalo at the present site of Seven Corners. Fort Buffalo become one of the ring of forts protecting the District of Columbia during the war.

Almost 90 years later, on February 23, 1954, the residents of Lake Barcroft officially launched the Lake Barcroft Community Association (LABARCA). The residents had come together informally over the prior 18 months to build a new life in a new community and, most importantly, to save the lake. Like most Washingtonians, they came from other places. This created a common bond and a reliance on each other. Their varied backgrounds and individual talents resolved numerous problems from water sedimentation to litigation. Much was accomplished by the few people who first formed the community association.

In the summer of 1952, almost two years after the start of development, 15 families had completed homes in Lake Barcroft. Of these, eleven families present at the first meeting of the homeowners association formed the Executive Committee. The Committee took a strong stand against mass, speculative housing development in the area. Other civic actions provided voter information concerning registration and local elections. The association coordinated mail delivery to roadside mailboxes with the U.S. Post Office. Unique, wooden road signs were designed and installed. Landscaping and a sign with lighting enhanced ''Entrance One.'' Beautification and the installation of storm drains at the beach commenced.

Lake Barcroft achieved up-scale status at the beginning of the sixties. Over just a few years, the number of families living at Lake Barcroft increased substantially: from 368 in 1956, to 650 in 1958, 783 in 1960. By mid-1960, Lake Barcroft Community Association membership reached a record high; of the 783 families in Lake Barcroft, 78 percent were members.

The first competitive race for president in LABARCA history took place in late 1959. The election featured two candidates, each highly qualified and dedicated to the community. Ralph Spencer, an official at the Department of Agriculture, had been asked to run in recognition of his work as Chairman of the Planning Committee. Ralph promoted the community center despite pessimistic arguments against a ''dance hall'' on the lake.

A faction in favor of dredging the lake convinced Stuart Finley to enter the election based on his knowledge of sediment and erosion; he had produced a fifty-part television series, Our Beautiful Potomac. Funding for slit removal had been approved by Fairfax County, so association pressure mounted to resolve a festering sore, the gradual decay of the lake. Stuart won the low-key and friendly election. Ralph Spencer pitched right in and volunteered to take on the task of procuring and maintaining street signs, a responsibility he has held to this day.

Mr. Speaker, today Lake Barcroft is a thriving community of approximately 1,025 homes. The families of Lake Barcroft have formed a tight-knit community featuring annual civic affairs meetings, beach parties, Easter egg hunts, annual Labor Day games, and golf outings. I am proud to represent this tremendous group of citizens, and I am honored today to recognize their rich and storied history.

IN HONOR OF KENNETH DEACON JONES

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. ETHERIDGE. Mr. Speaker, today I celebrate and honor the life of Mr. Kenneth ''Deacon'' Jones of Smithfield, NC. Mr. Jones is a talented business leader, a respected community figure, and a dedicated family man. As a member of the Johnston County Board of Education, Mr. Jones is known for placing a strong emphasis on the value of education and for his extensive service and leadership in the community. Through his commitment to goodness and generosity, Mr. Jones is truly a driving force for excellence in education in the Johnston County School System.

Bobby Kenneth Jones was born to the late Reverend Clyde W. Jones and Mrs. Mary Brooks Jones. He graduated from Princeton High School in 1958, after having played on the baseball and basketball teams, including the basketball team that achieved a 32–1 record and was runner up in the Eastern North Carolina Championship in 1958. It was during his high school years that ''Deacon'' became his nickname. The other kids, in fun, called him ''Deacon'' because his father was a minister. The name has remained with him to this day.

Mr. Jones married Faye Woodall in 1961, and today they are the proud parents of three children and three grandchildren. In 1970, Mr. Jones ventured out into the business world and became co-owner of D&D Motor Company, selling used cars. Only 3 years later, he established Princeton Auto Sales, and today he owns several dealerships, employing more than 150 people. A fair and compassionate employer, his favorite slogan for business, as well as for life is, ''Treat people the way you want to be treated.''

Mr. Jones' generosity and fairness may also be seen through his unfaltering dedication to service and leadership throughout the community. He has served as a member on countless boards, including the Board of Directors at Lee and Mount Olive Colleges, the North Carolina Economic Development Board, and the Johnston County Board of Education. He is a member and past president of the Princeton Lions Club, the Princeton PTO, and the Princeton Boosters Club. He has financially sponsored many school projects, including the Academic Super Bowl, the Battle of the Books, the Special Olympics, and more. His Alma Mater, Princeton High, has greatly benefited from his support of the Future Farmers of America, the Band and Chorus, athletic groups, and other school organizations.

Mr. Kenneth ''Deacon'' Jones has served as a role model and an inspiration for all those around him. He has exemplified the principles of service and generosity through his numerous contributions and strong commitment to the community. Deacon Jones embodies the North Carolina values my constituents hold dear, and I want to take this opportunity to share with my colleagues in the U.S. House of Representatives the outstanding contributions of this fine American.

DEDICATION OF NEW SANCTUARY FOR THE POTTER'S HOUSE

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to congratulate Bishop and Mrs. Thomas D. Jakes, Sr., and the 26,000 registered members of the Potter's House in Dallas. Already one of the largest churches in the United States, the parishioners are preparing to officially dedicate their new sanctuary on October 22, 2000. More than 8,000 church leaders and pastors from all over the world are expected to attend this momentous event.

The Potter's House is now officially Texas' largest church and has over 48 separate programs focused on service to the community and the congregation. With outreach efforts all over the globe, the church is an incubator for ideas and activities that have changed countless lives for the better. I am proud of the significant impact the church and its multi-cultural membership continue to make in Dallas-Fort Worth and around the world.

Bishop T.D. Jakes and his wife Serita Ann lead the Potter's House. Bishop Jakes was named as ''one of the five most often mentioned successors to Rev. Billy Graham's position as national evangelist'' by The New York Times and was declared by The Economist to have the ''potential impact of a Martin Luther King.'' With a studied message, an acute business acumen, and tireless devotion, he has helped focus his followers on personal responsibility and community cooperation.

Mr. Speaker, on the occasion of this milestone for the Potter's House, I am proud to recognize this congregation as a national testament to the power of empowerment.

TECHNOLOGY TRANSFER COMMERCIALIZATION ACT

SPEECH OF

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. UDALL of Colorado. Mr. Speaker, I rise in support of H.R. 209, the Technology Transfer Commercialization Act conference report. This report is the product of over 2 years of hard work on the part of the Committee on Science, the Senate Commerce Committee, the Senate Judiciary Committee, and the Administration.

Developing a version of the legislation that is acceptable to all these parties has been no small feat in the realm of patent policy, and I want to thank Chairman SENSENBRENNER, Ranking Democratic Member GEORGE BROWN, Subcommittee Chairwoman MORELLA, and Subcommittee Ranking Democrat BARCIA for their hard work.

H.R. 209 is the result of the first comprehensive review of federal patent policy in 15 years. The 1980 Bayh-Dole Act, which it amends, has made a major difference in the commercialization of federal inventions. Before Bayh-Dole passed, it was relatively rare for inventions resulting from federal research to reach their market potential. As many as 20,000 federal inventions were patented but not licensed. Only two or three inventions at that point had achieved royalties as high as $1,000,000, and the total royalty stream for the entire Federal Government at that time was less than the royalties received by a midsized research university today.

Bayh-Dole has opened major opportunities to research universities like the University of Colorado. It has been a major contributor to the outreach activities of contractor-operated laboratories like the National Renewable Energy Laboratory. It has led to benefits for federally employed inventors and their laboratories at the Department of Commerce and throughout the government.

Over the nearly 20 years since enactment of the Bayh-Dole Act, we've learned of the need for some improvements. The bill before us takes advantage of the lessons learned and is intended to make the law more user-friendly. It also updates the act to reflect the new ways that industry now gets and shares information.

I am also pleased that the bill includes an amendment promoted by some of my Democratic colleagues on the Science Committee that requires each DOE laboratory to have an ombudsman and to report quarterly on its operations to DOE. This provision addresses problems that citizens around the country have experienced in getting their issues with DOE weapons laboratories addressed in a timely fashion. Small businesses now will have a place to turn within the laboratories to have their concerns addressed, and there will be quarterly reporting of the progress being made by the ombudsmen to all of the pertinent officials within the Department of Energy.

I urge passage of the bill.

RANGEMASTER JOSEPH BOYD

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Ms. SANCHEZ. Ms. Speaker, today I have the opportunity to remember and pay tribute to a great man from my community. Joseph Samuel Boyd, the Santa Ana Police Department's Rangemaster, played an integral role in helping to make the streets of Santa Ana safer for all its citizens.

Rangemaster Boyd was dedicated to a life of public service. After serving 24 years in the Marine Corps, including time in Vietnam, and rising in rank from boot recruit to the Officer rank of ''Major'', Rangemaster Boyd entered a life of law enforcement. After his retirement from the Marine Corps, Rangemaster Boyd became the firearms instructor for the Orange County Sheriff's Department until he was hired by the Santa Ana Police Department in 1993.

During his tenure with the Santa Ana Police Department, Rangemaster Boyd developed a comprehensive training curriculum in firearm proficiency and safety for the Department's 400 officers. The system he developed, ''Advanced Firearms Simulator Training'' is a state-of-the-art system which simulates real life situations police officers encounter daily. It puts them in real-life situations and requires them to rapidly evaluate and assess a ''shoot/don't shoot'' scenario. This is now a widely-used training method at law enforcement agencies throughout the country.

In 1995, Rangemaster Boyd played a pivotal role in obtaining a Bureau of Justice Assistance grant for the Santa Ana Police Department's Firearms Trafficking Program. This program allies the Department's Weapons Interdiction Team with the FBI and ATF in combating illegal firearms trafficking.

The program proved to be an unqualified success and Rangemaster Boyd was an integral part of the team effectiveness, as he examined and tested firearms for ballistics evidence.

It was, however, in this capacity that Rangemaster Boyd lost his life. On January 28, 1998, Officer Boyd was testing an outlawed, nine millimeter ''MAC 11'' machine pistol for ballistics evidence. During the testing, the gun jammed. In an attempt to un-jam the gun, it tragically misfired, killing Rangemaster Boyd.

A devoted family man, Rangemaster Boyd is survived by his wife of 34 years, Marion, two adult children, and two grandchildren.

The loss of Rangemaster Boyd left a void that still resonates today. Unfortunately, this is just the beginning of this tragic story.

Since Rangemaster Boyd was not a ''sworn'' law enforcement officer, his family was not entitled to the Department of Justice's Public Safety Officers Benefits. Rangemaster Boyd was a ''civilian'' working in a law enforcement capacity.

These Department of Justice's Public Safety Officers Benefits provide financial relief to family members of law enforcement officers who've lost their lives in the line of duty. Rangemaster Boyd gave his life in the line of duty, in a law enforcement capacity, and his family deserved these benefits.

For the past three years, I have worked to correct this wrong. I introduced legislation, H.R. 513 in the House of Representatives which would have clarified that Rangemaster Boyd was a public safety officer who died as a direct result of an injury sustained in the line of duty. I worked with the Department of Justice to clarify this situation, and get Rangemaster Boyd's widow and family the benefits they deserved.

I am pleased that on July 21, 2000 the work of myself, and so many others in the community, paid off when the Department of Justice decided to release the funding to Rangemaster Boyd's family.

The benefit package is just a small expense to the Justice Department, only $100,000, but it has been a large relief to the Boyd family. I am glad the Federal Government looked beyond this ''technicality'' and realized what impact these benefits would make.

INTRODUCTION OF THE NATIONAL DEFENSE FEATURES IMPROVEMENT BILL

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. FRELINGHUYSEN. Mr. Speaker, as my colleagues know, Congress created the national defense features program in response to a report by the Department of Defense describing a shortage of sealift capacity during military contingencies. This shortage of shipping space for heavy military vehicles and other cargo was best cured by a program such as the NDF program that would be the most cost-effective way to augment the substantial investment that was being made in new sealift ships by the Navy.

Within the last several years, Congress has authorized and appropriated funds to install special defense features in new commercial vessels to be built in the shipyards of the United States. Most recently, at my request and as a result of the leadership of our colleague from Pennsylvania, Mr. WELDON, Congress included in the National Defense Authorization Act for FY 2001 a provision that would expand the Secretary of Defense's ability to fund militarily useful projects under the NDF program.

Since the NDF program was launched, Congress expected that our allies, particularly Japan, would find mutual defense benefits in promoting the program on their trade routes with the United States. Under one project that has received attention, ten commercial vessels would be built in the United States based on a design funded and approved by DARPA's Maritime Technology Program. These vessels would normally operate in the Japan-United States vehicle trade, which is at present entirely dominated by Japanese carriers.

Notwithstanding expressions of support by very senior officials in our government, this expectation has not been realized. The Government of Japan continues to take the position that the decision to employ NDF ships is strictly a matter for the commercial judgment of Japanese vehicle manufacturing and shipping companies. The vehicle manufacturers, which operate under closely inter-locking relationships with the Japanese vehicle carriers, continue to insist that the NDF program is a matter between the two respective governments since it addresses defense.

In view of the US role in providing security for our Far East allies, it hardly seems appropriate that defense concerns expressed by our government should not have been met with a more positive response. Our government's repeated representations to the Japanese government have fallen on deaf ears as if the NDF program was without military value, a position that is contradicted by two US Navy reports on the NDF program. Taking note of the extensive military collaboration of our two governments, which it is safe to say has conferred material benefits on Japan, this is not the position that Congress should have expected.

The position that this matter is purely commercial in nature rather than governmental in character is not defensible. Japan, like other nations, supports its merchant marine with financial assistance, including direct construction loans at artificially low rates of interest. This is not the mark of a purely private industry operating under purely commercial conditions.

The real reason our carriers are effectively being excluded from this market is the Japanese kereitsu system of doing business. It is not price, but rather the interwoven industrial and financial structure that closes this market like so many other sectors of the Japanese economy against international competition. The situation, then, is that a fleet of US built and operated ships, commercially competitive and having significant defense value to both nations, has apparently no chance to break through the economic fence encircling the Japanese vehicle trade.

Notwithstanding this state of affairs, I continue to hope that the Government of Japan and the vehicle manufacturers will ultimately see the merit of supporting the NDF program, especially given the longstanding support of the Department of Defense. Recently, the Secretary of Defense and the Director General of the Japanese Self-Defense Agency agreed to establish a regular consultative mechanism to ensure closer cooperation in improving our mutual defense capabilities. I understand the Secretary of Defense suggested that this might be an appropriate mechanism to move the NDF program forward. I agree.

Given past experience, however, we may nonetheless not see the type of action that is by now long overdue. Therefore, along with my colleague from Pennsylvania, I am introducing a bill today that we intend to push later next year if we do not see any movement on the part of the Government of Japan. The bill is very straightforward. It says: If the Federal Maritime Commission finds that vessels built under the NDF program are unable to obtain employment in a particular trade route in the foreign commerce of the United States for which they are designed to operate, and if that sector of the trade route has been dominated historically by citizens of an allied nation, then the Commission shall take action to counteract the restrictive trade practices that have led to this situation.

I trust it will not be necessary to enact legislation to encourage support for a program so self-evidently in the mutual security interests of our two nations and that as a result of the new consultative mechanism the NDF program can begin the much needed recapitalization of our aging Ready Reserve Force.

ATROCITIES IN SIERRA LEONE

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. MEEHAN. Mr. Speaker, I rise to join many of my colleagues in expressing our outrage with the continuing atrocities in Sierra Leone.

Two weeks ago, seven Sierra Leoneans testified before the House International Relations Committee's Subcommittee on Africa. They told chilling and horrifying tales that I will not soon forget.

Thousands of Sierra Leoneans—men, women, children, and even infants—have had their limbs amputated as part of a campaign of terror by rebels. As the democratically elected government and the rebels battle over control of the nation's lucrative diamond mines, the citizens of Sierra Leone live lives of fear and tragedy. Meanwhile, the international diamond industry continues to purchase enormous quantities of diamonds from Sierra Leone. It does not matter who controls the mines, the rebels or the government, as long as the industry continues to receive its precious commodity.

I want to commend brave Sierra Leoneans who have risked their lives to tell the world about the atrocities in their country. I also want to commend organizations such as the Friends of Sierra Leone. The Friends of Sierra Leone is a non-profit organization made up of Sierra Leone emigres, former Peace Corps

volunteers, and other human rights activists. Without the hard work of the Friends of Sierra Leone and similar organizations, these atrocities would not be receiving the attention of the media and Congress.

One volunteer in particular who educated me on this issue is Massachusetts State Senator David Magnani of Framingham. Senator Magnani spent two years in Sierra Leone and another year in Kenya as a Peace Corps volunteer in the late 1960's. Since then, he has closely followed events both in Sierra Leone and throughout Africa. I appreciate his efforts on this important issue.

Consequently, I am a cosponsor of H.R. 5147, The Carat Act, introduced by Representative TONY HALL. This bill imposes an embargo on diamonds from Sierra Leone and Angola that have not been certified by their governments. Furthermore, it prohibits the shipment of diamonds from known smuggling centers. This legislation would assure that diamonds imported from unknown sources, like those that come from the mines controlled by Sierra Leone's rebels, would be embargoed from importation into the United States.

Legislation like this lets the diamond industry and Sierra Leone's rebels know that we are very serious about not importing diamonds that have come at the cost of innocent lives. It is the responsibility of Congress to take this stand, and I urge your support for this bill.

TRIBUTE TO MRS. NORINE S. GILSTRAP

HON. KAREN L. THURMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mrs. THURMAN. Mr. Speaker, I rise today to pay tribute to an extraordinary woman and a dear friend—The Honorable Norine S. Gilstrap, Tax Collector from Citrus County, Flonida. Mrs. Gilstrap is a very revered and respected tax collector who I'm sorry to say is retiring this year after 26 years of dedicated service to the people of Citrus County.

Mrs. Gilstrap is well known for being a compassionate and dynamic leader.

Even while growing up in Dunnellon during her high school years, Mrs. Gilstrap was an athlete, an artist, an enthusiast and a devoted church goer. She was active in such activities as the girls' basketball team, the theater department, in the girls' cheerleading team and in the Methodist Church Community in Dunnellon.

Ms. Gilstrap maintained high grades while holding a part time job throughout high school. She valued a college degree so much that she worked every day after school and on Saturdays as a cashier at a local food store in order to save for her education. Her work and determination to get an education certainly shows a tremendous commitment and determination.

On October 8, 1950, Norine married Robert N. Gilstrap. It wasn't long before the couple decided to start a family. As a devoted wife and mother of three children, she chose in the early years to focus much of her time to raising her family and community service. But she still longed to further her education by attending college. In 1964, she pursued her goal and enrolled at Central Florida Community College where she studied business. There she received the training that would soon prove extremely valuable to the people of Citrus County.

On December 11, 1974, her beloved husband who was then the Citrus County Tax Collector passed away. Governor Ruben Askew appointed Mrs. Gilstrap to fulfill the final two years of her husband's term. Since then, the people of Citrus County have elected her to serve more than 25 years of service as tax collector of Citrus County.

Mrs. Gilstrap has always worked toward the betterment of our community. Throughout her life, she has participated in and held leadership roles in Altrusa, Beta Sigma Phi, Citrus County Chamber of Commerce, Leadership Citrus and the Heart Ball Committee.

Her service has been rewarded with such prestigious honors as the First Annual Ten Most Admired Women in Citrus County. She was also one of the first five women inducted into Rotary. Her commitment to our community is well illustrated by her impressive list of prestigious accomplishments.

Sharon Tenbroeck, Mrs. Gilstrap's assistant of 23 years at the Citrus County Tax Collector's office noted Ms. Gilstrap's perseverance and willingness to go the extra mile. ''Her high ethics and morals will be hard to replace. Because of her compassion to serving the public in the many capacities which she does, she is considered a treasure to all that are fortunate enough to meet her,'' Ms. Tenbroeck said. ''Her kindness and compassion have caused all of her employees to consider her family and she will be missed terribly.''

Mrs. Gilstrap has touched so many lives during her lifetime of service. One such person is Alida Langley, who views Mrs. Gilstrap as a role model. ''From the time the Governor appointed Ms. Gilstrap to office, she has been professional, respected and appreciated by all,'' Mrs. Langley said. ''She is the ideal woman.'' Norine Gilstrap is the epitome of grace and goodness.

Mr. Speaker, please join me in paying tribute to Norine S. Gilstrap, a woman who stands for excellence, integrity and honor. We are all so grateful for her devoted service to Citrus County.

REMEMBERING BROTHER JAMES L. ROMOND

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. SWEENEY. Mr. Speaker, I wish to remember Brother James L. Romond, who passed away at the age of 56 on October 9, 2000. Brother James dedicated his entire life to educating and guiding America's youth. He served as Principal at La Salle Institute in Upstate New York since 1982.

Brother James was born on September 9, 1944 in Queens, New York and graduated from St. Joseph's Juniorate High School in Barrytown, New York in 1962. He entered the Brothers of the Christian Schools in 1963 and began a life long career of helping others. Brother James earned a bachelors degree in education from Catholic University of America in Washington, D.C. in 1967. He received his masters degree from Manhattan College in Riverdale, New York in 1971 and Certification in School Administration and Supervision from Fordham University in 1973.

Brother James believed that every child could achieve and provided the spark required to ignite their creativity, imagination and interest. He was known for teaching his students the value of community service, especially for the poor and needy. Annually from 1991–98, under the leadership of Brother James, La Salle's students contributed more food to an Upstate New York food drive than any other local school. Additionally, he brought the La Salle students together during Christmas for the annual Toy Drive in which they donated over 500 toys each year for the past 15 years. Brother James cared deeply for the disadvantaged and took steps to help them whenever he could.

Brother James was a friend and role model to thousands of youngsters. His presence will be missed in the halls, at the bus stop, and at the school's sporting events. You see, Mr. Speaker, Brother James made it a point to go out to the buses at the end of each school day to give students a few encouraging words and ensure they were safely on their way home. He cheered his students' accomplishments at every sporting event held at the campus. He arrived in his office by 6:00 am each day—ready to guide students through the days activities. Most importantly, he always made himself available to his students—twenty-four hours a day, seven days a week. He created a friendly, kind, and compassionate atmosphere in which students could learn and grow.

La Salle Institute in Troy, New York was twice selected as a National School of Excellence by the United States Department of Education during his tenure as principal for grades 6 through 12. Brother James previously served in several capacities at the Good Shepherd School in New York City. He taught grades 6 through 8, served as assistant principal, and fulfilled the role of principal for grades 5 through 8. He was an extraordinary educator who touched his student's hearts and minds and allowed them to believe in themselves.

Brother James was also a major force in the planning and development of several major construction projects at La Salle. His innovative planning made it possible for the school to add on a new wing of classrooms, a state-of-the-art library and fully equipped computer room. He also laid the groundwork for construction of a new gymnasium, cafeteria, and modem kitchen facility. Brother James was particularly excited about the plans for the kitchen. He enjoyed cooking very much, and prepared meals at all the senior picnics and faculty and staff occasions. I am sure his students will fondly remember his skills in the kitchen whenever they dine in the new facility.

Mr. Speaker, please join me in remembering the significant contributions of Brother James L. Romond. Brother James' dedication to religion and education were admirable, as was his desire to see his students succeed. He was a confidante to many young people and will be remembered as an educational icon whose life mission was to instill moral values and a sense of faith in students.

HONORING THE LATE DR. ALICE SMOTHERS

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to pay tribute to a daughter of Texas, Dr. Alice Smothers. She passed away on Saturday, October 14, 2000, at the age of 104.

The state of Texas, the nation and the world have lost not only a good friend for those in need, but also an outstanding educator and leader. Dr. Smothers, a well-known pioneer to many, provided a place in this world for orphaned Black children. Alongside her husband, the late J.W. Smothers, she founded St. Paul Industrial Training School. Like Dr. Smothers, the school served countless young Texans in providing training in the agricultural, industrial and technical arts for over 60 years throughout the Henderson County community. Dr. Smothers' vision and leadership allowed the St. Paul Industrial Training School to become an entity that awarded educational scholarships to needy college-bound students. To this day, the scholarship program of the St. Paul Industrial Training School has assisted over 530 students to help them realize their dreams of pursuing a college education.

I am deeply saddened that Texas, the nation and the world have lost such an exceptional and tireless trailblazer of the educational community like Dr. Smothers. I ask the House to join me in remembrance of Dr. Alice Smothers—a true champion for men, women and children everywhere.

FISH AND WILDLIFE PROGRAMS IMPROVEMENT AND NATIONAL WILDLIFE REFUGE SYSTEM CENTENNIAL ACT OF 2000

SPEECH OF

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. UDALL of Colorado. Mr. Speaker, I supported this bill when the House first considered it, but I did have some concerns about it.

Now, as it comes back to us from the Senate, it is considerably improved and I will support it without the same reservations.

The bill was prompted by the Resources Committee's oversight of the implementation of several important programs under which the federal government assists the state wildlife agencies.

As a result of our committee's review, it became clear that we should revisit the underlying statutes. At the same time, though, it's clear that some of the charges about the actions of the current Administration were exaggerated and that some of the people making those charges failed to point out similar actions that occurred during prior Administrations.

The programs of assistance to state wildlife agencies addressed by this bill are very valuable for Colorado and many other states. And I certainly agree with the bill's sponsors that it would be good to tighten the current law that allows the Interior Department an unusually large degree of discretion in the administration of these programs. However, as originally passed by the House, I was concerned that the bill went overboard in responding to the ways the Interior Department has used that discretion.

I certainly understand the purpose of limiting the amount of money that can be spent on administration, because obviously what's spent that way won't be available for the substantive purposes of the programs. But we need to recognize that administration is necessary, and adequate administration is essential to avoid the risk of misuse of taxpayer funds, either by the Department of the Interior or by other parties.

The Senate amendments would authorize more realistic funding levels for administration, and would allow some additional flexibility for unexpected administrative costs. I think those are definite improvements, and so are some other changes that reduce the extent to which the bill imposes micro-management requirements. Accountability is essential, but excessive paperwork for its own sake can eat up resources that could be put to more productive purposes.

Also, as it comes before us today the bill includes a reauthorization for the National Fish and Wildlife Foundation, so that it can continue its very important work in support of conservation and sound management. And it also includes legislation to commemorate the centennial of the National Wildlife Refuge System that is similar to H.R. 4442, a bill that I cosponsored and that the House passed earlier this year.

So, Mr. Speaker, I urge the House to concur in the Senate amendments and send the bill to the President for signing into law.

SENSE OF CONGRESS ON NEED FOR WORLD WAR II MEMORIAL ON THE MALL

SPEECH OF

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Ms. KAPTUR. Madam Speaker, I rise to express my strong support for this legislation, S. Con. Res. 145, that expresses the sense of Congress that the construction of the National World War II Memorial should be constructed expeditiously and that the appropriate site for the Memorial is on our National Mall at the Rainbow Pool. I want to thank Senator WARNER, Chairman STUMP, and all the other Members of Congress who worked to bring this legislation before us today.

As we enter the new century, it is appropriate that we reflect on the turning point of the past century. The World War II Memorial will commemorate that period between 1939 and 1945 that so profoundly reconfigured the modern world. So long as there is an America, this hallowed ground will pay homage to the superlative devotion that elevated duty, honor, and country to sacred proportion.

The location of the World War II memorial between the Washington Monument and the Lincoln Memorial is not only appropriate, but also historically coherent. Those two memorials commemorate the defining national events of the 18th and 19th centuries: our Nation's founding in the Revolutionary War and our unification during the Civil War. It is only fitting that the event that reshaped the modern world in the 20th century and marked our Nation's emergence from the chrysalis of isolationism as the leader of the free world be commemorated on this site.

As we all know, the site and the form of the memorial have been the subject of ongoing qualification and even some controversy. This is how public dialogue should ensue in our country. I believe that the site and respectful style of the memorial are most appropriate. The refined design is a beautiful tribute to a generation of Americans who sacrificed their lives in service to our country with unparalleled valor and distinction. This design enhances the Mall's representation of American history. It retains open vistas—north and south as well as east and west. And it adds trees, plantings, and waterfalls while also capturing for visitors and all Americans the significance of this most historic event of the 20th Century.

More importantly, we must acknowledge that the open, expansive process by which decisions have been made about this site and this design. The democratic process these brave Americans fought to defend has been pursued. The congressional deliberations—extensive hearings, floor action, and two separate bills—that led to the authorization of the memorial were long, frustratingly long, but they were thorough. As one sage commented, ''It has taken longer to build the memorial than it did to fight the war.'' I can now say it has taken us twice as long to build the Memorial as to fight the war—over 13 years.

Our first bill authorizing the memorial was filed in 1987, and the final bill was passed in 1993. The Administrations of two presidents, five Congresses, and a decade of administrative reviews have elapsed.

After authorization, the procedures of the American Battle Monuments Commission and the other bodies responsible for approving the memorial have been open and fair. There have been 17 open, public meetings held on the proposed Memorial since 1993. Questions have been raised and suggestions offered by Members of Congress, the general public, and interest groups about the site and style of the memorial. With that deliberative process, the concept has been refined and become more elegant and appropriate for this hallowed site.

The concept of a World War II Memorial in Washington sprang from a dogged Army veteran, my constituent, Roger Durbin of Berkey, Ohio, who fought with the 101st Armored Division in the Battle of the Bulge. It was Roger's question to me about why there was no memorial to World War II in Washington to which he could take his grandchildren that inspired the historic project that is before us today.

The thought of Roger reminds me of that auspicious day, Veterans Day, 1995, when the memorial site was consecrated with soil from American battlefield cemeteries around the world. Roger Durbin participated in that dedication, accompanied by his wife Marian. He wrote about it as follows:

> I stood on the site of the Memorial, November 10, 1995, watching the activity thereon. Touch football, stickball, Frisbee, picnicking, etc. as people enjoyed a sunny day as they would have in an ordinary public park. The next day I stood with President Clinton at the end of the glorious site dedication ceremony and scattered sacred soil

gathered from 16 military cemeteries from around the world and Arlington upon the sparse and worn grass. That is when it became the most sacred, revered, beautiful spot in America.

Sadly, Roger passed away earlier this year. Roger was deeply wounded that he would not be able to see his idea come to fruition. The architectural rendition of the Memorial was framed above his fireplace, and he has assembled a copious note and scrapbook about the legislation and administrative proceedings for the record.

For thousands of other veterans, the same is true. Since the site dedication in 1995, perhaps a third of the World War II veterans then living have left us. There are fewer than 6 million World War II veterans living today, and we are losing them at a rate of 1,000 a day! I feel a great urgency to complete this project on schedule. As many as possible of the brave Americans who served during that conflict, abroad and on the home front, should bear witness to this memorial in its final form. Is this too much to ask?

Of course, all veterans' organizations and students of history recognize what this generation achieved in the triumph of freedom over tyranny. As Americans in future generations visit our Nation's Capital, they will have an opportunity to stop along the Mall to reflect on a time when America went to war to defend our fundamental political values. Millions of visitors every year traverse this site already as they wend their way between the various memorials, parks, roads, and special events that give our National Mall its public character. They will be able to reflect on the level of commitment that engaged millions of Americans and our allies in combat during World War II.

The World War II memorial will thus serve as a symbol of our legacy to the future centuries: a determination to defend democracy at any cost. The world's political landscape was reshaped for all time as a result of the Allied victory. I urge the Commission to approve the architectural and landscape design as presented today. Let us move expeditiously toward the groundbreaking this coming Veterans Day in the first year of a new century and the advent of the new millennium.

Again, Madam Speaker, I fully support S. Con. Res. 145 and urge its passage.

IN RECOGNITION OF PALADIN DATA SYSTEMS

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. INSLEE. Mr. Speaker, I rise today in order to publicly praise a tremendous high-tech company in my district, Paladin Data Systems. Paladin, based in Poulsbo, Washington, was recently ranked number 59 among the 500 fastest growing private companies in the nation by Inc. Magazine.

Paladin specializes in implementing both Oracle and Microsoft based solutions, Oracle database development, consulting and remote administration, technology training. Founded in 1994, Paladin was voted one of the ''Best Places to Work'' by Washington CEO Magazine in 1998, 1999, and 2000. The Puget Sound Business Journal placed Paladin at number 69 on their list of the 100 fastest growing private companies in Washington. It is clear that Paladin, now with over 70 employees, is indeed fueling the engine of our new economy.

Paladin also recognizes that the students of today must receive a comprehensive high-tech education so that they are able to secure jobs in the high-tech corridors of Puget Sound. To that end, Paladin has partnered with the Bremerton, Central Kitsap, North Kitsap, South Kitsap, North Mason, and Peninsula School Districts to form the West Sound School-to-Career consortium to train faculty members to teach the most recent information technology to our young people. Moreover, Paladin received a $100,000 Information Technology Education Grant from Washington State and contributed $50,000 of its own funds for this exciting partnership.

Paladin is just one of the many high-tech, bio-tech, and information technology businesses that are stimulating economic growth and creating new jobs in our country. Like many other Members of Congress, I value the contributions of our dynamic high-tech industry and want to make sure that the government continues to take appropriate action to help stimulate and develop this industry. I invite other Members of Congress to join me in congratulating Paladin Data Systems for their amazing success and wishing them nothing but the best in years to come.

TRIBUTE TO THOMAS J. SWEENEY

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Ms. ESHOO. Mr. Speaker, I rise today to honor a patriotic American and a distinguished leader in the labor movement, Thomas J. Sweeney.

A native and lifelong resident of Oakland, California, Tom Sweeney was the devoted husband of Ann-Marie Sweeney for 51 years, the father of Susan Eldridge and the proud grandfather of four, including Teo and Michelle Eldridge. He served ably as Local 595's Business Manager, as an officer of IBEW's International Executive Council, as a Commissioner of the Port of Oakland and as President of the Building Trades Council.

When Tom Sweeney's life ended on August 11, 2000, at the age of 78, he had raised his family, served his community, succeeded at providing countless opportunities for generations of working Americans and made his beloved nation a much better place.

It is an honor for me to pay tribute to this good man and I ask Mr. Speaker, that my colleagues join me in offering our condolences to the family of Tom Sweeney and pay tribute to a life lived so well.

IN CELEBRATION OF THE DEDICATION OF THE RONALD V. DELLUMS FEDERAL BUILDING, OAKLAND, CA

HON. IKE SKELTON

OF MISSOURI

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. SKELTON. Mr. Speaker, it is with great honor that my colleague, Ms. LEE and I rise in recognition of one of our greatest statesmen, Congressman Ronald V. Dellums, and in celebration of the dedication of the Ronald V. Dellums Federal Building in Oakland, California.

The Dellums Federal Building is considered the ''Gateway to the East Bay'' and has enhanced the Oakland city skyline. The distinct twin towers of this $200 million project has played a pivotal role in the revitalization of the downtown area. Additionally, this building was built by a local and diverse workforce.

Mr. Dellums was first elected to the U.S. House of Representatives in 1970, serving until his retirement in 1998, Mr. Dellums was a distinguished and respected leader in the Congress and throughout the world and remains a tireless leader on behalf of peace and justice.

His diverse accomplishments include his leadership and vision as the Chair of the Congressional Black Caucus, Chair of the House Armed Services and District of Columbia Committees; his challenge against the Vietnam War; his belief and advocacy of ''Coalition Politics'' as a way to truly evoke change in the political arena; his leadership and vision laid to the foundation for base conversion and ultimately the job creation and business development of these former military installations; his legislation to expand the Port of Oakland and estuary dredging; his tireless commitment to youth; and his National Heath Service Act, which has long been considered the most comprehensive and progressive health care proposal since it was first introduced in 1977.

The true leadership of Mr. Dellums, and quite possibly the most rewarding moment in his career, was his vision to have the U.S. end its support of the racist apartheid regime of South Africa. Mr. Dellums was among the first in Congress to lead the international Anti-Apartheid movement. For years, until Nelson Mandela was released from prison, he faithfully introduced a bill and lobbied his colleagues for support of having Congress impose sanctions against the South African government.

Since his retirement from Congress, Mr. Dellums has served as the President of Healthcare International Management Company focusing on global health issues, most notably the AIDS pandemic. He serves as the Chair of President Clinton's Advisory Committee on HIV/AIDS. He has also recently written his memoirs, ''Lying Down with the Lions: A Public Life from the Streets of Oakland to the Halls of Power.''

It is with great pride that we offer recognition of some of the monumental contributions made by Ron Dellums to better our community, country and world. There is no other leader more deserving of having a Federal building named in his or her honor. Thank you Ron.

RECOGNIZING THAT GREATER SPENDING DOES NOT GUARANTEE QUALITY HEALTH CARE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. STARK. Mr. Speaker, in these waning days of the 106th Congress, we are considering a bill that will give back nearly $30 billion to managed care organizations, hospitals, and health care providers. These groups argue that without spending increases, quality of health care will suffer. The assumption: more money means better care. Of course adequate funding is necessary to effectively run hospitals, health plans, and clinics—but is that all it takes to ensure quality?

In fact, greater spending does not always guarantee better quality.

I would like to call my colleagues' attention to a recent report published in the Journal of the American Medical Association (JAMA) entitled, ''Quality of Medical Care Delivered to Medicare Beneficiaries: A Profile at State and National Levels.'' This report, compiled by researchers at the Health Care Financing Administration, ranks states according to percentage of Medicare Free-for-Service beneficiaries receiving appropriate care. The researchers looked at a range of health problems, including strokes, heart failure, diabetes, pneumonia, heart attacks, and breast cancer. There is remarkable consensus in the medical community about what constitute appropriate care for these conditions. For example, health professionals agree that conducting mammograms at least every 2 years can save countless lives in the fight against breast cancer. They also agree that heart attack victims should be given aspirin within 24 hours of being admitted to a hospital.

If the claims of the managed care, hospital, and provider groups are accurate, states receiving the most Medicare spending should implement more of these scientifically validated practices. So I compared state performance rankings with Medicare payment estimates (per beneficiary). The results do not support this view. In fact, the 10 best performing states received 17 percent less in Medicare payments per enrollee than the 10 worst performers. Clearly, more money does not automatically translate into better health care nor does less money mean poor health care.

Furthermore, according to this JAMA report, all states could do a better job of implementing quality care. On average, only 69 percent of patients received appropriate care in the typical state. This figure dropped as low as 11 percent for certain practices, such as immunization screenings for pneumonia patients prior to discharge. A clear trend also emerged—less populous states and those in the Northeast performed better than more populous states and those in the Southeast.

What accounts for these differences in performance? JAMA authors suggested that, ''system changes are more effective than either provider or patient education in improving provision of services.'' Perhaps this is why states that have instituted health care reform, such as Vermont and Oregon, demonstrated relatively high levels of performance at lower cost.

Authors of the JAMA article further suggested that it is necessary to hold all stakeholders accountable, not just health care providers and health plans. This includes, ''purchasers, whether Medicare or Medicaid, . . . because they are making continual and important decisions that potentially balance quality against expenditures.''

I call upon my colleagues to recognize that we too are accountable. Medical experts agree on best practices. So we must do more than just authorize spending, we must recognize what constitutes quality care and expect providers, hospitals, and health plans to deliver. Medicare beneficiaries across the United States deserve the best care available and this cannot be achieved through greater spending alone. We are fooling ourselves if we believe that more money will automatically translate to better care.

COMMENDING WOODROW WILSON ELEMENTARY SCHOOL

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. CALVERT. Mr. Speaker, today I highlight the Woodrow Wilson Elementary School, in my hometown of Corona, as a model of cooperation between local governments and private home builders—a partnership which will become more important as California will need more than 2,000 new schools in the next 20 years.

As a former active realtor, I was pleased to dedicate, on September 29, this first permanent, developer-built school in California. Thanks go to: Lt. Governor Cruz Bustamante; President Jose Lakas and the Corona-Norco School Board Members; Mayor Jeff Bennett and the City Council; and, finally, my good friend, Jim Previti for helping to make this school possible.

The Census Bureau reports that state and local governments spent $40 billion in 1999 on construction, modernization, and renovation of public education facilities in the United States—up 54 percent from 1995. In addition, elementary schools typically take 30 to 48 months to complete. However, Turn Key Schools of America and Forecast Homes, who designed and constructed this school, along with the Corona-Norco Unified School District, raised the bar. They were able to complete this school in just 13 months and well below the average construction cost of an elementary school thereby saving taxpayers millions of dollars. This partnership demonstrates what local communities and private businesses can accomplish when they work together.

Our 28th President, Woodrow Wilson was a lawyer, author, educator, administrator, Governor, and President. Education played an important role in his life. Prior to the Presidency, Woodrow Wilson's progressive programs and innovations were fostered as President of Princeton University. Finding new and better ways to meet the educational needs of our children, which is what was accomplished with the construction of this school, is an idea that would have fit nicely with Woodrow Wilson's school of thought.

Mr. Speaker, I am committed to making sure that every education dollar is well spent. This means allowing local school districts, principals and teachers to decide where and how education dollars can best be used, which includes ensuring that schools are built in a timely and cost-effective manner. I am also committed to allowing greater flexibility for the states and local governments to enter into such partnerships which allow the design of child-centered facilities and programs run by caring teachers and principals who know the names of each child.

I want every child to have the opportunity to fulfill their dreams—that could mean becoming a nurse, a teacher, an Olympic athlete, or becoming the President of the United States. All of those dreams can start becoming a reality sooner at Woodrow Wilson Elementary School because of the innovative thinking behind its construction.

Woodrow Wilson once stated, ''This is the country which has lifted, to the admiration of the world, its ideals of absolutely free opportunity—where no man is supposed to be under any limitation except the limitations of his character and of his mind; where there is supposed to be no distinction of class, no distinction of blood, no distinction of social status, but where men win or lose on their merits.'' Our goal is to ensure that all schools afford all children the opportunity to pursue their dreams. For the students at Woodrow Wilson Elementary School, those dreams take shape in the halls and classroom.

The partnership which made this school a reality is a win-win situation for everybody—it cuts the bureaucratic redtape for the local school district, it relieves the over-crowded schools in the area, and it saves taxpayers million of dollars. However, the most important winners at Woodrow Wilson Elementary are the students who now have a brandnew, state-of-the-art school where they can begin their educational journey and realize their hopes and dreams.

I applaud all of those who had a hand in this innovation. Our community is proud of you and grateful for your vision.

DIGITAL POSTPRODUCTION TAX CREDIT

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. WELLER. Mr. Speaker, today, I am introducing legislation, along with my colleagues Representatives FOLEY, BECERRA, MATSUI, RAMSTAD, ROGAN, SENSENBRENNER, ENGLISH, JOHN LEWIS, COYNE, CONDIT, BERMAN, WAXMAN, SESSIONS, MALONEY, and TUBBS-JONES, to provide for a small business tax credit for digital postproduction. These small businesses standardize film, television, music and technology products for mass consumption by electronically enhancing the master copy. Postproduction companies need help dealing with a government mandate which, without our assistance, may put many of these small, technology related businesses out of business.

On December 24, 1996, the FCC mandated a new terrestrial Digital Television standard, replacing the one that existed for 50 years. While adopting an Advanced Television Systems Committee (ATSC) standard, the FCC did not designate a single transmission format.

As a result, the postproduction industry has already invested in millions of dollars worth of equipment to be used in creating High Definition (HD) Broadcasting. Without HD broadcasting, the U.S. will be surrendering the advanced research and technological position which has sustained the preeminence of the American entertainment and information industry.

The FCC specifically chose not to mandate a single digital display format. I agree that diversity in formats is a logical way to proceed by allowing the marketplace to decide on the best format(s). However, for the postproduction process the complexities created by the requirement to support these new standards has exponentially increased the cost and complexity of their transition to digital television in the short run.

The legislation will help to keep the domestic digital postproduction industry strong. The proposed tax credit would provide for a 20 percent credit for current capital expenses incurred for digital postproduction machinery and equipment less a floor equal to their average annual gross receipts from digital postproduction services for the prior four years. The taxpayer would reduce the depreciable basis of the equipment by the credit claimed. Additionally, the credit would sunset at the effective date of the FCC mandate.

Mr. Speaker, I ask my colleagues to join me in cosponsoring this important legislation.

PRESERVING OUR HERITAGE

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. FARR of California. Mr. Speaker, today, I would like to commend and congratulate the Porter family from my district for preserving the California heritage that is threatened daily by the pressures of urban sprawl.

According to the California Department of Conservation nearly 70,000 acres of open space was devoured by development in my state between 1996 and 1998.

Soaring land values and the incessant demand for new homes and stores often make it hard for rural families to say no when developers want to buy their land.

But the Porters already have their minds made up. Bernice H. Porter's estate recently bequeathed the family's 684-acre Circle P Ranch in the Pajaro Valley to the Land Trust of Santa Cruz County. The family's perpetual agricultural conservation easement is a major coup for the land trust, a small local non-profit group. It is the land trust's largest easement of this kind, ever.

Under the terms of the easement, the ranch can only be used for grazing and irrigated agriculture. It cannot be subdivided or developed now or by any future owner.

The parcel stretches for miles east of the city of Watsonville, with farming and ranching operations side by side. The rolling hills at the base of the Santa Cruz Mountains are green or gold depending on the season.

Bernice's daughter Diane Porter Cooley said recently that the hills help to define the local climate and ''form the scenic and historic backdrop for the valley.'' They should be preserved, she added, not only for the sake of agriculture, not only for the rare habitats they contain, but also because they are simply beautiful to behold.

There are deer, coyotes, bobcats and a wide variety of birds. For decades, the Porter family has invited school and church groups, history buffs and birding enthusiasts to tour the ranch.

The Porters and others who bequeath their land in a conservation easement often receive some tax incentives. With today's soaring land values in California, estate taxes can often be a real burden, and conservation easements can provide some relief.

But the Porters' decision went far beyond good business sense. Increasingly in California, we are dependent upon farmers and ranchers to act as stewards for our rapidly vanishing farm land and open space.

And the Porters have clearly risen to the occasion. This family embodies what is best about our California heritage—deep reverence for our shared past and great concern for our destiny.

These actions should serve as a model for land owners in California. Land assets should be used to preserve the heritage of our great state and our families, for the benefit of all who ever live among us. I encourage others to follow the Porters' example.

IN RECOGNITION OF MR. PAUL H. KRALMAN

HON. DAVID D. PHELPS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. PHELPS. Mr. Speaker, today I rise to recognize one of my district's leaders in veterans affairs, Mr. Paul H. Kralman. A lifelong resident of Effingham, IL, Mr. Kralman first served his country in World War II. Since that time he has been a member of the Effingham American Legion Post No. 120, and he has held many offices within the post including Department Vice-Commander of the Fifth Division of Illinois. Mr. Kralman also served as the Veterans Service Officer with the state of Illinois for many years. His most recent efforts have been with the Effingham County Veterans Assistance Commission where he resides as superintendent. At the end of this year Mr. Kralman will retire at the age of 82.

Mr. Kralman has helped numerous veterans in my district receive their benefits. He was awarded the site for a Veterans Affairs Outpatient Clinic which has helped numerous veterans receive medical help close to home. Through his dedication and hard work, the Veterans Affairs Outpatient Clinic is a great success.

It is with this, Mr. Speaker, that I say congratulations to Mr. Paul Kralman on his excellent accomplishment. Due to his dedication to his fellow veterans, it is clear that Mr. Kralman is an asset to our country and the people who fought for it.

EMMANUEL EPISCOPAL CHURCH ACHIEVES NATIONAL HISTORIC LANDMARK STATUS

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. COYNE. Mr. Speaker, today I inform my colleagues that Emmanuel Episcopal Church in Pittsburgh, PA, was recently designated a National Historic Landmark.

In order to be designated at National Historic Landmark, a structure must be determined to be ''historically, architecturally, or technologically important to the nation as a whole.'' Emmanuel Episcopal Church certainly meets this standard.

Emmanuel Episcopal Church is the last church designated by the famous American architect, Richard Henry Hobson Richardson. It is an enduring example of his widely acclaimed ''Richardson Romanesque'' style. Emmanuel Episcopal Church is the only Richardson-designed church in Pennsylvania, and it is one of three striking buildings in Pittsburgh that Mr. Richardson designed. Emmanuel Episcopal Church is often referred to as Richardson's ''small masterpiece'' because it was built on a lot measuring only 50 feet by 100 feet in size. Since Emmanuel Episcopal Church was the last church that Mr. Richardson designed, it can legitimately claim to be one of the most advanced examples of this distinguished architect's singular vision. Mr. Richardson himself claimed that his Pittsburgh buildings—Emmanuel Episcopal Church, the Allegheny Courthouse, and the Allegheny County Jail—were his best work.

The church was dedicated in 1886 and cost only $12,000 to build, but it is characterized by intricate brickwork, a steep slate roof, well-proportioned windows and doors, and a plain rounded apse. All of the buildings' original features—with the exception of its wrought iron gas chandeliers, which have been replaced with electric lights—have been faithfully preserved.

I should note that this important accomplishment was primarily the result of the efforts of one long-term Pittsburgh resident, Mary Ellen Leigh, with the support of Emmanuel's Vicar, the Reverend Don C. Youse, Jr., and the church's congregation. I commend her for all of her hard work and her dedication to this important project.

I am pleased that Emmanuel Episcopal Church has been designated a National Historic Landmark. It is my hope that this designation will help in efforts to preserve this important architectural treasure and help to promote the cause of historic preservation in Allegheny County and across the country.

HONORING THE ATHLETES OF SANTA CLARITA VALLEY AND THE SAN FERNANDO VALLEY

HON. HOWARD P. ''BUCK'' McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. McKEON. Mr. Speaker, I want to commend the athletes from the Santa Clarita Valley and the greater San Fernando Valley for

their outstanding performance in the games of the XXVIIth Olympiad, which began on September 15, 2000 in Sydney Australia. The majority of the San Fernando Valley lies within the 25th Congressional District. If the Greater San Fernando Valley was its own country, it would rank 14th in the gold medal count, just behind Hungary.

The Olympians exemplify all that is right with America. To become a member of the United States Olympic Team, the athletes needed tremendous discipline to maintain grueling training schedules. They made personal sacrifices in order to reach their goals and have continually displayed outstanding sportsmanship. They are truly a credit to our country.

Olympians who call the 25th Congressional District home include Adam Setliff, who placed fifth in the men's discus throw; Crystl Bustos, member of the women's softball team which won the gold medal; Anthony Ervin, winner of a gold medal in the men's 50-meter freestyle and a silver medalist in the men's freestyle relay; Mark Crear, winner of a bronze medal in the men's 110-meter hurdles; and Maurice Greene, who won a gold medal in the men's 100-meter race as well as a gold medal in the men's 100-meter relay.

The efforts of these athletes are reflected not only in their collective medals but in the respect of every American. I would like to thank the Olympians for their tireless effort, dedication and contribution to America.

THE GRAND OPENING OF THE MICHAEL A. GRANT BOYS AND GIRLS CLUB IN AUSTELL, GEORGIA

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. BARR of Georgia. Mr. Speaker, today I recognize the Boys and Girls Club of Cobb County, Georgia for its hard work, and congratulate this organization, and the many men and women who constitute its work force, on the grand opening of the Michael A. Grant Boys and Girls Club located in Austell, Georgia.

The Boys and Girls Clubs of America is an outstanding organization which provides children, particularly disadvantaged children, with programs and services that promote and enhance the development of boys and girls by installing a sense of competence, usefulness, belonging and influence.

In 1956, the Boys Clubs of America celebrated it 50th anniversary and received a U.S. Congressional Charter. In 1990, the national organization's name was changed to the Boys and Girls Clubs of America. Accordingly, Congress amended and renewed the charter.

I commend the Boys and Girls Club for its dedication and commitment too positively influencing the lives of boys and girls every day, and for its outstanding leadership throughout our community and the country.

NATIONAL CHEMISTRY WEEK

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. BORSKI. Mr. Speaker, I rise today to honor the week of November 5th to November 11th in Pennsylvania as ''National Chemistry Week''. During this week the American Chemical Society volunteers should be commemorated for their efforts to increase public awareness about the crucial role chemistry plays in everyday life. It is vital to recognize that this science gives us the power to understand and to use the elemental building blocks of all material things.

The American Chemical Society is the largest organization of its type in the United States. The Philadelphia branch of the organization is not only the largest section in Pennsylvania, but also one of the most active in the entire nation. This is quite an accomplishment for our state, as there are nearly 200 sections across the United States.

During National Chemistry Week, many local companies and universities in the Philadelphia area will be involved and volunteer their time to celebrate and make an impact among the community about the benefits and necessity of chemistry. Their commitment to spreading the values of chemistry is of great importance, as the science of chemistry provides the fundamental understanding required to deal with many of society's needs, including several that determine our quality of life and economic strength.

People involved in the chemistry field use the science and their knowledge to help feed the world's population, tap new energy sources, clothe and house humanity, provide renewable substitutes for dwindling or scarce materials, improve health, conquer disease, strengthen our national security, and monitor and protect our environment.

Mr. Speaker, National Chemistry Week should be honored for directing our attention to the myriad contributions of their science to the service of all humanity. I congratulate all who participate in this field and who dedicate themselves to creating a week for the entire nation to learn from and enjoy.

CENTRAL NEW JERSEY RECOGNIZES THE NEW JERSEY SHADE TREE FEDERATION FOR 75 YEARS OF SERVICE

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. HOLT. Mr. Speaker, I rise today in recognition of the New Jersey Shade-Tree Federation and its on-going dedication to preserving our communities. I applaud the work of the Federation in striving towards a delicate balance between our community's desires to expand, and our environment's need for smart, sustainable growth.

The roots of the Shade Tree Federation can be traced back to September 27, 1910. For it was on this date that the State Forester, with the approval of the Forest Commission, called on the executives of 124 municipalities. Some 30 delegates from 24 cities, towns and boroughs gathered to discuss ways to advance and protect the interests of shade trees throughout New Jersey. At the conclusion of this conference, the attendees unanimously voted to form a permanent association to protect and foster the interests of Shade Trees.

In 1924 the State promoted future growth of the Federation by passing the County Shade-Tree Act. Then, in 1925, the Department initiated the movement for closer collaboration among the shade-tree commissions in the State and organized the ''New Jersey Federation of Shade-Tree Commissions.''

Since its inception, the Federation has gathered to discuss the important issues of the times, ranging from the advent of chainsaws and bucket trucks to the devastation of Dutch Elm disease and Gypsy Moth outbreaks. One common thread has remained evident throughout the Federation's existence: trees are an important part of people's lives.

Once again, I applaud the efforts of the New Jersey Shade-Tree Federation and ask all my colleagues to join me in recognizing their steadfast commitment to preserving true assets of our communities for future generations.

TRIBUTE TO MARY RAINWATER

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. WAXMAN. Mr. Speaker, it's a great pleasure for me to pay tribute to Mary Rainwater, the executive director of the Los Angeles Free Clinic, for her tireless service to the Los Angeles community. Mary oversees the delivery of vital health services, including free medical and dental care, HIV education, counseling and testing, and prenatal care to tens of thousands of people each year. Her agency also provides job placement and training, low-cost legal assistance, and psychological counseling to support some of the most vulnerable members of our community.

Before coming to the LA Free Clinic, Mary served as an adult literacy tutor, a guidance counselor for inner city youth, and a psychiatric social worker for homeless mentally ill individuals.

In nearly eleven years as executive director, Mary's guidance has helped the LA Free Clinic double its budget and increase fourfold the number of patient visits its professionals provide. Without the LA Free Clinic, many of these patients would not have access to the cancer screening, family planning, and mental health services they need. The U.S. Department of Health and Human services has recognized the Hollywood Center, which opened under Mary's watch, as a ''Model That Works'' to provide comprehensive services to at-risk youth.

In addition to her work with the LA Free Clinic, Mary serves the community through her memberships of the Hollywood Chamber of Commerce Board of Directors, the Board of Directors of the Community Clinic Association of Los Angeles County, Free Clinics of the Western Region, and the California Primary Care Association's Executive Committee.

The people of Los Angeles and our entire nation owe Mary a debt of gratitude for her tireless work and tremendous record of achievement.

RECOGNIZING INTERCONTINENTAL TERMINALS COMPANY AS THE DEER PARK CHAMBER OF COMMERCE 2000 INDUSTRY OF THE YEAR

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. BENTSEN. Mr. Speaker, I rise to congratulate International Terminals Company for being honored as the Deer Park Chamber of Commerce 2000 Industry of the Year. The Intercontinental Terminals Company's commitment to building a better future for the Deer Park community has made it an example that all industry can follow.

Since 1974, the Intercontinental Terminals Company (ITC) and its employees have been responsible members of the Deer Park area, in my district. Originally formed as a grassroots chemical and petrochemical storage and distribution terminal, ITC has grown to a capacity of over 7 million barrels. Today, ITC owns and operates on a world-scale, for-hire bulk liquid terminal. The company will store and distribute approximately seventy different chemicals, petrochemical, and petroleum products for over 100 customers including Deer Park manufacturers such as Rohm and Haas, Dow, Shell, all connected to the ITC via pipeline.

ITC is responsible for transporting over 2 billion gallons of various products safety, efficiency, and in an environmentally sound manner. Last year, they successfully loaded and unloaded over 600 deep water tankers, 2900 barge tows, 8900 rail cars, and 14,000 tank trucks.

Employing over 140 people, ITC is dedicated to worker safety and environmental performance. As a member of the East Harris County Manufacturers Association, ITC supports its initiatives to foster and maintain a productive relationship between industry and the community. They participate in the Responsible Care Programs and the Local Emergency Planning Committee, and the Deer Park Fire Department annual Toys for Tots campaign. In addition, ITC actively participates in the Deer Park Independent School District Annual Industry Awards Banquet and has financially supported several Deer Park baseball and soccer leagues.

Mr. Speaker, I congratulate Intercontinental Terminals Company, on being named the Deer Park 2000 Industry of the Year. This is a well-deserved honor for their hard work and dedication in expanding business, instituting initiatives to protect the environment, and a commitment to strengthening the community.

STATEMENT OF U.S. REPRESENTATIVE JERRY COSTELLO HONORING THE 100TH ANNIVERSARY OF CARPENTERS LOCAL 480

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in honoring the 100th anniversary of Carpenters Local 480.

Carpenters Local 480 had its charter issued to them on February 13, 1900. That year they listed John Dippel, John Hexter, Joseph Hester, Harry Merrick, Carl Ross, William Schaeffer, Jacob Scheid, Louis Scheid, William Scheid, Edward Schiek, Henry Schiek and Henry Wilhelm as their first charter officers. The first elected officer of Local No. 480 was H. Geiger who was elected the Financial Secretary and was charged with the responsibility of collecting dues and assessments.

By 1907, Local 480's rolls increased to 16 members, which held until 1940. At that time, Local 480-Freeburg merged with Local 1559-New Athens, bringing the membership an additional 25 members. Dues at that time were set at $1.25 a month for all inactive and pensioned members. Arthur Och was named the Business Representative for Freeburg, Illinois and Ed Knopp was named the Representative for New Athens.

In 1947, membership increased to 35 members. In 1966, with membership hovering around 38 members, the International Union had pressed all locals to hire full-time representatives to ensure jurisdictional issues were considered. Louis Geiger was named as the first full-time Business Representative. At that time, there were only 14 local unions in the Tri-Counties Illinois District Council of Carpenters, with only two that were large enough to hire full-time representatives. Remaining smaller locals were then merged into four. Local 480-Freeburg, Local 1361-Chester, Local 1997-Columbia and Local 1675-Breese.

Further consolidations of the locals occurred in the 70's. Many changes occurred after the consolidations, bringing with it new challenges and new opportunities. A full-time Financial Secretary position was created at this time to handle the growth in the membership and to handle the responsibilities of caring for the members well-being. Further growth in membership and an expansion of Local 480's area, necessitated the need for the creation of Field Stewart positions in each of the communities in the local.

With the phenomenal growth of the local and the expansion of their responsibilities, in 1975 the local opened their headquarters building in Freeburg. Since then, the members of Local 480 have contributed to the growth and development of the metro-east. Evidence of their handiwork is everywhere, from new schools, shopping and commercial centers, public buildings and fine residential homes.

I am proud of the history and accomplishments of Local 480 and I look forward to the future with the confidence that the facilities we work, visit and live in are the direct results of hard work of the members of Local 480.

Mr. Speaker, I ask my colleagues to join me in honoring Carpenters Local 480 on the 100th anniversary of their founding and to recognize the members of the local, both past and present, for the quality service that they have been providing to the people of our area for the past 100 years.

NATIONAL CHILDREN'S MEMORIAL DAY

SPEECH OF

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. KNOLLENBERG. Madam Speaker, I rise today to voice my strong support for the families, friends and loved ones of the many, many children who pass away every year. Regardless of the cause of death, regardless of the location, regardless of the age, a horrendous void is created in the lives of those left behind. When a child dies, the effect is simply devastating to the family. For those of us who have not suffered this pain, it is incomprehensible and different for each person—a pain that may dampen in time, but which never fully goes away.

However, there is one thing that the families and loved one of the departed have to help them in their time of need—the support of others who have suffered a similar loss. Those in the healing process report that one of the most effective measures is simply to have a strong network of support and encouragement. And this is why I have sponsored, along with Mr. OSE of California and Mr. MCINTOSH of Indiana, this resolution recognizing the purposes and goals of a National Children's Memorial Day.

Such is the goal of the Compassionate Friends Organization—a national non-profit group that offers friendship and understanding to families grieving the death of a child at any stage of development and from any cause. As one example, Compassionate Friends offers comfort and assistance to families who suffer from the tragedy of stillbirth, miscarriage, and Sudden Infant Death Syndrome (S.I.D.S.). Their web site identifies symptoms of grief, notes impacts on marriage, discusses subsequent pregnancy, and has remarks about coping with family and friends and lays out some helpful suggestions.

Compassionate Friends originated in England in 1969. Their first U.S. chapter was founded in 1972. They now have chapters in 24 countries and in every state in the nation—nearly 600 altogether. Their mission is simply to provide a supportive environment with no religious affiliation, no membership dues or fees, and services open to all bereaved family members. Compassionate Friends is the impetus for this resolution.

I would like to salute in particular their Executive Director, Mrs. Pat Loder, a resident of Michigan's Eleventh Congressional District, my district. She has been a driving force behind National Children's Memorial Day, this year and in years past. I encourage you to visit the Compassionate Friends website at www.compassionatefriends.org and learn more about their organization.

On December 10, Compassionate Friends will hold their fourth annual worldwide candle lighting event. Starting in New Zealand, candles will be lit for one hour beginning at 7 pm local time, creating a 24-hour observance around the globe. This simple act goes a long way to offer peace of mind and soul and goes a long way to help those who have lost a child, a grandchild, a sibling or a friend, particularly during the December holiday season, when the loss is often the most difficult to bear.

For the past two years, the Senate has recognized the second Sunday in December as National Children's Memorial Day. And last year the House passed a resolution similar to what we are considering here today. This concurrent resolution expresses the sense of Congress that a National Children's Memorial Day should be established and asks the President to issue a proclamation calling on Americans everywhere to observe ceremonies and activities which serve to remember these dearly departed souls and the grieving families and friends.

I can assure you, to those families who have lost loved ones, the support that we show here, this simple and easy resolution will go a long way in helping them cope with their loss. It is important for families who have suffered such a loss to know that they are not alone. Please help me in passing this joint resolution and express your support for this worthy and noble cause.

We carry the responsibility to honor and remember those who have died before their time. And as compassionate, concerned citizens, one of the best actions we can take is to honor the souls of the dearly departed and to support those who are left behind.

I encourage all of my colleagues to join me in passing this measure. Please show your support to bereaved parents across America.

A SPECIAL TRIBUTE TO LTC THOMAS J. LEE, ARMY NATIONAL GUARD, FOR HIS DEDICATED SERVICE

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. GILLMOR. Mr. Speaker, it is with great pride that I rise today to pay special tribute to an outstanding officer in the Army National Guard. Lieutenant Colonel Thomas J. Lee recently transferred from his position as the Plans and Action Support Officer in the National Guard Bureau's Counterdrug Program.

Tom Lee began his service to country when he enlisted in the United States Air Force in 1968 as a weather observer. After tours at Anderson Air Force Base, Guam, and Offutt Air Force Base, Nebraska, he entered Officer Candidate School in the New York Army National Guard as a field artillery officer in 1982.

Tom Lee first became active in the counterdrug effort when he left his assignment as Chief of the National Guard Protocol Branch to become the National Guard Counter Narcotics Liaison with the Headquarters of the Sixth Army at the Presidio in San Francisco, California in May, 1994. He then served as the Operations Officer for the Southwest Region, and as Chief of the Southeast Region Branch in the National Guard Bureau's Counterdrug Program before assuming his position as Plans, Action Officer in October, 1997.

Mr. Speaker, in each of these counterdrug positions, Lieutenant Colonel Lee has made a personal impact in an ongoing struggle that, as a nation, we have yet to win. He has labored passionately to educate Members of Congress and their staff members on the unique abilities of the Army and Air National Guard in stemming the plague of illegal drugs from our neighborhoods. Our nation is stronger today because his sound counsel, his practical knowledge and his tireless pursuit of the possible.

Lieutenant Colonel Lee has received numerous, well-deserved, military awards and decorations for his service to the nation. No award is more appropriate, nor more fulfilling for him, than the knowledge that his efforts give America's youth a better chance at a drug-free future.

Mr. Speaker, I am confident that Lieutenant Colonel Thomas J. Lee will demonstrate the same dedication and high competence in his new instructional position at Fort Leavenworth, Kansas that has been his trademark with the National Guard Bureau. I would ask my colleagues of the 106th Congress to join me in paying special tribute to this citizen-soldier and patriot. We thank him, and wish him the very best in his continued service as an officer in the Army National Guard.

INTRODUCTION OF THE NATIONAL DEFENSE FEATURES PROGRAM ENHANCEMENT ACT OF 2000

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. WELDON of Pennsylvania. Mr. Speaker, I am pleased to join my colleague from New Jersey, Mr. FRELINGHUYSEN, in introducing the National Defense Features Program Enhancement Act of 2000, a bill we intend to push to enactment next year if the Government of Japan, the Japanese vehicle manufactures, and the Japanese carriers continue to undermine our efforts to breathe life into the National Defense Features program.

We created the NDF program because we believed it would be the most cost-effective way to augment the substantial investment that is being made in new ships by the Navy. Having seen one very attractive proposal by which vessels would be built to carry cars from Japan to the United States and refrigerated products on the return leg, we authorized and appropriated funds in the mid-1990s to jump start the program. Since then, we have continued to look for ways to make the program as attractive as possible to companies to build ships in the United States for operation in the United States-Japan and other trades. In just the past week, for example, Congress approved as part of the National Defense Authorization Bill for FY 2001 a provision that would expand the Secretary of Defense's authority to finance appropriate projects under the NDF program.

In authorizing this program, we had hoped that the Government of Japan in particular would find mutual defense benefits in promoting it. We have written the Prime Minister, we have met with the Ambassador, we have received expressions of support from the Vice President of the United States and our Secretary of Defense, and yet nothing seems to have come of our efforts so far.

Unfortunately, we have regularly heard the same response. The Government of Japan insists that the decision to employ NDF tonnage is strictly a matter for the vehicle manufacturers and shipping companies to make since it involves a commercial matter. They in turn have argued that, since the program focuses on mutual defense, the Government should take the lead. As so often happens, no one has been willing to step forward to take the initiative.

As our colleagues can no doubt appreciate, our patience is beginning to wear thin. I understand our able Secretary of Defense has recently indicated the importance of the NDF program in discussions with his Japanese counterpart. Perhaps we will finally see some movement. If not, the time to legislate will have arrived.

Our bill is designed to create the necessary incentives for the Government of Japan and the vehicle and shipping interests to promote the NDF program. If the Federal Maritime Commission finds that vessels that would be built in the United States under the NDF program are not employed in the particular sector of a trade route in the foreign commerce of the United States for which they are designed to operate and if that sector of the trade route has been dominated historically by citizens of an allied nation, then the Commission shall take action to counteract the restrictive trade practices that have led to this situation.

We trust all concerned appreciate our determination to bring the NDF program to life.

COMMENDING THE RIVERSIDE NATIONAL CEMETERY SUPPORT COMMITTEE

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. CALVERT. Mr. Speaker, today I commend the ''all volunteer'' Riverside National Cemetery Support Committee. President Dwight D. Eisenhower once remarked that, ''Whatever America hopes to bring to pass in the world must first come to pass in the heart of America.'' The volunteerism shown by the Cemetery Support Committee, for the past 22 years, is a prime model of President Eisenhower's belief.

The Cemetery Support Committee was established in 1978 with a simple mission, but one with heart behind it, to preserve and enhance the Riverside National Cemetery as a National Shrine. What has come to pass is no less than amazing.

The Riverside National Cemetery is currently the second largest resting place in our national cemetery system, with 125,000 men and women of our armed forces standing silent vigil with us today. Ten short years into the new millennium, it is expected to be the largest cemetery in the national system. And in six decades it will have more than 1.4 million honored veterans. That will make Riverside National Cemetery larger than the Arlington National Cemetery—the most widely recognized, which is already at capacity with a quarter of a million veterans.

The Cemetery Support Committee's work has made Riverside National Cemetery much more than the facts stated above—they have created a solemn historical place where Americans today and tomorrow can go to reflect upon the memory and sacrifices of past and present generations who fought for America, democracy and freedom. Four to five thousand people each Memorial Day and Veterans Day attend ceremonies organized by the Committee and held at the Riverside National

Cemetery. They have raised private funds to purchase numerous items for the beautification of the cemetery, such as flower cones used at the Veterans' grave-sites by family and loved ones. Fund-raising has also been undertaken for the procurement and site construction of memorials to be placed in the cemetery—the most recent being the Veterans Memorial dedicated on May 27, 2000; and future ones being POW/MIA, Chapliancy Corp. and Medics & Corpsmen memorials.

Those who have worked so selflessly to create a place that is, as the Cemetery Support Committee likes to say, ''inspiring and stimulating our youth to become worthy citizens of this great country,'' have devoted their hearts to making the Riverside National Cemetery the National Shrine that it is today and well into tomorrow. I would like to take a moment to specifically recognize the current Board Members of the Cemetery Support Committee. They are: Jewel Beck, 1995; Paul Adkins, Chairman, 1998; Tom Hohmann, Secretary, 1992; Alta Marlin, Vice Chairwoman, 1989; Gery Porter, Treasurer, 1995; Walt Schiller, 1978; Judith Stemberg, 1989; Mike Warren, 1992; John Campbell, 1982; Guenther Griebau, 1999; Carolyn Jaeggli, 1986; Audrey Peterson, 1994; Elsie Porter, 1985; Pat Smith, 1998; and James Valdez, 1978.

Therefore, Mr. Speaker, I will close by asking that each American awake each day dedicated to giving back to our families, friends, communities and nation as the Riverside National Cemetery Support Committee has done. As a people we must ''never forget'' those who have died and fought to make America great. God bless you and God bless America.

SOCIAL SECURITY NUMBER CONFIDENTIALITY ACT OF 1999

SPEECH OF

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. PAUL. Madam Speaker, I am pleased to support HR 3218, the Social Security Number Confidentiality Act. This bill takes a step toward protecting the integrity and security of the Social Security number by ensuring that window envelopes used by the Federal Government do not display an individual's Social Security number. HR 3218 will help protect millions of Americans from the devastating crime of identity theft, which is a growing problem in my district and throughout the country.

This bill will be partially helpful to senior citizens who rely on Social Security. These seniors could lose a lifetime's worth of savings if a criminal obtained their Social Security number. We owe it to America's senior citizens to make sure that they are not exposed to the risk of identity theft as a price of receiving their Social Security benefits.

While this bill does represent a good step toward protecting privacy, I would remind my colleagues that much more needs to be done to ensure the Social Security number is not used as means of facilitating identity crimes. The increasing prevalence of identity theft is directly related to the use of the Social Security number as a uniform identifier.

For all intents and purposes, the Social Security number is already a national identification number. Today, in the majority of states, no American can get a job, open a bank account, get a drivers' license, or receive a birth certificate for one's child without presenting their Social Security number. So widespread has the use of the Social Security number become that a member of my staff had to produce a Social Security number in order to get a fishing license!

Unscrupulous people have found ways to exploit this system and steal another's identity—the ubiquity of the Social Security number paved the way for these very predictable abuses and crimes. Congress must undo the tremendous injury done to the people's privacy and security by the federal government's various mandates which transformed the Social Security number into a universal identifier.

In order to stop the disturbing trend toward the use of the Social Security number as a uniform ID I have introduced the Freedom and Privacy Restoration Act (HR 220), which forbids the use of the Social Security number for purposes not related to Social Security. The Freedom and Privacy Restoration Act also contains a blanket prohibition on the use of identifiers to ''investigate, monitor, oversee, or otherwise regulate'' American citizens. Mr. Speaker, prohibiting the Federal Government from using standard identifiers will help protect Americans from both private and public sector criminals.

While much of the discussion of identity theft and related threats to privacy has concerned private sector criminals, the major threat to privacy lies in the power uniform identifiers give to government officials. I am sure I need not remind my colleagues of the sad history of government officials of both parties using personal information contained in IRS or FBI files against their political enemies, or of the cases of government officials rummaging through the confidential files of celebrities and/or their personal acquaintances, or of the Medicare clerk who sold confidential data about Medicare patients to a Health Maintenance Organization. After considering these cases, one cannot help but shudder at the potential for abuse if an unscrupulous government official is able to access one's complete medical, credit, and employment history by simply typing the citizens' ''uniform identifier'' into a database.

In conclusion, Madam Speaker, I enthusiastically join in supporting HR 3218 which will help protect millions of senior citizens and other Americans from identity theft by strengthening the confidentiality of the Social Security number. I also urge my colleagues to protect all Americans from the threat of national identifiers by supporting my Freedom and Privacy Restoration Act.

PERSONAL EXPLANATION

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. BARRETT of Wisconsin. Mr. Speaker, I was unable to vote earlier this evening on measures before the House because I was in transit to Washington from Wisconsin. Had I been present, I would have voted ''aye'' on rollcall No. 531, concerning a resolution (H. Res. 631) honoring the members of the crew of the guided missile destroyer U.S.S. *Cole*. I would have voted ''aye'' on Rollcall No. 532, concerning a resolution (H. Con. Res. 415) expressing the sense of the Congress that there should be established a National Children's Memorial Day. I would have voted ''aye'' on rollcall No. 533, concerning the Social Security Number Confidentiality Act (H.R. 3218).

HONORING MS. RHONDA GERSON, EXECUTIVE DIRECTOR OF AID TO VICTIMS OF DOMESTIC ABUSE

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Ms. JACKSON-LEE of Texas. Mr. Speaker, today I recognize and pay tribute to Rhonda Gerson, Executive Director of Aid to Victims of Domestic Abuse, for her service on behalf of domestic violence victims.

A 1998 report by the U.S. Department of Justice indicates that the rate of domestic violence in many categories has been declining over the past decade. I believe the downward trend is directly attributable to the outreach efforts by such individuals as Rhonda Gerson.

Ms. Gerson has been the Executive Director of Aid to Victims of Domestic Abuse since 1981. For the first five years, she served in this capacity without ever receiving a paycheck. During her time with the agency, Ms. Gerson has advocated for the safety of battered women on a local, state and national level.

In the early 1980s, Ms. Gerson served on a Houston Police Department (HPD) task force to review its domestic violence policy, and, in the late 1980s, she served on a second task force, which resulted in the creation of the HPD Family Violence Unit. In 1984, Ms. Gerson co-chaired a pilot project at the Harris County District Attorney's Office that ultimately developed into the Family Criminal Law Division. In 1987, the National Council of Jewish Women—Greater Houston Section awarded her the Hannah G. Solomon Award as a result of her leadership and action for social change in the area of domestic violence victims/survivors.

Ms. Gerson was actively involved with the Texas Council on Family Violence (TCFV), and from 1989 to 1994, she was the chair of the Board of Directors. Under her leadership, TCFV grew to be the largest state coalition in the country due to it stepping up to the plate and re-opening the National Domestic Violence Hotline when its closure stunned the domestic violence community.

According to Deborah Tucker, current Executive Director of the National Training Center on Domestic and Sexual Violence and former Executive Director of TCFV, Ms. Gerson was an integral part of the Public Policy Committee for TCFV and made an incredible contribution to the laws and policies designed to better protect battered women and to hold offenders accountable. When asked to describe Ms. Gerson's accomplishments, Ms. Tucker said, ''I think she is a person who is capable of both seeing the big picture and of noticing the impact that public policy initiatives and programs might have on one individual. Her sensitivity and native intelligence are among the most

developed of any persons I have known. She stands out in a quiet and deliberate way, through hard work and thoughtful consideration of the complexities involved in human behavior.''

In 1993, Ms. Gerson was appointed by Supreme Court Justice Tom Phillips as a member of the Texas team to attend the National Council of Juvenile and Family Court Judges Conference on confronting violence in the family. She was a leader in the effort to create the Harris County Domestic Violence Coordinating Council, for which she has served as Treasurer of the Board since 1997.

In 1998, Ms. Gerson helped found the National Training Center on Domestic Violence and Sexual Violence, and she currently serves as the Chair of the Board of Directors. In only two years, she has helped the agency to grow to six staff members and an operating budget of over $600,000.

Mr. Speaker, many victims of domestic violence have been touched by Rhonda Gerson's compassionate spirit. I ask my colleagues to join with me in commending Ms. Gerson for a lifetime of dedication and commitment to the Houston community and to all victims of domestic violence.

SOCIAL SECURITY NUMBER CONFIDENTIALITY ACT OF 1999

SPEECH OF

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. BURTON of Indiana. Madam Speaker, I submit the following exchange of letters between myself and Chairman ARCHER regarding H.R. 3218:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, October 17, 2000.

Hon. DAN BURTON,
Rayburn House Office Building,
Washington, DC.

DEAR MR. CHAIRMAN: I understand that you have requested that H.R. 3218, the ''Social Security Number Confidentiality Act of 1999,'' be scheduled for consideration on the House floor under suspension of the Rules. H.R. 3218 would ensure that Social Security numbers (SSNs) do not appear on or through the unopened mailings of Treasury checks. The bill as introduced was referred to the Committee on Government Reform.

As you know, the Committee on Ways and Means has jurisdiction over ''National Social Security.'' The use of the SSN within the government sector falls within that subject matter jurisdiction, and the Committee has legislated in the past on the issue of the use of the SSN and its display. In fact a provision related to H.R. 3218 is found in section 101 of H.R. 4857, the Social Security Privacy and Identity Protection Act of 2000, which was ordered favorably reported by the Committee on Ways and Means on September 29, 2000. Accordingly, I have confirmed the Committee on Ways and Means has a valid claim on H.R. 3218.

Notwithstanding this determination, and in order to expedite consideration of this important time-sensitive legislation, I have no objection to its consideration by the House at this time. This is being done with the understanding that the Committee on Ways and Means will be treated without prejudice with respect to its jurisdictional rights during future consideration of this or similar legislation in the future.

I would further request that you include a copy of this letter in the RECORD, as well as your written response. With warm personal regards, I am

Sincerely,

BILL ARCHER,
CHAIRMAN.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC, October 17, 2000.

Hon. BILL ARCHER,
Chairman, Committee on Ways and Means,
House of Representatives,
Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of October 17, in which you stated that your Committee would not be asserting jurisdiction over H.R. 3218, the Social Security Number Confidentiality Act.

As you know, your decision not to assert jurisdiction over this matter will help expedite consideration of this important legislation. I look forward to working with you on this and other issues throughout the remainder of the 106th Congress.

Sincerely,

DAN BURTON,
CHAIRMAN.

INDIAN GOVERNMENT SHOULD STOP ITS STATE TERRORISM

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. TOWNS. Mr. Speaker, on September 27, a letter from the Council of Khalistan was published in the Washington Times. It details the propaganda spread by the Indian government to discredit its opponents.

That propaganda is necessary for the Indian government to cover up the atrocities and state terrorism against Christians, Sikhs, and other minorities. Former Indian cabinet minister R.L. Bhatia admitted in 1995 that the Indian government is spending ''large sums of money'' to spread this propaganda and influence affairs in the United States.

Earlier this month, militant Hindu fundamentalists attacked the home of a priest. They beat him and his neighbor. The neighbor was beaten so badly that he died. Unfortunately, this kind of thing is not unusual. It is just the latest in a series of atrocities carried out by organizations under the umbrella of the Rashtriya Swayamsewak Sangh (RSS), the parent organization of the ruling BJP. While Prime Minister Vajpayee was in New York during his recent visit to the U.S., he said, ''I will always be a Swayamsewak.''

Last week, former Prime Minister Chandra Shekhar said that there is no difference between the ruling BJP and the supposedly secular Congress Party. Unfortunately, from the point of view of the minorities in India, it is true. There is no difference. Whoever is in power, the repression continues. India has murdered over 250,000 Sikhs since 1984, over 200,000 Christians in Nagaland since 1947, over 70,000 Kashmiri Muslims since 1988, and tens of thousands of Dalit ''untouchables'' and other minorities. Thousands of Sikhs and other minorities are in illegal detention without charge or trial simply because they are opposed to the government, or because they are members of a minority.

Mr. Speaker, it is time for India to stop its state terrorism against the minorities within its borders. We must stop American aid to India and declare our support for self-determination for the people of Khalistan, Kashmir, Nagalim, and the other nations seeking their freedom, in the form of a free and fair democratic plebiscite. These measures are the only ones we can take that will help to bring real freedom and democracy to the people of South Asia.

I would like to submit the Council of Khalistan's letter into the RECORD for the information of my colleagues.

[From The Washington Times, Wed. Sept. 27, 2000]

NO MILITANTS IN THE COUNCIL OF KHALISTAN

Manpreet Singh Nibber's Sept. 16 letter, ''India human rights criticism from unreliable source?'' is so full of disinformation that he must be fronting for the Indian Embassy in its effort to confuse the American people.

Mr. Nibber, who is a member of the Punjab Welfare Council of the USA, does not address any of the facts we brought up in our last letter. Instead, he spreads Indian disinformation about the Council of Khalistan and its origins. He knows there are no ''militants'' involved in the council. We consistently support the liberation of Khalistan, the Sikh homeland that declared its independence from India on Oct. 7, 1987, by democratic, nonviolent means through the Sikh tradition of ''Shantmai morcha,'' or peaceful agitation.

The Indian Embassy has interfered in American elections, calling for the re-election of former Sen. Larry Pressler and attempting to damage the re-election campaign of Sen. Robert Torricelli. A few years ago, the Indian Embassy was caught giving illegal campaign donations to members of Congress through an immigration lawyer named Lalit Gadhia, who pleaded guilty to the scheme in federal court.

There are many other Gadhias throughout this country. Former Indian cabinet minister R.L. Bhatia admitted in a 1995 news conference that the Indian government is spending ''large sums of money'' through the embassy to influence American politics. But what is that money defending?

On Sept. 8, militant Hindus attacked the home of a priest and beat the priest and his servant. The servant was so severely beaten that he died of the injuries. On Aug. 25, news stories reported that militant Hindu nationalists kidnapped and tortured a priest in Gujarat, then paraded him naked through town. This attack was part of a wave of terror against Christians since Christmas 1998.

Incidents have included the murder of priests, the rape of nuns and the burning to death of a missionary and his two sons in their van by members of the Rashtriya Swayamsevak Sangh (RSS), the parent organization of the ruling Bharatiya Janata Party. Schools and prayer halls have been attacked and destroyed. The individuals who raped the nuns were described by the Vishwa Hindu Parishad, a militant organization within the RSS, as ''patriotic youth.'' The RSS was founded in support of fascism.

In March, 35 Sikhs were murdered in the village of Chithi Singhpora in Kashmir. Two extensive independent investigations, one conducted by the Movement Against State Repression and the Punjab Human Rights Organization and another conducted by the Ludhiana-based International Human Rights Organization, proved that the Indian government was responsible for this massacre.

The Indian government has murdered more than 250,000 Sikhs since 1984, according to figures published in Inderjit Signh Jaijee's

''The Politics of Genocide.'' India also has killed more than 200,000 Christians in Nagaland since 1947, more than 70,000 Kashmiri Muslims since 1988 and tens of thousands of other minorities. Amnesty International reports that thousands of political prisoners are being held without charge or trial in ''the world's largest democracy.''

India is hostile to the United States. It votes against America at the United Nations more often than any country except Cuba.

In May 1999, the Indian Express reported that Indian Defense Minister George Fernandes led a meeting with Cuba, China, Iraq, Serbia, Russia and Libya to construct a security alliance ''to stop the U.S.''

India openly supported the Soviet Union's invasion of Afghanistan. Its nuclear weapons test started the nuclear arms race in South Asia. It refuses to allow the Sikhs, Kashmiris, Christians and other minority nations seeking their freedom to decide their political future in a free and fair vote, the democratic way.

America must not accept this kind of brutality and tyranny from a government that claims to be democratic. We must cut off aid and trade to India and support a free and fair plebiscite to ensure human rights and self-determination for Khalistan, Christian Nagalim, Kashmir and all the minority nations and peoples living under Indian rule.

TRIBUTE TO DOCTOR JACK KILBY

HON. RICHARD K. ARMEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. ARMEY. Mr. Speaker, today I rise to honor a distinguished American and someone who I am proud to say resides in the 26th District of the great state of Texas, Dr. Jack Kilby. Just a few days ago Dr. Kilby was awarded the Nobel Prize in Physics for his part in the invention and development of the integrated circuit.

Dr. Kilby's invention of the monolithic integrated circuit—the microchip—some 30 years ago laid the conceptual and technical foundation for the entire field of modern microelectronics. It was this breakthrough that made possible the sophisticated high-speed computers and large-capacity semiconductor memories of today's information age.

Dr. Kilby grew up in Great Bend, Kansas. In 1958, he joined Texas Instruments in Dallas. During the summer of that year working with borrowed and improvised equipment, he conceived and built the first electronic circuit in which all of the components were fabricated in a single piece of semiconductor material half the size of a paper clip. The successful laboratory demonstration of that first simple microchip on September 12, 1958, made history.

Jack Kilby went on to pioneer military, industrial, and commercial applications of microchip technology. He is the recipient of two of the nation's most prestigious honors in science and engineering; in 1970 he received the National Medal of Science, and in 1982 he was inducted into the National Inventors Hall of Fame, taking his place alongside Henry Ford, Thomas Edison, and the Wright Brothers in the annals of American innovation.

Mr. Speaker, the microchip is one of the most important inventions of the Information Age—indeed, it's one of the most important inventions in mankind's long history. Jack Kilby deserves our recognition and our thanks.

WINGS OF KINDNESS

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. HALL of Texas. Mr. Speaker, I have waited almost a year to place this story in the CONGRESSIONAL RECORD. Let's call it an early Christmas story—about the simple but powerful gift of kindness, in this case bestowed by two pilots on a young boy on Christmas Eve. Art Hendon of Terrell, TX, shared this with me in December of last year, and I am honored to share it with my colleagues today.

Sometimes the most important gifts are given unwittingly. I set about checking the instruments in preparation for my last flight of the day, a short hop from Atlanta to Macon, GA. It was 7:30 P.M. Christmas Eve, but instead of forking into Mom's turkey dinner, I was busy getting other people home to their families.

Above the low buzz of talking passengers, I heard a rustle behind me. I looked over my shoulder. Just outside the cockpit doorway was a fresh-faced boy of about nine gazing intently at the flight deck. At my glance he started to turn away.

''Hold up,'' I called. ''Come on in here.'' I had been about his age when I first saw a flight panel lit up like a Christmas tree and I could hardly wait to get my pilot's wings. But now that I was 24 and first officer at a commuter airline, I wondered if I'd made the right choice. Here I was spending my first Christmas Eve away from home, and what was I accomplishing? How was I making my mark in the world, let alone doing God's work, just hauling people from city to city?

The boy stepped cautiously into the cockpit. ''My name's Chad,'' I said, sticking out my hand. With a shy smile he put his hand in mine. ''I'm Sam.'' He turned to the empty seat beside me. ''Is that for the captain?''

''It sure is and that's where Captain Jim sits.'' I patted the worn fabric. ''Would you like to try it out?''

Sam blinked at me from under this ball cap. ''I don't know . . . I mean . . . well, sure if it's okay.'' I lowered the seat so he could slide into it.

The captain loved to give demonstrations of the plane's gadgets to kids, but what would he think about one sitting in his seat? Well, it's Christmas, I thought.

I glanced out at the luggage carts being wheeled toward the plane, thinking of the gifts I wouldn't be able to give in person to my parents and friends the next day. Sam told me he and his family had flown in from Memphis.

I checked my watch. The captain would be in any minute, but Sam looked so thrilled, I didn't want to cut short his fun. I gave the instrument panel another once-over, telling Sam what each button and lever did.

Finally Captain Jim clambered aboard, ''Howdy, partner.'' He gave Sam a broad grin. ''You know, son,'' he drawled, ''I don't mind you staying with us for a while if you'll switch with me.'' Sam let the captain take his place and I made introductions.

We began previewing the startup checklist. I kept thinking the captain would send Sam away, but the boy was still peering over my shoulder when the ramp agent radioed to ask if we were ready to turn on the first engine in start sequence, number four. I relayed the question to the captain, who was studying the weather reports.

''I'm still going over these,'' he said. ''You guys go ahead and start it.''

''Okay, starting . . .'' I said, positioning the switches. Then I did a double take. 'Did you say you guys'?''

''Yeah, go ahead.''

I looked over at the captain, and back at the fight panel. ''Right.'' I flicked on the plane's flashing red beacon to signal the start. Then I turned to my new assistant.

''You ever start an airplane before, Sam?''

Eyes wide, he shook his head. Following my instructions, Sam carefully turned a knob on the overhead console that switched on the igniters. then he pressed a button as big as his hand to start the engine. Finally, with both hands he slid forward a lever to introduce the fuel. The engine hummed to life.

Sam slowly let go of the lever and stepped back, awestruck. He'd gotten to start an airplane, an honest-to-goodness airliner. I'm not sure if I'd have believed it myself at his age. I thanked Sam for helping us out.

''No, thank you, sir,'' Sam said. ''This was really great!''

As he backed out of the doorway into the cabin, the plane resonated with the sound of the engine he'd started. ''You have a merry Christmas, son, you hear?'' the captain said.

Sam looked like he was about to cry with happiness. ''I will, sir, I will. Thank you!'' With one last look at the flight deck he turned and walked down the aisle. We started up the other engines, took off, and arrived in Macon about 40 minutes later. Early Christmas morning, as we settled into the cockpit for the trip back to Atlanta, one of the gate agents ducked in. ''Hey, guys, some kid's mother came by this morning. She wanted to make sure I thanked you for showing her son around last night. Said he couldn't stop talking about the cockpit. She left this for you.''

The gate agent set a red tin on the center console.

''Well, I'll be,'' the captain said. He bit into one of the chocolate chip cookies from the tin. Then he unfolded the note taped to its cover and read it silently. He sighed deeply and turned to me, ''Boy's got cancer,'' he said, and read the note aloud:

Dear Sirs, Thank you for allowing Sam to watch you work on Christmas Eve night. Sam has cancer and has been undergoing chemotherapy in Memphis. This is the first time he has been home since the treatment began. We drove Sam up to the hospital, but since he loves airplanes, we decided to fly him back home. I am not sure if he will ever get to fly again. His doctor has said that Sam may have only a few months left. Sam has always dreamed of becoming an airline pilot. The flight we took from Memphis to Atlanta was exhilarating for him. He wasn't sure flying on one of your ''little'' airplanes would be as much fun, but you two gentlemen gave him the greatest Christmas gift imaginable. For a few short minutes his dream came true, thanks to you.

I looked out at the runway gleaming before us in the sun. When I turned back to Jim, he was still staring at the note. A flight attendant came in and said the passengers were ready for departure. She stowed the cookies away and we went through the checklist. Then Captain Jim cleared his throat and called out, ''Starting number four.''

I'd wanted to be home with my loved ones, exchanging gifts for the holidays. But that little boy showed me that sometimes the most important gifts we give are given unwittingly and the most precious ones we get come from strangers. I can serve God's purpose no matter where I am, as long as I let the spirit that moved me that night guide me always.

MIAMI RACES FOR THE CURE

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Ms. ROS-LEHTINEN. Mr. Speaker, last Saturday, members of the South Florida community came together in an effort to eradicate breast cancer. Nearly 5,000 people participated in the Komen Miami/Ft. Lauderdale Race for the Cure.

Before the race, Nancy Brinker, founder of the Susan G. Komen Breast Cancer Foundation, delighted the crowd with her compassionate words and Soraya, the well-known Latin American singer, who underwent a mastectomy several weeks ago, translated Nancy's message of hope and inspiration into Spanish before walking the course. This year's race was dedicated to Patti Walsh, a Race for the Cure volunteer who lost her battle with breast cancer in August. Today I salute the family and friends who supported her. Twenty-five percent of the dollars raised at last Saturdays event will benefit the National Grants Program for breast cancer research. And, 70% will be used to award grants within the South Florida community by promoting breast cancer research, education, screening and treatment.

I would especially like to congratulate Helen Duncan, my congressional constituent, and Race for the Cure volunteer who organized this magnificent South Florida event.

I commend Jane Torres, President of the Breast Cancer Coalition and a yearly participant in this event who devotes herself daily to eradicating breast cancer.

And I thank the hundreds of South Florida families whose lives may have been touched by breast cancer, and who helped make this event possible.

IN HONOR OF TIM GAUNA

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. FROST. Mr. Speaker, I rise in sadness today to honor the memory of Information Systems Technician Seaman Timothy Gauna, a constituent of mine from Rice, Texas, who is among the missing sailors from the attack on the U.S.S. *Cole*.

Tim Gauna was 21 years old and a 1997 graduate of Ennis High School. He was one of five children in a close family. Teachers said he was a quiet student who excelled in baseball and art. He joined the Navy 18 months ago with a dream shared by many recruits, to earn financial assistance to attend college. He wanted to learn about computers, then use the knowledge while attending the University of Texas at Austin. He would have been the first in his family to go to college.

Before sailing into harm's way, Tim let his mom know that he was headed into dangerous waters, but that he would be okay. Like all the sailors aboard the U.S.S. *Cole*, Tim Gauna was serving his country bravely and honorably when this vicious attack took place. I join the Gauna family, and all the families of the missing sailors, in hoping that they will soon be accounted for.

After the attack, I flew down to North Texas to visit Seaman Gauna's family. There, I spoke with a mother who is proud of her son's courage and patriotism. She described her son as having an open and friendly nature, and sharing the family's strong belief in their faith. And I talked to various family members who admire Tim's dedication to America.

I do not know all the sailors on the U.S.S. *Cole*, Mr. Speaker, but I know the family of Seaman Gauna. They—like all of the U.S.S. *Cole*'s sailors and their families—have America's gratitude, and our prayers.

IN TRIBUTE TO ELIE DULAY

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. GALLEGLY. Mr. Speaker, I rise to pay tribute to Elie Dulay, who will retire next week after 28 years of service to the City of Simi Valley, California, my hometown.

Elie was a clerk with the city when I was elected to the City Council. I can think of few people who were more helpful, energetic or pleasurable to work with than Elie during my entire tenure as a Councilman and Mayor.

It is of no surprise to me that Elie rose through ranks and will retire as an administrative secretary. Aside from being a exceptionally competent employee, she is the personification of a people person. Elie approaches life and her work with a smile. Problems disappear in her capable hands, and her positive attitude is contagious among her coworkers.

Elie's husband, Art, is also retiring, but they will remain busy. The two are accomplished dancers. Elie is also a wonderful cook, with a specialty in Asian food. They have three grown children, two of which work for the Simi Valley Police Department—one as an officer and one as a records technician. Elie and Art also have six grandchildren, ranging in age from 1 year to 16 years old, and look forward to spending even more time as doting grandparents.

Mr. Speaker, if there is an ideal government employee, Elie is it. I know my colleagues will join me in thanking her for her years of service and wish her all the best in her retirement.

WHISTLEBLOWER PROTECTIONS

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mrs. MORELLA. Mr. Speaker, today, I introduced legislation in Congress amending the Whistleblower Protection Act (WPA) to restore protections for federal employees who risk their jobs by disclosing waste, fraud, abuse or violations of law they witness on the job. This legislation is critical to restore the flow of information to Congress and the public about wrongdoing within the government. It is necessary because the original congressional intent has been partially nullified by certain judicial decisions.

In 1989, Congress unanimously passed the Whistleblower Protection Act (WPA) and strengthened it in 1994. The new bill closes judicially created loopholes that have made the law useless in most circumstances. Recent decisions by the Court of Appeals for the Federal Circuit have denied protection for disclosures made as part of an employee's job duties or within the chain of command. The bill restores coverage in over 90 percent of the situations where it counts most for federal workers to have free speech rights—when they defend the public on the job.

The bill also makes permanent a free speech shield known as the ''anti-gag statute'' that Congress has passed annually for the last 13 years. It outlaws nondisclosure rules, agreements and other forms of gag orders that would cancel rights in the Whistleblower Protection Act and other good government statutes. In particular, it upholds the supremacy of a long-established law that workers have a right to notice that information is classified as secret for national security interests, before they can be held liable for releasing it. The necessity for the bill was increased last week by passage of a little noticed provision in the Intelligence Authorization Act for 2001. That provision functionally could make whistleblowers liable for criminal prosecution, based on speculation that unmarked information were classified.

We must reaffirm our support for whistleblowers. We made a serious commitment to federal workers in 1989 and Congress must ensure those protections stay in place. Congress must demonstrate once again its support for federal workers who risk everything to defend the public against fraud, waste, and abuse.

TRIBUTE TO STEPHEN E. PETERSEN

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Stephen E. Petersen, founder of the Annual Petersen Invitational Golf Tournament. The tournaments have been held on some of the finest and challenging golf courses along the Atlantic Coast from Myrtle Beach to Charleston, South Carolina.

The purpose of the tournaments are to promote comradery, good food, fellowship, and hospitality among friends. The tournaments also provide an opportunity for participants to engage in the finer points of competitive golf. Throughout the years, more than six hundred friends and colleagues have participated in this event.

Stephen has unselfishly invested his inspiration, time, sweat, and funds in order to make these events successful. His love for people and passion for the game of golf together, distinguish him. They explain his sense of kinship with all those who know him. Stephen's efforts have been highly successful in enriching lives and providing enjoyment to all who have participated in his tournaments.

Many have fond memories which will remain with them for the rest of their lives. Many more gained insight and appreciation for what great golf tournaments are really all about.

I, and the many friends, colleagues, and participants of these golfing events wish to extend our sincere appreciation, admiration, and

due recognition to Stephen E. Petersen, in honor of the Petersen Invitational Golf Tournament's 25th anniversary, held September 10–14, 2000, in North Myrtle Beach, South Carolina.

Mr. Speaker, we seldom meet people who give so tirelessly of their time and resources as Stephen E. Petersen. Please join me in paying tribute to this outstanding South Carolinian, military veteran, devoted Christian, and friend.

IN MEMORY OF DR. GROFF

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. HALL of Texas. Mr. Speaker, I rise to pay tribute to an outstanding citizen of the Fourth District of Texas, the late Mayor Marion Allen Groff III of Pilot Point, who died on August 22. Dr. Groff was an active and beloved member of his community—and he will be dearly missed.

At the time of his death, Dr. Groff was serving as mayor of Pilot Point, president of the Chamber of Commerce and member of the Kiwanis. He was a board member and president of DENCO 911 for 8 years. In all these civic endeavors, he gave his time and energy to helping make Pilot Point a better place in which to live.

Allen was devoted to his family, his profession, and to his community, and he leaves a legacy of service that will be remembered by his many friends in Pilot Point. His legacy not only covers his medical service—though it was above and beyond—it goes to the throngs of friends and to many people that he never met. Allen reached out to anyone in need, gave advice, service, and warm friendship. He was a lobby for those who had no lobby. And he was capable of friendship to those in all walks of life—with equal love and dignity for all.

He was born in Shattuck, OK, on August 27, 1949. He served in the U.S. Army from June 1971 to June 1974. He was a graduate of Southeastern Oklahoma University, the University of North Texas and the Texas College of Osteopathic Medicine. He leaves behind his wife, Karen; has parents, Dr. M.A. and Betty Groff; a daughter, Kristen Groff; four sons, Marion Allen Groff IV, Bryant Adam Groff, John Robert Groff and Cole Kelly Schmitz; and a sister, Janet Sims.

Allen was devoted to his family. Kristen will miss him every day of her life—as will his four sons. Karen was the love of his life, and I had the pleasure of visiting with Karen and Allen during the last days at the hospital. She waited, she served, she encouraged, and she loved and lived within his reach day and night for many desperate days at Zale Lipsey Hospital. She held her head up—and was reassuring to family and a throng of friends who came to Midway Baptist Church to say goodbye to Allen.

Mr. Speaker, Allen was one of a kind—and we will miss him. As we adjourn today, let us do so in memory of Mayor Marian Allen Groff.

HONORING RUBY S. SWEZY OF MIAMI, FLORIDA

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Ms. ROS-LEHTINEN. Mr. Speaker, I am proud to recognize a wonderful woman and a dear friend, Ruby S. Swezy of Miami, Florida, who will be celebrating her 77th birthday on October 21, 2000.

Ruby was born on October 18, 1923 in Miami-Dade County. She is a descendant of Mr. Charles Lee Greene, of Georgia, and the daughter of John and Estelle Stripling, her loving parents. Her father died when she was a teenager but her mother was blessed to live to the age of 97. Ruby remembers with pride many important life lessons imparted by her mother, who was a strong willed, determined, caring and compassionate woman, traits that she now demonstrates.

Living most of her life in Miami-Dade County, where she grew up and was educated, she married the late Lewis Swezy, Sr. and raised her two beloved children, Laura and Lewis, with unwavering faith and love. The pride and joy of Ruby's life is her family. She beams and her eyes sparkle when she shares stories of their lives.

Abandoning the security of the education arena in the prime of her teaching career, she decided to break into real estate, which proved to be the business that was meant for Ruby. It was a bold and courageous step for a young mother. Over the past 50 years, Ruby has become a respected force having made noticeable contributions to the housing industry around our area.

In addition to real estate and political circles, today Ruby is a giant in local, national, and international housing. She was successful in her first political bid, diligently serving as a Councilwoman on the Hialeah City Council. She also has met with and served as an advisor to various administrations and other heads of government.

Ruby maintains a human and in-touch demeanor with all the people of her community. She is admired and respected not only for her compassion and generosity to anyone who is fortunate to meet her, but for her noteworthy contributions. It is my sincere pleasure and great honor to join Ruby's family and friends in wishing her a wonderful celebration and many more happy and healthy birthdays.

IN HONOR OF THE MASJID HASSAN OF AL-ISLAM FORT WORTH, TEXAS

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. FROST. Mr. Speaker, this weekend in Fort Worth, Texas, it will be my honor and privilege to attend and participate in events which promote racial and religious unity and peace. On October 21, 2000, the Masjid Hassan of Al-Islam in Fort Worth, under the leadership of Imam Nasir Ahmed, will host a Southwest Regional Pioneer Banquet honoring those it considers to be pioneers in the causes of diversity, religious interaction, Islam, economic development, political awareness and education.

I am humbled to be among a group of honorees which includes religious radio broadcaster and journalist, Robert Ashley; American Jewish Congress Southwest Region executive director, Joel Brooks; community relations consultant, writer and member of the Thanks-Giving Square Interfaith Council, Rose Marie Stromberg; 97-year old founder of the Tarrant County Black Historical and Genealogical Society, Lenora Rolla; long-time Muslim, 95 year old Dave Hassan; and the organizer of Brooks of Baaziga, a Muslim girls' group, Ruby b. Muhammad.

The work of the Masjid Hassan of Al-Islam is, by itself, noteworthy. Yet, the Masjid's efforts are heightened and broadened by the fact that this celebration will include the personage and the teachings of The Honorable Imam Warith Deen Mohammed, leader of the Muslim American Society. Throughout this country and around the world Imam Mohammed is known, respected and admired for his work towards peace, religious freedom and diversity, and liberty for all people. On October 22, 2000, the Fort Worth-Dallas area will have the pleasure of receiving his message on ''Dealing With Racism From Religion''. It is my great pleasure, therefore, to join with the Masjid Hassan of Al-Islam, my longtime friend Marzuq Jaami and his brothers and sisters in the Dallas Masjid of Al-Islam, and the larger Fort Worth-Dallas community in heartily welcoming Imam Mohammed to our community.

TRIBUTE TO REV. DR. JORDAN D. SMITH

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Rev. Dr. Jordan D. Smith on the upcoming thirtieth anniversary of his pastorship at Clement Road Church of God in Columbia, South Carolina.

Rev. Smith was born in Orville, Alabama on April 15, 1939 to the late Fred and Clara Hamer Smith. He was the fourth of six children. In 1961, he was married to Eunice D. Pickett. To this union were born three lovely children—Veronica, Matthew and Donna.

Rev. Smith has been serving his church both locally and nationally since 1967. For three years he served the Tompkins Avenue Church of God in Brooklyn, New York as associate pastor and was ordained into the ministry there by the late Rev. John Cordes. In 1970 he became pastor of his current church.

Pursuant to his commitment to service, Rev. Smith has, in addition to his pastoral and state duties, served his National Church as a member of various committees, commissions and boards. For ten years he served as the elected State Chairman of the South Carolina Presbytery. In 1991, for his faith and commitment to his calling, he was awarded an Honorary Doctor of Divinity degree.

Rev. Smith is a faithful husband, loving father, admired grandfather, and caring father-in-law. As a spiritual leader, he personified faith, love, service and dedication.

Mr. Speaker, please join me in paying tribute to Rev. Dr. Jordan D. Smith, a devoted

Christian and a wonderful South Carolinian, on the thirtieth anniversary of his pastorship.

HONORING A FIGHTING FOURTH MARINE

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. HALL of Texas. Mr. Speaker, it is an honor today to recognize a life member of the Fourth Marine Division and the Marine Corps League, Milton Saxon, a resident of Longview, Texas, in the Fourth Congressional District. Milton was a member of K Company, 3rd Battalion, 25th Regiment, Fourth Marine Division from March 1944–May 1946 and fought on Iwo Jima.

Milton has put into writing many of his thoughts and memories about his service in World War II, and I am pleased to share some of those with my colleagues today. Milton recalls joining the Marines in March of 1944, at the age of 18, and being trained in San Diego before being shipped out to the Marine Transit Center at Oahu. Here he was attached to the Fourth Marine Division on Maui, where he boarded the L.S.T. #684 to begin their trip toward Japan. Private Saxon and the Fourth Division landed on Iwo Jima on February 19, 1945. Milton was part of the fifth wave of Marines that hit the beach, where ''hell was breaking loose.'' ''Without exception, every friend that was within touching distance of me was either killed or wounded,'' he writes.

Milton's vivid descriptions of what happened that day and during the ensuing days reveal the confusion, the terror, the courage and the heroism among those young soldiers and officers. On Iwo Jima they encountered situations that they could never have been adequately trained for—yet situations where time and again they rose to the challenge and prevailed in the line of fire. By nightfall of that first day, K Company was down to 150 men. ''It is impossible to describe the exact emotions, smells and sounds of this battle,'' Milton said. ''I don't have nightmares any more, but my memory will never die. I will always honor those less fortunate than I was.''

Milton describes the ensuing battle over the next 27 days that led to victory at Iwo Jima. Private First Class Milton Saxon was a survivor. The friends he made in the Marines who also survived have remained life-long friends. ''There are not many advantages of war, but one advantage is finding someone that is closer than most brothers can ever be,'' he writes.

Milton now belongs to a Marine Corps Detachment composed of Marines from Desert Storm, Korea, Vietnam and World War II—and even some who are presently serving in the Marines. ''Nothing has been lost between the generations of service . . . All of the history, the lore and the tradition of the Marine Corps lives on through each member.''

Mr. Speaker, as we adjourn today, I want to thank Milton Saxon for taking the time to record his memories of his war experiences and to tell his story with honesty, conviction—and even some humor where appropriate. His first-person account will be handed down through his family for many generations and will provide a powerful legacy of that most important time in world history—and one of the defining times in American history.

He is retired now, having served his country for 37 years in Texas public education as a school administrator, teacher and coach. Milton Saxon is one of those from ''the Greatest Generation''—a selfless young man who heeded the call of duty, risked his life for his country, and forever will be an American hero. As we adjourn today, let us do so in honor of my friend and an outstanding American—Milton Saxon.

IN TRIBUTE TO HOMEGROWN VALUES

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. GALLEGLY. Mr. Speaker, I rise today to recognize 27 years of homegrown values and community service by people who grew a local financial institution into a success enterprise and shepherded its continued investment in Ventura County, California.

When American Commercial Bank opened its doors on September 18, 1973, its founders pledged not only to provide top-quality banking services, but also to use the bank's assets and standing to provide community support to Ventura County's citizens.

It was well-suited to follow through on that promise. Its first chairman, Emilio Lagomarsino, was born in Ventura County around the turn of the century. Emilio Lagomarsino was successful in a variety of pursuits, including farming, wholesale beverage distribution and oil.

Edward T. Martin followed Mr. Lagomarsino to the chairman's chair. He was active in Ojai civic, church and community affairs and founder of a successful outdoor advertising company. His son Tom currently serves on the board.

Allen W. Jue, who succeeded Martin as chairman, also is a native of Ventura County. His father, Walton Jue, opened National Market across from the San Buenaventura Mission in 1928.

Earlier this year, Mr. Jue turned the chairmanship over to Emilio's son, Robert J. Lagomarsino, who many in this chamber remember as a valued colleague. Community service is in his blood. He served in the U.S. Navy, was an Ojai city councilman and mayor, a California state senator, and a congressman from 1974 to 1993.

Chief Executive Officer Gerald J. Lukiewski is not a native California, but he has sunk his roots deep here. He graduated from California Lutheran University in Thousand Oaks and married a California girl, Nancy. He has been lured by major financial corporations, but prefers community banking so he can spend as much time as possible with Nancy and their eight children.

The sense of family and community to which these men aspire is reflected in the bank's community record. The bank has been actively involved in and contributed to: Community Memorial Hospital; Ventura Chamber Music Festival; Ventura Rotary International; Oxnard Downtowners; Ventura County Museum of History & Art; Casa Latina; Ventura Country Community Foundation; Multiple Sclerosis; United Cerebral Palsy; Working To Eliminate Child Abuse and Neglect; Ventura County Fair; National Park Trust; the Oxnard, Ventura and Camarillo Boyes & Girls Clubs; and the Chamber of Commerce of Ventura, Oxnard and Camarillo. Educational support has also been provided to Oxnard College, Saint Thomas Aquinas College and to the CSU-Northridge Channel Island University Advisory Board.

Only a successful enterprise could provide such strong community support. The bank has completed its most successful year with record growth in capital, loans, deposits and net profit and has paid 67 consecutive quarterly cash dividends to its shareholders. The bank operates six Ventura County offices and, as of June 30, 2000, assets exceeded one-quarter billion dollars.

American Commercial Bank has received numerous national and community recognitions for its accomplishments. The American Bankers Association awarded a community service award to the bank and the Federal Deposit Insurance Corporation categorized the bank as ''well-capitalized,'' its highest rating of capital adequacy. The prestigious Bauer Financial Group has awarded its highest star rating of ''Superior'' and ''five stars'' to the bank for its outstanding financial performance.

Mr. Speaker, distinguished colleagues, please join me in recognizing the people who led American Commercial Bank through 27 years of accomplishment and service and wish them and the community they serve continued success.

CELEBRATING A DECADE OF A COMMUNITY APPROACH TO ELDERLY CARE

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mrs. MORELLA. Mr. Speaker, I rise to recognize the 10th anniversary of the founding of the Chinese American Retirement Enterprises (CAREN). This Saturday, more than a thousand CAREN members will celebrate this milestone occasion with its founders and friends at the CAREN Co-op House in Adelphi, Maryland, near the College Park campus of the University of Maryland.

It is hard to believe that it was just a decade ago that a group of concerned and committed citizens from the Washington, DC area founded CAREN to aid senior and disabled Chinese Americans by providing programs and opportunities for affordable housing and elder care. CAREN is dedicated to five service goals: (1) housing and transportation, (2) learning and recreational activities, (3) assisted living and bilingual care, (4) security and a sense of belonging, and (5) happiness through voluntary contribution and labor. Additionally, CAREN promotes lifelong learning and the preservation of Chinese culture to be passed on to future generations.

As a strong supporter of CAREN's mission, I am very pleased to have been involved with the organization since its inception. Since its founding 10 years ago, CAREN has founded six outstanding services and facilities. In 1992, the CAREN Senior Self-Help Center was created to sponsor a Saturday activity program for more than a hundred seniors and volunteers. Realizing the vital need for better elderly

housing, the CAREN Development Company was developed in 1994. This company provides housing specifically designed to fit the needs of elderly and disabled persons.

Its first project, the CAREN Co-op House, was completed in 1997 and holds 89 apartment units designed for independent living. In 1998, in order to increase opportunities for lifelong learning the Charles B. Wang Senior Center, established through a $3 million grant from the Charles B. Wang Foundation, was added to the facilities at the Co-op House. As a part of the senior center, CAREN College was created to provide daily activities and learning. The latest project for this motivated group is the CAREN Bilingual Care Home. This project, begun in 1999, will turn four floors of the Co-op House into an assisted living facility with bilingual staff to allow its residents to ''age-in-place.''

Since having hatched from merely just an idea to its present reality, CAREN has attracted more than three hundred volunteers from the community who have contributed to this unique project. It continues to enlist new volunteers under the leadership of Dr. Jeffrey T. Fong, Founding Chairman and Chairman of the CAREN Development Co., Mr. David J. Lee, CAREN Chairman, Dr. Ho-I Wu, CAREN Vice-Chairman, Mr. James Wang, CAREN President, Mr. Wayne Chang, CAREN Co-op Chairman and President, and Mr. Han H. Tuan, CAREN Co-op Vice Chairman. I would also like to recognize the recipients of the CAREN 10th Anniversary Awards who will be honored on Saturday. They include: Mr. Charles B. Wang, Mr. Ching-Ho Fung, Ms. Pauline W. Tsui, Ms. Rosa Hum, Dr. Guan-Hong Zhou, Ms. Charlotte Shen, Ms. Elizabeth Fong, Mr. Jack K.C. Chiang, Ms. Jean P. Li, Ms. Lee N.K. Mark, Mr. Ku-Hua Shih, Rev. Elen Mu-The Sun, Dr. Joseph Yu-Hsu Wang, Ms. Yi-Hwa Shieh Lu, Mr. Shao-Sun Lu, and Mr. Chia-Ming Phua.

Mr. Speaker, CAREN is a true model for community participation and involvement that has enhanced the quality of life of the senior members of our Asian American community. I applaud CAREN for its dedication, its commitment, and its prosperity since 1990. Each day, CAREN's success is reflected in the happy smiles of each of its residents. I congratulate CAREN on a job well done in the past decade and I wish the organization continued success in the years to come.

PERSONAL EXPLANATION

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Ms. ROS-LEHTINEN. Mr. Speaker, on Wednesday, October 18th, I was unavoidably detained in my congressional district and was not able to vote on H. Res. 631, H. Con. Res. 415, and H.R. 3218. Had I been present for rollcall No. 531, rollcall No. 532, and rollcall No. 533, I would have voted ''yea'' on all of these.

HONORING RETIRED WARRANT OFFICER JAMES BLACKSTONE

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. HALL of Texas. Mr. Speaker, next month we will again pay tribute to our nation's veterans, and today I have the privilege of honoring one in particular—James Blackstone of Terrell, TX, a retired Warrant Officer of the United States Navy. James enlisted in the Navy in June, 1934, and retired in 1954. His experiences span the globe—and form part of the fabric of our nation's history.

James volunteered for service in China in 1934 and was granted assignment to the USS *Sacramento*, a seagoing gunboat. His boat rotated coastal patrol duty along the China coast from the Gulf of Chihli to the South China Sea. In 1938 he was assigned duty on the USS *Jacob Jones,* stationed in Villa Franc, France, and in 1939 he was assigned to a new class Destroyer, which was ordered to search and destroy German submarines and their bases on our side of the Atlantic. The next two years his ship was assigned convoy duty, where James served until shortly before the declaration of war in 1941.

In 1942 James was chosen to spend four months in diesel engine school—to train for a new class of diesel-powered ships that represented a great departure from traditional steam propulsion. James graduated at the top of his class and emerged as a leader. He was assigned to the Navy Yard in Vallejo, CA, where a new ship, the USS *Clamp* ARS–33 was under construction. It was a diesel-electric powered Auxiliary Rescue and Salvage Vessel. As Chief Motor Machinist Mate, Warrant Officer, James sketched in detail every part of the ship's engineering plant and oversaw its construction.

The *Clamp* at long last went to sea, its destination the Ellice Islands. The ship was the flagship of the salvage fleet. James participated in the invasion of Tarawa. He remembers being at Midway, Kwajalein, Eniwetock, Majuro, Ulithi and the Philippines. His ship arrived at Saipan on July 4, 1943, where James and the crew inspected and cleared a number of Japanese ships that were sunk during the invasion.

On February 19, 1945, the *Clamp* was part of the fleet that invaded Iwo Jima. ''Even for the battle hardened veterans that thought they had seen it all, the battle for the island of Iwo Jima was the most gut wrenching of all that had gone before,'' James recalls. ''The sight of our flag being raised on that mountain top was the most overwhelming, emotional feeling that I have ever experienced in my lifetime.''

The *Clamp* departed Iwo Jima some days after the flag raising and arrived at Kerama Retto, about 15 miles from Okinawa in preparation for the invasion. The following days and nights were the longest in his memory, he recalls. Attacks from suicide bombers and suicide boats were a constant threat. The memories of specific episodes James would rather not dwell on.

Okinawa and the Atolls of Kerama Retto were virtually secure when the *Clamp* received orders to return to Pearl Harbor in preparation for the invasion of Japan. On arrival, they were directed to proceed to a shipyard in Portland, Oregon—where James would meet up again with the ''love of his life,'' Virginia, who was working in a defense plant in Seattle.

James and Virginia quickly married and enjoyed a ''fifty-year love life, short of 3 months,'' James says. Virginia died in 1995, and it is evident that James misses her greatly. James resigned his commission for two months following the War—but was not happy. He reenlisted as a chief petty officer and handled responsibilities of an officer until his retirement in 1954. In 1956 he applied for work with the General Services Administration, Design and Construction Division, Public Buildings Service. He started work as a mechanical-electrical engineer and retired in 1973.

James is now in his 80's and has taken the time to record his enlisted experiences and to share those with me. He has lived a life of integrity and has fought the good fight. He is a man of honor who was devoted to his country, to his fellow citizens, and to his wife. In short, Mr. Speaker, James Blackstone is a great American and a real American hero—and I am proud to call him my friend and to honor him today.

HONORING JAMES RIZZUTO

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. McINNIS. Mr. Speaker, I would like to take this moment to pay tribute to a remarkable public servant, the Honorable James T. Rizzuto. Jim is stepping down as the Executive Director of the Colorado Department of Health Care Policy and Financing, a position he was appointed to in January of 1999. He has served the State of Colorado well and I would at this time like to honor his service.

Jim began his career in public service by first serving as a First Lieutenant Infantry Commander from 1969 to 1971. His experience in the military as well as his educational background helped to prepare him for the leadership responsibilities he would later take on in public office. After graduating with a degree in economics from the University of Colorado at Boulder, Jim went on to the American Graduate School of International Management, where he received his MBA in economics and finance.

In 1982, Jim ran and was elected to the Colorado State Senate where he served for 18 years. During his tenure in the State Senate, he served as a member of the Joint Budget Committee for 12 years. His work in the Colorado legislature earned him the LaJunta Community Service Award in 1994 and Colorado Business Journal also named him one of the top 10 effective legislators.

Jim has served his community, State, and Nation admirably. On behalf of the State of Colorado and the U.S. Congress, I would like to thank Jim for his outstanding commitment to public service and wish him the very best in all of his future endeavors.

CELEBRATING ''A WEEKEND OF GIVING CARE, A LIFETIME OF COMMITMENT''

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. SWEENEY. Mr. Speaker, I rise today to celebrate ''A Weekend of Giving Care, A Lifetime of Commitment,'' which will take place around our great nation on December 2–3, 2000. I would also like to recognize one of my constituents, Mr. Martin K. Bayne, of Clinton Park, in Upstate New York, who first advocated establishment of this wonderful celebration. Martin is a 50 year old publisher and long-time advocate for our nation's elders. Mr. Bayne has worked closely on long term care issues with several of my House colleagues in the recent past. His work has been instrumental in beginning the slow, long process of re-establishing our ties with the generation who brought us up, fed us and protected us.

A century ago, the average life expectancy was 46 years. Today, improvements in diet and medical practices are keeping us alive to average age of 78. Death, however, is often slow and preceded by years of chronic pain and disability. In 1900, we were usually surrounded by family when we died. Today, we often die alone, surrounded only by the sounds of compressors, ventilators, and electronic displays.

In 1900, aging was a normal part of our life, and an important intergenerational bond within the family. It signaled the natural cycle of birth and death, like the changing of the seasons. Today, aging is an aberration in a culture that is fixated—some say obsessed—on eternal youthfulness. Unfortunately, the old are sometimes even shunned, ignored, abused, and neglected.

As a show of commitment to our elder citizens, Martin Bayne proposed setting aside the first week in December as ''A Weekend of Giving Care, A Lifetime of Commitment.'' On that weekend, Mr. Bayne, who himself lives with the daily challenges of advanced Parkinson's Disease, will join other members of his community to volunteer in an elder care facility as a demonstration of their genuine commitment to the nation's oldest citizens—a generation too often forgotten and too seldom embraced.

''A Weekend of Giving Care, A Lifetime of Commitment'' will be an opportunity for many elder Americans to see beyond the health challenges of aging. This event also honors a sacred covenant and repays a debt. Our elders were responsible for our care and safety as infants. Now, the wheel of life comes full circle, and we must be mindful and ever vigilant of the well-being of our parents' generation.

Mr. Speaker, please join me in celebrating ''A Weekend of Giving Care, A Lifetime of Commitment.'' This celebration is an important step in showing our care and concern for elders in this nation. I salute Mr. Martin K. Bayne's efforts to establish this vital celebration, as well as all those volunteers who will participate in the event. I hope our nation pays close attention to the celebration on December 2–3, 2000 and carries the ''Lifetime of Commitment'' message forward in an attempt to provide respectable treatment and care to all our aging Americans.

PROPOSED SEC RULE COMMENT PERIOD

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. UDALL of Colorado. Mr. Speaker, I rise to address a rule proposed by the Securities and Exchange Commission, SEC, that would affect the consulting affiliates of auditing firms.

In response to concerns voiced by some of my constituents, I joined many of my Small Business Committee colleagues in writing to SEC Chairman Arthur Levitt. We asked that the comment period on the proposed rule be extended past its September 25 deadline and that the rule be modified to address the concerns raised by members of the accounting industry.

It was not my intention to delay the final decision to next year. I strongly oppose any attempts to delay the final rulemaking process through legislative means.

As the SEC moves forward with this rule, it is my hope that all interested parties will have adequate time to voice their concerns. That being said, I have no doubt that SEC Chairman Levitt will conduct a thoughtful, inclusive comment period.

PERSONAL EXPLANATION

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Ms. ESHOO. Mr. Speaker, due to a family emergency, I was not able to vote during consideration of rollcall votes 500–530.

Had I been present, I would have voted: ''yea'' on rollcall numbers 500–505, 507–518, 520–523, 525–528, and 530; ''no'' on rollcall numbers 506, 519, 524, 529.

SOCIAL SECURITY NUMBER CONFIDENTIALITY ACT OF 1999

SPEECH OF

HON. J.C. WATTS, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. WATTS of Oklahoma. Madam Speaker, as the information age continues forward, crimes resulting from the use of stolen personal information have occurred with greater frequency. Time and time again, a person's identity is taken from them unknowingly and used to someone else's advantage. Information such as Social Security Numbers, financial records, or medical documents are often easily found and easily abused.

The problem is wide spread. Unfortunately, our own Federal Government, in the form of the Social Security Administration, helps to allow for identity theft to more easily occur. In an alarming practice, the Social Security Administration has the Department of Treasury print a Social Security recipient's name, address, and Social Security Number on their benefits check. This information is then openly displayed in the window of the envelope. These envelopes are placed in the public mail system when any individual could potentially, and relatively easily, gain access to this information. This practice is irresponsible and must be changed. We cannot allow senior citizens to be the victims of government irresponsibility.

H.R. 3218, ''The Social Security Number Confidentiality Act,'' addresses the practice of printing Social Security Numbers in a place where the number can easily be seen or accessed. This forward thinking legislation directs the Treasury Secretary to take the necessary steps to end the practice of printing a recipients Social Security Number in an open and visible location.

Current law ensures that information obtained by the Social Security Administration is confidential. This legislation will make sure that the Federal Government obeys the law, and that it does not act irresponsibly in its job of keeping personal information confidential.

I urge further action by the Congress to explore where further privacy protection is needed and where the Federal Government is not protecting that privacy. In the same way, it is important that citizens take steps to protect themselves. One should always be careful to guard personal information.

This legislation is a positive step in protecting the privacy of our Nation's senior citizens. I urge my colleagues to help pass this legislation and help keep our nation's citizens' private lives just that—private.

HONORING MEMBERS OF THE CREW OF THE GUIDED MISSILE DESTROYER U.S.S. ''COLE''

SPEECH OF

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. SWEENEY. Mr. Speaker, I rise today to commmend the valiant sailors of the U.S.S. *Cole* and to express my deepest condolences to the families and loved ones who suffered losses due to an act of terrorism.

On October 12, 2000, the Navy family suffered a tremendous loss, when the U.S.S. *Cole* fell victim to terrorism while attempting to refuel at the Port of Aden in Yemen. My heart continues to go out to the families and friends of the American sailors who were killed, injured or are still missing. I commend our valiant sailors who responded quickly to this tragedy, minimizing casualties and damage to their ship.

It was a honor to assist three families from my District as they waited to hear news on their loved ones. Fortunately, the families and friends of Petty Officer Kevin Benoit of Cairo, NY, Ensign & Deck Division Commander Gregory McDearmon of Ballston Lake, NY, and Chief Petty Officer Charles Sweet of Broadalbin, NY, after hours of waiting, received word that their loved ones were safe.

It is important that we always remember that these brave men and women are serving our Nation and we should pay tribute to them. These sailors have made the ultimate sacrifice in service to their country. This is a loss felt by the entire nation.

This tragedy highlights the constant dangers faced by our armed forces around the world.

Our country must remain vigilant in protecting them from future terrorist or other attacks. Our government must work diligently to protect and provide aid to those who are injured and work with the families who are going through a period of grieving.

Again, Mr. Speaker, our prayers go out to the sailors, their families and friends.

IN MEMORY OF BETTY BANKS

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. HALL of Texas. Mr. Speaker, I rise today in memory of a beloved citizen of the Fourth Congressional District and a dear friend, the late Betty Jean Henderson Banks of Ivanhoe, Texas, who passed away earlier this year. Betty was a wonderful woman whose kindness and dedication to her family, friends, and community will be long remembered.

Born in Louisiana to the late Lafayette Victor Henderson and Ida Butler Starke Henderson, Betty married James Walter Banks in 1938 in Bonham, Texas. Throughout her years in Bonham, Betty raised a family and worked tirelessly on behalf of her community. Betty was known by many for her work at the Sam Rayburn Memorial Veterans Center in Bonham, where she worked in food service. She also was known throughout Bonham for her volunteer efforts on numerous causes, from making uniforms for the Missionettes (Girls Club) to helping find and fight for a liver transplant for a baby in need. Betty was an integral part of a women's prayer group that met monthly for a prayer breakfast at the First National Bank in Bonham, and she was a member of the First Pentecostal Church of God in Bonham.

In the local paper, this was written about Betty by Mrs. Paul Keahey: ''Over the years she stood up for truth and honesty at all levels of society and government and what she believed to be right.'' These sentiments were echoed by her many friends and fellow citizens who knew her and loved her.

Betty is survived by her son and daughter-in-law, James V. ''Butch'' Banks and Carol of Baytown; two daughters and sons-in-law, Kathy and Mike Stockton of Ravenna and Becky and Victor Santiago of West Haven, Conn.; and a brother, Robert H. Henderson of Colville, Wash. She is also survived by seven grandchildren and three great-grandchildren. She was preceded in death by her loving husband, James Walter Banks, who passed away in 1996; a granddaughter, Amanda Stockton; brother, L. Victor Henderson, and a sister, Yvonne Henderson.

Betty was an honest and loyal friend to many and a role model in her community. We will miss her—but her legacy will live on in the lives of all those whom she touched with her generosity and kindness. Mr. Speaker, as we adjourn today, may we do so in memory of this beloved citizen of Fannin County, Betty Banks.

100TH ANNIVERSARY OF THE FIRST BAPTIST CHURCH OF HUNTINGDON VALLEY

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. HOEFFEL. Mr. Speaker, I rise today to celebrate the 100th Anniversary of the First Baptist Church of Huntingdon Valley in Montgomery County, Pennsylvania.

The First Baptist Church of Huntingdon Valley was established in 1900. The first two decades of the century were years of intense recruitment as new Christians were being sought, baptized, and organized into a church body. The founder and first pastor, the Reverend Price David Chandler, united two small groups, a home-based weekly prayer meeting and a home-based Sunday School class, to form the nucleus of the church.

Through World War I, the church remained intact and served as a place of worship for the community suffering from national unrest and disrupted family lives. During this time, the building experienced a series of remodelings and renovations including the installation of electric lighting, stained glass windows, a metal ceiling, pews to replace chairs, and central heating.

The 1930s brought the Great Depression and First Baptist established a system of dues whereby members were considered in good standing if they paid 25 cents each month on Communion Sunday. In 1937 after 37 years of faithful service, Reverend Chandler passed away.

The spirit of First Baptist Church was tested in the 1940s as a result of World War II. Attendance was unstable because young men were drafted into the military and other members, both men and women, worked in defense plants with irregular and demanding hours. Despite the hard times, First Baptist remained in business.

The 1960s were a time of renewal for the church. A Vacation Bible School was initiated and the First Baptist Church installed its fourth pastor, the Reverend Howard Cartwright, Jr., whose intense interest was missionary work. The congregation became acquainted with missionaries from far and near, serving in both foreign and domestic areas.

In 1997, the First Baptist Church of Huntingdon Valley installed its current pastor, the Reverend Bruce Wayne Petty, Sr., whose very vigorous, enthusiastic teaching and preaching ministry increase spiritual insights necessary to meet the challenges of the 21st Century.

As one of the oldest churches in Montgomery County, First Baptist demonstrates how commitment and dedication can lead to a prosperous and successful church. The history that surrounds the First Baptist Church of Huntingdon Valley is unparalleled and it is a privilege to recognize this extraordinary parish on the occasion of its 100th Anniversary.

MEETING THE NEEDS OF OUR CHILDREN IN THE 21ST CENTURY

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Ms. SANCHEZ. Mr. Speaker, today I have the opportunity to voice my strong concern over the lack of legislation being passed to improve the deterioration of our nation's schools.

During the 106th Congress, I authored H.R. 415 and I co-sponsored H.R. 1660, H.R. 1960, H.R. 3874, and H.R. 4094. Each of these bills, if the majority party permitted them to be considered, would have facilitated school construction—an issue that can no longer be overlooked by the federal government.

H.R. 415, my Expand and Rebuild America's Schools Act, will encourage new school and classroom construction through the creation of a new class of tax-exempt bonds. These bonds are similar to the Qualified Zone Academy bonds created in the Taxpayer Relief Act of 1997 for the purpose of school renovation. My bill focuses on using these new bonds specifically for the construction of new classrooms and schools, and to assist overcrowded, high growth rate schools that are struggling to adequately house their students.

H.R. 415 will assist Local Education Agencies (LEAs) with limited financial resources to combat major overcrowding problems due to increasing enrollment. The program provides interest-free capital to LEAs by giving a tax credit to the financial institution in the amount equal to the interest that would otherwise be paid. The local school district is then required to repay only the principal amount borrowed. The Secretary of Education will be responsible for direct distribution of the bond program to the LEAs, avoiding any state bureaucracy in funding decisions or program administration.

Let's examine the facts about the conditions of our schools. Between 2000 and 2010, the average national increase of public high school students is 10%, with an expected increase of 15% in my home state of California. This year, 53 million children will enter public and private elementary and secondary schools in the United States. By 2020, the Department of Education estimates that about 55 million children will be enrolled in our nation's schools, with this number increasing to 60 million by 2030.

In California alone, the Department of Education projects that elementary and secondary school enrollment will increase by 4.6% over the next 10 years. This ranks 12th among states with the largest expected increases. On a more local level, Orange County has already experienced a 30.9% increase in the enrollment of elementary and secondary school students from 1990–1998.

The bottom line here is that we have a growing population of students, and we do not have the infrastructure in place to properly accommodate all of them. These are frightening statistics for the future of our nation. It is our responsibility to our children to take action on this matter immediately. We wouldn't think of sending our men and women in the armed services into a battle without the best training they can be supplied. Why are we sending our children into this global economy and competitive world with less than the best preparation? This is indeed an issue of national security for the United States.

Let's forget about the future for a moment and focus on where we are putting our children now. In a study issued by the National Center for Education Statistics (NCES) on the conditions of public schools, three-quarters of all schools reported the need to spend money on repairs, renovations, and modernization to bring their school buildings into good overall condition. Approximately one-fifth of schools indicated less than adequate conditions for life safety features, roofs, and electric power. They also reported that 43% of the schools reported that at least one of six environmental factors was in unsatisfactory condition. Moreover, about 36% of schools indicated that they used portable classrooms.

But wait, it gets worse. NCES also reports that 78% of all schools in rural America need to be repaired and modernized. Nearly one-half (47%) of all schools in rural America have unsatisfactory environmental conditions. Over 30% report inadequate heating, ventilation, and air conditioning.

How do we expect our students to improve their performance if we are not meeting their basic needs? The National Education Association estimates that the total funding need for public school modernization is $321.9 billion. Of that total, $268.2 billion is needed for school infrastructures and $53.7 billion is needed for education technologies.

We must take action now to enable us to provide the best education possible for our current and future students. We must pass legislation that will facilitate the construction and repair of our nations public schools. We must strongly consider passing legislation like H.R. 415. The majority party in the Congress should make this a priority—not put it on a back burner.

We can't afford to waste any more time. While we fight about the cost and the most effective ways to improve our schools, there is a student in California who can't go out to play because her playground is now filled with portable classrooms. While we struggle to realize that this is an issue of the highest priority, a student in New York is walking around a trash can in the middle of the hall that is catching the rain water falling from a leaky roof. Let's not wait any longer.

My fellow colleagues, let's pass legislation that will allow our students to learn and our teachers to teach in a safe, clean, uncrowded environment. I truly believe that the future economic health and security of our nation depends upon it.

TRIBUTE TO J.R. CURTIS

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. HALL of Texas. Mr. Speaker, I rise today in memory of an exceptional man, an outstanding community leader and beloved citizen of Longview, Texas, the late J.R. Curtis, whose life was cut short at the age of 55 following a motorcycle accident on September 2 in Durango, Colorado. J.R. lived life with enthusiasm—and with a tremendous devotion to his family, his community, his friends and his faith. He leaves a remarkable legacy of professional and civic accomplishments—as well as a legacy of loving relationships with his family and many friends.

J.R. was born on August 18, 1945, to James R. Curtis, Sr., and Sarah DeRue Armstrong Curtis of Longview. He graduated from Longview High School in 1963 and graduated from Texas Christian University in Fort Worth in 1967. He also attended the American Institute of Foreign Trade in Glendale, Ariz., from 1967–68.

J.R. was a successful and popular radio broadcaster in Longview. He purchased KFRO AM/FM radio station from his father in 1986 and was the owner and manager until 1998. He also became owner of KLSQ–FM and operated KNYN in Santa Fe, N.M. He began his broadcasting career in high school, working for his father's station as sportscaster for KFRO's Wednesday night Teen Time Program. He learned all aspects of the radio business, from engineering to news and sales, at an early age.

J.R. was active in the Texas Association of Broadcasters, serving as a medium market director for TAB and as president of TAB. He was named Texas Broadcaster of the Year in 1990. He also was active at the national level, serving as a member of the National Association of Broadcasters Blitz Committee and as a director of NAB in Washington, DC, from 1996–99.

In addition to broadcasting, J.R. served as president of the Curtis Foundation, president of Workmans Oil Co., and a director of First Federal Savings Bank of Longview from 1982–1997. At the time of his death, he was employed as a consultant with Longview Economic Development Corp.

J.R. served nine years on the Longview City Council, from 1975–1984. In 1977 he became the youngest mayor in Texas when he was appointed by the council at age 33 to the city's top job. His recent community involvement included serving as president and vice president of Longview 20/20 Forum; finance chairman of Longview Museum of Fine Arts, 1997; director of Longview Partnership, 1995–98; and a member of the administrative board of First United Methodist Church, 1996–98. He had a 19-year perfect attendance record in the Longview Rotary Club, where for many years he kept the membership informed of local and national news.

Other involvements included serving as president of Gregg County Housing Finance Corp., executive committee member for the East Texas Council of Governments, director of Little Cypress Utility District, director of the Longview Chamber of Commerce, foundation board member of Good Shepherd Medical Center, foundation board member of LeTourneau University, board member of Crisman Preparatory School and a volunteer for many other organizations. He was a member of the Collier Sunday School Class at First United Methodist Church and an usher at the church.

J.R. is survived by his loving wife of 33 years, Sue Skaggs Curtis; his son and daughter-in-law, Jason Skaggs Curtis and Janey of Fort Worth; his daughter, Elizabeth Ann Curtis of Longview; granddaughter, Margaret Lynn of Forth Worth; his aunt, Ruth Elizabeth Curtis Gray of Longview; mother-in-law, Fredna Skaggs of Longview; brother-in-law Bill Hodges of Longview and brother-in-law and sister-in-law, Dr. and Mrs. Richard Lucas of Longview; two nephews and a niece, and other relatives. He was preceded in death by his parents and one sister, Elizabeth DeRue Curtis Hodges.

J.R. had biked to Durango with five friends for an annual getaway vacation. He died as he had lived—with enthusiasm for life and for friendship. He will long be remembered for the significant contributions he made to his beloved city of Longview. As his wife and high school sweetheart, Sue Curtis, noted, ''He loved Longview. He believed in Longview. He was born here and went to school here and wanted to make it a better place.''

And he did. J.R.'s influence can be found everywhere in Longview—and will be felt for years to come. Mr. Speaker, as we adjourn today, let us do so in celebration of the life of this wonderful man and citizen of Longview, Texas—J.R. Curtis, whose memory will be cherished in the hearts and minds of those who knew him and loved him.

RECOGNIZING MS. KARIN M. ORBON PARTICIPANT IN THE 2000 AWARDS FOR EXCELLENCE IN TEACHING EXCHANGE PROGRAM

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. NEAL of Massachusetts. Mr. Speaker, I would like to take this opportunity to recognize the efforts of Ms. Karin M. Orbon. Ms. Orbon has been selected to participate in the 2000 Awards for Excellence in Teaching exchange program between the United States and six countries in the former Soviet Union. Ms. Orbon will be visiting Russia as a member of the 23 teacher U.S. delegation.

The teachers chosen for this assignment were selected from a pool of educators who had previously been honored for their excellence in teaching through such programs as the annual U.S. Teacher of the Year Award and the Miliken Educator Awards. Ms. Orbon, a computer, business and accounting teacher at North Brookfield High School is a recipient of the Miliken award.

The Milken Family Foundation was established in 1982 to support education and health care nationwide. The Milken Educator Awards were established in 1985 to celebrate and reward educators who are making great strides in improving the nation's education system. The Milken national conference annually recognizes outstanding national educators who receive the Milken Family Foundation National Educator Awards, carrying with it a $25,000 check to each educator.

The 70 teachers from the former Soviet Union participating in this exchange have already visited the United States as part of their program. Ms. Orbon will participate in the reciprocal portion of the program through discussions on English and American studies programs and what effect the introduction of American studies into the foreign language curricula has on teaching in Russia. She may even be invited to teach a class.

The American Councils for International Education, the group sponsoring this teacher exchange, has made a great choice in the selection of Ms. Orbon for their program. She is a leader among the educators of Massachusetts and an invaluable emissary for the United States. The school system of North Brookfield, Massachusetts is blessed to have Ms. Orbon in their classroom, and I am honored to count her among my constituents.

THE FIRST ANNUAL PARKER-O'QUINN TROPHY

HON. JAY DICKEY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. DICKEY. Mr. Speaker, on Friday, October 13, 2000, 1 had the honor of participating in the presentation of the first annual ''Parker-O'Quinn Trophy'' to the Fordyce Redbug Football Team. Today, I want to honor the great football rivalry between two great South Arkansas communities, Fordyce and Warren.

Out of this rivalry has come people such as Paul ''Bear'' Bryant, Larry Lacewell, and other notable leaders and football stars. Out of this came the rivalry between two great coaches, Coach Mickey O'Quinn and Coach Jimmy ''Red'' Parker.

The Fordyce/Warren football rivalry has always been a major event in South Arkansas. It was never more heated and fierce than during the O'Quinn and Parker era. These two coaches were known for their competitive and innovative approaches to the great game of football.

Both Coach Parker and Coach O'Quinn went on to become legends in their own fields and in their own time. I can attest personally to the feelings of love and affection from those students that played for and learned with them. The lessons learned playing for these two great coaches last a lifetime: determination, dedication, a willingness to work, a strong desire to win, and a spirit of sportsmanship in defeat. All of these lessons make for better citizens and better communities. South Arkansas is blessed to have had two coaches of this caliber pass our way in our time.

There is an uncommon bond of friendship and respect among the players, fans and coaches from the O'Quinn and Parker time; one that goes beyond mere competition. Instead it is a bond that symbolizes the spirit of the people of South Arkansas.

Warren and Fordyce are natural rivals but also natural friends. Never was this more apparent than in the relationship between two coaches that are the most spirited of rivals and the greatest of friends.

Now, we come to a new era and a renewal of the competitive spirit between the two rivals, symbolized by the ''Parker-O'Quinn Trophy''.

HONORING PASTOR CHARLES SIMS, JR.

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. VISCLOSKY. Mr. Speaker, it is with great pleasure and admiration that I congratulate Pastor Charles Sims, Jr. for his ten years of dedicated service to Saint Philip Lutheran Church in Gary, Indiana. One of the longest tenured Lutheran pastors to serve in the city of Gary, the members of St. Philip deeply appreciate Pastor Sims unfailing dedication to strengthening the parish community. To recognize his commitment to St. Philip Church, his parishioners are hosting a celebration dinner in his honor, entitled ''Staying the Course, Answering the Call,'' on November 11, 2000.

From modest beginnings, St. Philip has grown into an integral part of the area and neighborhood. The community activism and social awareness displayed by the congregation has made a lasting difference to the citizens of Gary. The parishioners' outreach and concern for their fellow man can be attributed in large part to the efforts of Pastor Sims. He has consistently shown the courage and leadership necessary to effect change in his community.

Originally named Tarrytown Lutheran Church, St. Philip was constructed in 1956 to serve the spiritual needs of African-American Lutherans living on the far west side of Gary. During its dedication service on January 20, 1957, the congregation renamed the Church. On October 22, 1967 the members of the parish dedicated a new educational wing to the church. Located at 3545 West 20th Place in Gary, the church has been a foundation of the community for many years.

Many ministers sustained St. Philip during its first 34 years of existence. Some of the preachers held permanent assignments, while others worked on a part-time basis. On October 21, 1990 the loyal congregation of St. Philip was blessed to have Pastor Sims, a graduate of Chicago University's Lutheran Seminary, accepted the call to lead the St. Philip parish.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in congratulating Pastor Charles Sims, Jr. for his decade of tireless service to the members of St. Philip Lutheran Church and the Gary community. We are fortunate to have such an outstanding leader in our community, and I hope the people of St. Philip enjoy many more decades under Pastor Sims' spiritual guidance. His vision and spiritual mission have made Northwest Indiana a better place to live and work.

RETIRED MARINE COLONEL BRIAN QUIRK SEEKS PROPER BURIAL FOR WWII WAR HERO REMAINS

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. LIPINSKI. Mr. Speaker, I rise today to recognize a dear friend of mine, retired Marine Colonel Brian Quirk, on his endless desire to preserve the lives of our fallen war heroes.

At the annual convention of the Marine Corps League in New Orleans, Louisiana, Colonel Quirk proposed a resolution that the United States Congress demands an apology from the Japanese government. This proposal arose because of unanswered questions regarding incidents on the small Pacific island called Makin Island between August and October of 1942.

In August of 1942, Colonel Quirk was on the submarine with Donnie Roberton of Franklin, Louisiana, a Marine who is thought to have been beheaded by the Japanese on Makin Island. Colonel Quirk and Private Roberton were comrades during WWII en route to Makin Island. They were both privates and members of the Carlson's Raiders, a group of 220 Marines headed by a celebrated fighter who had done a tour with the Chinese Army against the Japanese in the 1930s. They were under the command of James Roosevelt, the son of President Franklin Roosevelt. The mission of the Carlson's Raiders in August of 1942 was to attack the Japanese on Makin Island. It was believed that there were only 100 Japanese on the island. The battled lasted one morning and all the Japanese were believed to be dead.

About 140 wounded American Marines left the island by boat, which left behind about 60 Marines on Makin Island. Private Roberton and four other Marines volunteered to leave the submarine to rescue the remaining men on the island. The five men journeyed in a rubber boat back to the island, but were spotted by Japanese aircraft and bombed in the water. The five men were presumed dead.

From this point on in the story little more is known. However, there is record that nine or ten Marines had surrendered to the Japanese on Makin Island at the end of September. There is also record that nine Marines were beheaded in October of 1942. This leaves many unanswered questions for the family and friends of our fallen war heroes who may have been involved in this attack.

Colonel Quirk is now actively seeking answers, more importantly, an apology from the Japanese government for their inhumane treatment of our Marines. This is a 58-year-old mystery that Colonel Quirk is determined to discover the truth. I commend Colonel Quirk on his quest for the truth.

WELCOMING AANA ''FALL ASSEMBLY OF STATES'' TO SAN ANTONIO, TEXAS

HON. HENRY BONILLA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. BONILLA. Mr. Speaker, on behalf of the people of the largest city in my Texas congressional district, I want to welcome the American Association of Nurse Anesthetists Fall Assembly of States to the City of San Antonio, for their November 9–12, 2000 meeting.

The 28,000 member AANA will bring to downtown San Antonio Certified Registered Nurse Anesthetists (CRNAs) from every State and the District of Columbia to review issues in anesthesia and health care. These include improving patient safety, expanding educational opportunities to meet workforce shortages, and examining health care policy in Washington, DC, and the States. As a member of the House Appropriations Subcommittee on Labor, HHS and Education, I know that the taxpayers are making major investments in health research, in health professions education, and in providing quality health care to seniors and to people who are disadvantaged. The value of each of these depends on individual health professionals like CRNAs to carry out this important work through continuing professional development.

In addition, this meeting will mark the final association gathering for AANA's longtime executive director, John Garde, and the debut of the association's new executive director, Jeff Beutler. Mr. Garde, of Park Ridge, Illinois, has enjoyed a distinguished career as a CRNA, an educator, an officer and past president of the AANA, and for the past 17 years he has served as the association's executive director. His successor, Mr. Beutler, is a past AANA

Deputy Executive Director, a distinguished leader in health care and anesthesia care in his own right, and for the past decade has run a successful anesthesia care practice in Grand Rapids, Michigan.

Mr. Speaker, the people of San Antonio are happy to welcome the AANA Fall Assembly of States during this time of change and growth in this important health professionals' association. I congratulate Mr. Garde on his life's work, and Mr. Beutler on his task ahead, and wish them and their fellow CRNAs from around the country a successful and enjoyable assembly in the shadow of our historic Alamo.

INTRODUCTION OF THE CONSERVATION SECURITY ACT

HON. DAVID MINGE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. MINGE. Mr. Speaker, today, I along with twenty four House Members, introduced the Conservation Security Act. We believe now is the time for Congress to make conservation a cornerstone of the next Farm Bill. And promoting fiscally sound, environmentally friendly conservation farm policy will result in win-win-win situations for farmers, for the environment and for the American taxpayer.

This legislation will allow for conservation to become an integral part of agriculture by providing opportunities for all interested farmers, ranchers, and other agricultural producers to participate in a voluntary, incentive-based federal conservation program. Landowners and operators would enter into Conservation Security Contracts and Plans and receive payments based on the type of conservation practices they are willing to undertake, plan, implement and maintain. For instance, conservation practices can, range from soil and residue management, contour farming, and cover cropping to comprehensive farm plans that take into account all the resource concerns of the agricultural operation.

The Conservation Security Act will establish three tiers of voluntary conservation practices, plans and payment levels while allowing for continued participation in other agriculture conservation programs. A participant may also receive payments based on established practices and for adopting innovative practices and systems, pilot testing, new technologies, and new conservation techniques. Participation would be voluntary and would enable farmers to implement plans they believe in without sacrificing income that they might go broke, while helping to preserve diversified, low-input, family size farming and ranching operations.

The Conservation Security Act will benefit the environment and augment on-farm income. And I think a majority would agree that the issues of conservation, land stewardship and farm and ranch income are highly important to the public.

A TRIBUTE TO DR. BARRY HARDING

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. McINTYRE. Mr. Speaker, I rise today to pay tribute to Superintendent Barry Harding of Robeson County in the great state of North Carolina. Dr. Harding was recently named National Indian Educator of the Year by the National Indian Education Association. Dr. Harding, a former teacher, coach, principal, associate superintendent, and special assistant to the superintendent, is the second Lumbee Indian in the association's history to receive this award. This high honor was bestowed upon him in recognition of his major contributions to improving educational opportunity and quality for the children of Robeson County.

When I think of Dr. Harding's commitment to education, the words ''spirit, sacrifice, and service'' come to mind. Dr. Harding's positive spirit has always been to do the task at hand—a spirit that inspires students to achieve. His sacrifice in time and commitment has been to make Robeson County a better place for children to learn and live.

Pearl S. Buck once said, ''To serve is beautiful, but only if it is done with joy and a whole heart and free mind.'' There is no question that Dr. Harding's twenty-six years of service have been the epitome of this statement. Service to our children, the citizens of tomorrow, has been the embodiment of his life.

Nearly half of the 24,000 students in the Robeson County school district are American Indian, and Dr. Harding represents one of the voices that have spoken out to help improve the education of Native Americans—an education that recognizes, not denies, heritage and culture. Like Dr. Dean Chavers, the Lumbee educator born and reared in Pembroke, North Carolina, who went on to receive his Ph.D. from Stanford University and raise money for Native American scholarship funds, Dr. Harding has fought to make Indian education part of the national education agenda.

John F. Kennedy once said, ''Let us think of education as the means of developing our greatest abilities, because in each of us there is a private hope and dream which, fulfilled, can be translated into benefit for everyone and greater strength for our nation.''

Dr. Harding has chosen to dedicate his life to inspiring and educating America's children. He has helped our children and our youth develop their greatest abilities, and in doing so, he serves as a reservoir of strength for our community, state, and nation. Dr. Harding, may God's strength, joy, and peace be with you and your family as you continue your service and commitment to our children.

IN RECOGNITION OF RALPH RAYMOND

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. McGOVERN. Mr. Speaker, I rise today to pay tribute to Ralph Raymond, the coach of the gold-winning U.S. Women's softball team. Coach Raymond is from my hometown of Worcester, Massachusetts, and I know that our entire community is proud of his wonderful accomplishments.

All of us watched with pride last month as our softball team overcame tremendous odds in Sydney to take the gold medal. And they didn't just win—they won with class, style and pure enjoyment of the game. They showed great team spirit and a commendable commitment to hard work. All of those attributes speak volumes about Coach Raymond.

As Coach Raymond has noted, nearly I million women are playing fast-pitch softball in high schools and colleges across the country. Softball has provided great opportunities for girls to stay physically fit and enjoy the benefits of sports at an early age—benefits like teamwork, camaraderie, and accepting both victory and defeat with humility and grace.

Again, Mr. Speaker, I want to congratulate Coach Ralph Raymond for a job very well done, and I hope we can convince him to coach our softball team in Athens in 2004. I hope all my colleagues will join me in paying tribute to one of Worcester's finest sportsmen.

REVEREND CHARLES J. BEIRNE, S.J., APPOINTED PRESIDENT OF LE MOYNE COLLEGE

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. WALSH. Mr. Speaker, on July 1, 2000, the Reverend Charles J. Beirne was named the 11th President of Le Moyne College in Syracuse, New York. Le Moyne College, a private four-year Jesuit college, has an enrollment of approximately 2,000 full-time undergraduate students in programs of liberal arts, the sciences and pre-professional studies. Le Moyne also offers a physician assistant program and graduate programs in education and business administration. Founded in 1946, Le Moyne is the second youngest of the 28 Jesuit colleges in the nation.

Today I would like to recognize Fr. Beirne as his first academic year as President of Le Moyne College commences. Fr. Beirne brings impeccable academic credentials, remarkable life experiences and an enthusiastic attitude to an institution just reaching its stride of academic excellence.

Previously, Fr. Beirne served in San Salvador as the academic Vice President at the Universidad Centroamericana. There he bravely replaced his comrade, Rev. Ignacio Martin Baro, S.J., who was murdered by the Salvadoran government forces. In addition, Fr. Beirne was academic Vice President at Santa Clara University, an Associate Dean at Georgetown University Business School in Washington, DC, and Principal at Regis High School in New York City and Colegio San Ignacio in Puerto Rico.

Most recently, Le Moyne College has experienced great strides in its pursuit of academic excellence, receiving national recognition. This past year the US World and News Report ranked Le Moyne College sixth among all liberal arts colleges and universities in the North.

I am pleased to commend Rev. Charles J. Beirne for his years of service to all people and to congratulate him on his appointment as President of Le Moyne College.

KEEP DEMOCRATIC REFORMS IN SRPSKA ON TRACK

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. GILMAN. Mr. Speaker, elections in the Serbian majority entity of Bosnia and Herzegovina, the Republic of Srpska, next month will put to the test the efforts of the international community and the people of Bosnia to create lasting and stable reforms and democratic institutions. Prime Minister Milorad Dodik, leader of the Party of Independent Social Democrats will stand for reelection. Dodik has demonstrated a willingness to work for responsible change in Srpska and throughout Bosnia and Herzegovina.

Dodik's main opponent, Mirko Sarovic is a member of the party that led the brutal war against the people of Bosnia in the earlier part of this decade. Victory for the nationalist forces in next month's election would be a stark reversal of the changes we have seen throughout the former Yugoslavia. Dodik has strongly endorsed the new President of Serbia, Vojislav Kostunica, while his opponent, has decried the free expression of his fellow Serbs.

Dodik has worked in cooperation with the international community to foster economic reforms, and to instill a new spirit of tolerance in Srpska that has led to an unprecedented number of minority refugee returns to the Republic during the past year. Our U.S. Ambassador, Tom Miller, has made it clear that if the opposition to Dodik wins, further cooperation by our government will be impossible.

The people of Srpska have a clear choice as they cast their ballots next month: to continue the progress they have made to date through their hard work and diligence, or to return to the past with its legacy of hardship, repression, and impoverishment. I hope that they consider their choices carefully, and make the decision to continue progress and hope for a better life for them and their children.

HONORING MICHAEL F. RODGERS FOR HIS SERVICE TO OLDER AMERICANS

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. DAVIS of Virginia. Mr. Speaker, I would like to take this opportunity to recognize to a constituent of mine, Michael F. Rodgers, for his many years of service to older Americans, particularly those in need of housing or various forms of long-term care. For the last fourteen years, Mr. Rodgers has served as the Senior Vice President of the American Association of Homes and Services for the Aging (AAHSA). AAHSA is a national nonprofit organization representing 6,000 nursing homes, continuing care retirement communities, senior housing, assisted living facilities, and community service organizations for seniors. AAHSA is a leader in the development of an integrated continuum of care for frail elderly people and individuals with disabilities. I am familiar with AAHSA through the membership of three excellent retirement communities within my district, Goodwin House West in Falls Church, The Virginian in Fairfax, and Westminister at Lake Ridge.

Throughout his tenure at AAHSA, Mr. Rodgers has devoted talent, skill, dedication and commitment to advocating for mission-driven, non-profit senior services across the spectrum of need. He has developed and implemented a public policy and advocacy program whose goal is a more rational and integrated system of long-term care that will serve seniors in the most appropriate and least restrictive environment possible. He has fought for effective solutions to issues raised by increasing longevity and the emergence of a growing ''old old'' population whose needs no longer can be met by the informal care network of the past.

In addition to his work at AAHSA, Mr. Rodgers is a member of the Board of Directors of the American Society on Aging and also belongs to the Gerontological Society of America. He teaches at John Hopkins University as a member of the adjunct faculty in the Center on Aging Programs and Studies. Mr. Rodgers was chosen as a delegate to the most recent White House Conference on Aging in 1995.

Prior to joining AAHSA, Mr. Rodgers worked on Capitol Hill for several years. For two years, he was the staff director of the House Select Committee on Aging's Subcommittee on Housing and Consumer Interests. Previously, he spent six years on the senior professional staff of the Senate Special Committee on Aging under the chairmanship of the late Pennsylvania Senator John Heinz. His work with these committees focused on health, long-term care, assisted housing and other aging-related legislation. Before coming to the Hill, Mr. Rodgers was the Director of the Bureau of Policy, Planning and Evaluation at the Pennsylvania Department of Aging. Previously, he served as the Executive Director of the Lackawanna County Area on Aging in Scranton, Pennsylvania, Mr. Rodgers received a master's degree in rehabilitation counseling and psychology from the University of Scranton, where he subsequently was on the adjunct faculty as a professional lecturer.

Mr. Speaker, in conclusion, I would like to wish Mr. Rodgers the very best as he prepares to depart from the AAHSA to join the Catholic Health Association, where he will become the new Director of Government Relations. In this capacity, he will have the opportunity to continue to work on behalf of faith-based, mission driven providers of high-quality health and long-term care. I know his colleagues join me in recognizing his many years of service to America's seniors and in wishing him continued success in his new role.

IN HONOR OF DR. CLAUDE W. CUMMINGS' 39 YEARS OF PASTORAL SERVICE TO THE EBENEZER ASSEMBLY OF CHRIST IN CLEVELAND, OHIO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. KUCINICH. Mr. Speaker, today I honor of the pastor of Ebenezer Assembly of Christ, Dr. Claude Cummings. A man who has devoted his adult life as an ordained minister of God, Dr. Cummings is an example of selfless leadership and service to those who share his spiritual faith.

Dr. Claude Cummings, son of the late Bishop Claude and Mattie Cummings, knew he was called into ministerial service when he began preaching at the age of 18. He was ordained at the age of 26, and has since worked tirelessly as a servant of God. Dr. Cummings made his first move to Cleveland, Ohio in 1956, only to leave two years later due to the call of the Army. He went on to serve in Texas, both in San Antonio and then as a pastor of a small church in Sequin, until allowed to return home to Cleveland in 1961. There, he was sent to minister to a small group of Saints in Miles Heights, Ohio, who were attempting to build a church. As an example of the dedication and devotion Dr. Claude Cummings has shown throughout his years of service, he and first wife, Faith Cummings, shared their resources to complete the church-building project which had since haulted progress. They worked untiringly to get the edifice completed, only to see it destroyed in a tornado shortly after its dedication. Despite the disaster, Dr. Cummings assumed the role of general contractor, and worked even harder to build the edifice which now stands.

Dr. Cummings has always endeavored to further his education, particularly within his own faith. Because of this love of the Word, he attended many colleges, including Aenon Bible College, Fenn (Cleveland State), and Grace Bible College. An obvious advocate of life-long learning, he currently continues his studies at Ashland Bible College and the Moody Bible Institute. Dr. Cummings is known not only for his breadth and depth of knowledge of the scriptures, but also for his gift of sharing the Bible through his commanding preaching and his extraordinary way of bringing the Bible to life during Bible Classes.

Dr. Claude Cummings is affiliated with the Pentecostal Assemblies of the World, an organization in which he holds several offices; and the Apostolic Fellowship Conference. He was also one of the originators of the Cleveland Apostolic Ministerial Fellowship known as CAMF. A man of faith, Dr. Cummings is also a man of family. A loving father of five and grandfather to eight, he takes pride in both his personal and spiritual families.

Let us honor Dr. Claude Cummings for his tremendous dedication to the many people he has led, and let us recognize his tireless service to faith.

HONORING THE AMERICAN DENTAL HYGIENISTS ASSOCIATION OF ILLINOIS

HON. ROD R. BLAGOJEVICH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. BLAGOJEVICH. Mr. Speaker, as another session of Congress comes to a conclusion, we are reminded of the many important and difficult issues which are dealt with on a daily basis in the Congress of the United States.

As we consider the responsibility with which we are entrusted to represent the people who

send us here, it is important that we recognize the essential role of citizen participation in our form of government, Just one example of the practical application of this concept which I am honored to bring to the attention of my colleagues is the work done by the American Dental Hygienists' Association, the members of that organization from across Illinois and especially those in the 5th Congressional District of Illinois which I am honored to represent.

I want to recognize the tremendous work performed by these dedicated professionals who promote total health through quality oral care. Every year, they take time from their busy schedules to come to Washington and make sure that their voice is heard in the national debate over health care and other important issues of the day. In addition to taking continuing education courses, these leaders of the profession set policy for the association and strategize as to how to best fulfill the association's mission to improve the oral health of the public.

In 1923, the American Dental Hygienists' Association was established to enhance communication and mutual cooperation among dental hygienists. Today, ADHA is the largest national organization representing the professional interests of the more than 100,000 registered dental hygienists (RDHs) in the United States.

ADHA members work to improve the public's total health and to advance the art and science of their profession. In doing so, they play a critical role in meeting the needs of so many people in this country.

I appreciate their commitment and commend to my colleagues their example of civic participation and professional dedication.

HONORING BARBARA CASEY OF WASHINGTON STATE

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. INSLEE. Mr. Speaker, it is with great pleasure that I honor Ms. Barbara Casey for a long and dedicated career in improving the educational system in Washington State.

Ms. Casey, in her professional career and voluntary activities, has shown a commitment to improving the lives of students at home and in school. She began her work in education as a technical operator for a weekly public radio talk show on education issues. Then she moved her volunteer work into the school. She has served as a health room volunteer, classroom volunteer, library aide, reading aide, phoneathon volunteer, C2B2 Committee member and lobbyist. Barbara has also been the Legislation Chair for the Issaquah PTSA Council and Sunset PTA Board of Directors.

Her presence in the Parent Teacher Association (PTA) is especially notable. She has served as the Sunset PTA Board President and received the Golden Acorn Award twice from the Sunset PTA and Issaquah PTSA Council. In addition, Barbara has volunteered on an impressive list of education organizations. Her work is well known on the Sunset Elementary Shared Management Team, Big Idea Grant Committee, State PTA Legislation Committee and Issaquah Family Service Network Task Force. Her outstanding contributions to the Community Health and Safety Network brought gubernatorial recognition.

Since 1994, Barbara has served as the first Government Relations Director of the Washington State PTA. Though an unusual position on a state PTA, it reflects the progressive nature of her work for education. Instead of merely reacting to the decisions of other education administrators, she has been proactive in her advocacy of children's education needs. Barbara has been a model of the PTA mission to speak on behalf of children in schools and the community, assist parents in developing skills to raise their children and encouraging parent and public involvement in public schools.

Mr. Speaker, I want to voice my appreciation and commendation for Barbara Casey. She reflects the best of what parents and other education advocates bring to our schools.

IN MEMORY OF MISSOURI GOVERNOR MEL CARNAHAN

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. SKELTON. Mr. Speaker, it is with deep sadness that I inform the House of the death of my good friend Governor Mel Carnahan, of Rolla, Missouri.

Governor Carnahan, 66, the fifty-first Governor of the State of Missouri, his son Roger Andrew ''Randy'' Carnahan, and a long-time advisor, Chris Sifford, died in an airplane crash on October 16, 2000, in rural Jefferson County.

Born in the small Ozark town of Birch Tree, Missouri, in 1934, Governor Carnahan lived his early years in Shannon and Carter Counties. He was the son of rural schoolteachers, and he carried on a longstanding family commitment to education during his distinguished career of public service. His father, the late A.S.J. Carnahan, a contemporary of President Harry Truman, served in the United States Congress for 14 years before being named by President Kennedy as the first U.S. Ambassador to Sierra Leone. His mother, the late Mary Carnahan, was an inspiration to hundreds of school children during her many years as a high school English teacher.

Governor Carnahan began his lifelong commitment to public service at the young age of 26, when he was elected municipal judge in his hometown of Rolla in 1961. Two years later, he won a seat in the Missouri House of Representatives and was elected Majority Floor Leader in his second term. Following his four years in the Missouri House, he returned to his hometown of Rolla where he built a successful law practice. In 1980, he was overwhelmingly elected State Treasurer and served in this position for four years. The Governor returned to public office in 1988, becoming Missouri's 42nd Lieutenant Governor. In a landslide victory in 1992, he won the Governor's office and Missouri voters returned him to office for a second term in 1996.

Governor Carnahan was running for the United States Senate, after two remarkably successful four-year terms as Governor. Among the major accomplishments of his administration were the Outstanding Schools Act, a comprehensive package of reforms, new resources and accountability measures to improve Missouri's public schools; major tax relief for working families; welfare reform; some of the toughest anti-crime laws in the nation; and primary health care services for thousands of previously uninsured Missouri children. Governor Carnahan will forever be remembered as an advocate for children and working families.

Governor Carnahan held a Bachelor's Degree in business administration from George Washington University and graduated from the University of Missouri-Columbia Law School in 1959 with the highest scholastic honors—Law Review and Order of the Coif. He was a United States Air Force veteran, a 33rd degree Mason, and a longtime member of the First Baptist Church in Rolla. He served as Chairman of both the Southern and Democratic Governors' Association.

Mr. Speaker, Mel Carnahan was a good friend and a truly great American. I know the Members of the House will join me in extending heartfelt condolences to his family: his wife of 46 years, Jean Carnahan; two sons, Russ and Tom Carnahan; one daughter, Robin Carnahan, of St. Louis; one daughter-in-law, Debra Carnahan; one brother and sister-in-law, Bob and Oma Carnahan, and two grandsons, Austin and Andrew.

AMENDING PERISHABLE AGRICULTURAL COMMODITIES ACT

SPEECH OF

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. CONDIT. Mr. Speaker, Thank you, Speaker HASTERT and Mr. GEPHARDT for scheduling this bill on today's suspension calendar and bringing this important matter to the floor.

The Hunt's Point incident represents a serious threat to the entire produce industry. The acceptance of bribes by USDA inspectors erodes public trust in an inspection system meant to provide security and consistency to the produce industry as well as consumers. This legislation is the fruit of a continuous and effective dialog between the USDA and Congress to address the serious problems raised by this scandal.

On October 27, 1999, eight USDA fruit and vegetable inspectors were convicted of accepting bribes for downgrading loads of produce so that receivers could negotiate lower prices with shippers. Inspection certificates originally issued by USDA were held by the U.S. Attorney General and USDA OIG as key evidence in the criminal investigation. These same certificates are also necessary to establishing a PACA claim. As a result of the investigation, some growers and shippers did not recover those vital inspection certificates until as recently as June 23. Since the deadline for filing claims was July 27, this did not allow for sufficient time to review and process those claims.

For these reasons, I introduce along with Chairman POMBO this legislation to extend the filing deadline for PACA claims related to Hunt's Point to January 1, 2001.

This legislation will enable those growers and shippers to establish their losses, file a claim and recover.

TRIBUTE TO GENE MARTIN

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. HALL of Texas. Mr. Speaker, Eugene Eaves Martin was born and raised in Rockwall, TX, my hometown in the Fourth District, and died on August 17 at the age of 78. He was a journeyman printer and production manager and a lifelong member of the International Typographical Union. Gene was also my best friend in high school.

Gene was everybody's favorite. He was on our track team and a great football player. His family was affluent—and Gene had access to cars and other advantages that many of us didn't have in those years of the great Depression. He shared everything he had with other students—including me and my family. He was by far the most popular and best-liked guy in school.

Gene maintained many of his boyhood friendships throughout his life. He never forget Rockwall High School—and returned to lead each high school reunion. Following high school graduation, Gene attended Texas Christian University in Forth Worth, then served in the U.S. Coast Guard during World War II. He served in the Philippines and in the horse patrol along Florida's eastern coast.

Gene worked as journeyman printer, foreman and production manger for several major newspapers, including the Houston Chronicle, Chicago Tribune, San Francisco Chronicle and Dallas Morning News until his retirement in 1986. He and his wife, Lucille, moved to Llano Grande Lake Park in 1994, where he made many new friends.

He is survived by his wife, Lucille; sons, Eugene, Jr., Mark, Larry and Todd; daughter, Len Lea Noack; step-daughter, Denise Kaplan; nine grandchildren; and several nieces, nephews and cousins. Gene was devoted to his profession, to his family, and to his friends—and I join all those who knew and loved him in remembering this wonderful man and outstanding citizen—Gene Martin.

RETIREMENT TRIBUTE TO DANIEL A. FRANK

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. PAYNE. Mr. Speaker, I rise today to invite my colleagues to join me in congratulating Daniel Frank on the occasion of his retirement after twenty years of service to the Kessler Institute of Rehabilitation, and recognizing him for his many years of dedicated public service.

Through his work as a Physical Therapist Assistant at Kessler Institute, Daniel Frank has inspired countless numbers of people to work through their physical challenges and to reclaim hope and promise for a fulfilling life. His efforts to empower people are legendary. He encourages his patients to take the next step, to not give up, to value themselves as productive citizens. Both his former patients and his colleagues sing his praises for his unrelenting persistent good cheer.

Daniel Frank is also very active in his church, Calvary Roseville United Methodist Church in East Orange, New Jersey. He wears several hats in the church and can be called on at any time by clergy, members and persons from the community for help. He is a true humanitarian. He delivers food share not only to needy members of his church family but to persons in need in the community. Over the years, he has worked hard and diligently on the following committees of his church: Usher Board; Administrative Board; Visitation; Council on Ministries; Finance; Evangelism; Fund Raising; Church & Society; Stewardship; Greeter.

Mr. Speaker, I rise today to honor Daniel Frank for his more than 20 years of exemplary service. His life of leadership and community involvement is instructive to us all. His dedication to the ideals of public service stand tall and it is fitting that he be honored on the occasion of his retirement. Therefore, I ask my colleagues, Mr. Speaker, to join me in honoring a great man for all of his achievements and contribution to our community.

HONORING POLICE CHIEF ROBERT F. NOLAN FOR OUTSTANDING SERVICE TO THE COMMUNITY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I rise today to join Notre Dame High School Alumni in paying tribute to an outstanding member of the Hamden, Connecticut community, Police Chief Robert Nolan. In a career that has spanned three decades, Bob has served the Hamden Police Department with dignity and integrity—exemplifying the qualities we expect of law enforcement officials. His unparalleled level of commitment and dedication to the Hamden community throughout his career has been incredible. He has been a driving force in community awareness and public safety, striving to give our families better neighborhoods in which to raise our children. His work has had an invaluable impact on our community and we are all grateful.

Rising through the ranks of the Hamden Police Department, Bob has served the community in several different capacities—the myriad of awards and citations that adorn his walls are testimony to his unwavering dedication. I have had the distinct pleasure of working with him on several projects throughout his tenure. Nearly five years ago, as an Inspector in the Department's Youth Division, Bob participated in one of the first Law Enforcement Forums sponsored by the Anti-Crime Youth Council, a program which I created to help high school students address the increasing occurrence of youth crime and violence. He was an integral part of re-opening the doors of communication between law enforcement officials and teenagers in Hamden. With so many serious challenges facing our young people, his efforts on this issue have been inspiring. I am also proud of the work we have done to bring necessary funding to the Hamden Police Department. As the grants administrator for the Department, Bob has been responsible for ensuring that the Department has access to available state and federal funding—providing the Department with the ability to continue improving in its mission to serve and protect the residents of Hamden.

In addition to his professional contributions, Bob made time to volunteer for a variety of service and civic organizations. Honored by the Knights of Saint Patrick, the Civitan Club, the Marine Cadets of America and the Notre Dame Scholarship Fund, Bob has demonstrated an incredible and unique dedication to the community on a personal level as well. His volunteer efforts to raise funds on behalf of these organizations have been invaluable. With his outstanding record of good work, he has demonstrated a unique commitment to public service, leaving an indelible mark on the Hamden community.

Bob's dedication and generosity has truly enriched the Hamden community. His diligence and extraordinary hard work have gone a long way to improving the neighborhoods of Hamden and fostering a strong relationship between the community and the Department. I would like to extend my personal thanks to him for all the assistance he has given to myself and my staff. For his many contributions, professional and volunteer, I stand today to join his wife, Shirley, daughters, Dawn and Robyn, family friends and colleagues in congratulating Chief Robert Nolan for his innumerable efforts on behalf of our community and extend my best wishes for continued success.

ONE DAY IN PEACE

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. CONYERS. Mr. Speaker, I rise this morning in solidarity with the world, and call on all other Members of the House to stand as well, and join over 100 nations, 25 United States governors, hundreds of mayors and over 1,000 organizations in nearly 140 countries in supporting One Day in Peace. The bill, House Concurrent Resolution 363, which I cosponsored with Representative DENNIS KUCINICH and many other Representatives, calls for January 1, in accordance with the United Nations General Assembly, to be a 24-hour period designated as One Day in Peace when the people of this Nation and the world act for the most part with unprecedented cooperation and good will. The Chairman and the Ranking Member of the House International Relations Committee have indicated that they will not oppose this resolution being brought to the floor now, and I urge all my fellow Congressmen to support this effort. Let us fulfill the dream by marking 01/01/01 as the first One Day in Peace worldwide. The bill urges people around the world to gather with family, friends, neighbors, and members of their community to pledge nonviolence in the new year and to share in a celebratory New Year meal. It also encourages Americans who are able to match their new year meal with a timely gift to the hungry at home or abroad. This Resolution is important because it acknowledges, the need to work for those goals

that appeal to the greatest positive attributes of our humanity. My friends no better time exists to lift up a new standard of peace and goodwill in this world. Can you imagine, Mr. Speaker, if at the beginning of every year, all of America, and indeed all of the world proclaim aloud and at once, in unison and strength, that these are our goals: brotherhood, charity, understanding, and peace. Such a declaration has never before been made, but it can. I urge support of H. Con. Res. 363 and support its overwhelming passage.

INTRODUCTION OF THE SEAFOOD SAFETY AND MERCURY SCREENING ACT OF 2000

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. PALLONE. Mr. Speaker, earlier this year the Mercury Policy Project and the California Communities Against Toxics found the Food and Drug Administration was not testing enough seafood for toxic mercury. Their findings were published in a report that was also cosponsored by the Sierra Club and Clean Water Action. In addition to contending the FDA's recommended level for methyl mercury exposure was inadequate, the report noted that the FDA does not check any domestic tuna, shark or swordfish for toxic mercury even though they tend to have the highest levels of the toxin.

The lack of a system to screen seafood for mercury is a serious gap in the nation's food safety system. Individuals who consume too much mercury can suffer serious health problems. That is why today I am introducing the Seafood Safety and Mercury Screening Act of 2000. This legislation will require the FDA to develop a system for testing seafood for methyl mercury. It will also require the FDA to develop a statutory threshold level for methyl mercury content in seafood and consider the findings of the National Academy of Sciences (NAS), which published a report on mercury exposure in July, when developing that threshold. The NAS report found that the Environmental Protection Agency's recommended level for methyl mercury exposure, which is stronger than the FDA's, is the more appropriate standard.

We know that if people ingest too much mercury they will get sick and we know exactly where to look for it. Domestic tuna, shark, and swordfish have very high levels of toxic mercury. If we have the means to detect this poison and know exactly where it comes from, common sense suggests that we take the time to look for it and take the necessary steps to inform the public. Typically we do not know about the source of an outbreak of food poisoning until the FDA or other government agencies works backwards to find its origin after people have already gotten sick. When it comes to mercury, we have the opportunity to be proactive and prevent illness instead of being reactive after its too late.

The establishment of a strong, enforceable standard that prohibits seafood that contains mercury above the recommended level from reaching the consumer will stop episodes of food poisoning before they have a chance to occur. Another important component of protecting the public from the contaminated seafood is by providing citizens with the information they need to make informed decisions about what they are eating. To that end, the Seafood Safety and Mercury Screening Act of 2000 will also establish a nation wide education program to educate consumers about the dangers of mercury contamination, with a particular emphasis on protecting the most vulnerable populations, pregnant women and children.

I urge all of my colleagues to join me in the effort to strengthen our nation's food safety system by lending their full support to the Seafood Safety and Mercury Screening Act of 2000.

A BUSY MAN: REVEREND DR. WILLIE A. SIMMONS

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. PAYNE. Mr. Speaker, August 31, 2000 marked the retirement of Rev. Dr. Willie A. Simmons. Rev. Simmons is known for his leadership in the community and social services.

Rev. Dr. Simmons was ordained in 1960 in Birmingham, AL. He received his Doctor of Divinity degree in 1992 and his Doctor of Letter in 1997. He has served as Assistant Pastor of the First Corinthian Baptist Church of Newark, NJ, for over 20 years.

While he served the spiritual needs of his community, he also served the physical needs of his fellow man. He has served the Essex County Division of Welfare as a Family Service Social Worker for more than 28 years.

Mr. Speaker, when we hear the adage, ''When you want something done, ask a busy person,'' people like Rev. Simmons come to mind. Throughout his years he is a former Executive Vice President of the Communication Workers of America Local 1081 which represents all case workers, clerks and investigators of the Essex County division of Welfare. Rev. Simmons is the District Director of Frontiers International, 1st District, which gives him responsibility over all New England states; and a member of the National Board of Directors. In addition, he is a past Chairman of the Board of Directors of the Frontiers International Foundation. He is a Chairman of the Political Action and Homeless Committees of the Newark-North Jersey Committee of Black Churchmen and an Executive Board member. He is a member of the Baptist Ministries Conference of Newark and the Vicinity. He also serves as Treasurer and Chairman of the Budget & Finance Committee of Essex-Newark Legal Services. He is a Co-Chairman of the Black and Latino Coalition, Inc. Rev. Simmons presently serves as President of the United Community Corporation Board of Directors, having been elected and serving as president three (3) times in the past. He is also affiliated with more than 15 other organizations.

Rev. Dr. Simmons has received more than 100 awards in recognition of his support, participation, achievements and accomplishments in various community and social services.

Mr. Speaker, I am sure my colleagues would have joined me as I congratulated him.

HONORING YALE UNIVERSITY ON THEIR 300TH ANNIVERSARY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Ms. DELAURO. Mr. Speaker, it is with great pride that I rise today to pay tribute to one of the finest institutions for higher education in our nation. It is an honor and privilege to join with the New Haven Colony Historical Society in congratulating Yale University on its 300th anniversary.

On October 24, faculty, students, alumni and community members will gather as Yale University is honored with the 2000 Seal of the City Award. For the past eight years, the New Haven Colony Historical Society has bestowed this honor on an individual or institution whose activities or ideas have significantly added to the quality of life, the prosperity, or the general improvement of greater New Haven. For three centuries, Yale University has been a cornerstone of support for the New Haven community and has made significant contributions in all of these areas.

Nearly three centuries ago, a group of Congregational ministers created a ''Collegiate School'' where youths could be instructed in the arts and sciences and prepared for public service in both the Church and the Civil State. That commitment has been reflected in Yale's mission and role as an educator of leaders and a center for scholarship and research. Over the past several years, Yale University has played an instrumental role in the city of New Haven's efforts to revitalize Greater New Haven. Yale has forged a strong relationship with the city of New Haven, working with city administrators to ensure that the needs of our children and families are given every opportunity to build strong communities of which we can all be proud.

Yale University has had a profound impact on our community and our nation, not only as a leading academic institution, but as a center for public policy, the arts and sciences, and medicine. Since its inception in 1701, Yale has been home to some of our country's most infamous characters who have helped to shape the course of our society and our nation. Yale's alumni have been government leaders—Presidents Taft, Ford, Bush, and Clinton; they have made major advances in medicine and science—Eli Whitney, Samuel Morse, Dr. Benjamin Spock, Murray Gell-Mann; and they have contributed to the arts—Sinclair Lewis, Charles Ives, Cole Porter, Paul Newman, and Meryl Streep. Over the last three hundred years, Yale University has educated many of our most invigorating leaders and inspiring figureheads, bringing our nation ever forward into the future.

As we look ahead into the new millennium, we can be assured that Yale University, its administrators, faculty, and alumni will be there to help greater New Haven and our country continue to grow and flourish. It is an honor for me to stand today to congratulate Yale on its tercentennial and to extend my deepest thanks and appreciation for their innumerable efforts on behalf of our community.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. BECERRA. Mr. Speaker, on October 18, 2000, I was unavoidably detained and therefore unable to cast my vote on rollcall No. 531, H.J. Res. 631, on Agreeing to the Resolution Honoring the Members of the Crew of the Guided Missile Destroyer U.S.S. *Cole* Who Were Killed or Wounded in the Terrorist Attack on that Vessel in Aden, Yemen, on October 12, 2000. Had I been present for the vote, I would have voted ''yea.''

Mr. Speaker, I join my colleagues in honoring the members of the crew of the U.S.S. *Cole* who died on October 12th as a result of a cowardly act of terrorism, and I send my heartfelt condolences to their families, friends, and loved ones. I also rise to honor those serving on the U.S.S. *Cole* who were wounded in the attack, and wish them a speedy recovery. Finally, I salute those members of the crew who fought valiantly to save their ship and rescue their wounded shipmates. Indeed, I wish to express my deep gratitude to all of the men and women of our Armed Forces who routinely put their lives on the line.

ACTION TO PROMOTE GREATER RETIREMENT SECURITY SHOULD BE A PRIORITY

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. UDALL of Colorado. Mr. Speaker, we are nearing the end of this 106th Congress—but we have not finished all the work that needs to be done. When the new Congress meets next year, it will find a long list of unfinished business. An important thing on that list will be action to support and improve the ability of all Americans to look forward to fiscal security in their years of retirement. I want to take this opportunity to outline my thinking about the steps that Congress should take toward that goal, in several areas.

SOCIAL SECURITY

Social Security is our most important and most successful program dealing with retirement security. Today its guaranteed benefits provide the primary source of income for 66 percent of Americans over age 65, and are especially important for the 42 percent of the elderly for whom Social Security is all that keeps them above the poverty line. It is also an important compact between generations and across divisions based on income levels.

I strongly support maintaining adequate and appropriate guaranteed defined benefits for current Social Security recipients, and for people who will retire in the future—but that does not mean that I oppose any changes in Social Security.

Earlier this year, I supported the successful effort to remove the earnings limit that could reduce Social Security payments to people retiring at age 65. And there are some other additional steps to revise Social Security that we should take right away. For example, we should limit the so-called ''windfall elimination'' offset so that it will not apply to individuals whose combined monthly income is under $2,000. And we should again allow blind individuals to earn up to the social security excess earnings threshold without losing benefits.

Further, as we look ahead, we must recognize that Social Security faces future demographic problems because retirement of the ''baby boom'' generation will greatly increase the number of beneficiaries in comparison with the number of people paying into the system.

Congress will have to address this problem, and should do so sooner rather than later—but, obviously, that will take time. In the meantime, our first priority should be to avoid making the problem harder. That means—Social Security's current surplus revenues should not be spent for any other purpose. That way, the Treasury Department will use these revenues to reduce the publicly-held debt. By paying down the debt, we will reduce the amount of interest the government otherwise would have to pay, freeing valuable resources and increasing our options to bolster Social Security for the future.

Congress also must avoid excessive and ill-targeted tax cuts that would endanger our ability to protect Social Security and Medicare and strengthen them for the future.

SAVING FOR RETIREMENT

Social Security is indispensable, but people will be better off if they can also have other sources of retirement income. So, we should make it easier for them to save and invest and accumulate assets. Previous action has led the way in several areas, and we can build on those foundations in some important ways, including—Increasing the amount that individuals can put into Individual Retirement Accounts (IRAs) and benefit from favorable treatment under the tax laws.

Enabling people to make additional contributions to 401(k) or similar retirement accounts, and making it easier to take full advantage of such retirement plans.

Making it easier for people to maintain their retirement accounts when they change jobs.

Making it more feasible for employers—especially small businesses—to establish and maintain retirement plans for their employees.

OTHER PROPOSALS

As we all know, both Vice President GORE and Governor George W. Bush, have proposed additional new initiatives. Under each, the federal government would assist people to set up, maintain, and benefit from individual investment accounts. But there is a big difference.

Under Governor Bush's plan, the federal assistance would come from allowing people to decide to divert part of their Social Security taxes into these accounts. In contrast, under the Vice President's plan general federal revenues—not Social Security revenues—would be used to add to the money people choose to put into tax-free individual savings accounts.

I am concerned about the effects of the Bush proposal on Social Security. Diverting revenues out of Social Security now will make it harder to maintain adequate guaranteed benefits in the future. And that effect is compounded because the diverted amounts cannot be used to pay down the debt, so it will be necessary to pay hundreds of billions of dollars in additional interest.

Those who support privatizing a portion of Social Security (the plan proposed by Governor Bush and by my Republican opponent, Ms. Carolyn Cox) claim that differences in benefits will be made up from the higher returns that can be earned by investing a portion of individual account balances in stocks and equities. But many economic forecasters have suggested that for this claim to be true, stock returns for the next 75 years will have to equal those of the last 75 years—a rate that seems unlikely to be sustained. It seems to me that to rely on that scenario would require a dramatic leap in faith that our national economic growth will continue the record pace of the last decade.

Moreover, the costs of administering individual retirement accounts have to be taken into account, and even conservative estimates suggest that these costs would be high enough to cut accumulations in individual retirement accounts by 20 percent over a worker's lifetime.

Diverting funds away from the Social Security Trust Fund strikes me as an unnecessary and potentially dangerous step in ''reforming'' Social Security. It has an element of risk in some ways similar to those involved in having the government invest the Trust Fund directly in the securities markets—which was one of the reasons I declined to support President Clinton's earlier proposal for such investments, even though the President at least tried to address the questions of stock market volatility.

In short, both the Bush plan and a similar one supported by my opponent, Ms. Cox, strike me as not the right way to proceed as we work for the long-term stability of Social Security.

I also have some questions about the Vice President's plan, but the fact it would not mean that kind of diversion—it is ''Social Security plus,'' not ''Social Security minus''—means that it would not start out by making it harder to assure that Social Security will continue to remain as the indispensable safety net for future retirees.

MACON IRON AND PAPER STOCK, INC.

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. CHAMBLISS. Mr. Speaker, I want to congratulate Macon Iron and Paper Stock, Inc. today for their recent recognition by the Department of Labor. Macon Iron recently won the prestigious Director's Award for Safety at the annual Georgia Department of Labor's Health Safety and Environmental Conference.

State Labor Commissioner Michael Thurmond bestowed this award upon Macon Iron at the seventh annual meeting in Atlanta along with its sister companies General Steel, Industrial Alloy Supply, and Commercial Doors and Accessories.

This award is presented to companies for criteria involving safety performance, contributions to the community, the sharing of safety information, and civic responsibility. Macon Iron was chosen from almost 100 companies in the state of Georgia who participate in the labor department's safety awards program, and was selected for their exceptional safety programs.

I congratulate the employees of Macon Iron and its sister companies for their hard work

and participation in making safety a top priority at work. The company is also to be commended for its endeavors to create a safe working environment for its staff. Macon Iron has exhibited great care for its people and should be an inspiration among the industry. In fact, the company has already taken steps to educate other businesses in the local area by holding safety seminars.

Mr. Speaker, I believe this accolade is well deserved. It is my hope that by honoring Macon Iron in this way and in recognizing the company's many accomplishments, we can make an example of them that other companies in the State of Georgia and throughout our great nation will strive to follow.

MEMORIAL TRIBUTE TO MARK HALLER

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mrs. NAPOLITANO. Mr. Speaker, I pay tribute to Mr. Mark Haller, an outstanding individual who passed away on October 10, 2000 at the age of 87.

Mr. Haller was born on June 27, 1913, of a Serbo-croation immigrant mother newly arrived in Steelton, Pennsylvania. Orphaned at the age of five when his mother passed away, Mr. Haller found himself surrounded with politically aware immigrant men from Central Europe while being raised by a foster mother in a boarding house. Mr. Haller left his foster home as a teenager and hitch-hiked to Seattle, Washington, where he became active in grassroots politics.

Mr. Haller was an active participant in the union movement, and the peace, civil rights and feminist movements of the 1960's. In 1961, Mr. Haller and his wife, Frankie, a very dear friend of mine, co-founded the Midway Democratic Club to function as an issues oriented Democratic Party Club. Since that time, the Midway Club has met every month, and until recently, the Midway Newsletter has featured Mr. Haller's monthly columns. For the last six years of his working life, he was union representative for the members of the Association of Western Pulp and Paper Workers at the Longview Fibre Company in Bell, California.

In addition to his passion for political activism, Mr. Haller was also well known for his dedication to his family. He is survived by Frankie, his wife of 52 years, his sons, Michael and Marko, granddaughter, Regina Allen, grandsons Michael and Kenneth, his dog, Buddha and cat, Snoopy.

Mr. Speaker, I ask my colleagues today to join me and Mark Haller's family and friends in paying tribute to an outstanding American whose lifelong dedication and zeal exemplified the highest ideals of citizenship.

SCIENTIFIC OPPORTUNITIES FOR YOUNG WOMEN

HON. SUE W. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mrs. KELLY. Mr. Speaker, I rise today to recognize the need to attract young women towards scientific studies and to honor a program which encourages girls to pursue careers in this area.

Science and technology have taken on a large role in our society. The need for people skilled in these fields is critical to our future success, yet there is a disturbing trend—young women are shying away from science studies. Just 29 percent of high school girls say that they wish to become a scientist, half of the percentage of boys.

This dichotomy is what makes programs such as the IBM Technology Camp for Young Women so critical. Designed to show the importance of math, science and technology, the camps provide a positive image of these careers. There are currently five camps in three states encouraging the scientific talents of young women.

Schools now report that more girls are signing up for math and science courses. Parents and educators have noticed increased self-esteem among female students. Finally, this bond between employees and students continues through an e-mentoring program, allowing the interest to grow.

As a time when science plays an important role in our lives, I urge parents, teachers and businesses to help us foster the role of young women in science and commend IBM for its novel and innovative idea.

CONGRATULATIONS TO THE OLYMPIC ATHLETES OF SOUTH ORANGE/MAPLEWOOD

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. PAYNE. Mr. Speaker, I would like my colleagues here in the U.S. House of Representatives to join me in honoring a group of hometown heroes as they are honored at a ceremony on October 20, 2000. We in New Jersey are so proud of the outstanding athletes in the South Orange/Maplewood community who competed in the Olympics in Australia. The OlympicFest 2000 Committee, an organization formed by members of the local community, are celebrating the unique contributions of the athletes of South Orange and Maplewood to the 2000 U.S. Olympic Team.

History was made in Australia when three members of a family presented the United States at the Olympics. South Orange/maplewood is home to Joetta Clark Diggs, Jearl Miles-Clark and Hazel Clark, who all competed in the 800-meter run. Jearle Miles-Clark won a gold medal in the 4 by 400 relay. Coaching the girls was J.J. Clark, brother of Hazel and Joetta, and husband of Jearles Miles Clark.

Also being honored at the ceremony is an outstanding athlete, Tom Auth of Maplewood who competed in lightweight 4 man sculls. Coach John Moon of Seton Hall whose team won 5 gold medals, I silver and I bronze, will be recognized for his achievements. Shana Williams of Seton Hall will be honored as the winner of a bronze medal in 1996 and a participant in the 2000 Olympics.

Mr. Speaker, I know my colleagues join me in sending our congratulations and best wishes to all of these fine athletes who exemplify the positive spirit of competition and striving for excellence in behalf of our country. As residents gather to honor them at ''Olympic Square South Orange,'' we wish them continued success.

RECOGNIZING ROBERTA ROWE FOR A LIFETIME OF COMMUNITY SERVICE

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mrs. EMERSON. Mr. Speaker, I rise today to recognize one of my constituents who passed away several years ago after a long, rich life. The community is still impacted by her wonderful example of patience and kindness. I salute Mrs. Roberta Rowe who, 26 years after her passing, will have a park in Sikeston, MO, rededicated to her for her inspirational life.

Originally from Georgia, Mrs. Roberta Rowe came to Southeast Missouri with her five children, Mable, Alma, Eloise, Kathryn, and Carlton.

She soon became involved in her community as the leader of the Rainbow 4–H Club where she held meetings, arranged educational projects for the members and accompanied the club to Lincoln University every year for the annual state conference.

Mrs. Rowe was also an active member in Smith Chapel United Methodist Church throughout her life. She was a kindergarten teacher for the church, and often worked with the children in various activities. You could always find her cheerful spirit at a church function.

Always involved with the Bootheel community, Mrs. Rowe traveled with the Community Choir for monthly choir concerts in the African American Churches of the region. Monthly she would go to Benton along with her Smith Chapel friends, Mrs. Rosie Johnson, Mrs. Flora Holt, and Ms. Edna to learn about effective homemaking techniques through the University of Missouri Extension Club. She served as a teen supervisor during the summer, teaching them about lawncare and lawnscaping.

Although she did not complete high school herself, she pushed her children to pursue a strong education. Her twins, Carlton and Kathryn, completed college at Lincoln University, and the rest of her children spent time in college as well.

Mrs. Rowe's dedication to her family, her church, her community and education should be an inspiration to us all. Those who followed her example learned that ''greatness comes from service.'' It is her greatness that is remembered in Sikeston, and by her family.

RABBI ISRAEL ZOBERMAN

HON. OWEN B. PICKETT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. PICKETT. Mr. Speaker, Rabbi Israel Zoberman, spiritual leader of Congregation Beth Chaverim located in my congressional district in Virginia Beach, made the following

statement upon the occasion of the historic visit by Cardinal William Keeler, Archbishop of Baltimore, to the congregation on October 8, 2000. His words, at this time of upheaval in the Middle East, are an important call for rapprochement and reconciliation between the religions and peoples of the world.

What a job and what a blessing to welcome into our grateful midst His Eminence Cardinal William Keeler, Archbishop of Baltimore, accompanied by our long-time friend, Bishop Walter Sullivan of Richmond. Particularly significant is the Cardinal's gracious presence on the eve of Yom Kippur, the Day of Atonement, the holiest day on the Jewish calendar, when we view our historical experience through a veil of tears, and our vulnerability and loneliness are so poignantly evident.

The Cardinal's heartfelt acceptance to join us, at a time Of mounting tension in the Middle East and his prayer for the peace of Jerusalem, are testimony to the great vision of the Roman Catholic Church which he so eminently represents, to offer God's essential gifts of healing and reconciliation to two world faith groups so intimately linked, yet so painfully separated for so long, too long. His friendly, thoughtful and reassuring words will long echo.

We recall with reverence the revolutionary strides made by the remarkable Pope John XXIII and the Second Vatican Council, along with the historic acts of the much beloved Pope John Paul II. New hope has been breathed among those holding Abraham to be their common father, respecting the Jewish covenant with the Divine while honoring its adherents whose suffering on its behalf extended for two millennia, culminating in the Shoah's immense tragedy. The Pope's recent visit to Jerusalem's Yad Vashern Holocaust Memorial and his profound message of compassion and consolation, along with the Holy Father's prayer at the Western Wall, the holiest Jewish shrine, are powerful symbols deeply appreciated and never to be forgotten, following upon the Vatican establishing diplomatic relations with the state of Israel in 1994.

Even as we pray for the well being of the aging and ailing Pope, loving and courageous witness to Poland's vineyard of the Jewish people turned into its graveyard during the Nazi onslaught, so do we appeal for fortifying and safeguarding his vast legacy of embrace with its boundless promise to finally transform the human family. Too much is at stake.

All religions have a golden opportunity to join forces for infusing a secular world and a materialistic environment, through moral persuasion, and never again through physical coercion, with an aspiring sacred call of the indivisible dignity of all God's children; affirming that indeed each one of us has been created in the Divine's own sacred image, which is the greatest human rights statement we share through the Hebrew Scriptures' eternal gift. Let us faithfully assert together that true freedom is born of spiritual responsibility.

TRIBUTE TO THE EXPERIMENT IN INTERNATIONAL LIVING PROGRAM

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. POMEROY. Mr. Speaker, last weekend more than 450 alumni of the Experiment in International Living, a global student exchange program, gathered for their first-ever annual reunion in Brattleboro, VT. The reunion commemorated the Experiment's 68 year history of helping young Americans break down national and cultural barriers and forge relationships that have sustained them over years and across thousands of miles.

Founded in 1932, the Experiment in International Living is now a program of World Learning, a widely respected international educational services organization. Every year, Experiment students travel to countries in Africa, Asia, the Americas, Europe, and Oceania as part of a summer abroad program. Through this exchange, Experimenters are immersed in the daily culture of a single place and its people as they embark on journey of cultural and personal discovery.

Mr. Speaker, I am personally invested in the success of the Experiment in International Living in part the program made a personal investment in me over 25 years ago. In 1973, I traveled to Yugoslavia and spent ten weeks with a host family through the Experiment in International Living program. Even as a 19-year-old college student, I recognized the life-changing effect this experience would have. Today, as a member of the House International Relations Committee, I can trace my strong interest in the Balkans in particular and international affairs more generally to those wonderful ten weeks. It is my great hope that I, along with my colleagues in the House, can help make it possible for thousands more young Americans to join the Experiment and participate in the life-changing journey that it embodies.

Finally, Mr. Speaker, I would like to congratulate World Learning, the Experiment in International Living and its alumni for their remarkable success in forging international connections. As attendees of last weekend's reunion can attest, the Experiment in International Living teaches young people to understand the differences that sometimes divide us while recognizing the common bonds that make us all part of the human family.

TRIBUTE TO THE HONORABLE JOHN E. PORTER, MEMBER OF THE HOUSE OF REPRESENTATIVES

SPEECH OF

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. HASTERT. Mr. Speaker, I would like to thank the gentlewoman from Illinois (Mrs. BIGGERT) for arranging a special order to honor an outstanding colleague of mine, Congressman JOHN EDWARD PORTER, for his twenty years of service in the U.S. House of Representatives. It has been an honor and a privilege to serve alongside him for 14 of those years.

In my time working with JOHN, one thing became perfectly clear and that's his dedication to improving medical research. Serving as Chairman of the Labor-HHS Subcommittee on Appropriations he has been the greatest champion of this cause. JOHN knows the important role the NIH plays in saving lives and conquering diseases such as diabetes, cancer, AIDS and alzheimers, and has made it a top priority to ensure the NIH has all the necessary resources to achieve these goals.

JOHN has also been one of the most fiscally responsible members of this House. In fact, when I was a new Member, there was a three-year period when JOHN offered budget plans to try and impose a sense of fiscal responsibility on Congress. I am pleased to say that as JOHN leaves us, the fiscal outlook of the federal government has never looked better.

Although it is often overshadowed by his dedication to medical research, JOHN has been an important leader of the ''Green Republicans'' in the House. He has been a staunch supporter of the Clean Air and Clean Water Acts, and has helped to enact important legislation to halt the unregulated export of waste and the destruction of tropical rainforests, as well as helped to set new standards for recycling and energy efficiency. He has also been an advocate for his district residents suffering from flood damage. For his leadership on these issues, John has received numerous awards from environmental organizations all over the world.

Speaking of world issues, I have had the opportunity to serve as a member of the Congressional Human Rights Caucus, which JOHN co-founded and currently chairs. This is an important association of Congressmen that work together to monitor and end human rights violations around the world.

While it is true that JOHN has been a strong advocate for each of these causes, more importantly, he has been the people's champion in his service of the 10th District of Illinois. He has addressed countless infrastructure needs, most recently bringing Metra rail service from Chicago out to Lake County. He has been a great supporter of the Palwaukee and Waukegan Airports by securing FAA improvement grants to provide better service for his constituents. And he has obtained funding to clean up and restore Waukegan harbor and the Skokie Lagoons.

JOHN EDWARD PORTER has served this House with the utmost distinction and will be forever remembered for his work on behalf of biomedical research, environmental and human rights, and fiscal responsibility. He will be deeply missed by his constituents in Illinois, the Illinois delegation, and everyone who's known and worked with him over the last twenty-plus years. I wish him and his family the very best in the upcoming years.

RECOGNIZING JOSEPH EMERSON OF ROME, GEORGIA

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. BARR of Georgia. Mr. Speaker, I am pleased to recognize Joseph Emerson, who has recently been appointed Postmaster of Rome, Georgia.

Postmaster Emerson began his postal career in Rome, Georgia as a PTF carrier in 1961. He was promoted to Assistant Carrier Station Superintendent, and since his promotion he has served as a supervisor in mail processing and delivery, Superintendent of Postal Operations, and Officer-in-Charge assignments.

Mr. Emerson's dedication to excellence makes him a role model for his family and coworkers, and I am pleased to honor his impressive accomplishments and wish him well as he begins his service as United States Postmaster in Rome, Georgia.

INTRODUCTION OF THE NATIVE AMERICAN EQUAL RIGHTS ACT OF 2000

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today to introduce the ''Native American Equal Rights Act of 2000.''

Most Americans believe that ours should be a color-blind society in which an individual's merit, not his or her race, is the determining factor in whether that individual climbs the ladder of success to achieve the American dream. Most Americans, therefore, oppose any racial preferences in our Nation's laws. Most Americans would be surprised, therefore, to learn that non-Indians may be lawfully discriminated against under what are known as ''Indian preference laws.''

The Federal Indian preference laws do three things. First, Federal law allows discrimination against all non-Indians with respect to employment at the Bureau of Indian Affairs and the Indian Health Service. Second, Federal law allows discrimination against all non-Indians with regard to certain Federal contracts. Third and finally, Federal law provides an exception to the civil rights laws that allows discrimination against all non-Indians in employment at the two Federal agencies and with respect to contracts.

Mr. President/Mr. Speaker, African-Americans, Asian-Americans, and white Americans should have the same rights to compete for jobs at the Bureau of Indian Affairs and the Indian Health Service that Indians do. Likewise, all Americans should have equal rights, regardless of race, to compete for Federal contracts. Finally, the civil rights laws should protect all Americans equally from the scourge of discrimination. That is why I believe that the Indian preference laws are wrong.

A recent decision by the Supreme Court of the United States has called the constitutionality of Indian preference laws into serious question. On February 23, 2000, the Supreme Court handed down its decision in Rice v. Cayetano. The case involved a challenge to a law of Hawaii that limits the right to vote for trustees of the Office of Hawaiian Affairs to persons who are defined under the law as either ''Hawaiian'' or ''native Hawaiian'' by ancestry. Harold Rice, who was the plaintiff in the case, is a citizen of Hawaii who nevertheless does not qualify, under the Hawaii law, as ''Hawaiian'' or ''native Hawaiian.'' Mr. Rice sued Hawaii because he believed that this law deprives him of his constitutional right to vote because of his race.

The U.S. District Court for Hawaii rejected Mr. Rice's claim. In doing so, the District Court argued that the Congress and native Hawaiians have a guardian-ward relationship that is analogous to that which exists between the U.S. government and Indian tribes. Based on this analogy, the District Court determined that the Hawaii is entitled to the same constitutional deference that the Supreme Court has shown towards the Congress when it enacts laws under its authority over Indian affairs.

The U.S. Court of Appeals for the Ninth Circuit affirmed the District Court's decision. Mr. Rice asked the Supreme Court review his case. The Court agreed to do so.

By a vote of 7–2, the Supreme Court reversed the decision of the Court of Appeals and ruled in Mr. Rice's favor. In his opinion for the Court, Justice Kennedy rejected the lower courts' use of the analogy of the Hawaii law limiting voting rights to the Federal laws granting preferences to Indians.

Under the Federal Indian preference laws, individuals who have ''one-fourth or more degree Indian blood and. . . [are] members of a Federally-recognized tribe'' are given preferences with respect to hiring and promotions at the Bureau of Indian Affairs of the U.S. Department of the Interior, as well as with regard to employment and subcontracting under certain Federal contracts. The Supreme Court upheld the Indian preference laws in its 1974 decision in a case called Morton v. Mancari. Even though the Indian preference laws clearly have the effect of giving one race an advantage over others, the Mancari Court held that they are ''political rather than racial in nature'' because they are not ''directed towards a 'racial' group consisting of 'Indians,' but rather only to members of 'federally recognized' tribes.''

In his opinion for the Supreme Court in Rice, Justice Kennedy said that Hawaii had tried to take the Mancari precedent too far. ''It does not follow from Mancari,'' Justice Kennedy wrote, ''that Congress may authorize a State to establish a voting scheme that limits the electorate for its public officials to a class of tribal Indians, to the exclusion of all non-Indian citizens.''

In a technical legal sense, in the Rice case the Supreme Court did not reconsider its ruling in the Mancari case that the Indian preference laws are constitutional. Instead, the Court avoided the issue by attempting to draw a distinction between the Indian preference law from the Hawaii voting rights law.

In a broader philosophical sense, though, the Rice decision seriously calls into question the constitutionality of the Indian preference laws. The racial preference for voters in Hawaii that the Court held to be unconstitutional clearly was politically and not racially motivated. The Court found, however, that a well-meaning political motivation behind a law that has the effect of favoring one race over another does not make it constitutional. Likewise, it is clear that what motivated the Congress to pass the Indian preference laws was not racism, but rather political favoritism. The effect of the Indian preference laws, though, is no less to favor one race over all others than was the case with the Hawaii voting rights law. Under Rice, this political motivation should not save the Indian preference law from being found to be unconstitutional for the same reason as was the Hawaii law.

In an insightful opinion article in The Washington Times on May 5, 2000, Thomas Jipping, Director of the Free Congress Foundation's Center for Law and Democracy, recognized the inconsistency between the Supreme Court's decisions with respect to the Indian preference laws and the Hawaii voting rights law. ''Either it is legitimate to avoid the Constitution,'' Mr. Jipping wrote, ''by relabeling a racial preference [as a political one] or it is not.'' ''Gimmicks such as relabeling or declaring the context in which a case arises as 'unique' [are] simply not sufficient to overcome a constitutional principle so fundamental and absolute.'' ''Both the U.S. District Court and the U.S. Court of Appeals in this case believed that Hawaii's relationship with Hawaiians is similar to the United States['s] relationship with Indian tribes,'' Mr. Jipping noted. ''They were right and the U.S. Constitution applies to both of them,'' he asserted. ''Rather than preserve a precedent through verbal sleight-of-hand,'' Mr. Jipping concluded, ''the Supreme Court should have said the fundamental constitutional principle that decided Rice also calls its precedent in Mancari into question.''

Mr. Speaker, it is absolutely clear to me that statutory provisions that grant special rights to Indians with respect to employment, contracting, or any other official interaction with an agency of the United States are racial preference laws. Racial preference laws are fundamentally incompatible with the equal protection of the laws that is provided to all Americans by the Constitution. The Constitution simply does not tolerate racial preferences of any kind, for any reason.

The Congress, no less than the Supreme Court, has a duty to uphold the Constitution of the United States. We should not wait for the Supreme Court to recognize the very serious constitutional mistake it made when it upheld the constitutionality of the Indian preference laws. Congress should repeal the Indian preference laws now.

The legislation that I am introducing today, the ''Indian Racial Preferences Repeal Act of 2000,'' does just that. I ask unanimous consent for the full text of my bill, as well as a section-by-section analysis, to be printed in the RECORD immediately following the conclusion of my remarks.

IN HONOR OF THE CYPRIOT PARTICIPANTS IN THE WORLD MARCH OF WOMEN 2000

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay tribute to the 75 Cypriot women participating in this week's World March of Women 2000. The World March of Women is an annual event that occurs in my district that focuses on ending worldwide poverty and violence against women. Women from around the world participated in the march and a great number of them were from Cyprus, representing twenty-four Cypriot Women's Associations and Labor Syndicates. The march took place in front of the United Nations Building where the participants met with U.N. Secretary General Kofi Annan. On October 17, 2000, the official International Day for the Eradication of Poverty, was a time to acknowledge the grave disparities in economic prosperity throughout the world as well as the disturbing issue of violence against women.

The Cypriot participants, hoping to bring attention to the twenty-six year conflict on their Mediterranean island, urged the U.N. and its

member states to take concrete measures toward finding a just and peaceful resolution to Cyprus.

Twenty-six years ago, Turkey invaded the northern section of Cyprus. Today, there is still a barb-wire fence, known as the Green Line, that cuts across the island separating thousands of Greek Cypriots from the towns and communities in which they and their families had previously lived for generations. The Cypriot women came to New York to raise their voices against the years of injustice and seek action toward a final resolution to the divided island.

The Cypriot women also raised the question on many families' minds, ''Where are the missing Greek Cypriots?'' More than 1600 Cypriots and five Americans have been missing since 1974. They have never been seen or heard from since their capture 26 years ago. Families have waited long enough to hear the truth.

Throughout my years in Congress, I have ardently supported democratic rule of Cyprus. The United Nations has also passed several resolutions calling for democracy in Cyprus. However, even after the passage of resolutions and international meetings between Cyprus and the Turkish-Cypriots, peace is still elusive.

Mr. Speaker, I not only salute these courageous Cypriot women, but I also would like to pay tribute to each one of the participants of the World March of Women 2000. These brave women recognize the plight of women throughout the world. The women participating in the World March encourage international solidarity among women and the development of unique ideas and real solutions to end the troubling state of women in every nation of the globe.

These women deserve our respect for their courage in bringing their concerns before the United Nations and the international community. I sincerely hope that the concerns of the Cypriot women, as well as the concerns of all the women participating in this important event, are addressed by the international community. With a little determination and hope, we will all one day live in a world of peace and one where poverty and violence against women are creatures of the past.

PERSONAL EXPLANATION

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mrs. MORELLA. Mr. Speaker, on rollcall No. 534, had I been present, I would have voted ''yea.''

GROSSMAN HONORED AFTER 29 YEARS OF SERVICE

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to Howard J. Grossman, executive director of the Economic Development Council of Northeastern Pennsylvania, who is retiring on Oct. 31 after more than 29 years of serving in that capacity.

The Council serves Carbon, Lackawanna, Luzerne, Monroe, Pike, Schuylkill, and Wayne counties. Howard came to the region on June 21, 1971, after serving as Deputy Director of the Montgomery County Planning Commission in Norristown. He has served Northeastern Pennsylvania well, with much significant progress having been made under his tenure.

Howard's accomplishments and achievements are too numerous to mention, but I would like to highlight just a few examples of how his leadership has helped the region through his work at EDCNP.

Following the devastation wrought by Hurricane Agnes in 1972, EDCNP was one of the leading organizations to plan our area's long-range flood recovery.

Under his leadership, the council has also participated in the creation of the Montage development in Lackawanna County, which has been termed the most extensive and best development of its kind in the region and perhaps the East Coast. The council also established the Regional Enterprise Development Program, which assists many companies in the region with low-interest loans, technical assistance in procurement, exporting and international trade, and has used community development banking to assist small businesses.

I have known Howard Grossman since he first came to the area and have worked closely with him on many projects over the years. In recent years, he may be best known for his leadership of the community effort to keep the Tobyhanna Army Depot open when it was threatened by the base closing commission.

He helped to organize thousands of volunteers to demonstrate their appreciation for this vitally important community asset, and I will never forget the sight of hundreds of people holding signs and blue ribbons as Congressman Joseph McDade and I traveled with the commission members to Tobyhanna. I am especially grateful for the assistance that Howard provided in preparing the winning application for the Upper Susquehanna-Lackawanna watershed, which led to its designation as an American Heritage River.

Mr. Speaker, like his accomplishments and achievements, Howard's awards and positions of leadership in the community are too numerous to list them all, but please allow me to mention a few as examples of his long and distinguished service.

He has received the J. Roy Fogle Award from the National Association of Development Organizations as the Outstanding Executive Director of a Multi-County Planning and Development Organization, the Professional Planner of the Year award from the Pennsylvania Planning Association and the Distinguished Leadership Award for a Professional Planner from the American Planning Association. Howard also served as a member of the Ben Franklin Partnership Board for 11 years under Pennsylvania Governors Dick Thornburgh and Robert P. Casey.

Howard has been President of many nonprofit organizations in the region and state, was a founder of the Pennsylvania Association of Non-Profit Organizations, and was President of the Eastern Pennsylvania BAHIA Brazil Partners of the Americas, a national partnership that took over the Kennedy Alliance for Progress Initiative in 1965. This partnership continues today. He has also served in many other national, state, regional and local capacities, and plans to stay active with many of the organizations with which he has been associated in the region.

As David Donlin, president of EDCNP, said in announcing Howard's retirement, speaking for many in the region, ''We will miss his leadership and guidance as the Council moves into the 21st Century with a strong view toward continuing its goals and mission: to be the regional advocate, catalyst, innovator, and promoter of economic growth and the highest quality of life in Northeastern Pennsylvania.''

Mr. Speaker, I send my best wishes to Howard Grossman on the occasion of his retirement as executive director of the EDCNP.

PROTECTING OUR CHILDREN FROM DRUGS ACT OF 2000

SPEECH OF

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Ms. MILLENDER-McDONALD. Mr. Speaker, I rise in support of the Protecting Our Children From Drugs Act. This bill increases the mandatory minimum sentences for using minors to distribute illicit drugs, distributing illicit drugs to minors and drug trafficking in or near a school. In addition, this bill increases the mandatory minimum sentence for individuals convicted of using minors to distribute illicit drugs. Perhaps, more importantly, this bill cracks down on those who distribute illicit drugs near schools.

Our children cannot learn in an environment that is infested with drug use. To use children to sell drugs is not only disturbing and outrageous, but cruel. Such illicit distribution in our schools deprives our youth of the safe, healthy, and growth-inducing environment they need to learn and become valuable and productive members of our national labor force. Worst of all, this activity strips our children of their innocence and hope.

Among eighth graders alone, the rate of marijuana use tripled in 1996, and the marijuana of today is 15 times more potent than the marijuana used in the 1970s. But even more lethal, cocaine, heroin and methamphetamines are the drugs that are tearing apart families and ruining communities throughout the country and in my state.

California has the worst methamphetamine problem in the country. Over the past few years, there has been a significant increase in methamphetamine use, especially in Los Angeles. From 1990 to 1994, the admissions of Los Angeles residents to addiction treatment centers jumped from 700 to 2,250. That is more than a 30% increase, and this number only includes those who have received treatment. At any given time during the month, some 13,100 Californians who have sought treatment cannot get it because they are placed on waiting lists, which can last from three to sixty days.

The Protecting Our Children From Drugs Act can help change these numbers by enacting tougher laws to stop drug traffickers from reaching our children. Ensuring that law enforcement resources, parents, teachers, and churches come together to prevent the distribution of drugs to youth is critical to lowering the rate of drug use in the entire community.

The possibility of a child who reaches adulthood without using drugs, who then tries drugs as an adult is statistically zero. That is why cracking down on drug criminals reaching out to children is vital to winning the war on drugs. In our effort to maintain and improve the social fabric of all of our communities throughout the country, I encourage my colleagues to join me in voting for the Protecting Our Children From Drugs Act.

AMERICANS NEED A BIPARTISAN PRESCRIPTION DRUG COVERAGE PLAN

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mrs. MORELLA. Mr. Speaker, data from a poll conducted by the Kaiser Family Foundation and Harvard University showing that health care is one of the top concerns among voters this election year. In the survey more than 50% identified health care or Medicare as the ''important issue in deciding their presidential vote,'' surpassing their concerns about the economy, crime, jobs, the budget and education. Among the issues cited as most pressing, prescription drug costs and the need for a benefit within Medicare were mentioned most frequently. Unfortunately at this time, there is little bipartisan consensus on the best way to achieve this solution in Congress. Both Republicans and Democrats have offered prescription drug proposals neither is the solution to the expanding Medicare prescription drug problem.

Recently, two hastily conceived prescription drug plans came before the House for a vote. The Republican plan depended on private insurers to offer coverage to beneficiaries. Unfortunately, many private insurers were hesitant to offer a drug only benefit. In fact, the President of the Health Insurance Association of America testified in front of Congress that ''they would not sell insurance exclusively for drug costs.'' His assessment proved well-founded as only one plan initially expressed interest when the Republican plan was proposed.

In the Democratic proposal, a catastrophic drug benefit would not have been available until 2006. In addition, it forced implementation of a new Medicare prescription drug benefit upon the already overburdened Health Care Financing Administration (which oversees Medicare) without giving them the necessary resources and flexibility to oversee Medicare fee for service, Medicare+Choice, and a new prescription drug plan.

In our haste to show that we would construct prescription drug legislation, we sacrificed bipartisan deliberations for ''partisan one-upmanship.'' It is abundantly clear that people want a prescription drug bill but passing flawed legislation to deflect criticism will only exacerbate the situation and erode confidence in government. I echo the sentiments of the American Association of Retired Persons (AARP), which also has concerns about both of the proposed prescription drug benefit plans, when they wrote. ''A solution that can stand the test of time will require true bipartisanship.''

Now while we consider how to best devise a comprehensive Medicare prescription drug plan, we can at least pass legislation which takes a first valuable step towards that goal.

H.R. 1796, the ''Medicare Chronic Disease Prescription Drug Benefit Act,'' of which I am a sponsor with Congressman CARDIN, would supply Medicare prescription drug coverage to over 30 million seniors. By initially focusing on the most common chronic diseases which can be controlled with medication—heart disease, diabetes, high blood pressure, clinical depression, and rheumatoid arthritis—its objective is to reduce complications and unnecessary hospitalizations, making it possible for seniors with these ailments to take their medication regularly, and to mitigate high costs for the seniors who spend the most on medication.

In addition, I supported the amendments to the Agriculture Appropriations bill which would allow for the bulk re-importation of FDA approved prescription drugs from FDA approved facilities in Canada and Mexico. These amendments, which had the overwhelming support of both the House and Senate, are a free market solution that increases choices and lowers the costs of prescription drugs for all Americans. Enactment of these bipartisan measures would enable more seniors to have access to safe and effective prescription drugs.

Neither H.R. 1796 nor the re-importation amendments are the final solution to the prescription drug crisis but they are critically important first steps.

CHEYENNE RIVER SIOUX TRIBE EQUITABLE COMPENSATION ACT

SPEECH OF

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. YOUNG of Alaska. Mr. Speaker, I submit for the benefit of the Members, copies of letters between the Committee on Resources, and TOM BLILEY, Chairman, Committee on Commerce, regarding the jurisdiction of S. 964.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON COMMERCE,
Washington, DC, October 17, 2000.

Hon. DON YOUNG,
Chairman, Committee on Resources,
Washington, DC.

DEAR DON: I am writing with regard to S. 964, the Cheyenne River Sioux Tribe Equitable Compensation Act. I understand that this legislation, as considered by the House, includes the text of S. 2439, a bill to authorize the appropriation of funds for the construction of the Southeastern Alaska Intertie system, and for other purposes. As you know, S. 2439 falls within the exclusive jurisdiction of the Committee on Commerce pursuant to Rule X of the Rules of the House of Representatives.

Because of the importance of this legislation, I recognize your desire to bring it before the House in an expeditious manner. By agreeing to waive its consideration of the bill, however, the Committee on Commerce does not waive its jurisdiction over S. 964. In addition, the Commerce Committee reserves its authority to seek conferees on any provisions of the bill that are within its jurisdiction during any House-Senate conference that may be convened on this legislation. I ask for your commitment to support any request by the Commerce Committee for conferees on S. 964 or similar legislation.

I request that you include this letter and your response as part of the Record during consideration of the legislation on the House floor.

Thank you for your attention to these matters.

Sincerely,

TOM BLILEY,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
Washington, DC, October 18, 2000.

Hon. TOM BLILEY,
Chairman, Committee on Commerce,
Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding the amendments to S. 964, the Cheyenne River Sioux Tribe Equitable Compensation Act. You are correct that the amendment to that bill includes the text of S. 2439, a bill to authorize the appropriation of funds for the construction of the Southeastern Alaska Intertie system, and for other purposes. S. 2439 was referred to the Committee on Commerce.

The Alaska Intertie system is critically important to my constituents, so I appreciate your willingness not to insist on a referral of S. 964 so that it can be voted on by the House of Representatives today. I agree that your forbearance does not affect any jurisdictional interest that you would have in S. 964 as amended, and if a conference on the bill becomes necessary, I would support your request to have the Committee on Commerce be represented on the conference committee.

Thank you again for your cooperation on this matter and on many others during my service as Chairman of the Committee on Resources. It has been a privilege and a pleasure working with you and your staff these last six years.

Sincerely,

DON YOUNG,
Chairman.

TRIBUTE TO THE HONORABLE JOHN E. PORTER, MEMBER OF THE HOUSE OF REPRESENTATIVES

SPEECH OF

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. HYDE. Mr. Speaker, it is with a deep feeling of gratitude mixed with a profound sense of loss that we bid farewell to our most valued colleague, JOHN EDWARD PORTER. His retirement from this Congress is well earned, but because he is a unique person he is literally irreplaceable.

He has brought his rare gifts of intelligence and compassion together with a prodigious work ethic to bear on some of the most consequential problems faced by a free people. His leadership, over the many years, of the Subcommittee on Labor, Health and Human Services has been unmatched in the history of the Appropriations Committee. Justice and humanity have animated all his work, and JOHN is one Congressman who has added credibility and idealism and generosity of spirit to this Congress.

A gentleman in the fullest sense of the term, a deeply thoughtful person possessed of the largest heart and soul of anyone I have ever met, I wish him a tranquil sea and that he

might know in what high esteem he is held by all fortunate enough to call him friend.

PERSONAL EXPLANATION

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. KOLBE. Mr. Speaker, on October 18, 2000 the House debated and voted on H. Res. 631, ''Honoring the Members of the Crew of the Guided Missile Destroyer U.S.S. *Cole* Who Were killed or Wounded in the Terrorist Attack on that Vessel in Aden, Yemen, on October 12, 2000'', H. Con. Res. 415, National Children's Memorial Day, and H.R. 3218, the Social Security Number Confidentiality Act. Had I been present, I would have voted ''yea'' on H. Res. 631, (rollcall vote No. 531), ''yea'' on H. Con. Res. 415 (rollcall vote No. 532), and ''yea'' on H.R. 3218 (rollcall vote No. 533).

INTRODUCTION OF THE NOTIFICATION AND FEDERAL EMPLOYEE ANTI-DISCRIMINATION AND RETALIATION ACT

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. SENSENBRENNER. Mr. Speaker, as the Chairman of the Committee on Science, I believe open discourse at federal agencies is necessary for sound science. Intolerance inhibits, if not prevents, thorough scientific investigation.

Accordingly, I was very disturbed by allegations that EPA practices intolerance and discrimination against its scientists and employees. For the past year, the Committee on Science has investigated numerous charges of retaliation and discrimination at EPA, and unfortunately they were found to have merit.

The Committee held a hearing in March 2000, over allegations that agency officials were intimidating EPA scientists and even harassing private citizens who publicly voiced concerns about agency policies and science. While investigating the complaints of several scientists, a number of African-American and disabled employees came to the Committee expressing similar concerns. One of those employees, Dr. Marsha Coleman-Adebayo, won a $600,000 jury decision against EPA for discrimination.

It further appears EPA has gone so far as to retaliate against some of the employees and scientists that assisted the Science Committee during our investigation. In one case, the Department of Labor found EPA retaliated against a female scientists for, among other things, her assistance with the Science Committee's work. The EPA reassigned this scientist from her position as lab director at the Athens, Georgia regional office effective November 5, 2000—a position she held for 16 years—to a position handling grants at EPA headquarters. In the October 3 decision, the Department of Labor directed EPA to cancel the transfer because it was based on retaliation.

EPA's response to these problems has been to claim that they have a great diversity program. Apparently, EPA believes that if it hires the right makeup of people, it does not matter if its managers discriminate and harass those individuals.

Diversity is great, but in and of itself, it is not the answer. Enforcing the laws protecting employees from harassment, discrimination and retaliation is the answer. EPA, however, does not appear to do this. EPA managers have not been held accountable when charges of intolerance and discrimination are found to be true. Such unresponsiveness by Administrator Browner and the Agency legitimizes this indefensible behavior.

To assure accountability, I have introduced the Notification and Federal Employee Anti-discrimination and Retaliation Act (No FEAR Act) of 2000, H.R. . Federal employees with diverse backgrounds and ideas should have no fear of being harassed because of their ideas or the color of their skin. This bill would ensure accountability throughout the entire Federal Government—not just EPA. Under current law, agencies are held harmless when they lose judgments, awards or compromise settlements in whistleblower and discrimination cases.

The Federal Government pays such awards out of a government wide fund. The No FEAR Act would require agencies to pay for their misdeeds and mismanagement out of their own budgets. The bill would also require Federal agencies to notify employees about any applicable discrimination and whistleblower protection laws and report to Congress on the number of discrimination and whistleblower cases within each agency. Additionally, each agency would have to report on the total cost of all whistleblower and discrimination judgments or settlements involving the agency.

Federal employees and Federal scientists should have no fear that they will be discriminated against because of their diverse views and backgrounds. H.R. is a significant step towards achieving this goal.

INTRODUCTION OF THE 'CELLULAR TELECOMMUNICATIONS DEPRECIATION CLARIFICATION ACT'

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. CRANE. Mr. Speaker, I am pleased to join with Rep. NEAL and Ms. JOHNSON, Ms. DUNN, and Mr. JOHNSON of the Committee on Ways and Means in introducing the ''Cellular Telecommunications Depreciation Clarification Act.'' This legislation will amend the Internal Revenue Code to clarify that cellular telecommunications equipment is ''qualified technological equipment'' as defined in section 168(i)(2).

When an asset used in a trade or business or for the production of income has a useful life that extends beyond the taxable year, the costs of acquiring or producing the asset generally must be capitalized and recovered through depreciation or amortization deductions over the expected useful life of the property. The cost of most tangible depreciable property placed in service after 1986 is recovered on an accelerated basis using the modified accelerated cost recovery system, or MACRS. Under MACRS, assets are grouped into classes of personal property and real property, and each class is assigned a recovery period and depreciation method.

For MACRS property, the class lives and recovery periods for various assets are prescribed by a table published by the Internal Revenue Service found in Rev. Proc. 87–56, 1987–2 C.B. 674. This table lists various Asset Classes, along with their respective class lives and recovery periods. Rev. Proc. 87–56 does not specifically address the treatment of cellular assets, but rather addresses assets used in traditional wireline telephone communications.

These wireline class lives were created in 1977 and have remained basically unchanged since that time. In 1986, Congress added a category for computer-based telephone switching equipment, but there are no asset classes specifically for cellular communications equipment in Rev. Proc. 87–56. This is largely due to the fact that the commercial cellular industry was in its infancy in 1986 and 1987. Since the cellular industry was not specifically addressed in Rev. Proc. 87–56, the cellular industry has no clear, definitive guidance regarding the class lives and recovery periods of cellular assets. Therefore, the Internal Revenue Service and cellular companies have been left to resolve depreciation treatment on an ad hoc basis for these assets as the industry has rapidly progressed.

The result is that both cellular telecommunications companies and the Internal Revenue Service are expending significant resources in auditing and settling disputes involving the depreciation of cellular telecommunications equipment. This process is obviously costly and inefficient for taxpayers and the Service, but it also leaves affected companies with a great deal of uncertainty as to the tax treatment, and therefore expected after-tax return, they can expect on their telecommunications investments. A standardized depreciation system for cellular telecommunications equipment would eliminate the excessive costs incurred by both industry and government through the audit and appeals process, and would eliminate an unnecessary degree of uncertainty that is slowing the expansion of our national telecommunications systems.

The Treasury Department's recently released ''Report to the Congress on Depreciation Recovery Periods and Methods'' tacitly acknowledges this point. In its discussion about how to treat assets used in newly-emerging industries, such as the cellular telecommunications industry, the report states:

> [t]he IRS normally will attempt to identify those characteristics of the new activity that most nearly match the characteristics of existing asset classes. However, this practice may eventually become questionable in a system where asset classes are seldom, if ever, reviewed and revised. The cellular phone industry, which did not exist when the current asset classes were defined, is a case in point. This industry's assets differ in many respects from those used by wired telephone service, and may not fit well into the existing definitions for telephony-related classes.

Rather than force cellular telecommunications equipment into wireline telephony ''transmission'' or ''distribution'' classes, a better solution would clarify that cellular telecommunications equipment is ''qualified technological equipment.'' The Internal Revenue

Code currently defines qualified technological equipment as any computer or peripheral equipment and any high technology telephone station equipment installed on a customer's premises.

The cellular telecommunications industry has been one of the fastest growing industries in the United States since the mid-1980s, as evidenced by the following statistics:

The domestic subscriber population has grown from less than 350,000 in 1985 to 86 million by 1999, and is projected to grow to 175 million by 2007.

The industry directly provided 4,334 jobs in 1986, which grew to over 155,000 directly provided jobs and one million indirectly created jobs by 1999.

Capital expenditures on cellular assets exceeded $15 billion in 1999.

The rapid technological progress exhibited by the cellular telecommunications industry illustrates how the tax code needs to be flexible to adapt to future technologies and technological changes. Continued rapid advancement is on the horizon, including wireless fax, high-speed data, video capability, and a multitude of wireless Internet services. It is impossible in 2000 to anticipate properly the new equipment that will support this growth even two years hence.

For further information on this I refer my colleagues to the testimony of Ms. Molly Feldman, Vice-President-Tax of Verizon Wireless before the House Committee on Ways and Means, Subcommittee on Oversight. Ms. Feldman's testimony provides an excellent overview of the industry, its history, and the reasons why this bill is so important. I urge my colleagues to support this important clarification to the tax law.

H.R. ____

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

SECTION 1. WIRELESS TELECOMMUNICATIONS EQUIPMENT.

(a) IN GENERAL.—Subparagraph (A) of section 168(i)(2) of the Internal Revenue Code of 1986 (defining qualified technological equipment) is amended by striking ''and'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', and'', and by inserting after clause (iii) the following new clause:

''(iv) any wireless telecommunications equipment.''

(b) WIRELESS TELECOMMUNICATIONS EQUIPMENT.—Section 168(i)(2) of the Internal Revenue Code of 1986 is amended by inserting after subparagraph (C) the following new subparagraph:

''(D) WIRELESS TELECOMMUNICATIONS EQUIPMENT.—For purposes of this paragraph, the term ''wireless telecommunications equipment'' means all equipment used in the transmission, reception, coordination, or switching of wireless telecommunications service. For this purpose, ''wireless telecommunications service'' includes any commercial mobile radio service as defined in Title 47 of the Code of Federal Regulations.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service on or after the date of the enactment of this Act.

THREATS TO FINANCIAL FREEDOM

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. PAUL. Mr. Speaker, I recently had the pleasure of hearing remarks made by our former House colleague, Bob Bauman of Maryland, at a meeting of the Eris Society in Colorado. Since his talk centered on banking, financial and related privacy issues pending before the Congress, I want to share his view with the House as an informed statement of the threats to financial freedom posed by the Clinton administration's policies.

Mr. Bauman, the author of several books on offshore financial topics, serves as legal counsel to The Sovereign Society (http://www.sovereignsaociety.com), an international group of citizens concerned with the government encroachment on financial freedom.

Remarks of Robert E. Bauman, Eris Conference, Durango, Colorado, August 12, 2000.

THE NEW IMPERIALISM: THE ATTACK ON WORLD TAX HAVENS

I take as my theme two quotations, one from the Gospel of St. Matthew, 20:15—''Do not I have the right to do what I want with my own money?''

The second is from Mayer Amschel Rothchild (1743–1812), founder of the famous banking dynasty, the House of Rothchild, who said: ''Give me control over a nation's currency and I care not who makes its laws.'' Both quotes have relevance to what I have to say.

WEALTH IS SUSPECT

If you are fortunate enough to fall into the estimated group of six million millionaires worldwide now in existence, a number noted in a study by Merrill Lynch last year, you automatically may be a criminal suspect.

I say ''suspect'' because Citibank views these wealthy people, who control approximately 21 trillion-six hundred billion dollars, as potential financial criminals simply because of their wealth. Citibank announced last year that their 40,000 private banking clients, each of whom had to prove a personal net worth of $3 million in order to qualify for the bank's services, are watched every minute of every day to see if they may be engaged in money laundering or other financial crimes. I am certain other banks do as well.

The constant surveillance is accomplished, as is most privacy invasion these days, by a special banking computer software program called ''America's Software'' which allows every transaction in any account to be watched constantly. It produces a daily record for bank officials, who now have certain obligations imposed by US law that require the reporting of ''suspicious activities'' to federal agents. Transfers of large amounts of cash or other unusual account activity rings alarm bells and results in an investigation not revealed to the ''suspect'' banking client under penalty of law.

We can conclude from this Draconian arrangement, for one thing, that a person of great wealth who establishes a private banking relationship with a major bank now is presumed to be a possible criminal; that accumulated wealth is not treated as potential evidence of crime; that in this instance, the traditional American constitutional presumption of innocence has been reversed; that the American banking system is no longer safe for even for honest people of wealth who simply value their privacy.

IT'S OFFICIAL: OFFSHORE MEANS CRIME

I was at a conference on April 22, 1999 in Miami sponsored by the respected publication, Money Laundering Alert. Lester Joseph, Assistant Chief of Asset Forfeiture and Money Laundering for the Criminal Division of the U.S. Department of Justice, said that the U.S. Government officially views any offshore financial activity by US persons—any offshore financial activity—especially the use of tax havens, as potential criminal money laundering activity.

Now, it's quite obvious that financial activities in which a person engages when wealth is moved offshore for asset protection, for broader investment potential, for any number of legitimate reasons, for possible tax savings, any of these moves, are innocent in themselves. Former Secretary of the US Treasury, Robert Rubin, admitted in congressional testimony last year, it is the intention behind these innocent financial moves that government agents want to police for possible criminal investigation and prosecution.

So now we have the government money police targeting normal financial activities that until recently have been perfectly legal, simply because a person decides in his own best interests, to go offshore. We all know that in the US, African-American, Latino, Asian-American and other racial minorities have been unfairly subject to police ''profiling.'' Add to that list of ''presumed guilty,'' Americans who engaged in offshore financial activity.

I'm not a defender of wealth per se. I wish I had wealth to defend, but I am a defender of freedom. There can be no freedom, personal or otherwise, without wealth, without the right to own and use one's own property as one see fit. Remove property rights and you have no means to sustain life for yourself or your family. But now the acquisition and accumulation of productive wealth has become officially suspect in America.

WAR OF DRUGS=WAR ON WEALTH

For the last 20 years the policies adopted by the United States and allied governments have constituted a stealth war against wealth and against financial privacy. While the free flow of capital is extolled as appropriate and essential, the governments of major nations have turned upside down the traditional role of banks and banking. As a child I was made to believe that the people you dealt with at your bank and other financial institutions were fiduciaries to whom you could entrust your money.

Now we have what I call the ''Nazification'' of the financial system, not only in America but worldwide. I don't use that term lightly. As a matter of historic fact, the civil forfeiture laws in this country mirror in many major respects the Nazi forfeiture laws that were used to confiscate the property of the Jews. I am a member of the board of directors of Forfeiture Endangers American Rights, (www.fear.org on the Internet) and you can find out more information.

The genesis of this ''wealth=crime'' policy can be found in that infamous political and moral failure, the so-called ''war on drugs.'' One of the primary weapons of this ill-begotten war has been civil forfeiture, where police seize cash and property based on rumor or hearsay. In 80% of the cases, the owner is never charged with any crime, but usually the police keep the loot. Many police have long since turned their attention away from drugs, and instead pursue the cash and property they use to lard their budgets. Thankfully, my former colleague, Henry Hyde of Illinois, led the successful legislative battle for some much needed civil forfeiture reform which recently became law.

AN ALL-PURPOSES NEW ''CRIME''

As part of the drug war that progressed and expanded (but is never victorious), the catch all crime of ''money laundering'' was invented: an all purpose federal prosecutors' dream. The anti-money laundering statutes that have grown like a malignancy. Charges of money laundering now routinely are shown in with almost every possible criminal indictment, often as a bargaining chip and/or a means to confiscate the wealth of the accused even before trial. Try hiring a good defense attorney when your bank account has been frozen.

Laws enacted under the banner of the war on drugs intentionally have forced bankers to become spies for the federal financial police. The bankers' primary allegiance now is not to customers or clients, but to the government.

At the Miami conference, scores of bank officials were instructed how to question clients, watch account activity, and report any ''suspicious activity''. Suspicious activity reports (SARs) are filed by the tens of thousands every month, produce voluminous computer records, encourage potential criminal investigations, allow prosecutors to bully citizens, but in the end very few SARs put criminals in jail. What this success process has produced is the mushrooming of federal prosecutorial staffs, US attorneys budgets, the power and costs of the US Department of Justice and the welfare of the bureaucrats and lawyers who feast at the taxpayers' trough.

OFFSHORE AS SCAPE GOAT

That great economist, Wilhelm Roepke, once wrote: ''It is very easy to awaken resentment against people who not only have money, but also the boldness to send that money abroad in order to protect it against all manner of domestic insecurity. It's vital that people in their means of existence, that is, capital, still have the chance to move about internationally, and when absolutely necessary, to escape the arbitrariness of government policy by means of secret back doors.''

Consider that expressed view in the context of what is known as ''expatriation,'' the human right to acquire a new nationality and renounce one's old citizenship. We, as a nation of immigrants, should cherish that right.

In November 1994 Forbes magazine published an infamous article which identified a handful of wealthy ex-Americans who had formally renounced their U.S. citizenship and saved themselves and their families hundreds of millions of dollars in U.S. income, capital gains and estate taxes and produced a sudden frenzy in Congress, willingly aided and abetted by one Larry Summers, then Assistant Secretary of the Treasury. (There had been a federal law that claimed U.S. tax jurisdiction over tax expatriates if it could be proven they left the country with the express intent to avoid U.S. taxes, but it was never enforced.) A supposedly ''conservative'' Congress passed legislation in 1995 penalizing heavily those who renounced U.S. citizenship for the purpose of avoiding taxes. A 1996 change provided that any ex-American who left to avoid taxes could be forever stopped from returning to the U.S. Immigration officials were empowered to stop these culprits at the border. This drastic sort of exclusion previously had been confined only to people suffering from communicable diseases, Communists and certain terrorists. Needless to say, this inane provision, has never been enforced although it's still on the statute books.

NEEDED OFFSHORE ASSET PROTECTION

In truth, there are very legitimate financial reasons for an American citizen to ''go offshore''. These include avoiding exposure to costly domestic litigation and excessive court damage judgements and jury awards, protection of assets, unreasonable SEC restrictions on foreign investments, the availability of more attractive and private offshore bank accounts, life insurance policies and annuities, avoidance of probate and reduction of estate taxes.

But Americans who have followed this prudent course now find themselves lumped together with drug lords, tax cheats, dirty money launderers, disease carriers and assorted criminals. What is legal and legitimate is made to look sinister and evil.

OECD—FATF WORLD INTIMIDATION CAMPAIGN

There is a decided international dimension to this domestic U.S. campaign against wealth. Beginning last June, the news media took belated notice of offshore tax havens and their thriving financial centers as a newly discovered international threat. A frenzy of publicity surrounded the serial publication of spurious ''blacklists'' by previously unnoticed international organizations. None of these self-appointed, self-important groups enjoy any legal standing, but they proceeded to announce exactly how the international financial world should conduct its affairs. Those nations in disagreement with the OECD world view were threatened with financial boycotts and unexplained ''sanctions'' to be imposed by June 2001.

These organizations include the Paris-based organization for Economic Cooperation and Development (OECD), which loudly denounces what it calls ''harmful tax competition'' is composed of representatives from major high tax nations. An OECD subsidiary is the Financial Action Task Force (FATF), a sort of financial Gestapo that pronounces who is legal and who is not legal in terms of money laundering activity.

Yet a third group without no basis in international law calls itself the ''Financial Stability Forum.'' This is a subgroup of the G–7 nations and has taken it upon itself to decide which nations are good or bad in cooperation for capital flows.

All of these organizations are self-anointed and don't have any more standing than the International Tennis Association as far as legal capacity to impose their decisions. They are little more than public relations mouthpieces of an international cartel of rich nations trying to suppress tax havens and other nations that have profited from fully legal tax competition.

In an obviously co-ordinated effort starting last May, these organizations each issued its own ''blacklist'' of nations it found deficient in various ways. The FSF attached those it claimed were disruptive to international financial activity. FATF issued a list of countries allegedly lax on money laundering. The OECD came out with list of nations engaged in ''unfair tax competition''. It was no coincidence that most of the world's no-tax financial haven nations were on all these phony lists. A small coterie of statist bureaucrats in the financial ministries of the major nations had coordinated their propaganda work well: an uneducated, gullible global news media swallowed this phony story whole.

Every one of the wealthy nations that are pushing this attack on tax havens are controlled by high-tax, socialist governments who see a tax and wealth hemorrhage occurring among their citizens. Yes, millions, billions of dollars, pounds and francs are pouring out of high tax nations flowing to offshore tax havens—and for very good reasons. Why would anyone in his right mind continue to pay confiscatory taxes when you can move your financial activity to another nation where you pay no personal or corporate income tax, no estate tax, no capital gains tax?

Ignored in this concerted attack on small tax haven nations is the simple fact that under current U.S. and UK tax laws the biggest tax savings for foreigners can be found in Britain and in the United States. The United States is one of the biggest tax havens in the world—but only for non-U.S. persons. And in spite of the known fact that most of the dirty money laundering in the world takes place in London and New York, neither nation is on the FATF money laundering blacklist.

All this is really a smoke screen for increased tax collection. Feeling the tax drain, the rich nations want an end to all those factors that make tax haven attractive: They demand that taxes be imposed where there are none, want an end to financial and banking privacy and ''free exchange'' of information, want complete ''transparency'', and want these small nations to become tax collectors for the rich, welfare state nations. In other words, they want tax havens to become just like the profligate major nations.

This new cartel of high-tax nations, limping along with their huge, unsustainable welfare state budgets, are engaged in a grotesque rebirth of colonialism and imperialism of a financial nature. They are willing to trample the sovereignty of small nations. In fact, the United Nations last year said national sovereignty must be compromised in order to impose a world financial order of high taxes and no financial privacy. Such a radical demand mocks international law. It makes vassal states out of sovereign nations.

This wrong headed approach flies in the face of every development that is producing the new prosperity: the Internet, e-commerce, globalization, cross border investment worldwide. For that reason alone, this effort will fail. Just as the legendary King Canute could not hold back the ocean tides, the rich nations will be swept away in their effort to impose their will on the world.

CONGRESSIONAL INTERNET CAUCUS E-GOVERNMENT EVENT

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. BOUCHER. Mr. Speaker, as Co-Chair of the Congressional Internet Caucus, I have long had a keen interest in how the Internet revolution is affecting the relationship between citizens and their government. In my own district, we have held an annual conference at which we discuss what government can do better to improve the way it delivers services and information to the public via the Internet.

As we seek to find ways to better connect with our increasingly Internet-savvy constituents, I think our colleagues may learn much by looking at how state and local governments are using electronic means to deliver services to the public. For this reason, I thought my colleagues would be interested in the results of a study entitled, ''Benchmarking the eGovernment Revolution: Year 2000 Report on Citizen and Business Demand.'' I understand this to have been the first national survey that asked citizens and businesses what state and local government services they want to access online.

The survey found that citizens rank renewing their driver's license and voting online

highest among the electronic government services they wish to perform. Businesses are most interested in searching court records and obtaining or renewing professional licenses online. Perhaps surprisingly, both citizens and businesses expressed a high degree of willingness to pay modest transaction fees in return for the convenience of being able to access government services via the Internet 24 hours a day, 7 days a week.

The survey also confirmed that trust is the most critical issue facing government in providing online services to constituents. The survey found, for example, that only one-third of current Internet users trust the government to keep their records confidential. Clearly, government agencies are going to have to work harder to develop the level of trust necessary for citizens to increase their use of the Internet for accessing electronic government services.

As part of the work of the Congressional Internet Caucus next year, we will undertake an effort to educate Members about how this ''eGovernment'' revolution is proceeding at the state level, as well as how they can better connect with their constituents through electronic means. As part of this effort, we need to assess ways to bridge the digital divide so that all of our constituents can participate in the Internet Century. I anticipate that we also will continue to offer a series of sessions on the most pressing Intellectual Property issues of the day, such as the award of business method patents and ways to update the Copyright Act so that it continues to reflect evolutions in technology.

We will of course welcome the participation of all Members in the Caucus and their suggestions on developing new means of connecting with our constituents.

HONORING MEMBERS OF THE CREW OF THE GUIDED MISSILE DESTROYER U.S.S. 'COLE'

SPEECH OF

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. BISHOP. Mr. Speaker, for a number of us, the terrorist attack on the U.S.S. *Cole* struck close to home.

Craig Freeman, a 12-year Navy veteran who suffered multiple injuries, is from Moultrie in my area of southwest Georgia. Thankfully, he will soon be well enough to visit his family on leave. But some of his shipmates remain hospitalized, and 17 of them will never see their loved ones again. These brave young Americans willingly went into harm's way, and, like others who have paid the price for our freedom, they shall forever remain in our hearts.

We extend our sympathy to the families. We also express our rage. But that is not enough, Mr. Speaker.

We must resolve to fight back against these insane acts by committing the country's full resources in an aggressive effort to determine who is responsible, to see that justice is done, and to do everything possible to deter such acts in the future. As Navy Secretary Richard Danzig pointed out, our memory is long and our reach is longer. As a member of the House Select Committee on Intelligence, I will continue working to ensure that the country is fully prepared to strike back against these forces of evil.

PERSONAL EXPLANATION

HON. GEORGE R. NETHERCUTT, JR.

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. NETHERCUTT. Mr. Speaker, on October 18, 2000, I missed rollcall votes 531, 532 and 533. I request that the record reflect that had I been present, I would have voted ''aye'' on all three votes.

A TRIBUTE TO MR. DAVID C. DECKER

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. GARY MILLER of California. Mr. Speaker, I rise to commend Mr. David C. Decker, the 136th Grand Master of Masons in California. Mr. Decker is a member of Upland-Mt. Baldly Lodge No. 419, where he has served as Master since 1974.

A native of Illinois, Mr. Decker was born on April 4, 1937, and attended public schools in Ladora, Iowa. Upon moving to California, Mr. Decker continued his education at Chaffey College and San Bernardino Valley College.

After thirty years of service to GTE, Mr. Decker retired. At GTE, his primary responsibility included the supervision and development of personnel associated with the installation and maintenance of telephones.

Mr. Decker is extremely active in the Masonic community. He is a member of the Santa Anna Scottish Rite, Riverside York Rite, Al Malaikah Shrine Temple where he serves as an Ambassador at Large, National Sojourners, Grotto, Mission Bell Court—Order of Amaranth, Gate City Chapter—Order of the Eastern Star, Royal Order of Scotland, and the Red Cross of Constantine. In addition, he also serves on the Board of Governors at the Shrine Hospital in Los Angeles.

Mr. Decker has held numerous positions within the Masonic Lodge. He served as Inspector of the 606th Masonic District from 1986–1991; from 1991–1992, he was the Senior Grand Deacon for the Grand Lodge; and was named a Trustee of the Board of Trustees of the California Masonic Foundation.

The leadership exhibited by Mr. Decker has been recognized. In January of 1996, he was presented with the Hiram Award, and in 1998 he was honored by the International Supreme Council, Order of DeMolay with the Legion of Honor.

Mr. Speaker, I ask that this 106th Congress join Upland-Mt. Baldy Lodge No. 419 as they salute California's 136th Grand Master of Masons, Mr. David C. Decker.

TRIBUTE TO DOUGLAS SIMMONS

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. DOOLITTLE. Mr. Speaker, today I recognize and honor the contributions my good friend, R. Douglas Simmons, has made to one of America's most respected service institutions, the Boy Scouts of America (BSA). On October 27 of this year, Doug will mark 50 years of continuous registration in the Boy Scouts organization. This lengthy record of service both as a youth participant and as an adult leader merits the recognition and commendation of this distinguished body.

First of all, I wish to say a few words about the Boy Scouts of America itself. Few other organizations have as admirable a record of doing good as does the BSA. For ninety years, Boy Scouts have been symbols of everything that is right with America's youth. In fact, in the eyes of many, the faithful Boy Scout has come to embody the virtues of personal integrity and community service.

Scouting is a program that educates young men in countless fields of study, trains them to master practical skills, instills in them a sense of civic duty, encourages them to develop commitment to their faith and country, and teaches them to lead a life of service to others. Boy Scouts learn and practice the principles of cooperation and teamwork. They take an active role in setting goals, making decisions, and executing plans for themselves and for the group. Whether it be in today's businesses, government institutions, schools, or families, these leadership skills are clearly in demand.

Perhaps the BSA's most valuable role in today's society is that it provides boys with positive male role models. In our increasingly fatherless society, it is now more important than ever for young men to have honorable mentors that they can look to for example, instruction, counsel, and companionship.

Mr. Speaker, I am glad to say that my friend, Doug Simmons, has been a part of BSA's sterling legacy for the past 50 years. His scouting career began when he registered as an eight-year-old Cub Scout on October 27, 1950. He remained active in Scouting throughout his youth, eventually advancing to the rank of Eagle Scout and participating in the Order of the Arrow. In each of his Scout troops and Explorer posts, Doug held leadership positions. Perhaps the culmination of his experience as a Boy Scout was when he attended the National Scout Jamboree.

To his credit, Doug has continued his involvement in Scouting as an adult leader. His ongoing leadership training includes Bear Paw and Wood Badge courses and time at Philmont Scout Ranch. He has held numerous positions at almost every level of Scouting. Among the troop level positions he has filled are scoutmaster, troop committee chairman, unit commissioner, and institutional representative. At the district level, Doug Simmons has been Camporee chairman, and he has served on the camping committee. At the council level, he has been a member of the Explorer Advisory Council and the Bear Paw training staff. Furthermore, he has served in Order of the Arrow leadership and as a merit badge counselor.

For his dedication to Scouting, Doug Simmons has received numerous awards, including the Scouters Key, the Scouters Training Award, the Silver Bear, and the Silver Beaver.

In addition to his direct involvement in Scouting, Doug has worked with the young men in his church while serving in various ecclesiastical offices. Among these positions have been bishop, bishop's counselor and deacon quorum advisor.

Mr. Speaker, our nation needs more citizens who are willing to stand up for the values that have made America great. We need more individuals who are dedicated to improving the lives and circumstances of the people around them. We need more of our young people to participate in character-building and community-building activities. We need more responsible adults to take an active role in caring for and guiding the youth of this country. In short, we need more people like Doug Simmons.

I salute both Doug and the institution he loves so dearly, The Boy Scouts of America. As he now commemorates his 50 years of involvement with the Boy Scouts of America, let us honor all Doug Simmons' contributions to advancing the ideals of that great organization.

IN RECOGNITION OF SADIE M. CURRY

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. RILEY. Mr. Speaker, I rise today to pay tribute to Ms. Sadie M. Curry, who is being recognized this weekend for her lifetime achievement. Ms. Curry retired in 1999 after 41 years as a science teacher in Talladega, Alabama.

From the beginning of her teaching career, Ms. Curry received commendations for her teaching. She was named Teacher of the Year for Talladega County even as early as 1960; first designated as Outstanding Elementary Teacher of the year in 1972; and named Teacher of the Year for Talladega Middle School in 1984. She continued to receive the honor of Teacher of the Year for Dixon Middle School, the school from which she retired, throughout the 1990's. She was named as a Finalist in the Jacksonville State University Hall of Fame Teacher of the Year competition in 1985 and again in 1995 and 1996. Further, she was nominated as Alabama State Teacher of the Year three times.

Sadie Curry was deeply involved in teaching science to her students. She became the Coordinator of the Local Science Fair in 1972 and continued in this position through 1994. She also served as Director of the Northeast Alabama International Science and Engineering Fair from 1982–1985. She was honored by the Environmental Protection Agency for her teaching unit on ''Learning to Love Trees,'' and received the Talladega Scientist of the Year Award in 1985. She was honored by the American Society of Microbiology for Aspiring American Youth in 1984 and in that same year received a $500 mini-grant from the Alabama Department of Economic and Community Affairs to assist teachers in the teaching and promotions of science, technology and energy in the classroom. In 1994, she won the Catalyst Award for Excellence in Science Teaching by the National Chemical Manufacturers Association. In 1995, she and three of her students traveled to Washington, D.C. for the 15th Annual National Recognition Ceremonies for the Youth Awards Program Energy Education.

Her instruction in science included conservation. For this, she was nominated as Conservation Teacher of the Year in 1984 and was named as Conservation Teacher of the Year in 1997. Dixon Middle School was the winner of the Alabama State Campus Cleanup Program in 1996, the 3rd place winner in 1998 and the winner of the Alabama People Against a Littered State Cleanup Campus Award in 1997.

However, Ms. Curry's quality as a teacher has gone far beyond her instruction in science. She cares deeply about her students. Her energy and enthusiasm are contagious, and she has challenged her students to be the best that they can be. They have learned to respect their environment and one another. It is said that the measure of a person's worth is in the effect he has on others. Ms. Curry's worth can be seen in the effect she has had on the many students she has taught and the very fact that many are returning for her tribute this weekend. In her honor there is now a Sadie M. Curry Outstanding Science Award at Dixon Middle School. For the next twenty years, an outstanding science student will have his name engraved on a plaque displayed at the school.

A TRIBUTE TO SIGNAL HILL POLICE OFFICER LARRY MORRIS

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. HORN. Mr. Speaker, today the City of Signal Hill pays tribute to senior police officer Larry Morris, an outstanding police officer who selflessly dedicated himself to protecting children from the dangers of gangs and drugs.

The list of Larry's contributions to the community is a long and distinguished one. He was the father of Signal Hill's D.A.R.E. (Drug Abuse Resistance Education) and G.R.E.A.T. (Gang Resistance Education, and Training) programs. Larry was a remarkable teacher of these programs in all the local elementary schools. Children were naturally drawn to his sincere, caring ways. When he walked through a school, the children would surround him, just to give him a hug. Larry deeply cared about these young people, and truly made a difference in so many of their lives.

Among his many contributions to our community, Larry served in the Signal Hill Police Department from 1972 to 1998. He worked in patrol, investigations, K–9, and field training. For the last ten years of his career Larry dedicated himself to the youth of the community. He was an originating member of the Operation Jumpstart Mentoring program and the Signal Hill juvenile crime stoppers. He also created the Signal Hill Juvenile Diversion program, was an advisor to the Signal Hill Police Department Explorer Post, and a selector for the R.M. Pyles Boys Camp program.

On October 10, 1999, Larry lost his battle with cancer. As a fitting tribute, on October 14, 2000, the City of Signal Hill and the Signal Hill Police Department dedicated the city's community youth center as the ''Larry Morris Community Youth Center.''

Mr. Speaker, we struggle to express feelings of grief, sorrow and appreciation for this fine officer who gave so much to his community and was taken from us far too early in life. The youth center bearing Larry's name will allow his legacy to live on in the minds and hearts of our children, and our community, for many generations to come. I shall always remember Larry with a smile and a twinkle in his eyes. He cared and he served and saved many of the youth of Signal Hill.

ON THE DEATH OF REV. JESSE TAYLOR

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to honor a man who was devoted not only to serving the Lord, but to the people around him as well. The Reverend Jesse Taylor of Chicago, died on April 22, 2000. The passing of Reverend Taylor may have indeed been a sad moment for those who shared his life; but the subsequent celebration of the life he lived was a joyous occasion for all. In fact, when I was asked to speak at the home-going services of Reverend Taylor there were not enough words for me to begin to describe the full and virtuous life that he lived. This man lived and breathed all that life had to offer him.

To describe Reverend Taylor is to describe a man who was after God's own heart. He was called into the ministry at the early age of nineteen and from there served as the Assistant Pastor of the Metropolitan Missionary Baptist Church in Chicago, Illinois where he served for over twenty-eight years.

By 1969, he was named Pastor of that same church where he faithfully served for seventeen years. In 1986, Rev. Taylor became the pastor, counselor, teacher, and friend of Greater Love M.B. Church where he served the Lord and his community until his last breath. Rev. Taylor was the Financial Secretary to both the North Woodriver District and the Illinois State Convention. He also was a member of the National Baptist Sunday School and Training Union Congress along with the National Missionary Baptist Convention of America. In addition to being a pastor, Rev. Taylor was a loyal husband of sixty-five years; and to his eight children, a loving father.

I stand before you honoring this wonderful man who represents what we should all strive to be—loving, dedicated, and steadfast not only to oneself, but to all of humankind. The Reverend Jesse Taylor, ''Greater love hath no man than this, that a man lay down his life for his friends (John 15:13).'' Thank you for your life of service. Reverend Taylor lived until the ripe old age of ninety-two and preached his last sermon just a few months before this death.

RECOGNITION OF CORPORATE RESPONSIBILITY

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. JONES of North Carolina. Mr. Speaker, just over a year ago, Hurricane Floyd struck the 3rd District of North Carolina, causing billions of dollars of damage and displacing thousands of families. Eastern North Carolina is no stranger to extreme weather conditions and my district always seems to rise to the challenge posed by these natural disasters.

But there is something that goes unnoticed by many, goes unreported by the newspapers and broadcast media, goes unappreciated by many who call themselves environmentalists and goes unrecognized by many in Congress.

Corporate America and businesses in general are an integral component of our neighborhoods and communities devastated by Hurricane Floyd. Weyerhaueser, one of the world's leading forest products companies, is one company I'd like to recognize as a good neighbor during the worse natural disaster in state's history.

I'd like to place in the RECORD this letter commending Weyerhauesuer and their efforts during this national calamity. Without responsible companies like Weyerhaueser, recovery in Eastern North Carolina would have been impossible. On behalf of Eastern North Carolina, I rise today to thank Weyerhaueser and their heartfelt actions after Hurricane Floyd.

NORTH CAROLINA FLOOD PUTS WEYERHAEUSER'S EMPLOYEE SUPPORT TO THE TEST

By Elizabeth Crossman, vice president of the Weyerhaeuser Company Foundation

NEW BERN, NC—In September, 1999, rising floodwaters in the wake of Hurricane Floyd made thousands of eastern North Carolinians homeless, and caused billions of dollars in damage to property, commerce and infrastructure. It was the worst natural disaster in the state's history. For Weyerhaeuser, one of the world's leading forest products companies, the floods posed the ultimate challenge to the company's commitment to its employees.

Weyerhaeuser operates 16 facilities or offices across North Carolina—primarily sawmills and pulp and paper manufacturing plants located near its substantial timber holdings in the coastal plain. About two-thirds of Weyerhaeuser's North Carolina workforce of about 3,000 make their homes in that section of North Carolina that bore the brunt of the storm.

Of course Weyerhaeuser faced immediate challenges in the aftermath of the floods. Several mills were either flooded themselves, or cut off from employees and raw materials by impassable roads. Communities in which the company operates were in turmoil, with schools closed, utilities disrupted and relief organizations rushing to the area to set up temporary services. While dealing with these concerns, the company's unit managers had to take inventory of who among their employees was affected and to what extent. It took several weeks to get an accurate count, with human resource and corporate affairs managers comparing notes. The impact was substantial. Over ninety active employees or retirees were harmed by the storm, most of them significantly. In fact 35 suffered total losses.

Meanwhile, at corporate headquarters in Federal Way, Washington, executives were already understanding the seriousness of the situation in North Carolina, and crafting their first response. The Weyerhaeuser Company Foundation maintains an emergency budget to respond quickly when disasters strike communities where the company operates. This fund, for example, was tapped to support Oklahoma City after the bombing of the federal building in 1996. And, in response to the devastating flooding in eastern North Carolina, the Foundation promptly appropriated $100,000 to support four local American Red Cross chapters who were providing immediate assistance to impacted communities.

Within weeks, Weyerhaeuser Chairman and CEO Steve Rogel was on the ground in North Carolina assessing the damage first hand and meeting with impacted employees. He heard the same message repeatedly. ''Our employees told me they needed immediate funds in order to get into temporary housing, and they needed advice and help to deal with the relief agencies and insurance companies. That's where we aimed our support,'' said Rogel.

Rogel and his team of corporate and North Carolina advisors crafted an action plan that they put into place within days.

Dedicated fund for employees: Working with the United Way chapter of Pitt County in Greenville, NC, the company set up a dedicated account to collect funds for employee flood victims. A corporate gift of $100,000 was eventually more than doubled by individual employee donations from throughout the company.

Dedicated advocate: A full-time manager was assigned to set up individual case files for all 93 impacted employees and assist each of them in their dealings with relief agencies, insurance companies, state and county governments, lawyers and others.

Counseling for victims: The company offered crisis counseling to its employees and their family members through its Employee and Family Assistance Program (EFAP).

Adopt-A-Family program: The Weyerhaeuser Company Foundation organized a program by which facilities and staff groups throughout the company could ''adopt'' a family affected by the floods. The Adopt-A-Family benefactors continue to provide monetary or in-kind contributions as their circumstances allow, and offer personal solace and encouragement for their colleagues in need. All 51 employees or retirees with total or significant losses have been adopted.

Coordination of recovery efforts: The corporate-assigned flood victim advocate, working with a team of North Carolina human resource managers, coordinates recovery activities, including distribution of money from the United Way fund to employees, soliciting donations of building materials from Weyerhaeuser manufacturing facilities and scheduling volunteers for clean-up or rebuilding projects.

As a result of Weyerhaeuser's prompt and unique approach, employee flood victims have realized many tangible benefits. Over $257,000 has been distributed to employees in need from the dedicated fund administered by Pitt County United Way. All employees or retirees with total or significant losses were placed with facilities or staff groups through Adopt-A-Family. All have received substantial support, including in some cases automobiles, appliances, furniture, personal items and cash. All but four employees made homeless by the flood are in new or rebuilt housing, with everyone expected to be back home by year-end.

Katy Taylor, appointed by Weyerhaeuser to fill the advocate's role, has chronicled the events of the flood and the recovery in the year since. She has been moved both by the plight of the affected employees and by the generosity of those responding. ''For someone who has lost just about everything they worked all their lives for, knowing there are people supporting you in your time of need is so important. Weyerhaeuser's corporate support and the Adopt-A-Family program gave our impacted employees somewhere to turn when they thought there was none,'' Taylor said. Her experience has led Weyerhaeuser to conclude some key benefits that other companies could gain by following a similar approach.

Taylor defines four key benefits: productivity; pride; citizenship and partnership. Weyerhaeuser's businesses recover productivity more quickly and enjoy a closer working relationship between management and labor. Employee pride in the company is enhanced, both among those receiving support and giving it. The relationship between Weyerhaeuser and its operating communities is strengthened. Partnerships are formed among the company and public and private relief agencies that will remain long after the last employees are back in their homes. ''We will carry forward many positive results that we should not have had reason to expect from such a tragedy,'' Taylor added.

No company wants to experience the anguish of employees and turmoil to business operations caused by events like North Carolina's flooding. However, when faced with the situation, Weyerhaeuser listened to its people on the ground, acted decisively and came up with unique approaches to difficult problems. The end result is that employees fared better than they would have otherwise, and Weyerhaeuser has a program it can deploy should disaster strike again.

IN HONOR OF WORLD POPULATION AWARENESS WEEK 2000—SAVING WOMEN'S LIVES

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mrs. MALONEY of New York. Mr. Speaker, I rise today to recognize the Population Institute's 16th annual ''World Population Awareness Week (WPAW).'' The theme of this event, ''Saving Women's Lives,'' is an appropriate reminder of the hundreds of thousands of women who die each year due to reproductive health complications. Every minute of every day a woman somewhere in the world dies from pregnancy related complications, a total of 600,000 women each year.

According to Population Institute President Warner Fornos more than 350 million married women in developing countries still lack access to information, education, and the means to obtain a range of modern family planning methods. This problem is further exacerbated by the fact that a disproportionately large share of the poorest of the poor and malnourished in the world are women and girls.

In addition to focusing on the status of women around the world, World Population Awareness Week strives to develop awareness to the environmental and social complications caused by rapid population growth across the globe. Two hundred thirty organizations from 62 countries around the world cosponsored World Population Awareness Week, including the Family Planning Association of India, the National Association of Family Welfare of Cameroon, and the Educational Foundation for Reproductive Health of Cambodia. Over 200 mayors across the United

States have also proclaimed the event, along with the following 34 Governors:

Governor Tony Knowles of Alaska, Gray Davis of California, Bill Owens of Colorado, John G. Rowland of Connecticut, Thomas Carper of Delaware, Roy Barnes of Georgia, Benjamin Cayetano of Hawaii, Thomas Vilsack of Iowa, Dirk Kempthorne of Idaho, Bill Graves of Kansas, Paul Patton of Kentucky, Angus King, Jr. of Maine, Parris Glendening of Maryland, Argeo Paul Cellucci of Massachusetts, Jesse Ventura of Minnesota, Kirk Fordice of Mississippi, Mel Carnahan of Missouri, Mike Johanns of Nebraska, Kenny Guinn of Nevada, Jeanne Shaheen of New Hampshire, Christie Todd Whitman of New Jersey, Gary Johnson of New Mexico, James B. Hunt, Jr. of North Carolina, Edward Schafer of North Dakota, Rob Taft of Ohio, Frank Keating of Oklahoma, John Kitzhaber of Oregon, Tom Ridge of Pennsylvania, Lincoln Almond of Rhode Island, Jim Hodges of South Carolina, Don Sundquist of Tennessee, Howard Dean of Vermont, Gary Locke of Washington, Cecil Underwood of West Virginia.

Mr. Speaker, next week during World Population Awareness Week, we have the perfect opportunity to show the world our commitment to international family planning without the anti-democratic restrictions by supporting full FY 1995 funding levels for international family planning and once and for all remove the onerous Gag Rule from law. Women's lives around the world are depending on it.

IN HONOR OF PASTOR FRED L. CROUTHER

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. BARRETT of Wisconsin. Mr. Speaker, today I would like to honor an outstanding citizen in Milwaukee, Reverend Fred L. Crouther. Pastor Crouther not only provides spiritual guidance to this congregation at New Covenant Missionary Baptist Church, he is a source of inspiration and courage to our whole community.

Everyday, Pastor Crouther reaches out to the poor, disadvantaged, disabled and downtrodden to not only better their circumstances, but to uplift the human spirit. He provides countless hours of counseling and support of families and people from all walks of life.

With his New Covenant Congregation, Pastor Crouther has helped provide a hot meal program, a food pantry and a clothing bank, as well as an alternative school, scholarships and tutorial programs. He also oversees and coordinates the New Covenant Corporation, the New Covenant Church Credit Union, the New Covenant Housing Corporation and the New Covenant Development Corporation, organizations intended to extend the church's reach further into the community.

Reverend Crouther came to Milwaukee in 1964, and married his wife, Mary Louise Minor of Fort Wayne, Indiana on June 11, 1966. He studied theology at the American Baptist Theological Seminary in Nashville, and began his graduate studies at the University of Wisconsin-Milwaukee from 1967–1969. He was licensed to preach the gospel on July 5, 1959 and ordained a minister of the gospel on December 30, 1962. He has two children, Tamara and David.

Pastor Crouther has been an integral part of Milwaukee's spiritual life, and I would like to personally thank him for all he has done to better our community, our families and our hearts.

PERSONAL EXPLANATION

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. FILNER. Mr. Speaker, on May 3, 2000, I inadvertently missed rollcall vote No. 136. Had I been present, I would have voted ''yes.''

INTRODUCTION OF SCHOOL BASED HEALTH CENTERS TECHNICAL ASSISTANCE ACT

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Ms. KILPATRICK. Mr. Speaker, Today I am introducing legislation designed to assist school-based health centers face the challenge of meeting their long-term financing needs and developing data gathering systems. This legislation recognizes that school based health care centers (SBHCs) are a fixture in the child health care delivery network and are effective in reaching out to a target under- and uninsured population.

There are more than 1,100 SBHCs in the United States, more than 40 of which are located in my home state of Michigan. These clinics bring a wide array of health care services to children in a place where they spend a good amount of time—their school. Schools are a logical place to establish health services for children, and SBHCs should be assigned a greater role and responsibility in the child health care delivery system. As we search for solutions to improve access to health care for children, SBHCs can play an important part in the overall equation. They can provide health care when children want it and where they need it. SBHCs complement the community health system, and they screen to prevent and treat diseases and other health threats.

SBHCs, like many community-based health programs, have to piece together funding for services from a multiple number of sources. The largest source of funding comes from states' Maternal and Child Health Care block grants and the Healthy Schools/Healthy Communities program. According to the Robert Wood Johnson Foundation, the growth of state governments that have established Medicaid managed care plans has complicated reimbursement procedures and health care financing. SBHCs do not have the sophisticated mechanisms to deal effectively and efficiently with the new array of health care plans to ensure that the services they provide will be reimbursed. This bill is an attempt to address this issue.

The legislation proposed under this bill would authorize funding of a demonstration program to promote the development of comprehensive, computerized management information systems designed for the following information purposes:

Assess the performance of SBHCs;

Obtain data on client characteristics;

Denote service utilization and outcomes;

Support financial functions (appropriate billing procedures);

Identify reimbursable categories of service by major funding source;

Handle patient tracking functions.

This bill should be regarded as a first draft only. I introduced it with the hope that stakeholders like the National Assembly of School Based Health Care, health care providers and plans, the Health Resources and Services Administration, and other entities will work with me to improve the proposal. Our ultimate goal is to provide our children with the health care services they need to remain healthy, lead constructive lives and stay in school. I look forward to working with them and my colleagues to improve on this work.

A SALUTE TO CREATIVE POPULAR CULTURE

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. OWENS. Mr. Speaker, some seemingly trivial items of urban popular culture are now on display at the Brooklyn Museum of Art in an exhibit titled ''Hip-Hop Nation: Roots, Rhymes and Rage.'' When I visited the exposition I was most impressed by the large numbers of youth from diverse backgrounds who were viewing the multi-media displays. Their immediate excitement combined with the symbols, clothing, photographs, memorabilia, poetry, music and clippings of urban grassroots aspiration and expressions were fresh stimulants for the mind—and also inspirational. While human interaction and experience often generate fragments of culture, the phenomenon that grabs one's attention in the case of the Hip-Hop artists is the manner in which the components aggregate, mushroom, and continually spread across ethnic, class, and nationality lines. Beyond its image as a violent movement, perpetuated by a few highly publicized celebrities, is the fact that the majority of the participants are ordinary youth. Hip-Hop appears to be on a course to leap over the limits of neighborhoods and fads. In some cases its content moves beyond the frivolous and the trivial toward profundity. The concept of traditional culture relies heavily on the elements of universal appeal and endurance. Hip-Hop may generate a significant impact on conventional culture; it continues to spread and to last. Consider the implications; urban America has a generation that is making culture. These creators may evolve into a new set of heroes that posterity comes to respect and revere. These are heroes who are making culture, not war. We salute the foresight and the boldness of the Brooklyn Museum of Art and its Director, Arnold Lehman. This initiative has provided us with a small window through which we may watch culture being made. The following Rap poem was inspired by my visit to this unusual exhibit.

MAKE CULTURE NOT WAR

Make culture not war!

Be loud about our love,
Put passion in your dove;
Shoot your best shot!

Trivial sparks make profound fires,
Teenage crazes light
Big social blazes;
Tiny innovations shape
The spirit of sluggish nations;
The greatest generation
Still waits to take the stage;
Against pain and greed
Wage a new breed of rage.

Combat sneaker boots,
T-shirt uniforms—
The battlefield is everyday;
Go for the ultimate victory
Fighting the Hip-Hop way!
Be loud about your love!

Draft your hottest hormones,
Recruit ancient instincts,
Mobilize mistreated manhood,
Make rivers of sweat
But let it always be sweet.

Shoot your best shot!
Ejaculate your joy,
Pour powerful blessings
Into the womb
Of a wailing world.

Generals in heaven command:
Make culture not war!
Hitler was an artist
Painted by the past;
Graffiti hieroglyphics
Is a language that will last.

Pledge allegiance
To life abundant;
Permit simple pleasures
To be redundant.

Fly a flag of flowers;
On Babies confer new powers;
The positive pursuit
Must never pause—
Happiness is our greatest cause.

Storm beaches of despair,
Fight poison convention everywhere,
Scale cliffs rock hard
With cynical soils;
Victors bring your own spoils.

The greatest generation
Still waits to take the stage.
Refuse to just sit
On crumbling stoops and wait;
Liberating geniuses
May show up too late.

Make culture not war!
Rapping poets are warriors
Drafted by anxious angels
To conquer with their songs;
Music makes no massacres.

The battlefield is everyday;
Go for the ultimate victory
Fighting the Hip-Hop way!
Shoot your best shot!

Be loud about your love,
Put passion in your dove;
The greatest generation
Take orders only from above.
Make culture not war!

PERSONAL EXPLANATION

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. NEY. Mr. Speaker, I was absent for the votes on Wednesday, October 18, 2000 for a personal family situation. If I were present, I would have voted in favor of the three suspension bills that were voted on, the Social Security Number Confidentiality Act, the National Children's Memorial Day, and the resolution Honoring the Members of the Crew of the Guided Missile Destroyer U.S.S. *Cole* Who Were killed or Wounded in the Terrorist Attack on that Vessel in Aden, Yemen, on October 12, 2000.

IN HONOR OF THE STATEWIDE HISPANIC CHAMBER OF COMMERCE OF NEW JERSEY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. MENENDEZ. Mr. Speaker, today I honor the Statewide Hispanic Chamber of Commerce of New Jersey (SHCC).

SHCC has had a tremendous impact on the development and growth of the Hispanic community across the state of New Jersey, and I commend SHCC's many invaluable contributions.

Because of the hard work of SHCC, as well as that of other organizations, the Hispanic market is the fastest growing sector in the United States. In New Jersey, the Hispanic market has experienced 87 percent growth over the past decade. Currently, there are over 30,000 Hispanic-owned businesses, supporting 128,000 jobs, and generating 7.5 billion dollars in sales.

At the dawn of the new millennium, the Hispanic community is experiencing economic and political empowerment. The new economy and the political landscape would not be complete without the contributions of Hispanic Americans.

I ask my colleagues to join me in honoring the Statewide Hispanic Chamber of Commerce of New Jersey for its contributions in empowering Hispanics across the State of New Jersey.

PERSONAL EXPLANATION

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. FILNER. Mr. Speaker, because of official business in my congressional district, I missed the legislative sessions of June 22 and June 23, 2000. Had I been present, I would have voted as follows:

Rollcall No. 311—''no''; No. 312—''no''; No. 313—''no''; No. 314—''no''; No. 315—''yes''; No. 316—''no''; No. 317—''yes''; No. 318—''yes''; No. 319—''yes''; No. 320—''yes''; and No. 321—''no''.

HONORING OLYMPIC SILVER MEDALIST

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. HALL of Texas. Mr. Speaker, my colleague, Mr. SAM JOHNSON of Texas, and I have the privilege today to pay tribute to Paul Foerster of Rockwall, Texas, who won the silver medal in the Men's 470 sailing event at the 2000 Olympics in Sydney, Australia.

Paul was the skipper of the United States' entry in the Men's 470 sailing event. His teammate on the two-man vessel was Bob Merrick of Rhode Island. Paul and Bob finished first in four of the eleven races, more than any competitor. Australia won the gold with a better aggregate score.

Paul previously competed in the 1988 and 1992 Olympic Games in the Flying Dutchman sailing class, winning the silver medal in Barcelona, Spain in 1992. He has sailed in more than 500 yachting competitions in the last decade. He learned to sail as a young man growing up in Corpus Christi, Texas and was a three-time All American sailer at the University of Texas, where he earned a degree in aerospace engineering.

Paul works at the Raytheon Company's Garland facility in the Third Congressional District, where his co-workers hosted a recognition ceremony for him this week. He is a new resident of Rockwall in the Fourth Congressional District. Mr. Speaker, we join his co-workers, family and friends in commending him for his dedication, determination, and commitment to excellence. Paul brings honor both to himself—and to the United States of America. As we adjourn today, let us do so in recognition of the superior achievement of Paul Foerster in the 2000 Olympics.

CHAIRMAN'S FINAL REPORT CONCERNING THE NOVEMBER 13, SUBCOMMITTEE ON FORESTS AND FOREST HEALTH HEARING IN ELKO, NEVADA

HON. JIM GIBBONS

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. GIBBONS. Mr. Speaker, last year on November 13th, the Subcommittee on Forests and Forest Health held a hearing in Elko, Nevada to study the events surrounding the closure of the South Canyon Road by the Forest Service. After a thunderstorm washed out parts of the road in the Spring of 1995, the agency prohibited the community of Jarbidge from repairing it—going so far as to initiate criminal action against the county. At this hearing, we learned that it wasn't just parts of the road that washed away in that storm but also the Federal Government's failure to use common sense. The South Canyon Road has been used by local residents since the late 1800s—to now keep the citizens of Elko County from maintaining and using what is clearly theirs is a violation of the statute commonly referred to as RS 2477. This is an issue of national significance, demonstrating ongoing attempts by the Federal Government, particularly under this Administration, to usurp the legal rights of States and Counties. So for this reason, the subcommittee had done extensive research into the fundamental questions concerning the South Canyon Road, specifically: who has ownership of the road and who has jurisdiction over the road? Subcommittee Chairman CHENOWETH-HAGE has compiled her research into this, her final report on the November 13th hearing. I would now respectfully

ask that it be submitted into the RECORD of this 106th Congress.

CHAIRMAN'S FINAL REPORT, HEARING ON THE JARBIDGE ROAD, ELKO COUNTY, NEVADA, SUBCOMMITTEE ON FORESTS AND FOREST HEALTH

Preface

By invitation of Congressman Jim Gibbons of Nevada, the Subcommittee on Forests and Forest Health held an oversight hearing in Elko, Nevada on November 13th, 1999, on a dispute between Elko County and the United States Forest Service (USFS). The County of Elko claimed ownership of a road known as the Jarbidge South Canyon Road by virtue of their assertion of rights under a statute commonly referred to as RS 2477. The USFS asserted they do not recognize the county's ownership rights and claimed jurisdiction over the road under the Treaty of Guadalupe Hidalgo, the proclamation creating the Humboldt National Forest, the Wilderness Act, the Federal Land Policy and Management Act (FLPMA), the Endangered Species Act, and the Clean Water Act. This issue came to a head when the USFS directed its contractor to destroy approximately a one-fourth mile section of the Road, thus preventing its use by parties claiming private rights of use which could be accessed only by the Road. Also, access to the Jarbidge Wilderness Area was closed off by the action of the USFS.

Chairman Chenoweth-Hage submits this final report to members based on the testimony given and records available to the Subcommittee. Representatives of the USFS failed to defend their position from a legal standpoint, submitting no legal analysis that justified their position. Instead, they simply ''ruled'' that they did not recognize the validity of the County's assertion to the road.

The investment of time in the historic perspective leading up to the County's assertion was fruitful, yielding numerous clearly worded acts of Congress, backed up in a plethora of case law. I have attempted to bring that historic perspective to this report, because the Congressional and legal background cannot be ignored if we are to view the western lands issues in the framework Congress and the courts have intended.

I therefore submit my final report on the hearing on the Jarbidge Road.

Summary: The Basic Questions of Ownership and Jurisdiction

The dispute over the Jarbidge South Canyon Road (Road) between Elko County, Nevada and the United States Forest Service (USFS) involves two basic questions:

1. Who has ownership of the road?
2. Who has jurisdiction over the road?

Ownership is defined as control of property rights.

Jurisdiction is defined as the right to exercise civil and criminal process.

The UNITED STATES argues that when the Humboldt National Forest was created in 1909, the road in question became part of the Humboldt National Forest. The UNITED STATES argues that the Humboldt National Forest is public land owned by the UNITED STATES and the USFS, as agent for the UNITED STATES, has both ownership and jurisdiction. The UNITED STATES has responded to the RS 2477 issue (Section 8, Act of July 26, 1866) by arguing that no RS 2477 road which was established in a national forest after the creation of the national forests, was valid, and all roads within the national forest fall under USFS jurisdiction after passage of the Federal Land Policy and Management Act of October 21, 1976 (FLPMA).

Evidence was presented by Elko County in an effort to establish proof of ownership of the Jarbidge South Canyon Road. This evidence includes documents and oral testimony, showing that the road was established in the late 1800s on what had been a pre-existing Indian trail used by the native Shoshone for an unknown period of time prior to any white settlement in the area.

Elko County claims jurisdiction over the Jarbidge South Canyon Road by virtue of evidence that the road was created to serve the private property interests of the settlers in the area. Elko County cites various private right claims to water, minerals, and grazing which the road was constructed to serve.

The crucial factor in determining which argument is correct is to determine whether the federal land upon which the Road exists is ''public land'' subject to federal ownership and jurisdiction or whether the federal land upon which the Road exists is encumbered with private property rights over which the state of Nevada and private citizens exercise ownership and jurisdiction.

In any dispute of this kind, it is essential to review, not only prior history, but also the public policy of the United States as expressed in acts of Congress and relevant court decisions.

I. Breaking Down the Principles of Ownership

A. The law prior to Nevada Statehood.

1. The Mexican cession and ''Kearney's Code.''

Nevada became a state on October 30, 1864. Prior to that time the area in question was part of the territory of Nevada. The territory of Nevada had been created out of the western portion of the territory of Utah. Utah Territory had been a portion of the Mexican cession resulting from the Mexican War of 1945–46. U.S. Brigadeer General of the Army of the West, Stephen Watts Kearney, instituted an interim rule, commonly referred to as ''Kearney's Code,'' over the ceded area pending formal treaty arrangement between the U.S. and Mexico. The Mexican cession was formalized two years later with the Treaty of Guadalupe Hildago, February 2, 1848.

Mexico recognized title of the peaceful/Pueblo (or ''civilized'') Indians (either tribally or as individuals) to the lands actually occupied or possessed by them, unless abandoned or extinguished by legal process (i.e. treaty agreements). The Mexican policy of inducing Indians to give up their wandering ''nomadic, uncivilized'' life in favor of a settled ''pastoral, civilized'' life, was continued by Congress after the 1846 session and was the very basis of the government's Indian allotment and reservation policy. Mexico and Spain retained the mineral estate under both private grants and public lands as a sovereign asset obtainable only by express language in the grant or under the provisions of the Mining Ordinance.

2. The acquisition by the U.S.

When the area was ceded to the U.S., the U.S. acquired all ownership rights in the lands which had been previously held by the Mexican government. This included the mineral estate and the then unappropriated surface rights. Indian title, where it existed, remained with the respective Indian tribes. All other private property existing at the time of the cession, was also recognized and protected. Kearney's Code also recognized all existing Mexican property law and continued, in force, the laws, ''concerning water courses, stock marks and brands horses, enclosures, commons and arbitrations'', except where such laws would be repugnant to the Constitution of the United States. The Supreme Court of the United States, has upheld the validity of Kearney's Code, stating that Congress alone could have repealed it, and this it has never done.

In 1846, the areas where the Jarbidge South Canyon Road presently exists was acquired by the United States. The United States, like Mexico, retained the mineral estate, while the surface estate was open to settlement. Settlement of the surface estate continued under United States jurisdiction in much the same way it had proceeded under Mexican jurisdiction. Towns, cities and communities grew up around agricultural and mining areas.

3. The characteristics of the land and custom of settlement under Mexican law.

The Mexican cession, which is today the southwestern portion of the United States, consisted primarily of arid lands, interspersed with rugged mountain ranges. These mountain ranges were the primary source of water supply for the arid region. The water courses were part of the surface estate. Control or development of the land by settlers for either agricultural uses or mining depended on control of the water courses.

The most expansive (and most common) method of settlement under the Mexican ''colonization'' law was for the individual settler to establish a cattle and horse (ganado de mejor) or sheep and goat (ganado de menor) farm, known as a ''rancho'' or ranch. These ranches were large, eleven square leagues or ''sitios'' (approximately one-hundred square miles). The individual settler (under local authorization) would acquire a portion of irrigable crop land and an additional allotment of nearby seasonal/arid (temporal or agostadero) land and mountainous land containing water sources (canadas or abrevaderos) as a ''cattle range'' or ''range for pasturage.'' Four years of actual possession gave the ranchero a vested property right that could be sold (even before final federal confirmation or approval of the survey map (diseno). Control of livestock ranges depended on lawful control of the various springs, seeps and other water sources for livestock pasturage and watering purposes. Arbitration of disputes over water rights and range boundaries (rodeo or ''round-up'' boundaries) were adjudicated by local authorities (jueces del campo or ''judges of the plains'').

4. Mexican customs of settlement were maintained under U.S. rule.

This same settlement pattern of appropriating servitudes or rights (servidumbres) for pasturage adjacent to water courses, continued after the area was ceded to the United States in 1846. One of the first acts of the California legislature after the Mexican cession was to re-enact, as state law, the previous Mexican ''jueces del campo'' or ''rodeo'' laws governing the acquisition and adjudication of range (or pasturage) rights on the lands within the state.

The new settlers on lands in the Mexican cession after 1846, were not trespassers on the lands of the U.S., since Kearney's Code had continued in effect all the previous laws pertaining to water courses, livestock, enclosures and commons (stock ranges). Under Mexican law, water rights, possessory pasturage rights, and right-of-ways were easement rights. Mexican land law was based on a split-estate system (surface/mineral titles and easements) which the United States Courts were unfamiliar with and for which no federal equivalent law existed. Problems in sorting agricultural (rancho) titles/rights from mining titles/rights quickly became apparent when the courts began the adjudication of Spanish and Mexican land claims. Congress (like Spain and Mexico) had previously followed a policy of retaining mineral lands and valuable mines as a national asset.

5. Congress further defines and codifies settlement customs through the Act of 1866 with the establishment of mineral and surface estate rights.

There was no law passed by Congress to define the settlement process for the western mineral lands until Congress addressed this problem by a series of acts beginning in the 1860's. Key among the split-estate mining/settlement laws was the Act of July 26, 1866. Congress established a lawful procedure whereby the mineral estate of the United States could pass into the possession of private miners. Private mining operations could then turn the dormant resource wealth of these lands into active resource wealth for the benefit of a growing nation.

The 1866 Act also dealt with the surface estate of mineral lands. The act clearly recognized local law and custom and decisions of the court, which had been operating relative to these lands and extended these existing laws and customs into the future. The 1866 Act created a general right-of-way for settlers to cross these lands at will. It also allowed for the establishment of easements.

At this point, it is important to note the definitions of these key terms:

A right-of-way is defined as the right to cross the lands of another.

An easement is defined as the rights to use the lands of another.

Section 8 and 9 of the 1866 Act are the seminal U.S. law defining the rights of ownership in the Jarbidge South Canyon Road. Section 8, which was later codified as Revised Statute 2477, deals with the establishment of ''highways'' across the land. The term highways as used in the 1866 Act refers to any road or trail used for travel. The right-of-way portion of this act was an absolute grant for the establishment of general crossing routes over these lands at any point and by whatever means was recognized under local rules and customs.

Section 9 of the Act of July 1866, ''acknowledged and confirmed'' the right-of-way for the construction of ditches, canals, pipelines, reservoirs and other water conveyance/storage easements. Section 9 also guaranteed that water rights and associated rights of ''possession'' for the purpose of mining and agriculture (farming or stock grazing) would be maintained and protected.

B. The Law After Nevada Statehood.

1. The states adopt Mexican settlement customs, as affirmed by Kearney's Code and 1866 Act.

Once settlers in an area had exercised the general right-of-way provisions of the 1866 Act to establish permanent roads or trails, those roads or trails then, by operation of law, became easement (which is the right to use the lands of another). The general right-of-way provisions of the 1866 Act gave Congressional sanction and approval to the authorization of Kearney's Code respecting water courses, livestock enclosures and commons, and local arbitrations respecting possessory rights. All of the states and territories, west of the 98th meridian ultimately adopted water right-of-way related range/trail property laws similar to the former Mexican laws in California, New Mexico, and Arizona. These range rights were ''property'' recognized by the Supreme Court.

Daily Digest

HIGHLIGHTS

Senate agreed to VA-HUD/Energy and Water Development Appropriations Conference Report.

Senate passed Continuing Resolution.

House agreed to conference report on H.R. 4635, VA, HUD Appropriations.

House passed H.J. Res. 114, making further continuing appropriations.

House passed H.R. 4541, Commodity Futures Modernization.

Senate

Chamber Action

Routine Proceedings, pages S10743–S10850

Measures Introduced: Eight bills and two resolutions were introduced, as follows: S. 3219–3226, S. Res. 380, and S. Con. Res. 153. **Page S10801**

Measures Reported: Reports were made as follows: Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2001". (S. Rept. No. 106–507) **Page S10801**

Measures Passed:

Continuing Resolution: Senate passed H.J. Res. 114, making further continuing appropriations for the fiscal year 2001. **Pages S10770, S10776**

Strategic Petroleum Reserve Authorization: Senate passed H.R. 2884, to extend energy conservation programs under the Energy Policy and Conservation Act through fiscal year 2003, after agreeing to the following amendment proposed thereto: **Pages S10836–37**

Sessions (for Murkowski/Bingaman) Amendment No. 4327, in the nature of a substitute. **Page S10837**

California Land Conveyance: Committee on Energy and Natural Resources was discharged from further consideration of H.R. 3657, to provide for the conveyance of a small parcel of public domain land in the San Bernardino National Forest in the State of California, and the bill was then passed, after agreeing to the following amendment proposed thereto: **Pages S10837–38**

Sessions (for Murkowski) Amendment No. 4328, in the nature of a substitute. **Pages S10837–38**

Virginia Land Exchange: Committee on Energy and Natural Resources was discharged from further consideration of H.R. 4835, to authorize the exchange of land between the Secretary of the Interior and the Director of Central Intelligence at the George Washington Memorial Parkway in McLean, Virginia, and the bill was then passed, clearing the measure for the President. **Page S10838**

Arizona Conveyance: Senate passed H.R. 3023, to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to convey property to the Greater Yuma Port Authority of Yuma County, Arizona, for use as an international port of entry, after withdrawing a committee amendment, and agreeing to the following amendment proposed thereto: **Pages S10838–39**

Sessions (for Murkowski/Bingaman) Amendment No. 4330, in the nature of a substitute. **Page S10839**

Spanish Peaks Wilderness Act: Committee on Energy and Natural Resources was discharged from further consideration of H.R. 898, designating certain land in the San Isabel National Forest in the State of Colorado as the "Spanish Peaks Wilderness", and the bill was then passed, after agreeing to the following amendment proposed thereto: **Page S10839**

Sessions (for Murkowski/Bingaman) Amendment No. 4331, in the nature of a substitute. **Page S10839**

U.S. Citizens Safety in Mexico: Committee on Foreign Relations was discharged from further consideration of H. Con. Res. 232, expressing the sense of Congress concerning the safety and well-being of

United States citizens injured while traveling in Mexico, and the resolution was then agreed to.

Pages S10839–40

International Malaria Control Act: Senate passed S. 2943, to authorize additional assistance for international malaria control, and to provide for coordination and consultation in providing assistance under the Foreign Assistance Act of 1961 with respect to malaria, HIV, and tuberculosis. **Page S10840**

Democratic Government in Bolivia: Committee on Foreign Relations was discharged from further consideration of S. Res. 375, supporting the efforts of Bolivia's democratically elected government, and the resolution was then agreed to. **Pages S10840–41**

UN Taiwan Participation: Senate agreed to H. Con. Res. 390, expressing the sense of the Congress regarding Taiwan's participation in the United Nations. **Page S10841**

Religious Workers Act: Senate passed H.R. 4068, to amend the Immigration and Nationality Act to extend for an additional 3 years the special immigrant religious worker program, clearing the measure for the President. **Page S10841**

Wartime Violation of Italian American Civil Liberties Act: Senate passed H.R. 42, to provide for the preparation of a Government report detailing injustices suffered by Italian Americans during World War II, and a formal acknowledgment of such injustices by the President, after agreeing to committee amendments. **Pages S10841–42**

Hmong Veterans' Naturalization Act Amendment: Senate passed H.R. 5234, to amend the Hmong Veterans' Naturalization Act of 2000 to extend the applicability of that Act to certain former spouses of deceased Hmong veterans, clearing the measure for the President. **Page S10842**

Mother Teresa Religious Workers Act: Senate passed S. 2406, to amend the Immigration and Nationality Act to provide permanent authority for entry into the United States of certain religious workers. **Pages S10842–43**

International Patient Act: Committee on the Judiciary was discharged from further consideration of H.R. 2961, to amend the Immigration and Nationality Act to authorize a 3-year pilot program under which the Attorney General may extend the period for voluntary departure in the case of certain nonimmigrant aliens who require medical treatment in the United States and were admitted under the Visa Waiver Pilot Program, and the bill was then passed, clearing the measure for the President. **Page S10843**

Great Ape Conservation Act: Senate passed H.R. 4320, to assist in the conservation of great apes by supporting and providing financial resources for the conservation programs of countries within the range of great apes and projects of persons with demonstrated expertise in the conservation of great apes, clearing the measure for the President. **Page S10843**

National Historical Publications and Records Commission Authorization: Senate passed H.R. 4110, to amend title 44, United States Code, to authorize appropriations for the National Historical Publications and Records Commission for fiscal years 2002 through 2005, clearing the measure for the President. **Page S1843**

Placement of Paintings: Senate agreed to S. Res. 380, approving the placement of two paintings in the Senate reception room. **Page S10844**

Liberty Day Recognition: Senate agreed to H. Con. Res. 376, expressing the sense of the Congress regarding support for the recognition of a Liberty Day. **Page S10844**

Federal Courts Improvement Act: Senate passed S. 2915, to make improvements in the operation and administration of the Federal courts, after agreeing to a committee amendment in the nature of a substitute, and the following amendment proposed thereto: **Pages S10844–48**

Sessions (for Hatch) Amendment No. 4332, in the nature of a substitute. **Pages S10847–48**

Hart-Scott-Rodino Antitrust Improvements Act: Senate passed S. 1854, to reform the Hart-Scott-Rodino Antitrust Improvements Act of 1976, after agreeing to a committee amendment in the nature of a substitute, and the following amendment proposed thereto: **Pages S10848–50**

Sessions (for Hatch) Amendment No. 4333, in the nature of a substitute. **Pages S10849–50**

Colorado Ute Settlement Act: Senate began consideration of S. 2508, to amend the Colorado Ute Indian Water Rights Settlement Act of 1988 to provide for a final settlement of the claims of the Colorado Ute Indian Tribes, taking action on the following amendments proposed thereto:

Pages S10776–85

Pending:

Campbell Amendment No. 4303, in the nature of a substitute. **Pages S10776–85**

Feingold Amendment No. 4326 (to Amendment No. 4303), to improve certain provisions of the bill. **Pages S10781–85**

VA-HUD/Energy and Water Development Appropriations Conference Report: By 85 yeas to 8 nays (Vote No. 278), Senate agreed to the conference report on 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 making appropriations for energy and water development for the fiscal year ending September 30, 2001, clearing the measure for the President.

Pages S10751–69

American Embassy Security Act/Bankruptcy Reform Act: Senate began consideration of the motion to proceed to consideration of the conference report on H.R. 2415, to enhance security of United States missions and personnel overseas, to authorize appropriations for the Department of State for fiscal year 2000. (On October 11, 2000, the H.R. 2415 conference committee struck all of the House bill after the enacting clause and inserted the provisions of S. 3186, the Bankruptcy Reform Act of 2000).

Page S10770

During consideration of this measure today, Senate also took the following action:

By a unanimous vote of 89 yeas (1 member voting present) (Vote No. 279), Senate agreed to the motion to proceed to consideration of H.R. 2415 (listed above). **Pages S10769–70**

National Energy Security Act: By unanimous-consent, the motion to proceed to consideration of S. 2557, to protect the energy security of the United States and decrease America's dependency on foreign oil sources to 50 percent by the Year 2010 by enhancing the use of renewable energy resources, conserving energy resources, improving energy efficiencies, and increasing domestic energy supplies, mitigating the effect of increases in energy prices on the American consumer, including the poor and the elderly, was withdrawn. **Page S10769**

Subsequently, Senate began consideration of the motion to proceed to consideration of the bill.

National Forest Education and Community Purpose Lands Act: Senate concurred in the amendment of the House to the Senate amendment to H.R. 150, to authorize the Secretary of Agriculture to convey National Forest System lands for use for educational purposes, with a further amendment proposed thereto: **Page S10838**

Sessions (for Murkowski/Bingaman) Amendment No. 4329, in the nature of a substitute. **Page S10838**

Immigration and Nationality Act Amendments: Senate concurred in the amendment of the House to S. 2812, to amend the Immigration and Nationality Act to provide a waiver of the oath of renunciation and allegiance for naturalization of aliens having certain disabilities, clearing the measure for the President. **Page S10843**

Messages From the President: Senate received the following messages from the President of the United States:

Transmitting, pursuant to law, a report on the continuation of emergency with respect to significant narcotics traffickers centered in Colombia; to the Committee on Banking, Housing, and Urban Affairs. (PM–134)

Transmitting, pursuant to law, a report on highway safety for calendar year 1998; to the Committee on Commerce, Science, and Transportation. (PM–135) **Page S10799**

Nominations Received: Senate received the following nominations:

Hans Mark, of Texas, to be Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs.

Gregory M. Frazier, of Kansas, to be Chief Agricultural Negotiator, Office of the United States Trade Representative, with the rank of Ambassador. (New Position)

Norman A. Wulf, of Virginia, to be an Alternate Representative of the United States of America to the Forty-fourth Session of the General Conference of the International Atomic Energy Agency.

Allen E. Carrier, of the District of Columbia, to be a Member of the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development for a term expiring May 19, 2004.

Bill Duke, of the District of Columbia, to be a Member of the National Council on the Humanities for a term expiring January 26, 2006.

Marca Bristo, of Illinois, to be a Member of the National Council on Disability for a term expiring September 17, 2001. (Reappointment)

Peggy Goldwater-Clay, of California, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring June 5, 2006. (Reappointment)

Claude A. Allen, of Virginia, to be a Member of the Board of Directors of the African Development Foundation for a term expiring September 22, 2005.

Willie Grace Campbell, of California, to be a Member of the Board of Directors of the African Development Foundation for a term expiring September 22, 2005. (Reappointment)

Fred P. DuVal, of Arizona, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring October 6, 2002.

Routine list in the Coast Guard. **Page S10850**

Messages From the President: **Page S10799**

Messages From the House: **Pages S10799–S10800**

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Amendments Submitted: Pages S10808–35

Additional Statements: Pages S10795–99

Text of S. 1639, as Previously Passed: Pages S10835–36

Enrolled Bills Presented: Page S10800

Record Votes: Two record votes were taken today. (Total—279) Pages S10769, S10770

Recess: Senate convened at 10:30 a.m., and recessed at 7:19 p.m., until 4:30 p.m., on Monday, October 23, 2000. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S10850.)

Committee Meetings

(Committees not listed did not meet)

NOMINATIONS

Committee on Armed Services: Committee ordered favorably reported 28 military nominations in the Army.

U.S.S. COLE ATTACK

Committee on Armed Services: Committee held hearings to examine issues related to the attack on the U.S.S. *Cole* in Yemen, receiving testimony from Gen. Anthony C. Zinni, USMC (Ret.), former Commander-In-Chief, U.S. Central Command.

Hearings continue tomorrow.

STRATEGIC PETROLEUM RESERVE

Committee on Energy and Natural Resources: Committee concluded oversight hearings to examine the Department of Energy's recent decision to release 30 million barrels of crude oil from the strategic petroleum reserve and the bid process used to award contracts regarding the same, after receiving testimony from Ernest J. Moniz, Under Secretary for Energy, Science and Environment, Mark J. Mazur, Energy Information Administration, and John D. Shages, Director, Finance and Policy Office, Office of Petroleum Reserve, all of the Department of Energy; James Schlesinger, Lehman Brothers, Washington, D.C.; and Jerry E. Thompson, CITGO Petroleum Corporation, Tulsa, Oklahoma.

FOREST SERVICE TIMBER SALES CONTRACTS

Committee on Energy and Natural Resources: Committee concluded oversight hearings on the Administration's policy toward, and the associated liability for, canceled Forest Service timber sales contracts, after receiving testimony from James Furnish, Deputy Chief, Forest Service, and Michael Gippert, Office of General Counsel, both of the Department of Agriculture; David Cohen, Branch Director for Commercial Litigation, Civil Division, Department of Justice; and Duane Gibson, General Counsel, Oversight and Investigations, House Committee on Resources.

House of Representatives

Chamber Action

Bills Introduced: 25 public bills, H.R. 5499–5523; 4 resolutions, H. Con. Res. 430–432, and H. Res. 643 were introduced. Pages H10472–73

Reports Filed: Reports were filed today as follows.

Supplemental report on H.R. 454, 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 (H. Rept. 106–711 Pt. 4).

H.R. 4725, to amend the Zuni Land Conservation Act of 1990 to provide for the expenditure of Zuni funds by that tribe, amended (H. Rept. 106–993 Pt. 1). Pages H10471–72

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Ose to act as Speaker pro tempore for today. Page H10289

Water Resources Development Act: The House passed 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 by a yea and nay vote of 394 yeas to 14 nays, Roll No. 534. Pages H10292–H10365

Agreed to the Rahall motion to commit the bill to the Committee on Transportation and Infrastructure with instructions to report it back forthwith with amendments that strike sections 330 and 436 and make technical changes. Subsequently, the House agreed to the en bloc amendment as specified in the Rahall motion. Page H10364

Pursuant to rule, the amendment in the nature of a substitute printed in the Congressional Record and numbered 2 was considered as adopted. **Page H10321**

H. Res. 639, the rule that provided for consideration of the bill was agreed to by voice vote.

Pages H10290–92

Water Resources Development—Go to Conference: The House insisted on its amendment to S. 2796, and requested a conference: Appointed as conferees: Chairman Shuster and Representatives Young of Alaska, Boehlert, Shaw, Oberstar, Borski, and Menendez. **Page H10365**

Agreed to the Oberstar motion to instruct conferees to insist on section 586 of the House amendment. **Page H10365**

VA, HUD Appropriations: The House agreed to the conference report on 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 by a yea and nay vote of 386 yeas to 24 nays, Roll No. 536. **Pages H10369–93**

Earlier, agreed to H. Res. 638, the rule that waived points of order against the conference report by a yea and nay vote of 400 yeas to 7 nays, Roll No. 535. **Pages H19366–69**

Further Continuing Appropriations: The House passed H.J. Res. 114, making further continuing appropriations for the fiscal year 2001 by a yea and nay vote of 262 yeas to 136 nays, Roll No. 539.

Pages H10402–11

H. Res. 637, the rule that provided for consideration of the joint resolution was agreed to by a recorded vote of 209 ayes to 187 noes, Roll No. 538. Agreed to order the previous question by a yea and nay vote of 212 yeas to 193 nays, Roll No. 537.

Pages H10393–H10402

Foreign Assistance Appropriations: The House disagreed with the Senate amendment, and agree to a conference on H.R. 4811, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001. Appointed as conferees: Chairman Young of Florida and Representatives Callahan, Porter, Wolf, Packard, Knollenberg, Kingston, Lewis of California, Wicker, Pelosi, Lowey, Jackson of Illinois, Kilpatrick, Sabo, and Obey. **Pages H10449–50**

Agreed to the Pelosi motion to instruct conferees 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. **Pages H10449–50**

Consideration of Suspensions: The House agreed to H. Res. 640, providing for the consideration of motions to suspend the rules on Thursday, Oct. 19, 2000. Pursuant to the rule, H. Res. 615 and H. Res. 633 were laid on the table. **Pages H10411–15**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Commodity Futures Modernization: H.R. 4541, amended, 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 (passed by a yea and nay vote of 377 yeas to 4 nays, Roll No. 540); **Page H10416**

Kristen's Act: H.R. 2780, to authorize the Attorney General to provide grants for organizations to find missing adults; **Pages H10452–54**

Increasing Public Awareness of Multiple Sclerosis: H. Con. Res. 271, expressing the support of Congress for activities to increase public awareness of multiple sclerosis; and **Pages H10454–57**

Regulation of Electric Bikes CPSC: H.R. 2592, amended, to amend the Consumer Product Safety Act to provide that low-speed electric bicycles are consumer products subject to such Act.

Pages H10457–58

District of Columbia Performance Accountability: The House passed S. 3062, to modify the date on which the Mayor of the District of Columbia submits a performance accountability plan to Congress—clearing the measure for the President.

Page H10459

Freedman's Bureau Records Preservation: The House passed H.R. 5157, to amend title 44, United States Code, to ensure preservation of the records of the Freedmen's Bureau. Agreed to the Horn amendment in the nature of a substitute. **Pages H10459–61**

Presidential Messages: Read the following messages from the President:

Significant Narcotic Traffickers in Colombia: Message wherein he transmitted his report on significant narcotic traffickers in Colombia—referred to the Committee on International Relations and ordered printed (H. Doc. 106–303);

Department of Transportation Activities Report: Message wherein he transmitted the Department of Transportation's reports on various activities for calendar year 1998—referred to the Committees on Transportation and Infrastructure and Commerce.

Page H10461

Meeting Hour—Monday, Oct. 23: Agreed that when the House adjourns today, it adjourn to meet

at 12:30 p.m. on Monday, Oct. 23 for morning-hour debates. **Page H10452**

Meeting Hour—Tuesday, Oct. 24: Agreed that when the House adjourns on Monday, it adjourn to meet at 10:30 a.m. on Tuesday, Oct. 24 for morning-hour debates. **Page H10452**

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Oct. 25, 2000. **Page H10452**

Referral: S. Con. Res. 146 was referred to the Committee on International Relations. **Page H10469**

Senate Messages: Messages received from the Senate appear on pages H10289 and H10415.

Quorum Calls—Votes: Six yea and nay votes and one recorded vote developed during the proceedings of the House today and appear on pages H10364–65, H10369, H10392–93, H10401, H10401–02, H10410–11, and H10448–49. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 9:40 p.m.

Committee Meetings

STRATEGIC PETROLEUM RESERVE

Committee on Commerce: Subcommittee on Energy and Power held a hearing on Strategic Petroleum Reserve: A Closer Look at the Drawdown. Testimony was heard from Representatives Knollenberg, Gejdenson, DeLauro and Hinojosa; Robert S. Kripowicz, Acting Assistant Secretary, Fossil Energy, Department of Energy; Roger Majak, Assistant Secretary, Administration, Department of Commerce; David Wilcox, Assistant Secretary, Economic Policy, Department of the Treasury; and public witnesses.

COMMITTEE REPORTS

Committee on Government Reform: Approved for the following draft reports entitled: ''The Tragedy at Waco: New Evidence Examined;'' ''Janet Reno's Stewardship of the Justice Department: A Failure to Serve the Ends of Justice;'' and ''Management Practices at the Office of Workers' Compensation Programs, U.S. Department of Labor.''

COMMITTEE MEETINGS FOR FRIDAY, OCTOBER 20, 2000

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: To hold closed hearings on issues related to the attack on the U.S.S. *Cole*, 9:30 a.m., SR–222.

House

No meetings are scheduled.

CONGRESSIONAL PROGRAM AHEAD
Week of October 23 through October 28, 2000

Senate Chamber

During the week, Senate expects to consider any cleared legislative and executive business, including conference reports, when available.

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Foreign Relations: October 24, to hold hearings to examine the Gore and Chernomyrdin diplomacy, 10 a.m., SD–419.

House Chamber

To be announced.

House Committees

Committee on Armed Services, October 25, hearing on the attack on the U.S.S. *Cole*, 10 a.m., 2118 Rayburn.

Committee on Education and the Workforce, October 25, hearing on ''Waste, Fraud and Program Implementation at the U.S. Department of Education,'' 10:30 a.m., 2175 Rayburn.

Next Meeting of the SENATE

4:30 p.m., Monday, October 23

Senate Chamber

Program for Monday: Senate will discuss procedural issues with regard to the Conference Report on H.R. 2415, Bankruptcy Reform.

Next Meeting of the HOUSE OF REPRESENTATIVES

12:30 p.m., Monday, October 23

House Chamber

Program for Monday: To be announced.

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