



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 106<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 146

WASHINGTON, MONDAY, OCTOBER 23, 2000

No. 133

## House of Representatives

### NOTICE—OCTOBER 23, 2000

A final issue of the Congressional Record for the 106th Congress, 2d Session, will be published on November 29, 2000, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT-60 or S-123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through November 28. The final issue will be dated November 29, 2000, and will be delivered on Friday, December 1, 2000.

None of the material printed in the final issue of the Congressional Record may contain subject matter, or relate to any event that occurred after the sine die date.

Senators' statements should also be submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debates at "Records@Reporters".

Members of the House of Representatives' statements may also be submitted electronically by e-mail, to accompany the signed statement, and formatted according to the instructions for the Extensions of Remarks template at <http://clerkhouse.house.gov>. The Official Reporters will transmit to GPO the template formatted electronic file only after receipt of, and authentication with, the hard copy, signed manuscript. Deliver statements to the Official Reporters in Room HT-60.

Members of Congress desiring to purchase reprints of material submitted for inclusion in the Congressional Record may do so by contacting the Congressional Printing Management Division, at the Government Printing Office, on 512-0224, between the hours of 8:00 a.m. and 4:00 p.m. daily.

By order of the Joint Committee on Printing.

WILLIAM M. THOMAS, *Chairman*.

### NOTICE

Effective January 1, 2001, the subscription price of the Congressional Record will be \$393 per year or \$197 for six months. Individual issues may be purchased for \$4.00 per copy. The cost for the microfiche edition will remain \$141 per year with single copies remaining \$1.50 per issue. This price increase is necessary based upon the cost of printing and distribution.

Michael F. DiMario, *Public Printer*

This symbol represents the time of day during the House proceedings, e.g.,  1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



Printed on recycled paper.

H10475

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. PEASE).

□

#### DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,  
October 23, 2000.

I hereby appoint the Honorable EDWARD A. PEASE to act as Speaker pro tempore on this day.

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

□

#### MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 2442. An act 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.

H.R. 3657. An act 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.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 1854. An act to reform the Hart-Scott-Rodino Antitrust Improvements Act of 1976.

S. 2406. An act to amend the Immigration and Nationality Act to provide permanent authority for entry into the United States of certain religious workers.

S. 2915. An act to make improvements in the operation and administration of the Federal courts, and for other purposes.

S. 2943. An act 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.

□

#### MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

□

#### RUSSIAN ARMS SALES TO IRAN

Mr. STEARNS. Mr. Speaker, I rise today to urge my colleagues in both Chambers to press forward in getting to the truth in airing the facts behind the administration's deal with Moscow.

I ask my colleagues that sit on the relevant committees to investigate the administration and, of course, the Vice President's role in co-chairing the 1995 meeting with the Russian Prime Minister on the U.S.-Russian Binational Commission.

My colleagues, it is only through newspaper articles recently that we have hints of the administration's turning a blind eye concerning Moscow's arms sales to Iran. The White House has refused to provide a copy of the classified 1995 "aide-memoire" signed by Vice President GORE and Russian Prime Minister Chernomyrdin that stated the United States would not impose penalties on Moscow as required by U.S. law. The aide-memoire reveals an implicit agreement to ignore U.S. laws governing the U.S. response to arms sales to terrorist nations, including Iran.

Mr. Speaker, the law I am referring to is the Iran-Iraq Arms Nonproliferation Act that was passed in 1992, which requires sanctions against countries that sell advanced weaponry to countries the State Department classifies as state sponsors of terrorism. It is interesting that then-Senator GORE, along with Senator MCCAIN, authored this law, also known as the Gore-McCain Act. The law is rooted in concerns about Russian sales to Iraq of some of the most sophisticated weapons that the Gore-Chernomyrdin agreement explicitly allowed.

In 1995, an agreement signed by Vice President GORE and Russia's Prime Minister Chernomyrdin endorsed Russia's completion of sophisticated and advanced arms deliveries to Iran. The Vice President and the Russian Prime Minister mentioned an arms agreement in general terms at a news conference the day the agreement was signed, but the details have never been disclosed to Congress or the public.

The weapons Russia has committed to supply to Iran include one kilo-classed diesel-powered submarine, 160 T-72 tanks, 600 armored personnel carriers, numerous anti-ship mines, cluster bombs, and a variety of long-range guided torpedoes and other munitions for the submarine and tanks. Russia agreed to complete the sales by the end of 1999, and not to sell weapons to Iran other than the ones specified. Russia has already provided Iran with fighter aircraft and surface-to-air missiles.

The kilo-class submarine sold to Iran should be of particular concern to Congress and the American public because it can be hard to detect and could pose a threat to oil tankers or American war ships in the Gulf. Additionally, Mr. Speaker, Russia continues to be a significant supplier of conventional arms to Iran despite the Gore-Chernomyrdin deal, the Central Intelligence Agency reported in August.

Those working for the Vice President argue that the arms pact aided the U.S. because the submarine and tanks were not advanced weapons, as defined by the Pentagon; and, thus, the U.S. could

not have applied sanctions anyway. However, statements by the White House and the Vice President's office defending the policy of not sanctioning Russia was contradicted by a letter sent to Russia in January by Secretary of State Madeleine Albright. The letter to Russian Foreign Minister Igor Ivanov states that the United States would have imposed sanctions on Russia for its arms sales if there had been no 1995 agreement. "Without the aide-memoire, Russia's conventional arms sales to Iran would have been subject to sanctions based on various provisions of our laws."

Furthermore, Senator MCCAIN, one of the principal authors of the act said, "Clearly, the 1995 Gore-Chernomyrdin agreement was intended to evade sanctions imposed by the legislation written in 1992 by the Vice President and me." Furthermore, he went on to say, "If the administration acquiesced in the sale, then they have violated both the intent and the letter of the law."

Without the explicit act of Congress, the Vice President did not have the power or authority to commit the United States to ignore U.S. law. The Vice President's deal with Moscow gives the Russians not only the green light to violate our Nation's laws but encourages them to do so. The administration has already admitted that Russia has failed to meet its promise to end deliveries by December 1999 to Iran.

So, Mr. Speaker, I urge my colleagues in both Chambers to properly investigate, find the truth, and I should say get to the bottom of our relationships with Russia.

□

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 36 minutes p.m.), the House stood in recess until 2 p.m.

□

□ 1400

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. STEARNS) at 2 p.m.

□

#### PRAYER

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

Lord God, Shepherd of souls, during this session of the 106th Congress many guest chaplains have led the House in prayer.

Today we wish to lift up these leaders and their faith communities across this country.

Their prayer for this nation and its government lingers in this room.

Bless them for their efforts to renew people in faith, hope, and love.

Inspire them as they preach and guide Your people in so many districts of this nation.

May they never lord it over those assigned to them, but instead, be examples of servant leadership to all in the flock.

And when Your glory is revealed, Chief Shepherd of us all, may Your leaders in faith and government receive the unfading crown of glory.

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 Nevada (Mr. GIBBONS) come forward and lead the House in the Pledge of Allegiance.

Mr. GIBBONS 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.

□

COMMUNICATION FROM THE CLERK OF THE HOUSE

The Speaker pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, October 20, 2000.

Hon. J. DENNIS HASTERT,  
*The Speaker, House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: Pursuant to the permission granted to Clause 2(h) of Rule II of the rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on October 20, 2000 at 9:32 a.m.

That the Senate agreed to House Amendment S. 2812.

That the Senate passed without amendment H.R. 2961.

That the Senate passed without amendment H.R. 4068.

That the Senate passed without amendment H.R. 4110.

That the Senate passed without amendment H.R. 4320.

That the Senate passed without amendment H.R. 4835.

That the Senate passed without amendment H.R. 5234.

That the Senate passed without amendment H. Con. Res. 232.

That the Senate passed without amendment H. Con. Res. 376.

That the Senate passed without amendment H. Con. Res. 390.

With best wishes, I am

Sincerely,

MARTHA C. MORRISON,  
*Deputy Clerk.*

□

SECURING AMERICA'S FUTURE FOR OLDER AMERICANS

(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, this Republican-led Congress has made great efforts in restoring fiscal accountability and responsibility to our budget process. Now paying off the debt puts people before politics and leaves us more resources to take care of those programs that really matter, especially for our older Americans.

Republicans want to use 90 percent of next year's surplus to pay off the national debt while locking away 100 percent of the social security and Medicare surpluses.

By running surpluses in social security and Medicare, we make certain that funds are available to reform these programs so that when baby boomers retire, they have the resources to take care of their retirement needs.

Mr. Speaker, the growing economy has handed us an enormous opportunity to lock away every penny of the social security and Medicare trust funds and to pay off the national debt. We have grabbed those opportunities to strengthen retirement security for every generation of Americans, and the Clinton-Gore administration would have us let those opportunities slip away. We cannot let them slip away.

Even last year when Republicans said we wanted to stop the 30-year raid on social security, President Clinton said it could not be done. But we proved it could be done, and now every dime paid into social security is walled off where it cannot be spent on bigger government programs.

□

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Any record votes on postponed questions will be taken tomorrow.

□

COASTAL AND FISHERIES IMPROVEMENT ACT OF 2000

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5086) to amend the National Marine Sanctuaries Act to honor Dr. Nancy Foster, as amended.

The Clerk read as follows:

H.R. 5086

*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 "Coastal and Fisheries Improvement Act of 2000".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—NATIONAL MARINE SANCTUARIES

Sec. 101. Short title.

Sec. 102. Amendment of National Marine Sanctuaries Act.

Sec. 103. Changes in findings, purposes, and policies; establishment of system.

Sec. 104. Changes in definitions.

Sec. 105. Changes relating to sanctuary designation standards.

Sec. 106. Changes in procedures for sanctuary designation and implementation.

Sec. 107. Changes in activities prohibited.

Sec. 108. Changes in enforcement provisions.

Sec. 109. Additional regulations authority.

Sec. 110. Changes in research, monitoring, and education provisions.

Sec. 111. Changes in special use permit provisions.

Sec. 112. Changes in cooperative agreements provisions.

Sec. 113. Changes in provisions concerning destruction, loss, or injury.

Sec. 114. Authorization of appropriations.

Sec. 115. Changes in U.S.S. MONITOR provisions.

Sec. 116. Changes in advisory council provisions.

Sec. 117. Changes in the support enhancement provisions.

Sec. 118. Establishment of Dr. Nancy Foster Scholarship Program.

Sec. 119. Clerical amendments.

TITLE II—MISCELLANEOUS FISHERY STATUTE REAUTHORIZATIONS

Sec. 201. Marine fish program.

Sec. 202. Interjurisdictional Fisheries Act of 1986 amendments.

Sec. 203. Anadromous Fish Conservation Act amendments.

TITLE III—REIMBURSEMENT OF EXPENSES

Sec. 301. Reimbursement of expenses.

TITLE IV—EXTENSION OF PERIOD FOR REIMBURSEMENT UNDER FISHERMEN'S PROTECTIVE ACT OF 1967

Sec. 401. Short title.

Sec. 402. Extension of period for reimbursement under Fishermen's Protective Act of 1967.

TITLE V—YUKON RIVER SALMON

Sec. 501. Short title.

Sec. 502. Yukon River Salmon Panel.

Sec. 503. Advisory committee.

Sec. 504. Exemption.

Sec. 505. Authority and responsibility.

Sec. 506. Administrative matters.

Sec. 507. Yukon River salmon stock restoration and enhancement projects.

Sec. 508. Authorization of appropriations.

TITLE VI—FISHERY INFORMATION ACQUISITION

Sec. 601. Short title.

Sec. 602. Acquisition of fishery survey vessels.

TITLE VII—ATLANTIC COASTAL FISHERIES

Subtitle A—Atlantic Striped Bass Conservation

Sec. 701. Reauthorization of Atlantic Striped Bass Conservation Act.

Sec. 702. Population study of striped bass.

Subtitle B—Atlantic Coastal Fisheries Cooperative Management

Sec. 703. Short title.

Sec. 704. Reauthorization of Atlantic Coastal Fisheries Cooperative Management Act.

TITLE VIII—PACIFIC SALMON RECOVERY

Sec. 801. Short title.

Sec. 802. Salmon conservation and salmon habitat restoration assistance.

Sec. 803. Receipt and use of assistance.

Sec. 804. Public participation.

- Sec. 805. Consultation not required.  
 Sec. 806. Reports.  
 Sec. 807. Definitions.  
 Sec. 808. Pacific Salmon Treaty.  
 Sec. 809. Treatment of International Fishery Commission pensioners.  
 Sec. 810. Authorization of appropriations.  
**TITLE IX—MISCELLANEOUS TECHNICAL AMENDMENTS TO INTERNATIONAL FISHERIES ACTS**  
 Sec. 901. Great Lakes Fishery Act of 1956.  
 Sec. 902. Tuna Conventions Act of 1950.  
 Sec. 903. Atlantic Tunas Convention Act of 1975.  
 Sec. 904. North Pacific Anadromous Stocks Act of 1992.  
 Sec. 905. High Seas Fishing Compliance Act of 1995.

**TITLE X—PRIBILOF ISLANDS**

- Sec. 1001. Short title.  
 Sec. 1002. Purpose.  
 Sec. 1003. Fur Seal Act of 1996 defined.  
 Sec. 1004. Financial assistance for Pribilof Islands under Fur Seal Act of 1966.  
 Sec. 1005. Disposal of property.  
 Sec. 1006. Termination of responsibilities.  
 Sec. 1007. Technical and clarifying amendments.  
 Sec. 1008. Authorization of appropriations.  
**TITLE XI—SHARK FINNING**  
 Sec. 1101. Short title.  
 Sec. 1102. Purpose.  
 Sec. 1103. Prohibition on removing shark fin and discarding shark carcass at sea.  
 Sec. 1104. Regulations.  
 Sec. 1105. International negotiations.  
 Sec. 1106. Report to Congress.  
 Sec. 1107. Research.  
 Sec. 1108. Western Pacific longline fisheries cooperative research program.  
 Sec. 1109. Shark-finning defined.  
 Sec. 1110. Authorization of appropriations.

**TITLE XII—JOHN H. PRESCOTT MARINE MAMMAL RESCUE ASSISTANCE GRANT PROGRAM**

- Sec. 1201. Short title.  
 Sec. 1202. John H. Prescott Marine Mammal Rescue Assistance Grant Program.  
 Sec. 1203. Study of the eastern gray whale population.

**TITLE I—NATIONAL MARINE SANCTUARIES**

**SEC. 101. SHORT TITLE.**

This title may be cited as the "National Marine Sanctuaries Amendments Act of 2000".

**SEC. 102. AMENDMENT OF NATIONAL MARINE SANCTUARIES ACT.**

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment or repeal to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.).

**SEC. 103. CHANGES IN FINDINGS, PURPOSES, AND POLICIES; ESTABLISHMENT OF SYSTEM.**

(a) CLERICAL AMENDMENT.—The heading for section 301 (16 U.S.C. 1431) is amended to read as follows:

**"SEC. 301. FINDINGS, PURPOSES, AND POLICIES; ESTABLISHMENT OF SYSTEM."**

(b) FINDINGS.—Section 301(a) (16 U.S.C. 1431(a)) is amended—

(1) in paragraph (2) by striking "research, educational, or esthetic" and inserting "scientific, educational, cultural, archaeological, or esthetic";

(2) in paragraph (3) by adding "and" after the semicolon; and

(3) by striking paragraphs (4), (5), and (6) and inserting the following:

"(4) a Federal program which establishes areas of the marine environment which have special conservation, recreational, ecological, historical, cultural, archaeological, scientific, educational, or esthetic qualities as national marine sanctuaries managed as the National Marine Sanctuary System will—

"(A) improve the conservation, understanding, management, and wise and sustainable use of marine resources;

"(B) enhance public awareness, understanding, and appreciation of the marine environment; and

"(C) maintain for future generations the habitat, and ecological services, of the natural assemblage of living resources that inhabit these areas."

(c) PURPOSES AND POLICIES.—Section 301(b) (16 U.S.C. 1431(b)) is amended—

(1) by striking "significance;" in paragraph (1) and inserting "significance and to manage these areas as the National Marine Sanctuary System;"

(2) by striking paragraphs (3), (4), and (9);

(3) by redesignating paragraphs (5) through (8) as paragraphs (6) through (9), respectively;

(4) by inserting after paragraph (2) the following:

"(3) to maintain the natural biological communities in the national marine sanctuaries, and to protect, and, where appropriate, restore and enhance natural habitats, populations, and ecological processes;

"(4) to enhance public awareness, understanding, appreciation, and wise and sustainable use of marine environment, and the natural, historical, cultural, and archaeological resources of the National Marine Sanctuary System;

"(5) to support, promote, and coordinate scientific research on, and long-term monitoring of, the resources of these marine areas;"

(5) in paragraph (8), as redesignated, by striking "areas;" and inserting "areas, including the application of innovative management techniques; and"; and

(6) in paragraph (9), as redesignated, by striking ";" and inserting a period.

(d) ESTABLISHMENT OF SYSTEM.—Section 301 is amended by adding at the end the following:

"(c) ESTABLISHMENT OF SYSTEM.—There is established the National Marine Sanctuary System, which shall consist of national marine sanctuaries designated in accordance with this title."

**SEC. 104. CHANGES IN DEFINITIONS.**

(a) DAMAGES.—Paragraph (6) of section 302 (16 U.S.C. 1432) is amended—

(1) by striking "and" after the semicolon at the end of subparagraph (B); and

(2) by adding after subparagraph (C) the following:

"(D) the cost of curation and conservation of archaeological, historical, and cultural sanctuary resources; and

"(E) the cost of enforcement actions undertaken by the Secretary in response to the destruction or loss of, or injury to, a sanctuary resource;"

(b) RESPONSE COSTS.—Paragraph (7) of such section is amended by inserting ", including costs related to seizure, forfeiture, storage, or disposal arising from liability under section 312" after "injury" the second place it appears.

(c) SANCTUARY RESOURCE.—Paragraph (8) of such section is amended by striking "research, educational," and inserting "educational, cultural, archaeological, scientific,"

(d) SYSTEM.—Such section is further amended—

(1) by striking "and" after the semicolon at the end of paragraph (8);

(2) by striking the period at the end of paragraph (9) and inserting "; and"; and

(3) by adding at the end the following:

"(10) 'System' means the National Marine Sanctuary System established by section 301."

**SEC. 105. CHANGES RELATING TO SANCTUARY DESIGNATION STANDARDS.**

(a) STANDARDS.—Section 303(a)(1) (16 U.S.C. 1433(a)(1)) is amended to read as follows:

"(1) determines that—

"(A) the designation will fulfill the purposes and policies of this title;

"(B) the area is of special national significance due to—

"(i) its conservation, recreational, ecological, historical, scientific, cultural, archaeological, educational, or esthetic qualities;

"(ii) the communities of living marine resources it harbors; or

"(iii) its resource or human-use values;

"(C) existing State and Federal authorities are inadequate or should be supplemented to ensure coordinated and comprehensive conservation and management of the area, including resource protection, scientific research, and public education;

"(D) designation of the area as a national marine sanctuary will facilitate the objectives in subparagraph (C); and

"(E) the area is of a size and nature that will permit comprehensive and coordinated conservation and management; and"

(b) FACTORS; REPEAL OF REPORT REQUIREMENT.—Section 303(b) (16 U.S.C. 1433(b)) is amended—

(1) in paragraph (1) by striking "and" at the end of subparagraph (H), by striking the period at the end of subparagraph (I) and inserting a semicolon, and by adding at the end the following:

"(J) the area's scientific value and value for monitoring the resources and natural processes that occur there;

"(K) the feasibility, where appropriate, of employing innovative management approaches to protect sanctuary resources or to manage compatible uses; and

"(L) the value of the area as an addition to the System.;" and

(2) by striking paragraph (3).

**SEC. 106. CHANGES IN PROCEDURES FOR SANCTUARY DESIGNATION AND IMPLEMENTATION.**

(a) SUBMISSION OF NOTICE OF PROPOSED DESIGNATION TO CONGRESS.—Section 304(a)(1)(C) (16 U.S.C. 1434(a)(1)(C)) is amended to read as follows:

"(C) no later than the day on which the notice required under subparagraph (A) is submitted to Office of the Federal Register, the Secretary shall submit a copy of that notice and the draft sanctuary designation documents prepared pursuant to section 304(a)(2), including an executive summary, to the Committee on Resources of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Governor of each State in which any part of the proposed sanctuary would be located."

(b) SANCTUARY DESIGNATION DOCUMENTS.—Section 304(a)(2) (16 U.S.C. 1434(a)(2)) is amended to read as follows:

"(2) SANCTUARY DESIGNATION DOCUMENTS.—The Secretary shall prepare and make available to the public sanctuary designation documents on the proposal that include the following:

"(A) A draft environmental impact statement pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(B) A resource assessment that documents—

“(i) present and potential uses of the area, including commercial and recreational fishing, research and education, minerals and energy development, subsistence uses, and other commercial, governmental, or recreational uses;

“(ii) after consultation with the Secretary of the Interior, any commercial, governmental, or recreational resource uses in the areas that are subject to the primary jurisdiction of the Department of the Interior; and

“(iii) information prepared in consultation with the Secretary of Defense, the Secretary of Energy, and the Administrator of the Environmental Protection Agency, on any past, present, or proposed future disposal or discharge of materials in the vicinity of the proposed sanctuary.

Public disclosure by the Secretary of such information shall be consistent with national security regulations.

“(C) A draft management plan for the proposed national marine sanctuary that includes the following:

“(i) The terms of the proposed designation.  
“(ii) Proposed mechanisms to coordinate existing regulatory and management authorities within the area.

“(iii) The proposed goals and objectives, management responsibilities, resource studies, and appropriate strategies for managing sanctuary resources of the proposed sanctuary, including interpretation and education, innovative management strategies, research, monitoring and assessment, resource protection, restoration, enforcement, and surveillance activities.

“(iv) An evaluation of the advantages of cooperative State and Federal management if all or part of the proposed sanctuary is within the territorial limits of any State or is superjacent to the subsoil and seabed within the seaward boundary of a State, as that boundary is established under the Submerged Lands Act (43 U.S.C. 1301 et seq.).

“(v) An estimate of the annual cost to the Federal Government of the proposed designation, including costs of personnel, equipment and facilities, enforcement, research, and public education.

“(vi) The proposed regulations referred to in paragraph (1)(A).

“(D) Maps depicting the boundaries of the proposed sanctuary.

“(E) The basis for the findings made under section 303(a) with respect to the area.

“(F) An assessment of the considerations under section 303(b)(1).”.

(c) **WITHDRAWAL OF DESIGNATION.**—Section 304(b)(2) (16 U.S.C. 1434(b)(2)) is amended by inserting “or System” after “sanctuary” the second place it appears.

(d) **FEDERAL AGENCY ACTIONS AFFECTING SANCTUARY RESOURCES.**—Section 304(d) (16 U.S.C. 1434(d)) is amended by adding at the end the following:

“(4) **FAILURE TO FOLLOW ALTERNATIVE.**—If the head of a Federal agency takes an action other than an alternative recommended by the Secretary and such action results in the destruction or loss of or injury to a sanctuary resource, the head of the agency shall promptly prevent and mitigate further damage and restore or replace the sanctuary resource in a manner approved by the Secretary.”.

(e) **EVALUATION OF PROGRESS IN IMPLEMENTING MANAGEMENT STRATEGIES.**—Section 304(e) (16 U.S.C. 1434(e)) is amended—

(1) by striking “management techniques,” and inserting “management techniques and strategies,”; and

(2) by adding at the end the following: “This review shall include a prioritization of management objectives.”.

(f) **LIMITATION ON DESIGNATION OF NEW SANCTUARIES.**—Section 304 (16 U.S.C. 1434) is amended by adding at the end the following:

“(f) **LIMITATION ON DESIGNATION OF NEW SANCTUARIES.**—

“(1) **FINDING REQUIRED.**—The Secretary may not publish in the Federal Register any sanctuary designation notice or regulations proposing to designate a new sanctuary, unless the Secretary has published a finding that—

“(A) the addition of a new sanctuary will not have a negative impact on the System; and

“(B) sufficient resources were available in the fiscal year in which the finding is made to—

“(i) effectively implement sanctuary management plans for each sanctuary in the System; and

“(ii) complete site characterization studies and inventory known sanctuary resources, including cultural resources, for each sanctuary in the System within 10 years after the date that the finding is made if the resources available for those activities are maintained at the same level for each fiscal year in that 10 year period.

“(2) **DEADLINE.**—If the Secretary does not submit the findings required by paragraph (1) before February 1, 2004, the Secretary shall submit to the Congress before October 1, 2004, a finding with respect to whether the requirements of subparagraphs (A) and (B) of paragraph (1) have been met by all existing sanctuaries.

“(3) **LIMITATION ON APPLICATION.**—Paragraph (1) does not apply to any sanctuary designation documents for—

“(A) a Thunder Bay National Marine Sanctuary; or

“(B) a Northwestern Hawaiian Islands National Marine Sanctuary.”.

(g) **NORTHWESTERN HAWAIIAN ISLANDS CORAL REEF RESERVE.**—

(1) **PRESIDENTIAL DESIGNATION.**—The President, after consultation with the Governor of the State of Hawaii, may designate any Northwestern Hawaiian Islands coral reef or coral reef ecosystem as a coral reef reserve to be managed by the Secretary of Commerce.

(2) **SECRETARIAL ACTION.**—Upon the designation of a reserve under paragraph (1) by the President, the Secretary shall—

(A) take action to initiate the designation of the reserve as a national marine sanctuary under sections 303 and 304 of the National Marine Sanctuaries Act (16 U.S.C. 1433);

(B) establish a Northwestern Hawaiian Islands Reserve Advisory Council under section 315 of that Act (16 U.S.C. 1445a), the membership of which shall include at least 1 representative from Native Hawaiian groups; and

(C) until the reserve is designated as a national marine sanctuary, manage the reserve in a manner consistent with the purposes and policies of that Act.

(3) **COORDINATION.**—The Secretary shall work with other Federal agencies to develop a coordinated plan to make vessels and other resources available for activities in the reserve.

(4) **REVIEW.**—If the Secretary has not designated a national marine sanctuary in the Northwestern Hawaiian Islands under sections 303 and 304 of the National Marine Sanctuaries Act (16 U.S.C. 1433, 1434) before October 1, 2005, the Secretary shall conduct a review of the management of the reserve under section 304(e) of that Act (16 U.S.C. 1434(e)).

(5) **REPORT.**—No later than 6 months after the date of enactment of this Act, the Secretary shall submit a report to the Senate Committee on Commerce, Science, and

Transportation and the House of Representatives Committee on Resources, describing actions taken to implement this subsection, including costs of monitoring, enforcing, and addressing marine debris, and the extent to which the fiscal or other resources necessary to carry out this subsection are reflected in the Budget of the United States Government submitted by the President under section 1104 of title 31, United States Code.

(6) **AUTHORIZATION OF APPROPRIATIONS.**—Of the amount authorized under section 311 of the National Marine Sanctuaries Act (16 U.S.C. 1444) for a fiscal year, no more than \$3,000,000 shall be for carrying out this section.

#### **SEC. 107. CHANGES IN ACTIVITIES PROHIBITED.**

Section 306 (16 U.S.C. 1436) is amended—

(1) in the matter preceding paragraph (1) by inserting “for any person” after “unlawful”;

(2) in paragraph (2) by inserting “offer for sale, purchase, import, export,” after “sell,”; and

(3) by amending paragraph (3) to read as follows:

“(3) interfere with the enforcement of this title by—

“(A) refusing to permit any officer authorized to enforce this title to board a vessel, other than a vessel operated by the Department of Defense or United States Coast Guard, subject to such person’s control for the purposes of conducting any search or inspection in connection with the enforcement of this title;

“(B) resisting, opposing, impeding, intimidating, interfering with, or forcibly assaulting any person authorized by the Secretary to implement this title or any such authorized officer in the conduct of any search or inspection performed under this title;

“(C) knowingly and willfully submitting false information to the Secretary or any officer authorized to enforce this title in connection with any search or inspection conducted under this title; or

“(D) resisting, opposing, impeding, intimidating, harassing, bribing, interfering with, or forcibly assaulting any person authorized by the Secretary to implement the provisions of this title; or”.

#### **SEC. 108. CHANGES IN ENFORCEMENT PROVISIONS.**

(a) **POWERS OF AUTHORIZED OFFICERS TO ARREST.**—Section 307(b) (16 U.S.C. 1437(b)) is amended by striking “and” after the semicolon at the end of paragraph (4), by striking the period at the end of paragraph (5) and inserting “; and”, and by adding at the end the following:

“(6) arrest any person, if there is reasonable cause to believe that such person has committed an act prohibited by section 306(3).”.

(b) **CRIMINAL OFFENSES.**—Section 307 (16 U.S.C. 1437) is amended by redesignating subsections (c) through (j) in order as subsections (d) through (k), and by inserting after subsection (b) the following:

“(c) **CRIMINAL OFFENSES.**—

“(1) **OFFENSES.**—A person is guilty of an offense under this subsection if the person commits any act prohibited by section 306(3).

“(2) **PUNISHMENT.**—Any person that is guilty of an offense under this subsection—

“(A) except as provided in subparagraph (B), shall be fined under title 18, United States Code, imprisoned for not more than 6 months, or both; or

“(B) in the case of a person who in the commission of such an offense uses a dangerous weapon, engages in conduct that causes bodily injury to any person authorized to enforce this title or any person authorized to implement the provisions of this title, or places any such person in fear of imminent bodily injury, shall be fined under

title 18, United States Code, imprisoned for not more than 10 years, or both.”.

(c) SUBPOENAS OF ELECTRONIC FILES.—Subsection (g) of section 307 (16 U.S.C. 1437), as redesignated by this section, is amended by inserting “electronic files,” after “books.”.

(d) NATIONWIDE SERVICE OF PROCESS.—Section 307 (16 U.S.C. 1437) is amended by adding at the end the following:

“(l) NATIONWIDE SERVICE OF PROCESS.—In any action by the United States under this title, process may be served in any district where the defendant is found, resides, transacts business, or has appointed an agent for the service of process.”.

**SEC. 109. ADDITIONAL REGULATIONS AUTHORITY.**

Section 308 (16 U.S.C. 1439) is amended to read as follows:

**“SEC. 308. REGULATIONS.**

“The Secretary may issue such regulations as may be necessary to carry out this title.”.

**SEC. 110. CHANGES IN RESEARCH, MONITORING, AND EDUCATION PROVISIONS.**

Section 309 (16 U.S.C. 1440) is amended to read as follows:

**“SEC. 309. RESEARCH, MONITORING, AND EDUCATION.**

“(a) IN GENERAL.—The Secretary shall conduct, support, and coordinate research, monitoring, and education programs consistent with subsections (b) and (c) and the purposes and policies of this title.

“(b) RESEARCH AND MONITORING.—

“(1) IN GENERAL.—The Secretary may—

“(A) support, promote, and coordinate research on, and long-term monitoring of, sanctuary resources and natural processes that occur in national marine sanctuaries, including exploration, mapping, and environmental and socioeconomic assessment;

“(B) develop and test methods to enhance degraded habitats or restore damaged, injured, or lost sanctuary resources; and

“(C) support, promote, and coordinate research on, and the conservation, curation, and public display of, the cultural, archaeological, and historical resources of national marine sanctuaries.

“(2) AVAILABILITY OF RESULTS.—The results of research and monitoring conducted by the Secretary under this subsection shall be made available to the public.

“(c) EDUCATION.—

“(1) IN GENERAL.—The Secretary may support, promote, and coordinate efforts to enhance public awareness, understanding, and appreciation of national marine sanctuaries and the System. Efforts supported, promoted, or coordinated under this subsection must emphasize the conservation goals and sustainable public uses of national marine sanctuaries and the System.

“(2) EDUCATIONAL ACTIVITIES.—Activities under this subsection may include education of the general public, teachers, students, national marine sanctuary users, and ocean and coastal resource managers.

“(d) INTERPRETIVE FACILITIES.—

“(1) IN GENERAL.—The Secretary may develop interpretive facilities near any national marine sanctuary.

“(2) FACILITY REQUIREMENT.—Any facility developed under this subsection must emphasize the conservation goals and sustainable public uses of national marine sanctuaries by providing the public with information about the conservation, recreational, ecological, historical, cultural, archaeological, scientific, educational, or esthetic qualities of the national marine sanctuary.

“(e) CONSULTATION AND COORDINATION.—In conducting, supporting, and coordinating research, monitoring, and education programs under subsection (a) and developing interpretive facilities under subsection (d), the Secretary may consult or coordinate with Fed-

eral, regional, or interstate agencies, States, or local governments.”.

**SEC. 111. CHANGES IN SPECIAL USE PERMIT PROVISIONS.**

Section 310 (16 U.S.C. 1441) is amended—

(1) by redesignating subsections (b) through (f) as subsections (c) through (g), and by inserting after subsection (a) the following:

“(b) PUBLIC NOTICE REQUIRED.—The Secretary shall provide appropriate public notice before identifying any category of activity subject to a special use permit under subsection (a).”;

(2) by striking “insurance” in paragraph (4) of subsection (c), as redesignated, and inserting “insurance, or post an equivalent bond.”;

(3) by striking “resource and a reasonable return to the United States Government.” in paragraph (2)(C) of subsection (d), as redesignated, and inserting “resource.”;

(4) in subsection (d)(3)(B), as redesignated, by striking “designating and”;

(5) in subsection (d), as redesignated, by inserting after paragraph (3) the following:

“(4) WAIVER OR REDUCTION OF FEES.—The Secretary may accept in-kind contributions in lieu of a fee under paragraph (2)(C), or waive or reduce any fee assessed under this subsection for any activity that does not derive profit from the access to or use of sanctuary resources.”.

**SEC. 112. CHANGES IN COOPERATIVE AGREEMENTS PROVISIONS.**

(a) AGREEMENTS AND GRANTS.—Section 311(a) (16 U.S.C. 1442(a)) is amended to read as follows:

“(a) AGREEMENTS AND GRANTS.—The Secretary may enter into cooperative agreements, contracts, or other agreements with, or make grants to, States, local governments, regional agencies, interstate agencies, or other persons to carry out the purposes and policies of this title.”.

(b) USE OF RESOURCES FROM OTHER GOVERNMENT AGENCIES.—Section 311 (16 U.S.C. 1442) is amended by adding at the end the following:

“(e) USE OF RESOURCES OF OTHER GOVERNMENT AGENCIES.—The Secretary may, whenever appropriate, enter into an agreement with a State or other Federal agency to use the personnel, services, or facilities of such agency on a reimbursable or nonreimbursable basis, to assist in carrying out the purposes and policies of this title.

“(f) AUTHORITY TO OBTAIN GRANTS.—Notwithstanding any other provision of law that prohibits a Federal agency from receiving assistance, the Secretary may apply for, accept, and use grants from other Federal agencies, States, local governments, regional agencies, interstate agencies, foundations, or other persons, to carry out the purposes and policies of this title.”.

**SEC. 113. CHANGES IN PROVISIONS CONCERNING DESTRUCTION, LOSS, OR INJURY.**

(a) VENUE FOR CIVIL ACTIONS.—Section 312(c) (16 U.S.C. 1443(c)) is amended—

(1) by inserting “(1)” before “The Attorney General”;

(2) in paragraph (1) (as so designated) in the first sentence by striking “in the United States district court for the appropriate district”;

(3) by adding at the end the following:

“(2) An action under this subsection may be brought in the United States district court for any district in which—

“(A) the defendant is located, resides, or is doing business, in the case of an action against a person;

“(B) the vessel is located, in the case of an action against a vessel; or

“(C) the destruction of, loss of, or injury to a sanctuary resource occurred.”.

(b) USE OF RECOVERED AMOUNTS.—Section 312(d) (16 U.S.C. 1443(d)) is amended by striking paragraphs (1) and (2) and inserting the following:

“(1) RESPONSE COSTS.—Amounts recovered by the United States for costs of response actions and damage assessments under this section shall be used, as the Secretary considers appropriate—

“(A) to reimburse the Secretary or any other Federal or State agency that conducted those activities; and

“(B) after reimbursement of such costs, to restore, replace, or acquire the equivalent of any sanctuary resource.

“(2) OTHER AMOUNTS.—All other amounts recovered shall be used, in order of priority—

“(A) to restore, replace, or acquire the equivalent of the sanctuary resources that were the subject of the action, including for costs of monitoring and the costs of curation and conservation of archaeological, historical, and cultural sanctuary resources;

“(B) to restore degraded sanctuary resources of the national marine sanctuary that was the subject of the action, giving priority to sanctuary resources and habitats that are comparable to the sanctuary resources that were the subject of the action; and

“(C) to restore degraded sanctuary resources of other national marine sanctuaries.”.

(c) STATUTE OF LIMITATIONS.—Section 312 (16 U.S.C. 1443) is amended by adding at the end the following:

“(e) STATUTE OF LIMITATIONS.—An action for response costs or damages under subsection (c) shall be barred unless the complaint is filed within 3 years after the date on which the Secretary completes a damage assessment and restoration plan for the sanctuary resources to which the action relates.”.

**SEC. 114. AUTHORIZATION OF APPROPRIATIONS.**

Section 313 (16 U.S.C. 1444) is amended to read as follows:

**“SEC. 313. AUTHORIZATION OF APPROPRIATIONS.**

“There are authorized to be appropriated to the Secretary—

“(1) to carry out this title—

“(A) \$34,000,000 for fiscal year 2001;

“(B) \$36,000,000 for fiscal year 2002;

“(C) \$38,000,000 for fiscal year 2003;

“(D) \$40,000,000 for fiscal year 2004; and

“(E) \$42,000,000 for fiscal year 2005; and

“(2) for construction projects at national marine sanctuaries, \$6,000,000 for each of fiscal years 2001, 2002, 2003, 2004, and 2005.”.

**SEC. 115. CHANGES IN U.S.S. MONITOR PROVISIONS.**

Section 314 (16 U.S.C. 1445) is amended by striking subsection (b) and redesignating subsection (c) as subsection (b).

**SEC. 116. CHANGES IN ADVISORY COUNCIL PROVISIONS.**

Section 315 (16 U.S.C. 1445a) is amended by striking “provide assistance” in subsection (a) and inserting “advise and make recommendations”.

**SEC. 117. CHANGES IN THE SUPPORT ENHANCEMENT PROVISIONS.**

Section 316 (16 U.S.C. 1445b) is amended—

(1) in subsection (a)(1), by inserting “or the System” after “sanctuaries”;

(2) in subsection (a)(4) by striking “use of any symbol published under paragraph (1)” and inserting “manufacture, reproduction, or other use of any symbol published under paragraph (1), including the sale of items bearing such a symbol.”;

(3) by amending subsection (e)(3) to read as follows:

“(3) to manufacture, reproduce, or otherwise use any symbol adopted by the Secretary under subsection (a)(1), including to sell any item bearing such a symbol, unless

authorized by the Secretary under subsection (a)(4) or subsection (f); or"; and

(4) by adding at the end the following:

"(f) COLLABORATIONS.—The Secretary may authorize the use of a symbol adopted by the Secretary under subsection (a)(1) by any person engaged in a collaborative effort with the Secretary to carry out the purposes and policies of this title and to benefit a national marine sanctuary or the System.

"(g) AUTHORIZATION FOR NON-PROFIT PARTNER ORGANIZATION TO SOLICIT SPONSORS.—

"(1) IN GENERAL.—The Secretary may enter into an agreement with a nonprofit partner organization authorizing it to assist in the administration of the sponsorship program established under this section. Under an agreement entered into under this paragraph, the Secretary may authorize the nonprofit partner organization to solicit persons to be official sponsors of the national marine sanctuary system or of individual national marine sanctuaries, upon such terms as the Secretary deems reasonable and will contribute to the successful administration of the sanctuary system. The Secretary may also authorize the non-profit partner organization to collect the statutory contribution from the sponsor, and transfer the contribution to the Secretary.

"(2) PARTNER ORGANIZATION DEFINED.—In this subsection, the term 'partner organization' means an organization that—

"(A) draws its membership from individuals, private organizations, corporations, academic institutions, or State and local governments; and

"(B) is established to promote the understanding of, education relating to, and the conservation of the resources of a particular sanctuary or 2 or more related sanctuaries.".

**SEC. 118. ESTABLISHMENT OF DR. NANCY FOSTER SCHOLARSHIP PROGRAM.**

The National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.) is amended by redesignating section 317 as section 318, and by inserting after section 316 the following:

**"SEC. 317. DR. NANCY FOSTER SCHOLARSHIP PROGRAM.**

"(a) ESTABLISHMENT.—The Secretary shall establish and administer through the National Ocean Service the Dr. Nancy Foster Scholarship Program. Under the program, the Secretary shall award graduate education scholarships in oceanography, marine biology or maritime archaeology, to be known as Dr. Nancy Foster Scholarships.

"(b) PURPOSE.—The purpose of the Dr. Nancy Foster Scholarship Program is to encourage outstanding scholarship and independent graduate level research in oceanography, marine biology or maritime archaeology, particularly by women and members of minority groups.

"(c) AWARD.—Each Dr. Nancy Foster Scholarship—

"(1) shall be used to support graduate studies in oceanography, marine biology or maritime archaeology at a graduate level institution of higher education; and

"(2) shall be awarded in accordance with guidelines issued by the Secretary.

"(d) DISTRIBUTION OF FUNDS.—The amount of each Dr. Nancy Foster Scholarship shall be provided directly to a recipient selected by the Secretary upon receipt of certification that the recipient will adhere to a specific and detailed plan of study and research approved by a graduate level institution of higher education.

"(e) FUNDING.—Of the amount available each fiscal year to carry out this title, the Secretary shall award 1 percent as Dr. Nancy Foster Scholarships.

"(f) SCHOLARSHIP REPAYMENT REQUIREMENT.—The Secretary shall require an individual receiving a scholarship under this sec-

tion to repay the full amount of the scholarship to the Secretary if the Secretary determines that the individual, in obtaining or using the scholarship, engaged in fraudulent conduct or failed to comply with any term or condition of the scholarship.

"(g) MARITIME ARCHAEOLOGY DEFINED.—In this section the term 'maritime archaeology' includes the curation, preservation, and display of maritime artifacts.".

**SEC. 119. CLERICAL AMENDMENTS.**

(a) CORRECTION OF REFERENCES TO FORMER COMMITTEE.—The following provisions are amended by striking "Merchant Marine and Fisheries" and inserting "Resources":

(1) Section 303(b)(2)(A) (16 U.S.C. 1433(b)(2)(A)).

(2) Section 304(a)(6) (16 U.S.C. 1434(a)(6)).

(b) CORRECTION OF REFERENCE TO RENAMED ACT.—(1) Section 302(2) is amended to read as follows:

"(2) 'Magnuson-Stevens Act' means the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.);"

(2) Section 302(9) is amended by striking "Magnuson Fishery Conservation and Management Act" and inserting "Magnuson-Stevens Act".

(3) Section 303(b)(2)(D) is amended by striking "Magnuson Act" and inserting "Magnuson-Stevens Act".

(4) Section 304(a)(5) is amended by striking "Magnuson Act" and inserting "Magnuson-Stevens Act".

(5) Section 315(b)(2) (16 U.S.C. 1445a(b)(2)) is amended by striking "Magnuson Fishery Conservation and Management Act" and inserting "Magnuson-Stevens Act".

(c) MISCELLANEOUS.—Section 312(a)(1) (16 U.S.C. 1443(a)(1)) is amended by striking "UNITED STATES" and inserting "UNITED STATES".

**TITLE II—MISCELLANEOUS FISHERY STATUTE REAUTHORIZATIONS**

**SEC. 201. MARINE FISH PROGRAM.**

(a) FISHERIES INFORMATION COLLECTION AND ANALYSIS.—There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out fisheries information and analysis activities under the Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.) and any other law involving those activities, \$52,890,000 for fiscal year 2001, and \$53,435,000 for each of the fiscal years 2002, 2003, and 2004. Such activities may include, but are not limited to, the collection, analysis, and dissemination of scientific information necessary for the management of living marine resources and associated marine habitat.

(b) FISHERIES CONSERVATION AND MANAGEMENT OPERATIONS.—There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out activities relating to fisheries conservation and management operations under the Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.) and any other law involving those activities, \$30,770,000 for fiscal year 2001, and \$31,641,000 for each of the fiscal years 2002, 2003, and 2004. Such activities may include, but are not limited to, development, implementation, and enforcement of conservation and management measures to achieve continued optimum use of living marine resources, hatchery operations, habitat conservation, and protected species management.

(c) FISHERIES STATE AND INDUSTRY COOPERATIVE PROGRAMS.—There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out State and industry cooperative programs under the Fish and Wildlife Act of 1956 (16

U.S.C. 742a et seq.) and any other law involving those activities, \$28,520,000 for fiscal year 2001, and \$28,814,000 for each of the fiscal years 2002, 2003, and 2004. These activities include, but are not limited to, ensuring the quality and safety of seafood products and providing grants to States for improving the management of interstate fisheries.

(d) RELATION TO OTHER LAWS.—Authorizations under this section shall be in addition to monies authorized under the Magnuson-Stevens Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 et seq.), the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 3301 et seq.), the Anadromous Fish Conservation Act (16 U.S.C. 757 et seq.), and the Interjurisdictional Fisheries Act (16 U.S.C. 4107 et seq.).

**SEC. 202. INTERJURISDICTIONAL FISHERIES ACT OF 1986 AMENDMENTS.**

Section 308 of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107) is amended—

(1) by amending subsection (a) to read as follows:

"(a) GENERAL APPROPRIATIONS.—There are authorized to be appropriated to the Department of Commerce for apportionment to carry out the purposes of this title—

"(1) \$4,900,000 for fiscal year 2001; and

"(2) \$5,400,000 for each of the fiscal years 2002, 2003, and 2004."; and

(2) in subsection (c) by striking "\$700,000 for fiscal year 1997, and \$750,000 for each of the fiscal years 1998, 1999, and 2000" and inserting "\$800,000 for fiscal year 2001, and \$850,000 for each of the fiscal years 2002, 2003, and 2004".

**SEC. 203. ANADROMOUS FISHERIES AMENDMENTS.**

Section 4 of the Anadromous Fish Conservation Act (16 U.S.C. 757d) is amended to read as follows:

**"AUTHORIZATION OF APPROPRIATIONS**

"SEC. 4. (a)(1) There are authorized to be appropriated to carry out the purposes of this Act not to exceed the following sums:

"(A) \$4,500,000 for fiscal year 2001; and

"(B) \$4,750,000 for each of fiscal years 2002, 2003, and 2004.

"(2) Sums appropriated under this subsection are authorized to remain available until expended.

"(b) Not more than \$625,000 of the funds appropriated under this section in any one fiscal year shall be obligated in any one State."

**TITLE III—REIMBURSEMENT OF EXPENSES**

**SEC. 301. REIMBURSEMENT OF EXPENSES.**

Notwithstanding section 3302 (b) and (c) of title 31, United States Code, all amounts received by the United States in settlement of, or judgment for, damage claims arising from the October 9, 1992, allision of the vessel ZACHARY into the National Oceanic and Atmospheric Administration research vessel DISCOVERER, and from the disposal of marine assets, and all amounts received by the United States from the disposal of marine assets of the National Oceanic and Atmospheric Administration—

(1) shall be retained as an offsetting collection in the Operations, Research and Facilities account of the National Oceanic and Atmospheric Administration;

(2) shall be deposited into that account upon receipt by the United States Government; and

(3) shall be available only for obligation for National Oceanic and Atmospheric Administration hydrographic and fisheries vessel operations.

**TITLE IV—EXTENSION OF PERIOD FOR REIMBURSEMENT UNDER FISHERMEN'S PROTECTIVE ACT OF 1967**

**SEC. 401. SHORT TITLE.**

This title may be cited as the "Fishermen's Protective Act Amendments of 2000".

**SEC. 402. EXTENSION OF PERIOD FOR REIMBURSEMENT UNDER FISHERMEN'S PROTECTIVE ACT OF 1967.**

(a) IN GENERAL.—Section 7(e) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1977(e)) is amended by striking "2000" and inserting "2003".

(b) CLERICAL AMENDMENT.—Section 7(a)(3) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1977(a)(3)) is amended by striking "Secretary of the Interior" and inserting "Secretary of Commerce".

**TITLE V—YUKON RIVER SALMON**

**SEC. 501. SHORT TITLE.**

This title may be cited as the "Yukon River Salmon Act of 2000".

**SEC. 502. YUKON RIVER SALMON PANEL.**

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There shall be a Yukon River Salmon Panel (in this title referred to as the "Panel").

(2) FUNCTIONS.—The Panel shall—

(A) advise the Secretary of State regarding the negotiation of any international agreement with Canada relating to management of salmon stocks originating from the Yukon River in Canada;

(B) advise the Secretary of the Interior regarding restoration and enhancement of such salmon stocks; and

(C) perform other functions relating to conservation and management of such salmon stocks as authorized by this title or any other law.

(3) DESIGNATION AS UNITED STATES REPRESENTATIVES ON BILATERAL BODY.—The Secretary of State may designate the members of the Panel to be the United States representatives on any successor to the panel established by the interim agreement for the conservation of salmon stocks originating from the Yukon River in Canada agreed to through an exchange of notes between the Government of the United States and the Government of Canada on February 3, 1995, if authorized by any agreement establishing such successor.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Panel shall be comprised of six members, as follows:

(A) One member who is an official of the United States Government with expertise in salmon conservation and management, who shall be appointed by the Secretary of State.

(B) One member who is an official of the State of Alaska with expertise in salmon conservation and management, who shall be appointed by the Governor of Alaska.

(C) Four members who are knowledgeable and experienced with regard to the salmon fisheries on the Yukon River, who shall be appointed by the Secretary of State.

(2) APPOINTEES FROM ALASKA.—(A) The Secretary of State shall appoint the members under paragraph (1)(C) from a list of at least three individuals nominated for each position by the Governor of Alaska.

(B) In making the nominations, the Governor of Alaska may consider suggestions for nominations provided by organizations with expertise in Yukon River salmon fisheries.

(C) The Governor of Alaska may make appropriate nominations to allow for appointment of, and the Secretary of State shall appoint, under paragraph (1)(C)—

(i) at least one member who is qualified to represent the interests of Lower Yukon River fishing districts; and

(ii) at least one member who is qualified to represent the interests of Upper Yukon River fishing districts.

(D) At least one of the members appointed under paragraph (1)(C) shall be an Alaska Native.

(3) ALTERNATES.—(A) The Secretary of State may designate an alternate Panel member for each Panel member the Secretary appoints under paragraphs (1)(A) and (C), who meets the same qualifications, to serve in the absence of the Panel member.

(B) The Governor of the State of Alaska may designate an alternative Panel member for the Panel member appointed under paragraph (1)(B), who meets the same qualifications, to serve in the absence of that Panel member.

(c) TERM LENGTH.—Panel members and alternate Panel members shall serve four-year terms. Any individual appointed to fill a vacancy occurring before the expiration of any term shall be appointed for the remainder of that term.

(d) REAPPOINTMENT.—Panel members and alternate Panel members shall be eligible for reappointment.

(e) DECISIONS.—Decisions of the Panel shall be made by the consensus of the Panel members appointed under subparagraphs (B) and (C) of subsection (b)(1).

(f) CONSULTATION.—In carrying out their functions, Panel members may consult with such other interested parties as they consider appropriate.

**SEC. 503. ADVISORY COMMITTEE.**

(a) APPOINTMENTS.—The Governor of Alaska may establish and appoint an advisory committee (in this title referred to as the "advisory committee") of not less than eight, but not more than 12, individuals who are knowledgeable and experienced with regard to the salmon fisheries on the Yukon River. At least two of the advisory committee members shall be Alaska Natives. Members of the advisory committee may attend all meetings of the Panel, and shall be given the opportunity to examine and be heard on any matter under consideration by the Panel.

(b) COMPENSATION.—The members of such advisory committee shall receive no compensation for their services.

(c) TERM LENGTH.—Members of such advisory committee shall serve two-year terms. Any individual appointed to fill a vacancy occurring before the expiration of any term shall be appointed for the remainder of that term.

(d) REAPPOINTMENT.—Members of such advisory committee shall be eligible for reappointment.

**SEC. 504. EXEMPTION.**

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Panel or to the advisory committee.

**SEC. 505. AUTHORITY AND RESPONSIBILITY.**

(a) RESPONSIBLE MANAGEMENT ENTITY.—The State of Alaska Department of Fish and Game shall be the responsible management entity for the United States for the purposes of any agreement with Canada regarding management of salmon stocks originating from the Yukon River in Canada.

(b) EFFECT OF DESIGNATION.—The designation under subsection (a) shall not be considered to expand, diminish, or otherwise change the management authority of the State of Alaska or the Federal Government with respect to fishery resources.

(c) RECOMMENDATIONS OF PANEL.—In addition to recommendations made by the Panel to the responsible management entities in accordance with any agreement with Canada regarding management of salmon stocks originating from the Yukon River in Canada, the Panel may make recommendations concerning the conservation and management of salmon originating in the Yukon River to the Department of the Interior, the Depart-

ment of Commerce, the Department of State, the North Pacific Fishery Management Council, and other Federal or State entities as appropriate. Recommendations by the Panel shall be advisory in nature.

**SEC. 506. ADMINISTRATIVE MATTERS.**

(a) COMPENSATION.—Panel members and alternate Panel members who are not State or Federal employees shall receive compensation at the daily rate of GS-15 of the General Schedule when engaged in the actual performance of duties.

(b) TRAVEL AND OTHER NECESSARY EXPENSES.—Travel and other necessary expenses shall be paid by the Secretary of the Interior for all Panel members, alternate Panel members, and members of the advisory committee when such members are engaged in the actual performance of duties for the Panel or advisory committee.

(c) TREATMENT AS FEDERAL EMPLOYEES.—Except for officials of the United States Government, all Panel members, alternate Panel members, and members of the advisory committee shall not be considered to be Federal employees while engaged in the actual performance of duties, except for the purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 71 of title 28, United States Code.

**SEC. 507. YUKON RIVER SALMON STOCK RESTORATION AND ENHANCEMENT PROJECTS.**

(a) IN GENERAL.—The Secretary of the Interior, in consultation with the Secretary of Commerce, may carry out projects to restore or enhance salmon stocks originating from the Yukon River in Canada and the United States.

(b) COOPERATION WITH CANADA.—If there is in effect an agreement between the Government of the United States and the Government of Canada for the conservation of salmon stocks originating from the Yukon River in Canada that includes provisions governing projects authorized under this section, then—

(1) projects under this section shall be carried out in accordance with that agreement; and

(2) amounts available for projects under this section—

(A) shall be expended in accordance with the agreement; and

(B) may be deposited in any joint account established by the agreement to fund such projects.

**SEC. 508. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to the Secretary of the Interior to carry out this title \$4,000,000 for each of fiscal years 2000, 2001, 2002, and 2003, of which—

(1) such sums as are necessary shall be available each fiscal year for travel expenses of Panel members, alternate Panel members, United States members of the Joint Technical Committee established by paragraph C.2 of the memorandum of understanding concerning the Pacific Salmon Treaty between the Government of the United States and the Government of Canada (recorded January 28, 1985), and members of the advisory committee, in accordance with Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5, United States Code;

(2) such sums as are necessary shall be available for the United States share of expenses incurred by the Joint Technical Committee and any panel established by any agreement between the Government of the United States and the Government of Canada for restoration and enhancement of salmon originating in Canada;

(3) up to \$3,000,000 shall be available each fiscal year for activities by the Department

of the Interior and the Department of Commerce for survey, restoration, and enhancement activities related to salmon stocks originating from the Yukon River in Canada, of which up to \$1,200,000 shall be available each fiscal year for Yukon River salmon stock restoration and enhancement projects under section 507(b); and

(4) \$600,000 shall be available each fiscal year for cooperative salmon research and management projects in the portion of the Yukon River drainage located in the United States that are recommended by the Panel.

#### TITLE VI—FISHERY INFORMATION ACQUISITION

##### SEC. 601. SHORT TITLE.

This title may be cited as the "Fisheries Survey Vessel Authorization Act of 2000".

##### SEC. 602. ACQUISITION OF FISHERY SURVEY VESSELS.

(a) IN GENERAL.—The Secretary of Commerce, subject to the availability of appropriations, may in accordance with this section acquire, by purchase, lease, lease-purchase, or charter, and equip up to six fishery survey vessels in accordance with this section.

(b) VESSEL REQUIREMENTS.—Any vessel acquired and equipped under this section must—

(1) be capable of—

(A) staying at sea continuously for at least 30 days;

(B) conducting fishery population surveys using hydroacoustic, longlining, deep water, and pelagic trawls, and other necessary survey techniques; and

(C) conducting other work necessary to provide fishery managers with the accurate and timely data needed to prepare and implement fishery management plans; and

(2) have a hull that meets the International Council for Exploration of the Sea standard regarding acoustic quietness.

(c) FISHERIES RESEARCH VESSEL PROCUREMENT.—Notwithstanding section 644 of title 15, United States Code, and section 19.502-2 of title 48, Code of Federal Regulations, the Secretary of Commerce shall seek to procure Fisheries Research Vessels through full and open competition from responsible United States shipbuilding companies irrespective of size.

(d) AUTHORIZATION.—To carry out this section there are authorized to be appropriated to the Secretary of Commerce \$60,000,000 for each of fiscal years 2002 and 2003.

#### TITLE VII—ATLANTIC COASTAL FISHERIES

##### Subtitle A—Atlantic Striped Bass Conservation

##### SEC. 701. REAUTHORIZATION OF ATLANTIC STRIPED BASS CONSERVATION ACT.

Section 7(a) of the Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note) is amended to read as follows:

"(a) AUTHORIZATION.—For each of fiscal years 2001, 2002, and 2003, there are authorized to be appropriated to carry out this Act—

"(1) \$1,000,000 to the Secretary of Commerce; and

"(2) \$250,000 to the Secretary of the Interior."

##### SEC. 702. POPULATION STUDY OF STRIPED BASS.

(a) STUDY.—The Secretaries (as that term is defined in the Atlantic Striped Bass Conservation Act), in consultation with the Atlantic States Marine Fisheries Commission, shall conduct a study to determine if the distribution of year classes in the Atlantic striped bass population is appropriate for maintaining adequate recruitment and sustainable fishing opportunities. In conducting the study, the Secretaries shall consider—

(1) long-term stock assessment data and other fishery-dependent and independent data for Atlantic striped bass; and

(2) the results of peer-reviewed research funded under the Atlantic Striped Bass Conservation Act.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretaries, in consultation with the Atlantic States Marine Fisheries Commission, shall submit to the Committee on Resources of the House of Representatives the results of the study and a long-term plan to ensure a balanced and healthy population structure of Atlantic striped bass, including older fish. The report shall include information regarding—

(1) the structure of the Atlantic striped bass population required to maintain adequate recruitment and sustainable fishing opportunities; and

(2) recommendations for measures necessary to achieve and maintain the population structure described in paragraph (1).

(c) AUTHORIZATION.—There are authorized to be appropriated to the Secretary of Commerce \$250,000 to carry out this section.

##### Subtitle B—Atlantic Coastal Fisheries Cooperative Management

##### SEC. 703. SHORT TITLE.

This subtitle may be cited as the "Atlantic Coastal Fisheries Act of 2000".

##### SEC. 704. REAUTHORIZATION OF ATLANTIC COASTAL FISHERIES COOPERATIVE MANAGEMENT ACT.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 811 of the Atlantic Coastal Fisheries Cooperative Management Act (16 U.S.C. 5108) is amended to read as follows:

##### "SEC. 811. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—To carry out this title, there are authorized to be appropriated \$10,000,000 for each of fiscal years 2001 through 2005.

"(b) COOPERATIVE STATISTICS PROGRAM.—Amounts authorized under subsection (a) may be used by the Secretary to support the Commission's cooperative statistics program."

(b) TECHNICAL CORRECTIONS.—

(1) IN GENERAL.—Such Act is amended—

(A) in section 802(3) (16 U.S.C. 5101(3)) by striking "such resources in" and inserting "such resources is"; and

(B) by striking section 812 and the second section 811.

(2) AMENDMENTS TO REPEAL NOT AFFECTED.—The amendments made by paragraph (1)(B) shall not affect any amendment or repeal made by the sections struck by that paragraph.

(3) SHORT TITLE REFERENCES.—Such Act is further amended by striking "Magnuson Fishery" each place it appears and inserting "Magnuson-Stevens Fishery".

(c) REPORTS.—

(1) ANNUAL REPORT TO THE SECRETARY.—The Secretary shall require, as a condition of providing financial assistance under this title, that the Commission and each State receiving such assistance submit to the Secretary an annual report that provides a detailed accounting of the use the assistance.

(2) BIENNIAL REPORTS TO THE CONGRESS.—The Secretary shall submit biennial reports to the Committee on Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the use of Federal assistance provided to the Commission and the States under this title. Each biennial report shall evaluate the success of such assistance in implementing this title.

#### TITLE VIII—PACIFIC SALMON RECOVERY

##### SEC. 801. SHORT TITLE.

This title may be cited as the "Pacific Salmon Recovery Act".

#### SEC. 802. SALMON CONSERVATION AND SALMON HABITAT RESTORATION ASSISTANCE.

(a) REQUIREMENT TO PROVIDE ASSISTANCE.—Subject to the availability of appropriations, the Secretary of Commerce shall provide financial assistance in accordance with this title to qualified States and qualified tribal governments for salmon conservation and salmon habitat restoration activities.

(b) ALLOCATION.—Of the amounts available to provide assistance under this section each fiscal year (after the application of section 803(g)), the Secretary—

(1) shall allocate 85 percent among qualified States, in equal amounts; and

(2) shall allocate 15 percent among qualified tribal governments, in amounts determined by the Secretary.

(c) TRANSFER.—

(1) IN GENERAL.—The Secretary shall promptly transfer in a lump sum—

(A) to a qualified State that has submitted a Conservation and Restoration Plan under section 803(a) amounts allocated to the qualified State under subsection (b)(1) of this section, unless the Secretary determines, within 30 days after the submittal of the plan to the Secretary, that the plan is inconsistent with the requirements of this title; and

(B) to a qualified tribal government that has entered into a memorandum of understanding with the Secretary under section 803(b) amounts allocated to the qualified tribal government under subsection (b)(2) of this section.

(2) TRANSFERS TO QUALIFIED STATES.—The Secretary shall make the transfer under paragraph (1)(A)—

(A) to the Washington State Salmon Recovery Board, in the case of amounts allocated to Washington;

(B) to the Oregon State Watershed Enhancement Board, in the case of amounts allocated to Oregon;

(C) to the California Department of Fish and Game for the California Coastal Salmon Recovery Program, in the case of amounts allocated to California;

(D) to the Governor of Alaska, in the case of amounts allocated to Alaska; and

(E) to the Office of Species Conservation, in the case of amounts allocated to Idaho.

(d) REALLOCATION.—

(1) AMOUNTS ALLOCATED TO QUALIFIED STATES.—Amounts that are allocated to a qualified State for a fiscal year shall be reallocated under subsection (b)(1) among the other qualified States, if—

(A) the qualified State has not submitted a plan in accordance with section 803(a) as of the end of the fiscal year; or

(B) the amounts remain unobligated at the end of the subsequent fiscal year.

(2) AMOUNTS ALLOCATED TO QUALIFIED TRIBAL GOVERNMENTS.—Amounts that are allocated to a qualified tribal government for a fiscal year shall be reallocated under subsection (b)(2) among the other qualified tribal governments, if the qualified tribal government has not entered into a memorandum of understanding with the Secretary in accordance with section 803(b) as of the end of the fiscal year.

##### SEC. 803. RECEIPT AND USE OF ASSISTANCE.

(a) QUALIFIED STATE SALMON CONSERVATION AND RESTORATION PLAN.—

(1) IN GENERAL.—To receive assistance under this title, a qualified State shall develop and submit to the Secretary a Salmon Conservation and Salmon Habitat Restoration Plan.

(2) CONTENTS.—Each Salmon Conservation and Salmon Restoration Plan shall, at a minimum—

(A) be consistent with other applicable Federal laws;

(B) be consistent with the goal of salmon recovery;

(C) except as provided in subparagraph (D), give priority to use of assistance under this section for projects that—

(i) provide a direct and demonstrable benefit to salmon or their habitat;

(ii) provide the greatest benefit to salmon conservation and salmon habitat restoration relative to the cost of the projects; and

(iii) conserve, and restore habitat, for—

(I) salmon that are listed as endangered species or threatened species, proposed for such listing, or candidates for such listing, under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); or

(II) salmon that are given special protection under the laws or regulations of the qualified State;

(D) in the case of a plan submitted by a qualified State in which, as of the date of the enactment of this Act, there is no area at which a salmon species referred to in subparagraph (C)(iii)(I) spawns—

(i) give priority to use of assistance for projects referred to in subparagraph (C)(i) and (ii) that contribute to proactive programs to conserve and enhance species of salmon that intermingle with, or are otherwise related to, species referred to in subparagraph (C)(iii)(I), which may include (among other matters)—

(I) salmon-related research, data collection, and monitoring;

(II) salmon supplementation and enhancement;

(III) salmon habitat restoration;

(IV) increasing economic opportunities for salmon fishermen; and

(V) national and international cooperative habitat programs; and

(ii) provide for revision of the plan within one year after any date on which any salmon species that spawns in the qualified State is listed as an endangered species or threatened species, proposed for such listing, or a candidate for such listing, under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(E) establish specific goals and timelines for activities funded with such assistance;

(F) include measurable criteria by which such activities may be evaluated;

(G) require that activities carried out with such assistance shall—

(i) be scientifically based;

(ii) be cost effective;

(iii) not be conducted on private land except with the consent of the owner of the land; and

(iv) contribute to the conservation and recovery of salmon;

(H) require that the qualified State maintain its aggregate expenditures of funds from non-Federal sources for salmon habitat restoration programs at or above the average level of such expenditures in the 2 fiscal years preceding the date of the enactment of this Act; and

(I) ensure that activities funded under this title are conducted in a manner in which, and in areas where, the State has determined that they will have long-term benefits.

(3) SOLICITATION OF COMMENTS.—In preparing a plan under this subsection a qualified State shall seek comments on the plan from local governments in the qualified State.

(b) TRIBAL MOU WITH SECRETARY.—

(1) IN GENERAL.—To receive assistance under this title, a qualified tribal government shall enter into a memorandum of understanding with the Secretary regarding use of the assistance.

(2) CONTENTS.—Each memorandum of understanding shall, at a minimum—

(A) be consistent with other applicable Federal laws;

(B) be consistent with the goal of salmon recovery;

(C) give priority to use of assistance under this Act for activities that—

(i) provide a direct and demonstrable benefit to salmon or their habitat;

(ii) provide the greatest benefit to salmon conservation and salmon habitat restoration relative to the cost of the projects; and

(iii) conserve, and restore habitat, for—

(I) salmon that are listed as endangered species or threatened species, proposed for such listing, or candidates for such listing, under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); or

(II) salmon that are given special protection under the ordinances or regulations of the qualified tribal government;

(D) in the case of a memorandum of understanding entered into by a qualified tribal government for an area in which, as of the date of the enactment of this Act, there is no area at which a salmon species that is referred to in subparagraph (C)(iii)(I) spawns—

(i) give priority to use of assistance for projects referred to in subparagraph (C)(i) and (ii) that contribute to proactive programs described in subsection (a)(2)(D)(i);

(ii) include a requirement that the memorandum shall be revised within 1 year after any date on which any salmon species that spawns in the area is listed as an endangered species or threatened species, proposed for such listing, or a candidate for such listing, under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(E) establish specific goals and timelines for activities funded with such assistance;

(F) include measurable criteria by which such activities may be evaluated;

(G) establish specific requirements for reporting to the Secretary by the qualified tribal government;

(H) require that activities carried out with such assistance shall—

(i) be scientifically based;

(ii) be cost effective;

(iii) not be conducted on private land except with the consent of the owner of the land; and

(iv) contribute to the conservation or recovery of salmon; and

(I) require that the qualified tribal government maintain its aggregate expenditures of funds from non-Federal sources for salmon habitat restoration programs at or above the average level of such expenditures in the 2 fiscal years preceding the date of the enactment of this Act.

(c) ELIGIBLE ACTIVITIES.—

(1) IN GENERAL.—Assistance under this title may be used by a qualified State in accordance with a plan submitted by the State under subsection (a), or by a qualified tribal government in accordance with a memorandum of understanding entered into by the government under subsection (b), to carry out or make grants to carry out, among other activities, the following:

(A) Watershed evaluation, assessment, and planning necessary to develop a site-specific and clearly prioritized plan to implement watershed improvements, including for making multi-year grants.

(B) Salmon-related research, data collection, and monitoring, salmon supplementation and enhancement, and salmon habitat restoration.

(C) Maintenance and monitoring of projects completed with such assistance.

(D) Technical training and education projects, including teaching private landowners about practical means of improving land and water management practices to contribute to the conservation and restoration of salmon habitat.

(E) Other activities related to salmon conservation and salmon habitat restoration.

(2) USE FOR LOCAL AND REGIONAL PROJECTS.—Funds allocated to qualified States under this title shall be used for local and regional projects.

(d) USE OF ASSISTANCE FOR ACTIVITIES OUTSIDE OF JURISDICTION OF RECIPIENT.—Assistance under this section provided to a qualified State or qualified tribal government may be used for activities conducted outside the areas under its jurisdiction if the activity will provide conservation benefits to naturally produced salmon in streams of concern to the qualified State or qualified tribal government, respectively.

(e) COST SHARING BY QUALIFIED STATES.—

(1) IN GENERAL.—A qualified State shall match, in the aggregate, the amount of any financial assistance provided to the qualified State for a fiscal year under this title, in the form of monetary contributions or in-kind contributions of services for projects carried out with such assistance. For purposes of this paragraph, monetary contributions by the State shall not be considered to include funds received from other Federal sources.

(2) LIMITATION ON REQUIRING MATCHING FOR EACH PROJECT.—The Secretary may not require a qualified State to provide matching funds for each project carried out with assistance under this title.

(3) TREATMENT OF MONETARY CONTRIBUTIONS.—For purposes of subsection (a)(2)(H), the amount of monetary contributions by a qualified State under this subsection shall be treated as expenditures from non-Federal sources for salmon conservation and salmon habitat restoration programs.

(f) COORDINATION OF ACTIVITIES.—

(1) IN GENERAL.—Each qualified State and each qualified tribal government receiving assistance under this title is encouraged to carefully coordinate salmon conservation activities of its agencies to eliminate duplicative and overlapping activities.

(2) CONSULTATION.—Each qualified State and qualified tribal government receiving assistance under this title shall consult with the Secretary to ensure there is no duplication in projects funded under this title.

(g) LIMITATION ON ADMINISTRATIVE EXPENSES.—

(1) FEDERAL ADMINISTRATIVE EXPENSES.—Of the amount made available under this title each fiscal year, not more than 1 percent may be used by the Secretary for administrative expenses incurred in carrying out this title.

(2) STATE AND TRIBAL ADMINISTRATIVE EXPENSES.—Of the amount allocated under this title to a qualified State or qualified tribal government each fiscal year, not more than 3 percent may be used by the qualified State or qualified tribal government, respectively, for administrative expenses incurred in carrying out this title.

**SEC. 804. PUBLIC PARTICIPATION.**

(a) QUALIFIED STATE GOVERNMENTS.—Each qualified State seeking assistance under this title shall establish a citizens advisory committee or provide another similar forum for local governments and the public to participate in obtaining and using the assistance.

(b) QUALIFIED TRIBAL GOVERNMENTS.—Each qualified tribal government receiving assistance under this title shall hold public meetings to receive recommendations on the use of the assistance.

**SEC. 805. CONSULTATION NOT REQUIRED.**

Consultation under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) shall not be required based solely on the provision of financial assistance under this title.

**SEC. 806. REPORTS.**

(a) QUALIFIED STATES.—Each qualified State shall, by not later than December 31 of each year, submit to the Committee on Commerce, Science, and Transportation of the

Senate and the Committee on Resources of the House of Representatives an annual report on the use of financial assistance received by the qualified State under this title. The report shall contain an evaluation of the success of this title in meeting the criteria listed in section 803(a)(2).

(b) SECRETARY.—

(1) ANNUAL REPORT REGARDING QUALIFIED TRIBAL GOVERNMENTS.—The Secretary shall, by not later than December 31 of each year, submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives an annual report on the use of financial assistance received by qualified tribal governments under this title. The report shall contain an evaluation of the success of this Act in meeting the criteria listed in section 803(b)(2).

(2) BIENNIAL REPORT.—The Secretary shall, by not later than December 31 of the second year in which amounts are available to carry out this title, and of every second year thereafter, submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives a biennial report on the use of funds allocated to qualified States under this title. The report shall review programs funded by the States and evaluate the success of this title in meeting the criteria listed in section 803(a)(2).

**SEC. 807. DEFINITIONS.**

In this title:

(1) INDIAN TRIBE.—The term “Indian tribe” has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(2) QUALIFIED STATE.—The term “qualified State” means each of the States of Alaska, Washington, Oregon, California, and Idaho.

(3) QUALIFIED TRIBAL GOVERNMENT.—The term “qualified tribal government” means—  
(A) a tribal government of an Indian tribe in Washington, Oregon, California, or Idaho that the Secretary of Commerce, in consultation with the Secretary of the Interior, determines—

(i) is involved in salmon management and recovery activities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(ii) has the management and organizational capability to maximize the benefits of assistance provided under this title; and

(B) a regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) that the Secretary of Commerce, in consultation with the Secretary of the Interior, determines—

(i) is involved in salmon conservation and management; and

(ii) has the management and organizational capability to maximize the benefits of assistance provided under this title.

(4) SALMON.—The term “salmon” means any naturally produced salmon or naturally produced trout of the following species:

(A) Coho salmon (*oncorhynchus kisutch*).

(B) Chinook salmon (*oncorhynchus tshawytscha*).

(C) Chum salmon (*oncorhynchus keta*).

(D) Pink salmon (*oncorhynchus gorbuscha*).

(E) Sockeye salmon (*oncorhynchus nerka*).

(F) Steelhead trout (*oncorhynchus mykiss*).

(G) Sea-run cutthroat trout (*oncorhynchus clarki clarki*).

(H) For purposes of application of this title in Oregon—

(i) Lahontan cutthroat trout (*oncorhynchus clarki henshawi*); and

(ii) Bull trout (*salvelinus confluentus*).

(I) For purposes of application of this title in Washington and Idaho, Bull trout (*salvelinus confluentus*).

(5) SECRETARY.—The term Secretary means the Secretary of Commerce.

**SEC. 808. PACIFIC SALMON TREATY.**

(a) TRANSBOUNDARY PANEL REPRESENTATION.—

(1) IN GENERAL.—Section 3 of the Pacific Salmon Treaty Act of 1985 (16 U.S.C. 3632) is amended by redesignating subsections (f), (g), and (h) in order as subsections (g), (h), and (i), and by inserting after subsection (e) the following:

“(f) TRANSBOUNDARY PANEL.—The United States shall be represented on the transboundary Panel by seven Panel members, of whom—

“(1) one shall be an official of the United States Government with salmon fishery management responsibility and expertise;

“(2) one shall be an official of the State of Alaska with salmon fishery management responsibility and expertise; and

“(3) five shall be individuals knowledgeable and experienced in the salmon fisheries for which the transboundary Panel is responsible.”.

(2) CONFORMING AMENDMENTS.—

(A) Subsection (g) of section 3 of the Pacific Salmon Treaty Act of 1985 (16 U.S.C. 3632), as redesignated by paragraph (1) of this subsection, is amended—

(i) by striking “and (e)(2)” and inserting “(e)(2), and (f)(2)”; and

(ii) by striking “and (e)(4)” and inserting “(e)(4), and (f)(3)”; and

(iii) by striking “The appointing authorities listed above” and inserting “For the southern, northern, and Frazier River Panels, the appointing authorities listed above”.

(B) Subsection (h)(2) of section 3 of the Pacific Salmon Treaty Act of 1985 (16 U.S.C. 3632), as redesignated by paragraph (1) of this subsection, is amended by striking “and southern” and inserting “, southern, and transboundary”.

(C) Section 9 of the Pacific Salmon Treaty Act of 1985 (16 U.S.C. 3638) is amended by striking “9(g)” and inserting “9(h)”.

(b) COMPENSATION AND EXPENSES FOR UNITED STATES REPRESENTATIVES ON NORTHERN AND SOUTHERN FUND COMMITTEES.—

(1) COMPENSATION.—Section 11 of the Pacific Salmon Treaty Act of 1985 (16 U.S.C. 3640) is amended by redesignating subsections (c) and (d) in order as subsections (d) and (e), and by inserting after subsection (b) the following:

“(c) COMPENSATION FOR REPRESENTATIVES ON NORTHERN FUND AND SOUTHERN FUND COMMITTEES.—United States Representatives on the Pacific Salmon Treaty Northern Fund Committee and Southern Fund Committee who are not State or Federal employees shall receive compensation at the minimum daily rate of pay payable under section 5376 of title 5, United States Code, when engaged in the actual performance of duties for the United States Section or for the Commission.”.

(2) EXPENSES.—Subsection (d) of such section, as so redesignated, is amended by inserting “members of the Northern Fund Committee, members of the Southern Fund Committee,” after “Joint Technical Committee.”.

(3) CLERICAL AMENDMENTS.—

(A) IN GENERAL.—Section 11 of the Pacific Salmon Treaty Act of 1985 (16 U.S.C. 5332) is amended—

(i) in subsection (a) by striking “at the daily rate of GS-18 of the General Schedule” and inserting “at the maximum daily rate of pay payable under section 5376 of title 5, United States Code,”; and

(ii) in subsection (b) by striking “at the daily rate of GS-16 of the General Schedule”

and inserting “at the minimum daily rate of pay payable under section 5376 of title 5, United States Code.”.

(B) APPLICATION.—The amendments made by subparagraph (A) shall not apply to Commissioners, Alternate Commissioners, Panel Members, and Alternate Panel Members (as those terms are used in section 11 of the Pacific Salmon Treaty Act of 1985) appointed before the effective date of this subsection.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) CLERICAL AMENDMENT.—Section 623 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2000, as enacted by section 1000(a)(1), Division B of Public Law 106-113 (16 U.S.C. 3645) is redesignated and moved so as to be section 16 of the Pacific Salmon Treaty Act of 1985.

(2) AUTHORIZATION OF APPROPRIATIONS.—Subsection (d) of such section is amended to read as follows:

“(d) AUTHORIZATION OF APPROPRIATIONS.—For capitalizing the Northern Fund and Southern Fund established under the 1999 Pacific Salmon Treaty Agreement and related agreements, there are authorized to be appropriated a total of \$75,000,000 for the Northern Fund and a total of \$65,000,000 for the Southern Fund for fiscal years 2000, 2001, 2002, and 2003, for the implementation of those agreements.”.

**SEC. 809. TREATMENT OF INTERNATIONAL FISHERY COMMISSION PENSIONERS.**

For United States citizens who served as employees of the International Pacific Salmon Fisheries Commission and the International North Pacific Fisheries Commission (in this section referred to as the “Commissions”) and who worked in Canada in the course of employment with those commissions, the President shall—

(1) calculate the difference in amount between the valuation of the Commissions’ annuity for each employee’s payment in United States currency and in Canadian currency for past and future (as determined by an actuarial valuation) annuity payments; and

(2) out of existing funds available for this purpose, pay each employee a lump-sum payment in the total amount determined under paragraph (1) to compensate each employee for past and future benefits resulting from the exchange rate inequity.

**SEC. 810. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated \$200,000,000 for each of the fiscal years 2001, 2002, and 2003 to carry out this title. Funds appropriated under this section may remain until expended.

**TITLE IX—MISCELLANEOUS TECHNICAL AMENDMENTS TO INTERNATIONAL FISHERIES ACTS**

**SEC. 901. GREAT LAKES FISHERY ACT OF 1956.**

Section 3(a) of the Great Lakes Fishery Act of 1956 (16 U.S.C. 932(a)) is amended by adding at the end the following:

“(3) Individuals serving as such Commissioners shall not be considered to be Federal employees while performing such service, except for purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.”.

**SEC. 902. TUNA CONVENTIONS ACT OF 1950.**

Section 3 of the Tuna Conventions Act of 1950 (16 U.S.C. 952) is amended by inserting before “Of such Commissioners—” the following: “Individuals serving as such Commissioners shall not be considered to be Federal employees while performing such service, except for purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.”.

**SEC. 903. ATLANTIC TUNAS CONVENTION ACT OF 1975.**

Section 3(a)(1) of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971a(a)(1)) is amended by inserting before "The Commissioners" the following: "Individuals serving as such Commissioners shall not be considered to be Federal employees while performing such service, except for purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code."

**SEC. 904. NORTH PACIFIC ANADROMOUS STOCKS ACT OF 1992.**

(a) CLERICAL AMENDMENT.—Public Law 102-587 is amended by striking title VIII (106 Stat. 5098 et seq.).

(b) TREATMENT COMMISSIONERS.—Section 804(a) of the North Pacific Anadromous Stocks Act of 1992 (16 U.S.C. 5003(a)) is amended by inserting before "Of the Commissioners—" the following: "Individuals serving as such Commissioners shall not be considered to be Federal employees while performing such service, except for purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code."

**SEC. 905. HIGH SEAS FISHING COMPLIANCE ACT OF 1995.**

Section 103(4) of the High Seas Fishing Compliance Act of 1995 (16 U.S.C. 5502(4)) is amended by inserting "or subject to the jurisdiction of the United States" after "United States".

**TITLE X—PRIBILOF ISLANDS****SEC. 1001. SHORT TITLE.**

This title may be referred to as the "Pribilof Islands Transition Act".

**SEC. 1002. PURPOSE.**

The purpose of this title is to complete the orderly withdrawal of the National Oceanic and Atmospheric Administration from the civil administration of the Pribilof Islands, Alaska.

**SEC. 1003. FUR SEAL ACT OF 1996 DEFINED.**

In this title, the term "Fur Seal Act of 1966" means Public Law 89-702 (16 U.S.C. 1151 et seq.).

**SEC. 1004. FINANCIAL ASSISTANCE FOR PRIBILOF ISLANDS UNDER FUR SEAL ACT OF 1966.**

Section 206 of the Fur Seal Act of 1966 (16 U.S.C. 1166) is amended to read as follows:

**"SEC. 206. FINANCIAL ASSISTANCE.**

(a) GRANT AUTHORITY.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall provide financial assistance to any city government, village corporation, or tribal council of St. George, Alaska, or St. Paul, Alaska.

(2) USE FOR MATCHING.—Notwithstanding any other provision of law relating to matching funds, funds provided by the Secretary as assistance under this subsection may be used by the entity as non-Federal matching funds under any Federal program that requires such matching funds.

(3) RESTRICTION ON USE.—The Secretary may not use financial assistance authorized by this Act—

(A) to settle any debt owed to the United States;

(B) for administrative or overhead expenses; or

(C) to seek or require contributions referred to in section 1006(b)(3)(B) of the Pribilof Islands Transition Act.

(4) FUNDING INSTRUMENTS AND PROCEDURES.—In providing assistance under this subsection the Secretary shall transfer any funds appropriated to carry out this section to the Secretary of the Interior, who shall

obligate such funds through instruments and procedures that are equivalent to the instruments and procedures required to be used by the Bureau of Indian Affairs pursuant to title IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

(5) PRO RATA DISTRIBUTION OF ASSISTANCE.—In any fiscal year for which less than all of the funds authorized under subsection (c)(1) are appropriated, such funds shall be distributed under this subsection on a pro rata basis among the entities referred to in subsection (c)(1) in the same proportions in which amounts are authorized by that subsection for grants to those entities.

(b) SOLID WASTE ASSISTANCE.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall provide assistance to the State of Alaska for designing, locating, constructing, redeveloping, permitting, or certifying solid waste management facilities on the Pribilof Islands to be operated under permits issued to the City of St. George and the City of St. Paul, Alaska, by the State of Alaska under section 46.03.100 of the Alaska Statutes.

(2) TRANSFER.—The Secretary shall transfer any appropriations received under paragraph (1) to the State of Alaska for the benefit of rural and Native villages in Alaska for obligation or award under section 303 of Public Law 104-182, except that subsection (b) of that section shall not apply to those funds.

(3) LIMITATION.—In order to be eligible to receive financial assistance under this subsection, not later than 180 days after the date of enactment of this paragraph, each of the Cities of St. Paul and St. George shall enter into a written agreement with the State of Alaska under which such City shall identify by its legal boundaries the tract or tracts of land that such City has selected as the site for its solid waste management facility and any supporting infrastructure.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for fiscal years 2001, 2002, 2003, 2004, and 2005—

(1) for assistance under subsection (a) a total not to exceed—

(A) \$9,000,000, for grants to the City of St. Paul;

(B) \$6,300,000, for grants to the Tanadgusix Corporation;

(C) \$1,500,000, for grants to the St. Paul Tribal Council;

(D) \$6,000,000, for grants to the City of St. George;

(E) \$4,200,000, for grants to the St. George Tanaq Corporation; and

(F) \$1,000,000, for grants to the St. George Tribal Council; and

(2) for assistance under subsection (b), for fiscal years 2001, 2002, 2003, 2004, and 2005 a total not to exceed—

(A) \$6,500,000 for the City of St. Paul; and

(B) \$3,500,000 for the City of St. George.

(d) LIMITATION ON USE OF ASSISTANCE FOR LOBBYING ACTIVITIES.—None of the funds authorized by this section may be available for any activity a purpose of which is to influence legislation pending before the Congress, except that this subsection shall not prevent officers or employees of the United States or of its departments, agencies, or commissions from communicating to Members of Congress, through proper channels, requests for legislation or appropriations that they consider necessary for the efficient conduct of public business.

(e) IMMUNITY FROM LIABILITY.—Neither the United States nor any of its agencies, officers, or employees shall have any liability under this Act or any other law associated with or resulting from the designing, locating, contracting for, redeveloping, permitting, certifying, operating, or maintaining

any solid waste management facility on the Pribilof Islands as a consequence of—

(1) having provided assistance to the State of Alaska under subsection (b); or

(2) providing funds for, or planning, constructing, or operating, any interim solid waste management facilities that may be required by the State of Alaska before permanent solid waste management facilities constructed with assistance provided under subsection (b) are complete and operational.

(f) REPORT ON EXPENDITURES.—Each entity which receives assistance authorized under subsection (c) shall submit an audited statement listing the expenditure of that assistance to the Committee on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Appropriations and the Committee on Commerce, Science, and Transportation of the Senate, on the last day of fiscal years 2002, 2004, and 2006.

(g) CONGRESSIONAL INTENT.—Amounts authorized under subsection (c) are intended by Congress to be provided in addition to the base funding appropriated to the National Oceanic and Atmospheric Administration in fiscal year 2000."

**SEC. 1005. DISPOSAL OF PROPERTY.**

Section 205 of the Fur Seal Act of 1966 (16 U.S.C. 1165) is amended—

(1) by amending subsection (c) to read as follows:

(c) Not later than 3 months after the date of the enactment of the Pribilof Islands Transition Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives a report that includes—

(1) a description of all property specified in the document referred to in subsection (a) that has been conveyed under that subsection;

(2) a description of all Federal property specified in the document referred to in subsection (a) that is going to be conveyed under that subsection; and

(3) an identification of all Federal property on the Pribilof Islands that will be retained by the Federal Government to meet its responsibilities under this Act, the Convention, and any other applicable law.";

(2) by striking subsection (g).

**SEC. 1006. TERMINATION OF RESPONSIBILITIES.**

(a) FUTURE OBLIGATION.—

(1) IN GENERAL.—The Secretary of Commerce shall not be considered to have any obligation to promote or otherwise provide for the development of any form of an economy not dependent on sealing on the Pribilof Islands, Alaska, including any obligation under section 206 of the Fur Seal Act of 1966 (16 U.S.C. 1166) or section 3(c)(1)(A) of Public Law 104-91 (16 U.S.C. 1165 note).

(2) SAVINGS.—This subsection shall not affect any cause of action under section 206 of the Fur Seal Act of 1966 (16 U.S.C. 1166) or section 3(c)(1)(A) of Public Law 104-91 (16 U.S.C. 1165 note)—

(A) that arose before the date of the enactment of this title; and

(B) for which a judicial action is filed before the expiration of the 5-year period beginning on the date of the enactment of this title.

(3) RULE OF CONSTRUCTION.—Nothing in this title shall be construed to imply that—

(A) any obligation to promote or otherwise provide for the development in the Pribilof Islands of any form of an economy not dependent on sealing was or was not established by section 206 of the Fur Seal Act of 1966 (16 U.S.C. 1166), section 3(c)(1)(A) of Public Law 104-91 (16 U.S.C. 1165 note), or any other provision of law; or

(B) any cause of action could or could not arise with respect to such an obligation.

(4) CONFORMING AMENDMENT.—Section 3(c)(1) of Public Law 104-91 (16 U.S.C. 1165 note) is amended by striking subparagraph (A) and redesignating subparagraphs (B) through (D) in order as subparagraphs (A) through (C).

(b) PROPERTY CONVEYANCE AND CLEANUP.—

(1) IN GENERAL.—Subject to paragraph (2), there are terminated all obligations of the Secretary of Commerce and the United States to—

(A) convey property under section 205 of the Fur Seal Act of 1966 (16 U.S.C. 1165); and

(B) carry out cleanup activities, including assessment, response, remediation, and monitoring, except for postremedial measures such as monitoring and operation and maintenance activities, related to National Oceanic and Atmospheric Administration of the Pribilof Islands, Alaska, under section 3 of Public Law 104-91 (16 U.S.C. 1165 note) and the Pribilof Islands Environmental Restoration Agreement between the National Oceanic and Atmospheric Administration and the State of Alaska, signed January 26, 1996.

(2) APPLICATION.—Paragraph (1) shall apply on and after the date on which the Secretary of Commerce certifies that—

(A) the State of Alaska has provided written confirmation that no further corrective action is required at the sites and operable units covered by the Pribilof Islands Environmental Restoration Agreement between the National Oceanic and Atmospheric Administration and the State of Alaska, signed January 26, 1996, with the exception of postremedial measures, such as monitoring and operation and maintenance activities;

(B) the cleanup required under section 3(a) of Public Law 104-91 (16 U.S.C. 1165 note) is complete;

(C) the properties specified in the document referred to in subsection (a) of section 205 of the Fur Seal Act of 1966 (16 U.S.C. 1165(a)) can be unconditionally offered for conveyance under that section; and

(D) all amounts appropriated under section 206(c)(1) of the Fur Seal Act of 1966, as amended by this title, have been obligated.

(3) FINANCIAL CONTRIBUTIONS FOR CLEANUP COSTS.—(A) On and after the date on which section 3(b)(5) of Public Law 104-91 (16 U.S.C. 1165 note) is repealed pursuant to subsection (c), the Secretary of Commerce may not seek or require financial contribution by or from any local governmental entity of the Pribilof Islands, any official of such an entity, or the owner of land on the Pribilof Islands, for cleanup costs incurred pursuant to section 3(a) of Public Law 104-91 (as in effect before such repeal), except as provided in subparagraph (B).

(B) Subparagraph (A) shall not limit the authority of the Secretary of Commerce to seek or require financial contribution from any person for costs or fees to clean up any matter that was caused or contributed to by such person on or after March 15, 2000.

(4) CERTAIN RESERVED RIGHTS NOT CONDITIONS.—For purposes of paragraph (2)(C), the following requirements shall not be considered to be conditions on conveyance of property:

(A) Any requirement that a potential transferee must allow the National Oceanic and Atmospheric Administration continued access to the property to conduct environmental monitoring following remediation activities.

(B) Any requirement that a potential transferee must allow the National Oceanic and Atmospheric Administration access to the property to continue the operation, and eventual closure, of treatment facilities.

(C) Any requirement that a potential transferee must comply with institutional controls to ensure that an environmental

cleanup remains protective of human health or the environment that do not unreasonably affect the use of the property.

(D) Valid existing rights in the property, including rights granted by contract, permit, right-of-way, or easement.

(E) The terms of the documents described in subsection (d)(2).

(c) REPEALS.—Effective on the date on which the Secretary of Commerce makes the certification described in subsection (b)(2), the following provisions are repealed:

(1) Section 205 of the Fur Seal Act of 1966 (16 U.S.C. 1165).

(2) Section 3 of Public Law 104-91 (16 U.S.C. 1165 note).

(d) SAVINGS.—

(1) IN GENERAL.—Nothing in this title shall affect any obligation of the Secretary of Commerce, or of any Federal department or agency, under or with respect to any document described in paragraph (2) or with respect to any lands subject to such a document.

(2) DOCUMENTS DESCRIBED.—The documents referred to in paragraph (1) are the following:

(A) The Transfer of Property on the Pribilof Islands: Description, Terms, and Conditions, dated February 10, 1984, between the Secretary of Commerce and various Pribilof Island entities.

(B) The Settlement Agreement between Tanadgusix Corporation and the City of St. Paul, dated January 11, 1988, and approved by the Secretary of Commerce on February 23, 1988.

(C) The Memorandum of Understanding between Tanadgusix Corporation, Tanaq Corporation, and the Secretary of Commerce, dated December 22, 1976.

(e) DEFINITIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the definitions set forth in section 101 of the Fur Seal Act of 1966 (16 U.S.C. 1151) shall apply to this section.

(2) NATIVES OF THE PRIBILOF ISLANDS.—For purposes of this section, the term “Natives of the Pribilof Islands” includes the Tanadgusix Corporation, the St. George Tanaq Corporation, and the city governments and tribal councils of St. Paul and St. George, Alaska.

**SEC. 1007. TECHNICAL AND CLARIFYING AMENDMENTS.**

(a) Section 3 of Public Law 104-91 (16 U.S.C. 1165 note) and the Fur Seal Act of 1966 (16 U.S.C. 1151 et seq.) are amended by—

(1) striking “(d)” and all that follows through the heading for subsection (d) of section 3 of Public Law 104-91 and inserting “**SEC. 212.**”; and

(2) moving and redesignating such subsection so as to appear as section 212 of the Fur Seal Act of 1966.

(b) Section 201 of the Fur Seal Act of 1966 (16 U.S.C. 1161) is amended by striking “on such Islands” and insert “on such property”.

(c) The Fur Seal Act of 1966 (16 U.S.C. 1151 et seq.) is amended by inserting before title I the following:

**“SECTION 1. SHORT TITLE.**

“This Act may be cited as the ‘Fur Seal Act of 1966’.”

**SEC. 1008. AUTHORIZATION OF APPROPRIATIONS.**

Section 3 of Public Law 104-91 (16 U.S.C. 1165 note) is amended—

(1) by striking subsection (f) and inserting the following:

“(f) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There are authorized to be appropriated \$10,000,000 for each of fiscal years 2001, 2002, 2003, 2004, and 2005 for the purposes of carrying out this section.

“(2) LIMITATION.—None of the funds authorized by this subsection may be expended for the purpose of cleaning up or remediating any landfills, wastes, dumps, debris, storage

tanks, property, hazardous or unsafe conditions, or contaminants, including petroleum products and their derivatives, left by the Department of Defense or any of its components on lands on the Pribilof Islands, Alaska.”; and

(2) by adding at the end the following:

“(g) LOW-INTEREST LOAN PROGRAM.—

“(1) CAPITALIZATION OF REVOLVING FUND.—Of amounts authorized under subsection (f) for each of fiscal years 2001, 2002, 2003, 2004, and 2005, the Secretary may provide to the State of Alaska up to \$2,000,000 per fiscal year to capitalize a revolving fund to be used by the State for loans under this subsection.

“(2) LOW-INTEREST LOANS.—The Secretary shall require that any revolving fund established with amounts provided under this subsection shall be used only to provide low-interest loans to Natives of the Pribilof Islands to assess, respond to, remediate, and monitor contamination from lead paint, asbestos, and petroleum from underground storage tanks.

“(3) NATIVES OF THE PRIBILOF ISLANDS DEFINED.—The definitions set forth in section 101 of the Fur Seal Act of 1966 (16 U.S.C. 1151) shall apply to this section, except that the term ‘Natives of the Pribilof Islands’ includes the Tanadgusix and Tanaq Corporations.

“(4) REVERSION OF FUNDS.—Before the Secretary may provide any funds to the State of Alaska under this section, the State of Alaska and the Secretary must agree in writing that, on the last day of fiscal year 2011, and of each fiscal year thereafter until the full amount provided to the State of Alaska by the Secretary under this section has been repaid to the United States, the State of Alaska shall transfer to the Treasury of the United States monies remaining in the revolving fund, including principal and interest paid into the revolving fund as repayment of loans.”

#### TITLE XI—SHARK FINNING

##### SEC. 1101. SHORT TITLE.

This title may be cited as the “Shark Finning Prohibition Act”.

##### SEC. 1102. PURPOSE.

The purpose of this title is to eliminate shark-finning by addressing the problem comprehensively at both the national and international levels.

##### SEC. 1103. PROHIBITION ON REMOVING SHARK FIN AND DISCARDING SHARK CARCASS AT SEA.

Section 307(l) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857(l)) is amended—

(1) by striking “or” after the semicolon in subparagraph (N);

(2) by striking “section 302(j)(7)(A).” in subparagraph (O) and inserting “section 302(j)(7)(A); or”; and

(3) by adding at the end the following:

“(P)(i) to remove any of the fins of a shark (including the tail) and discard the carcass of the shark at sea;

“(ii) to have custody, control, or possession of any such fin aboard a fishing vessel without the corresponding carcass; or

“(iii) to land any such fin without the corresponding carcass.

“For purposes of subparagraph (P) there is a rebuttable presumption that any shark fins landed from a fishing vessel or found on board a fishing vessel were taken, held, or landed in violation of subparagraph (P) if the total weight of shark fins landed or found on board exceeds 5 percent of the total weight of shark carcasses landed or found on board.”

##### SEC. 1104. REGULATIONS.

No later than 180 days after the date of enactment of this Act, the Secretary of Commerce shall promulgate regulations implementing the provisions of section 307(l)(P) of

the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857(1)(P)), as added by section 1103 of this title.

**SEC. 1105. INTERNATIONAL NEGOTIATIONS.**

The Secretary of Commerce, acting through the Secretary of State, shall—

(1) initiate discussions as soon as possible for the purpose of developing bilateral or multilateral agreements with other nations for the prohibition on shark-finning;

(2) initiate discussions as soon as possible with all foreign governments which are engaged in, or which have persons or companies engaged in shark-finning, for the purposes of—

(A) collecting information on the nature and extent of shark-finning by such persons and the landing or transshipment of shark fins through foreign ports; and

(B) entering into bilateral and multilateral treaties with such countries to protect such species;

(3) seek agreements calling for an international ban on shark-finning and other fishing practices adversely affecting these species through the United Nations, the Food and Agriculture Organization's Committee on Fisheries, and appropriate regional fishery management bodies;

(4) initiate the amendment of any existing international treaty for the protection and conservation of species of sharks to which the United States is a party in order to make such treaty consistent with the purposes and policies of this section;

(5) urge other governments involved in fishing for or importation of shark or shark products to fulfill their obligations to collect biological data, such as stock abundance and by-catch levels, as well as trade data, on shark species as called for in the 1995 Resolution on Cooperation with FAO with Regard to Study on the Status of Sharks and By-Catch of Shark Species; and

(6) urge other governments to prepare and submit their respective National Plan of Action for the Conservation and Management of Sharks to the 2001 session of the FAO Committee on Fisheries, as set forth in the International Plan of Action for the Conservation and Management of Sharks.

**SEC. 1106. REPORT TO CONGRESS.**

The Secretary of Commerce, in consultation with the Secretary of State, shall provide to the Congress, by not later than 1 year after the date of enactment of this Act, and every year thereafter, a report which—

(1) includes a list that identifies nations whose vessels conduct shark-finning and details the extent of the international trade in shark fins, including estimates of value and information on harvesting of shark fins, and landings or transshipment of shark fins through foreign ports;

(2) describes the efforts taken to carry out this title, and evaluates the progress of those efforts;

(3) sets forth a plan of action to adopt international measures for the conservation of sharks; and

(4) includes recommendations for measures to ensure that United States actions are consistent with national, international, and regional obligations relating to shark populations, including those listed under the Convention on International Trade in Endangered Species of Wild Flora and Fauna.

**SEC. 1107. RESEARCH.**

The Secretary of Commerce, subject to the availability of appropriations authorized by section 1110, shall establish a research program for Pacific and Atlantic sharks to engage in the following data collection and research:

(1) The collection of data to support stock assessments of shark populations subject to incidental or directed harvesting by com-

mercial vessels, giving priority to species according to vulnerability of the species to fishing gear and fishing mortality, and its population status.

(2) Research to identify fishing gear and practices that prevent or minimize incidental catch of sharks in commercial and recreational fishing.

(3) Research on fishing methods that will ensure maximum likelihood of survival of captured sharks after release.

(4) Research on methods for releasing sharks from fishing gear that minimize risk of injury to fishing vessel operators and crews.

(5) Research on methods to maximize the utilization of, and funding to develop the market for, sharks not taken in violation of a fishing management plan approved under section 303 or of section 307(1)(P) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1853, 1857(1)(P)).

(6) Research on the nature and extent of the harvest of sharks and shark fins by foreign fleets and the international trade in shark fins and other shark products.

**SEC. 1108. WESTERN PACIFIC FISH-ERIES COOPERATIVE RESEARCH PROGRAM.**

The National Marine Fisheries Service, in consultation with the Western Pacific Fisheries Management Council, shall initiate a cooperative research program with the commercial longlining industry to carry out activities consistent with this title, including research described in section 1107 of this title. The service may initiate such shark cooperative research programs upon the request of any other fishery management council.

**SEC. 1109. SHARK-FINNING DEFINED.**

In this title, the term "shark-finning" means the taking of a shark, removing the fin or fins (whether or not including the tail) of a shark, and returning the remainder of the shark to the sea.

**SEC. 1110. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to the Secretary of Commerce for fiscal years 2001 through 2005 such sums as are necessary to carry out this title.

**TITLE XII—JOHN H. PRESCOTT MARINE MAMMAL RESCUE ASSISTANCE GRANT PROGRAM**

**SEC. 1201. SHORT TITLE.**

This title may be cited as the "Marine Mammal Rescue Assistance Act of 2000".

**SEC. 1202. JOHN H. PRESCOTT MARINE MAMMAL RESCUE ASSISTANCE GRANT PROGRAM.**

(a) IN GENERAL.—Title IV of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371 et seq.) is amended—

(1) by redesignating sections 408 and 409 as sections 409 and 410, respectively; and

(2) by inserting after section 407 the following:

**"SEC. 408. JOHN H. PRESCOTT MARINE MAMMAL RESCUE ASSISTANCE GRANT PROGRAM.**

"(a) IN GENERAL.—(1) Subject to the availability of appropriations, the Secretary shall conduct a grant program to be known as the John H. Prescott Marine Mammal Rescue Assistance Grant Program, to provide grants to eligible stranding network participants for the recovery or treatment of marine mammals, the collection of data from living or dead marine mammals for scientific research regarding marine mammal health, and facility operation costs that are directly related to those purposes.

"(2)(A) The Secretary shall ensure that, to the greatest extent practicable, funds provided as grants under this subsection are distributed equitably among the designated stranding regions.

"(B) In determining priorities among such regions, the Secretary may consider—

"(i) any episodic stranding or any mortality event other than an event described in section 410(6), that occurred in any region in the preceding year; and

"(ii) data regarding average annual strandings and mortality events per region.

"(b) APPLICATION.—To receive a grant under this section, a stranding network participant shall submit an application in such form and manner as the Secretary may prescribe.

"(c) CONSULTATION.—The Secretary shall consult with the Marine Mammal Commission, a representative from each of the designated stranding regions, and other individuals who represent public and private organizations that are actively involved in rescue, rehabilitation, release, scientific research, marine conservation, and forensic science regarding stranded marine mammals, regarding the development of criteria for the implementation of the grant program.

"(d) LIMITATION.—The amount of a grant under this section shall not exceed \$100,000.

"(e) MATCHING REQUIREMENT.—

"(1) IN GENERAL.—The non-Federal share of the costs of an activity conducted with a grant under this section shall be 25 percent of such costs.

"(2) IN-KIND CONTRIBUTIONS.—The Secretary may apply to the non-Federal share of an activity conducted with a grant under this section the amount of funds, and the fair market value of property and services, provided by non-Federal sources and used for the activity.

"(f) ADMINISTRATIVE EXPENSES.—Of amounts available each fiscal year to carry out this section, the Secretary may expend not more than 6 percent or \$80,000, whichever is greater, to pay the administrative expenses necessary to carry out this section.

"(g) DEFINITIONS.—In this section:

"(1) DESIGNATED STRANDING REGION.—The term 'designated stranding region' means a geographic region designated by the Secretary for purposes of administration of this title.

"(2) SECRETARY.—The term 'Secretary' has the meaning given that term in section 3(12)(A).

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$5,000,000 for each of fiscal years 2001 through 2003, to remain available until expended, of which—

"(1) \$4,000,000 may be available to the Secretary of Commerce; and

"(2) \$1,000,000 may be available to the Secretary of the Interior."

(b) CONFORMING AMENDMENT.—Section 3(12)(B) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1362(12)(B)) is amended by inserting "(other than section 408)" after "title IV".

(c) CLERICAL AMENDMENT.—The table of contents in the first section of the Marine Mammal Protection Act of 1972 (86 Stat. 1027) is amended by striking the items relating to sections 408 and 409 and inserting the following:

"Sec. 408. John H. Prescott Marine Mammal Rescue Assistance Grant Program.

"Sec. 409. Authorization of appropriations.

"Sec. 410. Definitions."

**SEC. 1203. STUDY OF THE EASTERN GRAY WHALE POPULATION.**

(a) STUDY.—Not later than 180 days after the date of enactment of this Act and subject to the availability of appropriations, the Secretary of Commerce shall initiate a study of the environmental and biological factors responsible for the significant increase in mortality events of the eastern gray whale population.

(b) CONSIDERATION OF WESTERN POPULATION INFORMATION.—The Secretary should ensure that, to the greatest extent practicable, information from current and future studies of the western gray whale population is considered in the study under this section, so as to better understand the dynamics of each population and to test different hypotheses that may lead to an increased understanding of the mechanism driving their respective population dynamics.

(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to other amounts authorized under this title, there are authorized to be appropriated to the Secretary to carry out this section—

- (1) \$290,000 for fiscal year 2001; and
- (2) \$500,000 for each of fiscal years 2002 through 2004.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5086. This bill includes a 5-year reauthorization of the National Marine Sanctuaries Act and miscellaneous fishery reauthorizations.

The sanctuary provisions make minor changes to the designation, monitoring and enforcement sections of the Act. It reinforces the importance of protecting the cultural resources found in sanctuaries, and it establishes a program to honor Dr. Nancy Foster. Dr. Foster was a long-time NOAA employee and former director of the Sanctuary program who recently passed away from a long illness.

This bill also includes three provisions that twice have previously passed the House as part of other legislation. The first allows fishermen to be reimbursed if their vessel is illegally detained or seized by foreign countries. The second establishes the Yukon River Salmon Panel and authorizes projects to restore salmon stocks originating from the Yukon River. The third authorizes the Secretary of Commerce to acquire two fishery survey vessels.

These vessels are one of the most important fishery management tools available to the Federal science. They allow for the collection of much needed scientific data to manage our Nation's resources.

Mr. Speaker, may I say, one of the biggest weaknesses we have in the whole programs of our oceans is the lack of research. H.R. 5086 provides authorization for environmental clean-up in current and formerly owned Federal property on the Pribilof Islands in Alaska, and assistance to help island communities successfully complete the transition from governmental to private ownership.

It also establishes the terms under which NOAA can end its non-marine mammal responsibilities on the Pribilofs.

Other titles within this bill reauthorize marine fisheries stock assessments;

aid to States in managing interjurisdictional and anadromous fisheries; and the extremely successful Atlantic striped bass and Atlantic coastal cooperative fisheries management programs.

Finally, the bill will authorize assistance to West Coast States for salmon habitat restoration projects; give statutory approval to several provisions of the international agreement on joint U.S. and Canadian salmon stocks; and establish a program to assist in marine mammal stranding rescues.

This bill contains key provisions to protect U.S. fish stocks and sensitive areas of the marine environment. These measures are noncontroversial and should be adopted this year. I urge an aye vote on this important conservation legislation.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do not have any substantive concerns with the package of fishery bills included in the amendment to H.R. 5086. In particular, I support the title that would reauthorize the National Marine Sanctuaries program. I am also pleased that this package includes legislation that would outlaw the fishing practice of shark finning.

I am concerned about the disproportionate number of Republican bills that have been included in this package. There is only one Democratic bill and seven Republican bills. I believe that is unfair.

I am also concerned with what this legislation does not include. It does not include a clean bill to reauthorize the Coastal Zone Management Act, especially a reauthorization for State coastal polluted run-off programs. Nor does this package include a clean bill to authorize a comprehensive coral reef conservation program. Passage of these bills has been a priority concern for Democrat Members of this Congress.

I am disappointed that the majority has chosen to schedule this package when they could have just as easily scheduled the fish package that was passed by the other body, H.R. 3417. This package contained virtually all of the bills contained here, but also includes a clean coastal zone management reauthorization and coral reef bills.

Members of the other body have indicated they will not move any package which does not include CZMA in the coral reef bills. Instead of passing legislation today that could be sent to the President for his signature, we are passing a bill that may very well become a dead letter in the other body. I think that is unfortunate in the closing days of this session.

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

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

In response to the gentleman, I would agree to some extent with what he said. The one thing I do and have always felt very strongly is not to be dictated to by the other body. The other body said "take it or leave it" on issues very frankly that are very, very important to me, but we decided what we had to do was get what was best out of what we were able to do, and without any objection on our side or the gentleman's side, to achieve those goals.

I am a little frustrated with the other body, in fact, greatly frustrated, because they waited. These bills had been passed for many, many months, and then they sent us something and said, "Take it or leave it."

This is the House of the people, the United States House of Representatives. It is not the House of Lords. I am going to suggest respectfully that until they recognize that we also have an important role to play in this business of legislation, I am going to do what I think is appropriate for not only the Nation as a whole but the constituents that we all represent.

To have them dictate to us is very offensive to me. I have told them that vocally, and I will tell them that in writing, and I will say it in public. This is the House of the people, not the House of Lords on the other side. So the one way we did what we could do to try to achieve our goals, including the fishermen's protection act, was that the gentleman's and my bill is in this package. That is one of the things in this bill. I cannot get it all because I cannot get it passed from this side of the aisle, either.

So this is the art of trying to achieve the realities. I really worked very hard on this piece of legislation, and hopefully we will see the wisdom of passing this legislation.

Mr. CUNNINGHAM. Mr. Speaker, I rise today to support H.R. 5086. This legislation includes a provision very important to me, the Shark Finning Prohibition Act.

I want to especially thank Chairman SAXTON, Chairman YOUNG, and Ranking Member MILLER for their strong commitment to this legislation and their leadership to stop the barbarous practice of shark finning.

For those unfamiliar with shark finning, it is the distasteful practice of removing of a shark's fins and discarding the carcass into the sea. As an avid sportsman, and as a previous co-chairman of the Congressional Sportsmen's Caucus, I find this practice horrific and wasteful.

Sharks are among the most biologically vulnerable species in the ocean. Their slow growth, late maturity, and small number of offspring leave them exceptionally vulnerable to overfishing and they are slow to recover from practices that contribute to their depletion. At the same time, sharks, as top predators, are essential to maintaining the balance of life in the sea.

My colleagues are well aware of my campaign to stop the wasteful and unsportsmanlike practice of shark finning. This will be the third time that the House has acted on this issue, and the third version of my legislation.

The bill before us today represents a compromise between the House and the Senate. It is important that we pass this legislation today and protect America's fisheries from this terrible practice.

The Shark Finning Prohibition Act bans the wasteful practice of removing a shark's fins and discard the remainder of the shark into the ocean.

The next step in this process is to act internationally. The bill directs the Secretary of State and Secretary of Commerce to work to stop the global shark fin trade. This will require the active engagement of more than 100 countries, and reduction in the demand for shark fins and other shark products. As my resolution from last year stressed, international measures are a critical component of achieving effective shark conservation.

Finally, the bill authorizes a Western Pacific longline fisheries cooperative research program to provide information for shark stock assessments. This includes identifying fishing gear and practices that prevent or minimize incidental catch of sharks and ensure maximum survivorship of released sharks and providing data on the international shark fin trade. This important provision was included at the request of the Senate and represents the best form of compromise and action.

The United States has always been a leader in fisheries conservation and management. This legislation provides us the opportunity to stand on the world stage and demand that other countries take action to stop this wasteful and unsportsmanlike practice.

The Shark Finning Prohibition Act has broad bipartisan support. It is strongly supported by the Ocean Wildlife Campaign, a coalition that includes the Center for Marine Conservation, National Audubon Society, National Coalition for Marine Conservation, Natural Resources Defense Council, Wildlife Conservation Society, and the World Wildlife Fund. In addition, it is supported by the State of Hawaii Office of Hawaiian Affairs, the American Sportfishing Association, the Recreational Fishing Alliance, the Sportfishing Association of California, the Cousteau Society, and the Western Pacific Fisheries Coalition.

Today, we can act to halt the rampant waste resulting from shark finning and solidify our national opposition to this terrible practice. Vote "yes" on H.R. 5086; vote "yes" to prohibit shark finning.

Mr. YOUNG of Alaska. 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 Alaska (Mr. YOUNG) that the House suspend the rules and pass the bill, H.R. 5086, as amended.

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

The title of the bill was amended so as to read:

"A bill to amend the National Marine Sanctuaries Act to honor Dr. Nancy Foster, and for other purposes."

A motion to reconsider was laid on the table.

□

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair must remind all Members that it

is not in order to characterize the Senate or its actions or inactions.

□

#### VICKSBURG CAMPAIGN TRAIL BATTLEFIELDS PRESERVATION ACT OF 1999

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 710) to authorize a feasibility study on the preservation of certain Civil War battlefields along the Vicksburg Campaign Trail.

The Clerk read as follows:

S. 710

*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 "Vicksburg Campaign Trail Battlefields Preservation Act of 1999".

#### SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) 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;

(2) the battlefields along the Vicksburg Campaign Trail are collectively of national significance in the history of the Civil War; and

(3) the preservation of those battlefields would vitally contribute to the understanding of the heritage of the United States.

(b) PURPOSE.—The purpose of this Act is to authorize a feasibility study to determine what measures should be taken to preserve certain Civil War battlefields along the Vicksburg Campaign Trail.

#### SEC. 3. DEFINITIONS.

In this Act:

(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.

#### SEC. 4. FEASIBILITY STUDY.

(a) IN GENERAL.—Not later than 3 years after funds are made available for this Act, the Secretary shall complete a feasibility study to determine what measures should be taken to preserve Civil War battlefields along the Vicksburg Campaign Trail.

(b) COMPONENTS.—In completing the study, the Secretary shall—

(1) 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;

(2) 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—

(A) administers and manages the Civil War battlefields; and

(B) 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;

(3) 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;

(4) 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 Act; and

(5) recommend methods of ensuring continued local involvement and participation in the management, protection, and development of the Civil War battlefields.

(c) 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.

(d) AUTHORIZATION OF APPROPRIATIONS.— There is authorized to be appropriated to carry out this Act \$1,500,000.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 710, introduced by Senator TRENT LOTT from Mississippi, authorizes a feasibility study of the Vicksburg Campaign during the Civil War. The Vicksburg Campaign was one of the most important, decisive events of the Civil War. Vicksburg was the Confederacy's most vital defensive citadel, located on the Mississippi River. Its capture was considered essential to the Union plans to gain control of the Mississippi in 1863.

The fall of Vicksburg effectively split the South in two and gave the North complete control of the Mississippi River.

□ 1415

Clearly, many of the battlefields along the Vicksburg Campaign Trail are of important historical significance and their preservation would contribute to the understanding of the heritage of the United States. Mr. Speaker, S. 710 would authorize a feasibility study on the preservation of many of the Civil War battlefields along the Vicksburg Campaign Trail to determine what measures should be taken to preserve these historical battlefields.

In addition, this bill would authorize the Secretary of the Interior to establish a management entity for Civil War battlefields and to acquire funds and lands for use in managing these battlefields.

Mr. Speaker, I urge members of the House to support S. 710.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

The gentleman from Alaska has quite properly explained this legislation to direct the National Park Service to conduct a feasibility study to explore various options of the preservation of the Vicksburg Campaign Trail, and I urge the support of this legislation.

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

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

The SPEAKER pro tempore (Mr. STEARNS). The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the Senate bill, S. 710.

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

A motion to reconsider was laid on the table.

□

DIRECTING THE SECRETARY OF THE INTERIOR TO ISSUE A PATENT

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1218) to direct the Secretary of the Interior to issue to the Landusky School District, without consideration, a patent for the surface and mineral estates of certain lots, and for other purposes.

The Clerk read as follows:

S. 1218

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That subject to valid existing rights, the Secretary of the Interior shall issue to the Landusky 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.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 1218, a bill to authorize the Secretary of the Interior to issue to the Landusky School District in the State of Montana a patent for the surface and mineral estates of certain lots, totaling 2.06 acres.

Landusky is a small agricultural community in north central Montana. An oversight in the original transfer of land from the Bureau of Land Management did not convey the surface and mineral estates on the two lots that the Landusky Elementary School has now occupied for a lengthy period of time. This legislation corrects that oversight.

Mr. Speaker, S. 1218 was introduced on June 14, 1999, by Senator BURNS. A legislative hearing was held where the assistant director of the Bureau of Land Management testified on behalf of the administration in support of the bill with certain amendments.

Today, we take up a bill fully supported by the administration and the other body. The estimated fair market value of the parcels is only \$30,300. I urge my colleagues to support it.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

The gentleman from Alaska has quite properly explained the legislation. The administration supports this bill, and we have no objections to it.

S. 1218 would direct the Secretary of the Interior to convey, without consideration, the surface and subsurface mineral estates of

about two acres of federal land to the Landusky School District, located in Montana.

According to the Bureau of Land Management (BLM), the school district currently operates and maintains an elementary school and auxiliary school buildings on the land and bears full financial responsibility for the property. The land currently generates no federal receipts, and BLM does not expect the land to generate any significant receipts over the next 10 years.

The administration supports S. 1218. We have no objection to the bill.

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

Mr. YOUNG of Alaska. 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 Alaska (Mr. YOUNG) that the House suspend the rules and pass the Senate bill, S. 1218.

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

A motion to reconsider was laid on the table.

□

LAND AROUND THE CASCADE RESERVOIR

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1778) to provide for equal exchanges of land around the Cascade Reservoir.

The Clerk read as follows:

S. 1778

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

SECTION 1. EXCHANGES OF LAND EXCESS TO CASCADE RESERVOIR RECLAMATION PROJECT.

Section 5 of Public Law 86-92 (73 Stat. 219) is amended by striking subsection (b) and inserting the following:

“(b) LAND EXCHANGES.—

“(1) IN GENERAL.—The Secretary may exchange land of either class described in subsection (a) for non-Federal land of not less than approximately equal value, as determined by an appraisal carried out in accordance with—

“(A) the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.); and

“(B) the publication entitled ‘Uniform Appraisal Standards for Federal Land Acquisitions’, as amended by the Interagency Land Acquisition Conference in consultation with the Department of Justice.

“(2) EQUALIZATION.—If the land exchanged under paragraph (1) is not of equal value, the values shall be equalized by the payment of funds by the Secretary or the grantor, as appropriate, in an amount equal to the amount by which the values of the land differ.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1778 authorizes the Secretary of the Interior to negotiate

land exchanges among willing sellers and willing buyers at Cascade Reservoir in Idaho. Several agricultural easements were reserved within 300 feet of the reservoir at the time the Bureau of Reclamation acquired lands for the reservoir. Now the easement holders and reclamation would like to exchange these easements for other Federal lands in the area. The exchanges would help the parties improve and maintain water quality in the reservoir. All parties have agreed to the exchange.

Mr. Speaker, I urge an "aye" vote on this bill.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

As the gentleman points out, this allows for land exchange around the Cascade Reservoir north of Boise, Idaho. We have no objections to the bill.

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

Mr. YOUNG of Alaska. 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 Alaska (Mr. YOUNG) that the House suspend the rules and pass the Senate bill, S. 1778.

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

A motion to reconsider was laid on the table.

□

#### CONVEYING CERTAIN LAND IN WYOMING

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 610) to direct the Secretary of the Interior to convey certain land under the jurisdiction of the Bureau of Land Management in Washakie County and Big Horn County, Wyoming, to the Westside Irrigation District, Wyoming, and for other purposes.

The Clerk read as follows:

S. 610

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

#### SECTION 1. 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, or cultural resources.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of S. 610, a bill to direct the conveyance of certain BLM lands to the Westside Irrigation District of Wyoming.

Mr. Speaker, S. 610 directs the Secretary of the Interior to convey roughly 37,000 acres of land under the jurisdiction of the Bureau of Land Management in Washakie County and Big Horn County, Wyoming, to the Westside Irrigation District.

In turn, Westside Irrigation District will irrigate these lands and sell them as farmland parcels. Proceeds raised from the land sales will be given to the Secretary of the Interior for the acquisition of the land in the Worland District of the Bureau of Land Management, for the purpose of benefiting public recreation, increasing public access, enhancing fish and wildlife habitat, and improving cultural resources.

In recent years, expanded residential development in Washakie and Big Horn Counties has resulted in key loss to the economy: farmland. This legislation will afford communities an opportunity to retain their economic vitality, while protecting cultural and natural resources and the environment.

I would personally like to congratulate everyone who worked so diligently on this measure. I believe it is a job well done between the Federal agencies of the State and individual landholders. I ask my colleagues to support S. 610.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

As the gentleman has explained, this is an exchange of land or the direct sale of land in Wyoming, and while the administration is concerned that not all of the lands have been identified, we have no objections to the bill at this time, and we urge its passage.

S. 610 (Enzi) is a Senate passed measure that directs the sale of 16,500 acres of public land in Wyoming to the Westside Irrigation District. Mineral estate would remain with the United States.

District required to pay fair market value for the lands.

Prior to any sale there has to be completed an environmental analysis under NEPA.

Bill allows the Secretary and the District to add or subtract lands if necessary to satisfy the mitigation requirements of the NEPA analysis.

Administration had raised a number of concerns with the bill as introduced. While the bill was amended in the Senate to address some of these concerns, the Administration still does not support passage.

Administration concerned that they are required to sell lands that had not been identified for disposal. The lands contain significant paleontological resources and provide important wildlife habitat.

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

Mr. YOUNG of Alaska. 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 Alaska (Mr. YOUNG) that the House suspend the rules and pass the Senate bill, S. 610.

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

A motion to reconsider was laid on the table.

□

#### EXCHANGING CERTAIN LANDS IN WYOMING

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1030) to provide that the conveyance by the Bureau of Land Management of the surface estate to certain land in the State of Wyoming in exchange for certain private land will not result in the removal of the land from operation of the mining laws.

The Clerk read as follows:

S. 1030

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

#### SECTION 1. 60 BAR LAND EXCHANGE.

(a) IN GENERAL.—Sections 2201.1-2(d) and 2091.3-2(c) of title 43 Code of Federal Regulations, shall not apply in the case of the conveyance by the Secretary of the Interior of the land described in subsection (b) in exchange for approximately 9,480 acres of land in Campbell County, Wyoming, pursuant to the terms of the Cow Creek/60 Bar land exchange, WYW-143315.

(b) LAND DESCRIPTION.—The land described in this subsection comprises the following land in Campbell and Johnson Counties, Wyoming:

(1) Approximately 2,960 acres of land in the tract known as the "Bill Barlow Ranch";

(2) Approximately 2,315 acres of land in the tract known as the "T-Chair Ranch";

(3) Approximately 3,948 acres of land in the tract known as the "Bob Christensen Ranch";

(4) Approximately 11,609 acres of land in the tract known as the "John Christensen Ranch".

(c) SEGREGATION FROM ENTRY.—Land acquired by the United States in the exchange under subsection (a) shall be segregated from entry under the mining laws until appropriate land use planning is completed for the land.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 1030, a land exchange bill introduced by Senator ENZI of Wyoming.

This bill exchanges 9,480 acres of private land for approximately 20,000 acres of Federal land managed by the Bureau of Land Management. It is an equal-value exchange. Currently, over 17,000 acres of the public land identified for exchange are completely inaccessible to the public because of surrounding private lands. After the exchange, the resulting block of public land will consist of over 18,660 acres, accessible from a paved highway and located very close to Gillette, Wyoming. The land which will be acquired by the BLM is scenic, recreational land, containing timber, rugged topography, and excellent wildlife habitat.

I would note this land exchange involves the transfer of surface interests only; no mineral interests are involved in the exchange. The BLM will reserve all minerals. The amendment adopted by the Senate at the urging of the administration makes clear that while a land-use plan amendment is prepared for the new Federal surface estate to be acquired, the mineral estate beneath it is segregated from the operation of the mining law.

Passage of this legislation will permit the land exchange to go forward. As a result, it will be a lasting benefit to the citizens of Wyoming and the Federal Government. I urge my colleagues to support S. 1030.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1030, introduced by Senator MIKE ENZI of Wyoming, would require certain lands acquired through exchange in Gillette, Wyoming, to be segregated from entry under the mining laws until appropriate land-use planning is completed for the land. This provision is necessary to override existing laws that would otherwise require the land to be opened up to mining 90 days after the completion of this exchange.

The administration is in support of this legislation. We have no problems.

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

Mr. YOUNG of Alaska. 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 Alaska (Mr. YOUNG) that the House suspend the rules and pass the Senate bill, S. 1030.

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

A motion to reconsider was laid on the table.

□

CONVEYING CERTAIN LAND IN POWELL, WYOMING

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2069) to permit the conveyance of certain land in Powell, Wyoming.

The Clerk read as follows:

S. 2069

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

SECTION 1. ELIMINATION OF PUBLIC PURPOSE CONDITION.

(a) FINDINGS.—Congress finds that—

(1) the parcel of land described in subsection (c) was patented to the town (now City) of Powell, Wyoming, by the United States General Land Office on October 17, 1934, to help establish a town near the Shoshone Irrigation Project;

(2) the land was patented with the condition that it be used forever for a public purpose, as required by section 3 of the Act of April 16, 1906 (43 U.S.C. 566);

(3) the land has been used to house the Powell Volunteer Fire Department, which serves the firefighting and rescue needs of a 577 square mile area in northwestern Wyoming;

(4) the land is located at the corner of U.S. Highway 14 and the main street of the business district of the City;

(5) because of the high traffic flow in the area, the location is no longer safe for the public or for the fire department;

(6) in response to population growth in the area and to National Fire Protection Association regulations, the fire department has purchased new firefighting equipment that is much larger than the existing fire hall can accommodate;

(7) accordingly, the fire department must construct a new fire department facility at a new and safe location;

(8) in order to relocate and construct a new facility, the City must sell the land to assist in financing the new fire department facility; and

(9) the Secretary of the Interior concurs that it is in the public interest to eliminate the public purpose condition to enable the land to be sold for that purpose.

(b) ELIMINATION OF CONDITION.—

(1) WAIVER.—The condition stated in section 3 of the Act of April 16, 1906 (43 U.S.C. 566), that land conveyed under that Act be used forever for a public purpose is waived insofar as the condition applies to the land described in subsection (c).

(2) INSTRUMENTS.—The Secretary of the Interior shall execute and cause to be recorded in the appropriate land records any instruments necessary to evidence the waiver made by paragraph (1).

(c) LAND DESCRIPTION.—The parcel of land described in this subsection is a parcel of land located in Powell, Park County, Wyoming, the legal description of which is as follows:

Lot 23, Block 54, in the original town of Powell, according to the plat recorded in Book 82 of plats, Page 252, according to the

records of the County Clerk and Recorder of Park County, State of Wyoming.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 2069, a bill to permit the conveyance of land in which the fire station in Powell, Wyoming, is located. This bill is necessary because the existing patent contains a requirement that does not allow the city to sell this land and use the proceeds to move the volunteer station to a better, safer location.

The current fire estimation is too small to hold the fire department's new equipment and is located at Powell's busiest intersection. This situation has created a safety issue for both people traveling through Powell, and for the fire department when it goes out on calls. On numerous occasions, the fire department has been caught in traffic and was unable to respond quickly to calls.

This land was originally deeded to the Powell township by the Bureau of Reclamation in 1934 with the stipulation that the land be used in perpetuity for public purposes.

Mr. Speaker, S. 2069 will waive this condition of the patent, thereby allowing the land to be sold and proceeds used to purchase a lot in a better location to serve the needs of the community.

Mr. Speaker, I urge my colleagues to support this bill.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

We do not know what bill this is. The gentleman has explained it. It is not on the calendar that I can see.

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 Alaska (Mr. YOUNG) that the House suspend the rules and pass the Senate bill, S. 2069.

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

A motion to reconsider was laid on the table.

□

CONVEYING CERTAIN LAND TO PARK COUNTY, WYOMING

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1894) to provide for the conveyance of certain land to Park County, Wyoming.

The Clerk read as follows:

S. 1894

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

**SECTION 1. 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 Act:

(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.	<i>Acreage</i>
Section 20, S½SE¼SW¼SE¼A ....	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 de-

posited 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.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 1894, an act to provide for the conveyance of 190 acres of Bureau of Reclamation-administered public lands to Park County, Wyoming, for the appraised fair market value. In the other body, the amendment in the nature of a substitute was adopted to meet the concerns the administration had with the original text.

The General Services Administration will manage the sale of this property, known as the Cody Industrial Area. The Bureau of Reclamation determined in 1996 this parcel is no longer needed for bureau purposes and is suitable for disposal.

Park County is 82 percent federally owned land. Mr. Speaker, S. 1894 will allow the county to encourage economic development by expanding a current industrial park which lies adjacent to this parcel.

Mr. Speaker, S. 1894 is supported by the administration, and I urge my colleagues to support the bill.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1894 provides the conveyance of 190 acres from Park County, Wyoming. Park County will pay the assessed fair market value for the parcel. It is my understanding that the administration has expressed some concerns regarding the fair market value of this parcel, but we do not oppose the bill at this time.

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 Alaska (Mr. YOUNG) that the House suspend the rules and pass the Senate bill, S. 1894.

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

A motion to reconsider was laid on the table.

□

**COAL MARKET COMPETITION ACT OF 2000**

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2300) to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for coal

that may be held by an entity in any 1 State.

The Clerk read as follows:

S. 2300

*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 “Coal Market Competition Act of 2000”.

**SEC. 2. 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 leaseable mineral a limitation on the amount of acreage of Federal leases any 1 producer may hold in any 1 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 leaseable 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. 3. 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”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 2300, the Coal Market Competition Act of 2000. Today, half of our Nation's coal supply comes from the west side of the Mississippi River, where the vast majority of that coal is mined in States with significant Federal ownership of the mineral estate, including the ownership of the coal resource.

□ 1430

The Mineral Leasing Act of 1920, as amended, governs the disposition of the right to mine such coal.

Currently, the act limits an entity to no more than a cumulative total of 100,000 acres nationally under federal coal leases, and no more than 46,080 acres in any one State. Congress has increased coal acreage limitation three times since the passage of the original act, most recently in 1976. But the Statewide limitation has not been changed in 36 years, despite significant changes in the coal mining industry. S. 2300 would increase the acreage limit to 75,000 acres per State and 150,000 acres nationwide.

These changes are necessary if our coal industry is going to remain competitive in the production of energy resource which is so important to domestic energy needs. The Coal Market Competition Act of 2000 will better serve America's energy needs by helping our coal industry plan for the future.

Thus I ask my colleagues to support this legislation.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 2300 would amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for coal that may be held by an entity in any one State.

The administration supports this legislation. CBO estimates, however, that enacting this legislation will not have any significant impact on Federal receipts from coal leaseholders or subsequent payments to the States for their share of those receipts.

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

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

The SPEAKER pro tempore (Mr. STEARNS). The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the Senate bill, S. 2300.

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

A motion to reconsider was laid on the table.

## ARIZONA NATIONAL FOREST IMPROVEMENT ACT OF 1999

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1088) to authorize the Secretary of Agriculture to convey certain administrative sites in national forests in the State of Arizona, to convey certain land to the City of Sedona, Arizona for a wastewater treatment facility, and for other purposes.

The Clerk read as follows:

S. 1088

*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 "Arizona National Forest Improvement Act of 1999".

### SEC. 2. DEFINITIONS.

In this Act:

(1) CITY.—The term "City" means the city of Sedona, Arizona.

(2) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

### SEC. 3. SALE OR EXCHANGE OF ADMINISTRATIVE SITES.

(a) IN GENERAL.—The Secretary may, under such terms and conditions as the Secretary may prescribe, sell or exchange any and all right, title, and interest of the United States in and to the following National Forest System land and administrative sites:

(1) The Camp Verde Administrative Site, comprising approximately 213.60 acres, as depicted on the map entitled "Camp Verde Administrative Site", dated April 12, 1997.

(2) A portion of the Cave Creek Administrative Site, comprising approximately 16 acres, as depicted on the map entitled "Cave Creek Administrative Site", dated May 1, 1997.

(3) The Fredonia Duplex Housing Site, comprising approximately 1.40 acres, and the Fredonia Housing Site, comprising approximately 1.58 acres, as depicted on the map entitled "Fredonia Duplex Dwelling, Fredonia Ranger Dwelling", dated August 28, 1997.

(4) The Groom Creek Administrative Site, comprising approximately 7.88 acres, as depicted on the map entitled "Groom Creek Administrative Site", dated April 29, 1997.

(5) The Payson Administrative Site, comprising approximately 296.43 acres, as depicted on the map entitled "Payson Administrative Site", dated May 1, 1997.

(6) The Sedona Administrative Site, comprising approximately 21.41 acres, as depicted on the map entitled "Sedona Administrative Site", dated April 12, 1997.

(b) CONSIDERATION.—Consideration for a sale or exchange of land under subsection (a) may include the acquisition of land, existing improvements, and improvements constructed to the specifications of the Secretary.

(c) APPLICABLE LAW.—Except as otherwise provided in this section, any sale or exchange of land under subsection (a) shall be subject to the laws (including regulations) applicable to the conveyance and acquisition of land for the National Forest System.

(d) CASH EQUALIZATION.—Notwithstanding any other provision of law, the Secretary may accept a cash equalization payment in excess of 25 percent of the value of any land or administrative site exchanged under subsection (a).

(e) SOLICITATION OF OFFERS.—

(1) IN GENERAL.—The Secretary may solicit offers for the sale or exchange of land under this section on such terms and conditions as the Secretary may prescribe.

(2) REJECTION OF OFFERS.—The Secretary may reject any offer made under this section

if the Secretary determines that the offer is not adequate or not in the public interest.

(f) REVOCATIONS.—Notwithstanding any other provision of law, on conveyance of land by the Secretary under this section, any public order withdrawing the land from any form of appropriation under the public land laws is revoked.

### SEC. 4. CONVEYANCE TO CITY OF SEDONA.

(a) IN GENERAL.—The Secretary may sell to the city of Sedona, Arizona, by quitclaim deed in fee simple, all right, title, and interest of the United States in and to approximately 300 acres of land as depicted on the map in the environmental assessment entitled "Sedona Effluent Management Plan", dated August 1998, for construction of an effluent disposal system in Yavapai County, Arizona.

(b) DESCRIPTION.—A legal description of the land conveyed under subsection (a) shall be available for public inspection in the office of the Chief of the Forest Service, Washington, District of Columbia.

(c) CONSIDERATION.—

(1) FAIR MARKET VALUE.—As consideration for the conveyance of land under subsection (a), the City shall pay to the Secretary an amount equal to the fair market value of the land as determined by an appraisal acceptable to the Secretary and prepared in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions, reduced by the total amount of special use permit fees for wastewater treatment facilities paid by the City to the Forest Service during the period beginning on January 1, 1999, and ending on the earlier of—

(A) the date that is 270 days after the date of enactment of this Act; or

(B) the date on which the full payment is made by the City under paragraph (3)(A) or the date on which first installment payment is made under paragraph (3)(B), depending on the election made by the City under paragraph (3).

(2) COST OF APPRAISAL.—The City shall pay the cost of the appraisal of the land.

(3) PAYMENT.—Payment of the consideration required under paragraph (1) (including any interest payable under paragraph (4)) shall be paid, at the option of the City—

(A) in full not later than 180 days after the date of the conveyance of the land; or

(B) in 7 equal annual installments commencing not later than January 1 of the first year following the date of the conveyance and annually thereafter until the total amount has been paid.

(4) INTEREST RATE.—Any payment due for the conveyance of land under this section shall accrue, beginning on the date of the conveyance, interest at a rate equal to the current (as of the date of the conveyance) market yield on outstanding, marketable obligations of the United States with maturities of 1 year.

(d) RELEASE.—Subject to compliance with all Federal environmental laws by the Secretary before the date of conveyance of land under this section, on conveyance of the land, the City shall agree in writing to hold the United States harmless from any and all claims to the land, including all claims resulting from hazardous materials on the conveyed land.

(e) RIGHT OF REENTRY.—At any time before full payment is made for the conveyance of land under this section, the conveyance shall be subject to a right of reentry in the United States if the Secretary determines that—

(1) the City has not complied with the requirements of this section or the conditions prescribed by the Secretary in the deed of conveyance; or

(2) the conveyed land is not used for disposal of treated effluent or other purposes

related to the construction of an effluent disposal system in Yavapai County, Arizona.

#### SEC. 5. DISPOSITION OF FUNDS.

(a) DEPOSIT OF PROCEEDS.—The Secretary shall deposit the proceeds of a sale or exchange under this Act in the fund established under Public Law 90-171 (16 U.S.C. 484a) (commonly known as the "Sisk Act").

(b) USE OF PROCEEDS.—Funds deposited under subsection (a) shall be available to the Secretary, without further Act of appropriation, for—

(1) the acquisition, construction, or improvement of administrative facilities for the Coconino National Forest, Kaibab National Forest, Prescott National Forest, and Tonto National Forest; or

(2) the acquisition of land and or an interest in land in the State of Arizona.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1088 was introduced by Senator JON KYL. It would allow the Forest Service to consolidate and relocate the administrative facilities in the State of Arizona. It would also allow the Forest Service to convey land at fair market value to the City of Sedona for a much-needed wastewater treatment plant.

Back in May of 1999, the gentleman from Arizona (Mr. STUMP), our esteemed colleague, introduced H.R. 1969 which is the House companion to S. 1088. He worked diligently to see his legislation favorably passed through the subcommittee. However, because we have so few legislative days remaining and the Senate version is ready, in the interest of time, we are here today to consider S. 1088.

Let me close by saying, although this was a House bill originally, I support S. 1088.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Alaska (Mr. YOUNG) properly explained the legislation, S. 1088; and we have no objections to 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 Alaska (Mr. YOUNG) that the House suspend the rules and pass the Senate bill, S. 1088.

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

A motion to reconsider was laid on the table.

□

#### HOOVER DAM MISCELLANEOUS SALES ACT

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the

Senate bill (S. 1275) to authorize the Secretary of the Interior to produce and sell products and to sell publications relating to the Hoover Dam, and to deposit revenues generated from the sales into the Colorado River Dam fund.

The Clerk read as follows:

S. 1275

*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 "Hoover Dam Miscellaneous Sales Act".

#### SEC. 2. FINDINGS.

Congress finds that—

(1) the sale and distribution of general public information about the use of public land and water areas for recreation, fish, wildlife, and other purposes serve significant public benefits;

(2) publications and other materials educate the public and provide general information about Bureau of Reclamation programs and projects;

(3) in 1997, more than 1,000,000 visitors, including 300,000 from foreign countries, toured the Hoover Dam;

(4) hundreds of thousands of additional visitors stopped to view the dam;

(5) visitors often ask to purchase maps, publications, and other items to enhance their experience or serve educational purposes;

(6) in many cases the Bureau of Reclamation is the sole source of those items;

(7) the Bureau is in a unique position to fulfill public requests for those items; and

(8) as a public agency, the Bureau should be responsive to the public by having appropriate items available for sale.

#### SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to authorize the Secretary of the Interior to offer for sale to members of the public that visit the Hoover Dam Visitor Center educational materials and memorabilia; and

(2) to use revenue from those sales to repay the costs relating to construction of the Hoover Dam Visitor Center.

#### SEC. 4. AUTHORITY TO CONDUCT SALES.

With respect to the Hoover Dam, the Secretary of the Interior, acting through the Commissioner of Reclamation, may—

(1) conduct sales of—

(A) materials generated by the Bureau of Reclamation such as posters, maps, brochures, photographs, and similar publications, videotapes, and computer information discs that are related to programs or projects of the Bureau; and

(B) memorabilia and other commemorative items that depict programs or projects of the Bureau;

(2) convert unneeded property or scrap material into Bureau memorabilia for sale purposes; and

(3) enter into agreements with nonprofit organizations, other Federal agencies, State and local governments, and commercial entities for—

(A) the production or sale of items described in paragraphs (1) and (2); and

(B) the sale of publications described in paragraph (1).

#### SEC. 5. COSTS AND REVENUES.

(a) COSTS.—All costs incurred by the Bureau of Reclamation under this Act shall be paid from the Colorado River Dam fund established by section 2 of the Act of December 21, 1928 (43 U.S.C. 617a).

(b) REVENUES.—

(1) USE FOR REPAYMENT OF SALES COSTS.—All revenues collected by the Bureau of Rec-

lamation under this Act shall be credited to the Colorado River Dam fund to remain available, without further Act of appropriation, to pay costs associated with the production and sale of items in accordance with section 4.

(2) USE FOR REPAYMENT OF CONSTRUCTION COSTS.—All revenues collected by the Bureau of Reclamation under this Act that are not needed to pay costs described in paragraph (1) shall be transferred annually to the general fund of the Treasury in repayment of costs relating to construction of the Hoover Dam Visitor Center.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1275 will enable the Bureau of Reclamation to provide visitors to Hoover Dam an opportunity to buy educational materials. It also will allow material removed from the dam during recent rehabilitation work to be used to create memorabilia, otherwise such material would become surplus and require alternate disposal. Sales authorized by this legislation are expected to generate revenues which will reduce the cost overruns incurred in constructing the visitors center.

I urge support of S. 1275.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have no objection to this legislation.

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 Alaska (Mr. YOUNG) that the House suspend the rules and pass the Senate bill, S. 1275.

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

A motion to reconsider was laid on the table.

□

#### COLORADO RIVER BASIN SALINITY CONTROL ACT AMENDMENTS

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1211) to amend the Colorado River Basin Salinity Control Act to authorize additional measures to carry out the control of salinity upstream of Imperial Dam in a cost-effective manner.

The Clerk read as follows:

S. 1211

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

#### SECTION 1. AMENDMENT OF THE COLORADO RIVER BASIN SALINITY CONTROL ACT.

Section 208(c) of the Colorado River Basin Salinity Control Act (43 U.S.C. 1598(c)) is amended—

(1) in the first sentence—

(A) by striking “\$75,000,000 for subsection 202(a)” and inserting “\$175,000,000 for section 202(a)”; and

(B) by striking “paragraph 202(a)(6)” and inserting “paragraph (6) of section 202(a)”; and

(2) in the second sentence, by striking “paragraph 202(a)(6)” and inserting “section 202(a)(6)”.

#### SEC. 2. REPORT.

The Secretary of the Interior shall prepare a report on the status of implementation of the comprehensive program for minimizing salt contributions to the Colorado River from lands administered by the Bureau of Land Management directed by section 203(b)(3) of the Colorado River Basin Salinity Control Act (43 U.S.C. 1593). The report shall provide specific information on individual projects and funding allocation. The report shall be transmitted to the Committee on Energy and Natural Resources and the Committee on Resources of the House of Representatives no later than June 30, 2000.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1211 authorizes an increase in the ceiling of the Salinity Control Program from \$75 million to \$175 million. In addition, the legislation requires the Secretary of the Interior to file a report on the status of the implementation of the program designed to minimize salt entering the Colorado River from Bureau of Land Management lands.

In 1995, the Subcommittee on Water and Power amended the Salinity Control Act and created a pilot program authorizing the Bureau of Reclamation to award up to \$75 million in grants, on a competitive-bid basis, for salinity control projects in the Colorado River Basin. The result of this entrepreneurial initiative has been a substantial drop in the cost per ton of salt removal. This legislation will continue to provide assistance to further reduce the salt content of the Colorado River.

I urge an aye vote on this bill.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge my colleagues to support S. 1211. The Colorado River Basin Salinity Control program is one of the most successful water control programs in the West.

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 Alaska (Mr. YOUNG) that the House suspend the rules and pass the Senate bill, S. 1211.

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

A motion to reconsider was laid on the table.

□

### SAND CREEK MASSACRE NATIONAL HISTORIC SITE ESTABLISHMENT ACT OF 2000

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2950) to authorize the Secretary of the Interior to establish the Sand Creek Massacre National Historic Site in the State of Colorado.

The Clerk read as follows:

S. 2950

*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 “Sand Creek Massacre National Historic Site Establishment Act of 2000”.

#### SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) on November 29, 1864, a peaceful village of Cheyenne and Arapaho Indians under the leadership of Chief Black Kettle, along Sand Creek in southeastern Colorado territory was attacked by approximately 700 volunteer soldiers commanded by Colonel John M. Chivington;

(2) more than 150 Cheyenne and Arapaho were killed in the attack, most of whom were women, children, or elderly;

(3) during the massacre and the following day, the soldiers committed atrocities on the dead before withdrawing from the field;

(4) the site of the Sand Creek Massacre is of great significance to descendants of the victims of the massacre and their respective tribes, for the commemoration of ancestors at the site;

(5) the site is a reminder of the tragic extremes sometimes reached in the 500 years of conflict between Native Americans and people of European and other origins concerning the land that now comprises the United States;

(6) Congress, in enacting the Sand Creek Massacre National Historic Site Study Act of 1998 (Public Law 105-243; 112 Stat. 1579), directed the National Park Service to complete a resources study of the site;

(7) the study completed under that Act—

(A) identified the location and extent of the area in which the massacre took place; and

(B) confirmed the national significance, suitability, and feasibility of, and evaluated management options for, that area, including designation of the site as a unit of the National Park System; and

(8) the study included an evaluation of environmental impacts and preliminary cost estimates for facility development, administration, and necessary land acquisition.

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

(1) to recognize the importance of the Sand Creek Massacre as—

(A) a nationally significant element of frontier military and Native American history; and

(B) a symbol of the struggles of Native American tribes to maintain their way of life on ancestral land;

(2) to authorize, on acquisition of sufficient land, the establishment of the site of the Sand Creek Massacre as a national historic site; and

(3) to provide opportunities for the tribes and the State to be involved in the formulation of general management plans and educational programs for the national historic site.

#### SEC. 3. DEFINITIONS.

In this Act:

(1) DESCENDANT.—The term “descendant” means a member of a tribe, an ancestor of whom was injured or killed in, or otherwise affected by, the Sand Creek Massacre.

(2) MANAGEMENT PLAN.—The term “management plan” means the management plan required to be developed for the site under section 7(a).

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Director of the National Park Service.

(4) SITE.—The term “site” means the Sand Creek Massacre National Historic Site established under section 4(a).

(5) STATE.—The term “State” means the State of Colorado.

(6) TRIBE.—The term “tribe” means—

(A) the Cheyenne and Arapaho Tribes of Oklahoma;

(B) the Northern Cheyenne Tribe; or

(C) the Northern Arapaho Tribe.

#### SEC. 4. ESTABLISHMENT.

(a) IN GENERAL.—

(1) DETERMINATION.—On a determination by the Secretary that land described in subsection (b)(1) containing a sufficient quantity of resources to provide for the preservation, memorialization, commemoration, and interpretation of the Sand Creek Massacre has been acquired by the National Park Service, the Secretary shall establish the Sand Creek Massacre National Historic Site, Colorado.

(2) PUBLICATION.—The Secretary shall publish in the Federal Register a notice of the determination of the Secretary under paragraph (1).

(b) BOUNDARY.—

(1) MAP AND ACREAGE.—The site shall consist of approximately 12,480 acres in Kiowa County, Colorado, the site of the Sand Creek Massacre, as generally depicted on the map entitled, “Sand Creek Massacre Historic Site”, numbered, SAND 80,013 IR, and dated July 1, 2000.

(2) LEGAL DESCRIPTION.—The Secretary shall prepare a legal description of the land and interests in land described in paragraph (1).

(3) PUBLIC AVAILABILITY.—The map prepared under paragraph (1) and the legal description prepared under paragraph (2) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(4) BOUNDARY REVISION.—The Secretary may, as necessary, make minor revisions to the boundary of the site in accordance with section 7(c) of the Land and Water Conservation Act of 1965 (16 U.S.C. 4601-9(c)).

#### SEC. 5. ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall manage the site in accordance with—

(1) this Act;

(2) the Act entitled “An Act to establish a National Park Service, and for other purposes”, approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.);

(3) the Act of August 21, 1935 (16 U.S.C. 461 et seq.); and

(4) other laws generally applicable to management of units of the National Park System.

(b) MANAGEMENT.—The Secretary shall manage the site—

(1) to protect and preserve the site, including—

(A) the topographic features that the Secretary determines are important to the site;

(B) artifacts and other physical remains of the Sand Creek Massacre; and

(C) the cultural landscape of the site, in a manner that preserves, as closely as practicable, the cultural landscape of the site as

it appeared at the time of the Sand Creek Massacre;

(2) (A) to interpret the natural and cultural resource values associated with the site; and (B) provide for public understanding and appreciation of, and preserve for future generations, those values; and

(3) to memorialize, commemorate, and provide information to visitors to the site to—

(A) enhance cultural understanding about the site; and

(B) assist in minimizing the chances of similar incidents in the future.

(C) CONSULTATION AND TRAINING.—

(1) IN GENERAL.—In developing the management plan and preparing educational programs for the public about the site, the Secretary shall consult with and solicit advice and recommendations from the tribes and the State.

(2) AGREEMENTS.—The Secretary may enter into cooperative agreements with the tribes (including boards, committees, enterprises, and traditional leaders of the tribes) and the State to carry out this Act.

#### SEC. 6. ACQUISITION OF PROPERTY.

(a) IN GENERAL.—The Secretary may acquire land and interests in land within the boundaries of the site—

(1) through purchase (including purchase with donated or appropriated funds) only from a willing seller; and

(2) by donation, exchange, or other means, except that any land or interest in land owned by the State (including a political subdivision of the State) may be acquired only by donation.

(b) PRIORITY FOR ACQUISITION.—The Secretary shall give priority to the acquisition of land containing the marker in existence on the date of enactment of this Act, which states “Sand Creek Battleground, November 29 and 30, 1864”, within the boundary of the site.

(c) COST-EFFECTIVENESS.—

(1) IN GENERAL.—In acquiring land for the site, the Secretary, to the maximum extent practicable, shall use cost-effective alternatives to Federal fee ownership, including—

(A) the acquisition of conservation easements; and

(B) other means of acquisition that are consistent with local zoning requirements.

(2) SUPPORT FACILITIES.—A support facility for the site that is not within the designated boundary of the site may be located in Kiowa County, Colorado, subject to an agreement between the Secretary and the Commissioners of Kiowa County, Colorado.

#### SEC. 7. MANAGEMENT PLAN.

(a) IN GENERAL.—Not later than 5 years after the date on which funds are made available to carry out this Act, the Secretary shall prepare a management plan for the site.

(b) INCLUSIONS.—The management plan shall cover, at a minimum—

(1) measures for the preservation of the resources of the site;

(2) requirements for the type and extent of development and use of the site, including, for each development—

(A) the general location;

(B) timing and implementation requirements; and

(C) anticipated costs;

(3) requirements for offsite support facilities in Kiowa County;

(4) identification of, and implementation commitments for, visitor carrying capacities for all areas of the site;

(5) opportunities for involvement by the tribes and the State in the formulation of educational programs for the site; and

(6) opportunities for involvement by the tribes, the State, and other local and national entities in the responsibilities of developing and supporting the site.

#### SEC. 8. NEEDS OF DESCENDANTS.

(a) IN GENERAL.—A descendant shall have reasonable rights of access to, and use of, federally acquired land within the site, in accordance with the terms and conditions of a written agreement between the Secretary and the tribe of which the descendant is a member.

(b) COMMEMORATIVE NEEDS.—In addition to the rights described in subsection (a), any reasonable need of a descendant shall be considered in park planning and operations, especially with respect to commemorative activities in designated areas within the site.

#### SEC. 9. TRIBAL ACCESS FOR TRADITIONAL CULTURAL AND HISTORICAL OBSERVANCE.

(a) ACCESS.—

(1) IN GENERAL.—The Secretary shall grant to any descendant or other member of a tribe reasonable access to federally acquired land within the site for the purpose of carrying out a traditional, cultural, or historical observance.

(2) NO FEE.—The Secretary shall not charge any fee for access granted under paragraph (1).

(b) CONDITIONS OF ACCESS.—In granting access under subsection (a), the Secretary shall temporarily close to the general public one or more specific portions of the site in order to protect the privacy of tribal members engaging in a traditional, cultural, or historical observance in those portions; and any such closure shall be made in a manner that affects the smallest practicable area for the minimum period necessary for the purposes described above.

(c) SAND CREEK REPATRIATION SITE.—

(1) IN GENERAL.—The Secretary shall dedicate a portion of the federally acquired land within the site to the establishment and operation of a site at which certain items referred to in paragraph (2) that are repatriated under the Native American Graves Protection and Repatriation Act (25 U.S.C. 300 et seq.) or any other provision of law may be interred, reinterred, preserved, or otherwise protected.

(2) ACCEPTABLE ITEMS.—The items referred to in paragraph (1) are any items associated with the Sand Creek Massacre, such as—

(A) Native American human remains;

(B) associated funerary objects;

(C) unassociated funerary objects;

(D) sacred objects; and

(E) objects of cultural patrimony.

(d) TRIBAL CONSULTATION.—In exercising any authority under this section, the Secretary shall consult with, and solicit advice and recommendations from, descendants and the tribes.

#### SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 2950, introduced by Senator BEN NIGHTHORSE CAMPBELL from Colorado, establishes the area of Sand Creek Massacre as a National Historic Site. The Sand Creek Massacre remains a matter of great historical, cultural, and spiritual importance to the Cheyenne and Arapaho Tribes, and is a pivotal event in the history of

relations between the Plains Indians and Euro-American settlers.

This piece of legislation also directs the Secretary to develop a site management plan, administer the site as part of the National Park Service, and to prepare programs which educate the public about the site. In addition, S. 2950 would dedicate a portion of the site to certain burial and commemorative remains and objects.

I urge my colleagues to support S. 2950.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we support S. 2950 by Senator CAMPBELL, and we urge its passage.

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 Alaska (Mr. YOUNG) that the House suspend the rules and pass the Senate bill, S. 2950.

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

A motion to reconsider was laid on the table.

□

#### SAINT-GAUDENS NATIONAL HISTORIC SITE BOUNDARY MODIFICATIONS

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1367) to amend the Act which established the Saint-Gaudens National Historic Site, in the State of New Hampshire, by modifying the boundary and for other purposes.

The Clerk read as follows:

S. 1367

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

That 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”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to first thank my esteemed colleague, Senator FRANK MURKOWSKI, for his hard work on this important piece of legislation. Recognition should also go to the gentleman from New Hampshire (Mr.

BASS) for his efforts on a companion House bill. Both of these men are to be congratulated for constructing this commendable piece of legislation.

S. 1367 is a simple bill that would modify the boundary and increase appropriations for the Saint-Gaudens National Historic Site in the State of New Hampshire. Dedicated to the great American sculptor Augustus Saint-Gaudens, this historic site was the first park dedicated to an artist. Authorized in 1964, the site consists of 150 acres of land, 11 historic buildings, 15 acres of wetlands, 2.5 miles of trails, and a large collection of the artist's original artworks.

This is a good bill that will help bring much-needed improvements to one of our Nation's most unique and beautiful national historic sites.

I urge my colleagues to support S. 1367.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we support S. 1367, the boundary changes to Saint-Gaudens National Historic Site.

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 Alaska (Mr. YOUNG) that the House suspend the rules and pass the Senate bill, S. 1367.

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

A motion to reconsider was laid on the table.

□

INDIAN LAND CONSOLIDATION ACT AMENDMENTS OF 2000

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1586) to reduce the fractionated ownership of Indian lands, and for other purposes.

The Clerk read as follows:

S. 1586

*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 "Indian Land Consolidation Act Amendments of 2000".

**TITLE I—INDIAN LAND CONSOLIDATION**

**SEC. 101. FINDINGS.**

Congress finds that—

(1) in the 1800's and early 1900's, the United States sought to assimilate Indian people into the surrounding non-Indian culture by allotting tribal lands to individual members of Indian tribes;

(2) as a result of the allotment Acts and related Federal policies, over 90,000,000 acres of land have passed from tribal ownership;

(3) many trust allotments were taken out of trust status, often without their owners consent;

(4) without restrictions on alienation, allotment owners were subject to exploitation and their allotments were often sold or disposed of without any tangible or enduring benefit to their owners;

(5) the trust periods for trust allotments have been extended indefinitely;

(6) because of the inheritance provisions in the original treaties or allotment Acts, the ownership of many of the trust allotments that have remained in trust status has become fractionated into hundreds or thousands of undivided interests, many of which represent 2 percent or less of the total interests;

(7) Congress has authorized the acquisition of lands in trust for individual Indians, and many of those lands have also become fractionated by subsequent inheritance;

(8) the acquisitions referred to in paragraph (7) continue to be made;

(9) the fractional interests described in this section often provide little or no return to the beneficial owners of those interests and the administrative costs borne by the United States for those interests are inordinately high;

(10) in *Babbitt v. Youpee* (117 S Ct. 727 (1997)), the United States Supreme Court found the application of section 207 of the Indian Land Consolidation Act (25 U.S.C. 2206) to the facts presented in that case to be unconstitutional, forcing the Department of the Interior to address the status of thousands of undivided interests in trust and restricted lands;

(11)(A) on February 19, 1999, the Secretary of Interior issued a Secretarial Order which officially reopened the probate of all estates where an interest in land was ordered to escheat to an Indian tribe pursuant to section 207 of the Indian Land Consolidation Act (25 U.S.C. 2206); and

(B) the Secretarial Order also directed appropriate officials of the Bureau of Indian Affairs to distribute such interests "to the rightful heirs and beneficiaries without regard to 25 U.S.C. 2206";

(12) in the absence of comprehensive remedial legislation, the number of the fractional interests will continue to grow exponentially;

(13) the problem of the fractionation of Indian lands described in this section is the result of a policy of the Federal Government, cannot be solved by Indian tribes, and requires a solution under Federal law.

(14) any devise or inheritance of an interest in trust or restricted Indian lands is a matter of Federal law; and

(15) consistent with the Federal policy of tribal self-determination, the Federal Government should encourage the recognized tribal government that exercises jurisdiction over a reservation to establish a tribal probate code for that reservation.

**SEC. 102. DECLARATION OF POLICY.**

It is the policy of the United States—

(1) to prevent the further fractionation of trust allotments made to Indians;

(2) to consolidate fractional interests and ownership of those interests into usable parcels;

(3) to consolidate fractional interests in a manner that enhances tribal sovereignty;

(4) to promote tribal self-sufficiency and self-determination; and

(5) to reverse the effects of the allotment policy on Indian tribes.

**SEC. 103. AMENDMENTS TO THE INDIAN LAND CONSOLIDATION ACT.**

The Indian Land Consolidation Act (25 U.S.C. 2201 et seq.) is amended—

(1) in section 202—

(A) in paragraph (1), by striking "(1) 'tribe'" and inserting "(1) 'Indian tribe' or 'tribe'";

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

"(2) 'Indian' means any person who is a member of any Indian tribe or is eligible to become a member of any Indian tribe, or any

person who has been found to meet the definition of 'Indian' under a provision of Federal law if the Secretary determines that using such law's definition of Indian is consistent with the purposes of this Act";

(C) by striking "and" at the end of paragraph (3);

(D) by striking the period at the end of paragraph (4) and inserting "; and"; and

(E) by adding at the end the following:

"(5) 'heirs of the first or second degree' means parents, children, grandchildren, grandparents, brothers and sisters of a decedent.";

(2) in section 205—

(A) in the matter preceding paragraph (1)—

(i) by striking "Any Indian" and inserting "(a) IN GENERAL.—Subject to subsection (b), any Indian";

(ii) by striking the colon and inserting the following: ". Interests owned by an Indian tribe in a tract may be included in the computation of the percentage of ownership of the undivided interests in that tract for purposes of determining whether the consent requirement under the preceding sentence has been met.";

(iii) by striking ": Provided, That—"; and inserting the following:

"(b) CONDITIONS APPLICABLE TO PURCHASE.—Subsection (a) applies on the condition that—"

(B) in paragraph (2)—

(i) by striking "If," and inserting "if"; and

(ii) by adding "and" at the end; and

(C) by striking paragraph (3) and inserting the following:

"(3) the approval of the Secretary shall be required for a land sale initiated under this section, except that such approval shall not be required with respect to a land sale transaction initiated by an Indian tribe that has in effect a land consolidation plan that has been approved by the Secretary under section 204.";

(3) by striking section 206 and inserting the following:

**"SEC. 206. TRIBAL PROBATE CODES; ACQUISITIONS OF FRACTIONAL INTERESTS BY TRIBES.**

"(a) TRIBAL PROBATE CODES.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, any Indian tribe may adopt a tribal probate code to govern descent and distribution of trust or restricted lands that are—

"(A) located within that Indian tribe's reservation; or

"(B) otherwise subject to the jurisdiction of that Indian tribe.

"(2) POSSIBLE INCLUSIONS.—A tribal probate code referred to in paragraph (1) may include—

"(A) rules of intestate succession; and

"(B) other tribal probate code provisions that are consistent with Federal law and that promote the policies set forth in section 102 of the Indian Land Consolidation Act Amendments of 2000.

"(3) LIMITATIONS.—The Secretary shall not approve a tribal probate code if such code prevents an Indian person from inheriting an interest in an allotment that was originally allotted to his or her lineal ancestor.

"(b) SECRETARIAL APPROVAL.—

"(1) IN GENERAL.—Any tribal probate code enacted under subsection (a), and any amendment to such a tribal probate code, shall be subject to the approval of the Secretary.

"(2) REVIEW AND APPROVAL.—

"(A) IN GENERAL.—Each Indian tribe that adopts a tribal probate code under subsection (a) shall submit that code to the Secretary for review. Not later than 180 days after a tribal probate code is submitted to

the Secretary under this paragraph, the Secretary shall review and approve or disapprove that tribal probate code.

“(B) CONSEQUENCE OF FAILURES TO APPROVE OR DISAPPROVE A TRIBAL PROBATE CODE.—If the Secretary fails to approve or disapprove a tribal probate code submitted for review under subparagraph (A) by the date specified in that subparagraph, the tribal probate code shall be deemed to have been approved by the Secretary, but only to the extent that the tribal probate code is consistent with Federal law and promotes the policies set forth in section 102 of the Indian Land Consolidation Act Amendments of 2000.

“(C) CONSISTENCY OF TRIBAL PROBATE CODE WITH ACT.—The Secretary may not approve a tribal probate code, or any amendment to such a code, under this paragraph unless the Secretary determines that the tribal probate code promotes the policies set forth in section 102 of the Indian Land Consolidation Act Amendments of 2000.

“(D) EXPLANATION.—If the Secretary disapproves a tribal probate code, or an amendment to such a code, under this paragraph, the Secretary shall include in the notice of disapproval to the Indian tribe a written explanation of the reasons for the disapproval.

“(E) AMENDMENTS.—

“(i) IN GENERAL.—Each Indian tribe that amends a tribal probate code under this paragraph shall submit the amendment to the Secretary for review and approval. Not later than 60 days after receiving an amendment under this subparagraph, the Secretary shall review and approve or disapprove the amendment.

“(ii) CONSEQUENCE OF FAILURE TO APPROVE OR DISAPPROVE AN AMENDMENT.—If the Secretary fails to approve or disapprove an amendment submitted under clause (i), the amendment shall be deemed to have been approved by the Secretary, but only to the extent that the amendment is consistent with Federal law and promotes the policies set forth in section 102 of the Indian Land Consolidation Act of 2000.

“(3) EFFECTIVE DATES.—A tribal probate code approved under paragraph (2) shall become effective on the later of—

“(A) the date specified in section 207(g)(5); or

“(B) 180 days after the date of approval.

“(4) LIMITATIONS.—

“(A) TRIBAL PROBATE CODES.—Each tribal probate code enacted under subsection (a) shall apply only to the estate of a decedent who dies on or after the effective date of the tribal probate code.

“(B) AMENDMENTS TO TRIBAL PROBATE CODES.—With respect to an amendment to a tribal probate code referred to in subparagraph (A), that amendment shall apply only to the estate of a decedent who dies on or after the effective date of the amendment.

“(5) REPEALS.—The repeal of a tribal probate code shall—

“(A) not become effective earlier than the date that is 180 days after the Secretary receives notice of the repeal; and

“(B) apply only to the estate of a decedent who dies on or after the effective date of the repeal.

“(C) AUTHORITY AVAILABLE TO INDIAN TRIBES.—

“(1) IN GENERAL.—If the owner of an interest in trust or restricted land devises an interest in such land to a non-Indian under section 207(a)(6)(A), the Indian tribe that exercises jurisdiction over the parcel of land involved may acquire such interest by paying to the Secretary the fair market value of such interest, as determined by the Secretary on the date of the decedent's death. The Secretary shall transfer such payment to the devisee.

“(2) LIMITATION.—

“(A) IN GENERAL.—Paragraph (1) shall not apply to an interest in trust or restricted land if, while the decedent's estate is pending before the Secretary, the non-Indian devisee renounces the interest in favor of an Indian person.

“(B) RESERVATION OF LIFE ESTATE.—A non-Indian devisee described in subparagraph (A) or a non-Indian devisee described in section 207(a)(6)(B), may retain a life estate in the interest involved, including a life estate to the revenue produced from the interest. The amount of any payment required under paragraph (1) shall be reduced to reflect the value of any life estate reserved by a non-Indian devisee under this subparagraph.

“(3) PAYMENTS.—With respect to payments by an Indian tribe under paragraph (1), the Secretary shall—

“(A) upon the request of the tribe, allow a reasonable period of time, not to exceed 2 years, for the tribe to make payments of amounts due pursuant to paragraph (1); or

“(B) recognize alternative agreed upon exchanges of consideration or extended payment terms between the non-Indian devisee described in paragraph (1) and the tribe in satisfaction of the payment under paragraph (1).

“(d) USE OF PROPOSED FINDINGS BY TRIBAL JUSTICE SYSTEMS.—

“(1) TRIBAL JUSTICE SYSTEM DEFINED.—In this subsection, the term ‘tribal justice system’ has the meaning given that term in section 3 of the Indian Tribal Justice Act (25 U.S.C. 3602).

“(2) REGULATIONS.—The Secretary by regulation may provide for the use of findings of fact and conclusions of law, as rendered by a tribal justice system, as proposed findings of fact and conclusions of law in the adjudication of probate proceedings by the Department of the Interior.”;

(4) by striking section 207 and inserting the following:

“SEC. 207. DESCENT AND DISTRIBUTION.

“(a) TESTAMENTARY DISPOSITION.—

“(1) IN GENERAL.—Interests in trust or restricted land may be devised only to—

“(A) the decedent's Indian spouse or any other Indian person; or

“(B) the Indian tribe with jurisdiction over the land so devised.

“(2) LIFE ESTATE.—Any devise of an interest in trust or restricted land to a non-Indian shall create a life estate with respect to such interest.

“(3) REMAINDER.—

“(A) IN GENERAL.—Except where the remainder from the life estate referred to in paragraph (2) is devised to an Indian, such remainder shall descend to the decedent's Indian spouse or Indian heirs of the first or second degree pursuant to the applicable law of intestate succession.

“(B) DESCENT OF INTERESTS.—If a decedent described in subparagraph (A) has no Indian heirs of the first or second degree, the remainder interest described in such subparagraph shall descend to any of the decedent's collateral heirs of the first or second degree, pursuant to the applicable laws of intestate succession, if on the date of the decedent's death, such heirs were a co-owner of an interest in the parcel of trust or restricted land involved.

“(C) DEFINITION.—For purposes of this section, the term ‘collateral heirs of the first or second degree’ means the brothers, sisters, aunts, uncles, nieces, nephews, and first cousins, of a decedent.

“(4) DESCENT TO TRIBE.—If the remainder interest described in paragraph (3)(A) does not descend to an Indian heir or heirs it shall descend to the Indian tribe that exercises jurisdiction over the parcel of trust or restricted lands involved, subject to paragraph (5).

“(5) ACQUISITION OF INTEREST BY INDIAN CO-OWNERS.—An Indian co-owner of a parcel of trust or restricted land may prevent the descent of an interest in Indian land to an Indian tribe under paragraph (4) by paying into the decedent's estate the fair market value of the interest in such land. If more than 1 Indian co-owner offers to pay for such an interest, the highest bidder shall obtain the interest. If payment is not received before the close of the probate of the decedent's estate, the interest shall descend to the tribe that exercises jurisdiction over the parcel.

“(6) SPECIAL RULE.—

“(A) IN GENERAL.—Notwithstanding paragraph (2), an owner of trust or restricted land who does not have an Indian spouse, Indian lineal descendant, an Indian heir of the first or second degree, or an Indian collateral heir of the first or second degree, may devise his or her interests in such land to any of the decedent's heirs of the first or second degree or collateral heirs of the first or second degree.

“(B) ACQUISITION OF INTEREST BY TRIBE.—An Indian tribe that exercises jurisdiction over an interest in trust or restricted land described in subparagraph (A) may acquire any interest devised to a non-Indian as provided for in section 206(c).

“(b) INTESTATE SUCCESSION.—

“(1) IN GENERAL.—An interest in trust or restricted land shall pass by intestate succession only to a decedent's spouse or heirs of the first or second degree, pursuant to the applicable law of intestate succession.

“(2) LIFE ESTATE.—Notwithstanding paragraph (1), with respect to land described in such paragraph, a non-Indian spouse or non-Indian heirs of the first or second degree shall only receive a life estate in such land.

“(3) DESCENT OF INTERESTS.—If a decedent described in paragraph (1) has no Indian heirs of the first or second degree, the remainder interest from the life estate referred to in paragraph (2) shall descend to any of the decedent's collateral Indian heirs of the first or second degree, pursuant to the applicable laws of intestate succession, if on the date of the decedent's death, such heirs were a co-owner of an interest in the parcel of trust or restricted land involved.

“(4) DESCENT TO TRIBE.—If the remainder interest described in paragraph (3) does not descend to an Indian heir or heirs it shall descend to the Indian tribe that exercises jurisdiction over the parcel of trust or restricted lands involved, subject to paragraph (5).

“(5) ACQUISITION OF INTEREST BY INDIAN CO-OWNERS.—An Indian co-owner of a parcel of trust or restricted land may prevent the descent of an interest in such land for which there is no heir of the first or second degree by paying into the decedent's estate the fair market value of the interest in such land. If more than 1 Indian co-owner makes an offer to pay for such an interest, the highest bidder shall obtain the interest. If no such offer is made, the interest shall descend to the Indian tribe that exercises jurisdiction over the parcel of land involved.

“(c) JOINT TENANCY; RIGHT OF SURVIVORSHIP.—

“(1) TESTATE.—If a testator devises interests in the same parcel of trust or restricted lands to more than 1 person, in the absence of express language in the devise to the contrary, the devise shall be presumed to create joint tenancy with the right of survivorship in the land involved.

“(2) INTESTATE.—

“(A) IN GENERAL.—Any interest in trust or restricted land that—

“(i) passes by intestate succession to more than 1 person, including a remainder interest under subsection (a) or (b) of section 207; and

“(ii) that constitutes 5 percent or more of the undivided interest in a parcel of trust or restricted land;

shall be held as tenancy in common.

“(B) LIMITED INTEREST.—Any interest in trust or restricted land that—

“(i) passes by intestate succession to more than 1 person, including a remainder interest under subsection (a) or (b) of section 207; and  
“(ii) that constitutes less than 5 percent of the undivided interest in a parcel of trust or restricted land;

shall be held by such heirs with the right of survivorship.

“(3) EFFECTIVE DATE.—

“(A) IN GENERAL.—This subsection (other than subparagraph (B)) shall become effective on the later of—

“(i) the date referred to in subsection (g)(5); or

“(ii) the date that is six months after the date on which the Secretary makes the certification required under subparagraph (B).

“(B) CERTIFICATION.—Upon a determination by the Secretary that the Department of the Interior has the capacity, including policies and procedures, to track and manage interests in trust or restricted land held with the right of survivorship, the Secretary shall certify such determination and publish such certification in the Federal Register.

“(d) DESCENT OF OFF-RESERVATION LANDS.—

“(1) INDIAN RESERVATION DEFINED.—For purposes of this subsection, the term ‘Indian reservation’ includes lands located within—

“(A)(i) Oklahoma; and

“(ii) the boundaries of an Indian tribe’s former reservation (as defined and determined by the Secretary);

“(B) the boundaries of any Indian tribe’s current or former reservation; or

“(C) any area where the Secretary is required to provide special assistance or consideration of a tribe’s acquisition of land or interests in land.

“(2) DESCENT.—Except in the State of California, upon the death of an individual holding an interest in trust or restricted lands that are located outside the boundaries of an Indian reservation and that are not subject to the jurisdiction of any Indian tribe, that interest shall descend either—

“(A) by testate or intestate succession in trust to an Indian; or

“(B) in fee status to any other devisees or heirs.

“(e) APPROVAL OF AGREEMENTS.—The official authorized to adjudicate the probate of trust or restricted lands shall have the authority to approve agreements between a decedent’s heirs and devisees to consolidate interests in trust or restricted lands. The agreements referred to in the preceding sentence may include trust or restricted lands that are not a part of the decedent’s estate that is the subject of the probate. The Secretary may promulgate regulations for the implementation of this subsection.

“(f) ESTATE PLANNING ASSISTANCE.—

“(1) IN GENERAL.—The Secretary shall provide estate planning assistance in accordance with this subsection, to the extent amounts are appropriated for such purpose.

“(2) REQUIREMENTS.—The estate planning assistance provided under paragraph (1) shall be designed to—

“(A) inform, advise, and assist Indian landowners with respect to estate planning in order to facilitate the transfer of trust or restricted lands to a devisee or devisees selected by the landowners; and

“(B) assist Indian landowners in accessing information pursuant to section 217(e).

“(3) CONTRACTS.—In carrying out this section, the Secretary may enter into contracts with entities that have expertise in Indian estate planning and tribal probate codes.

“(g) NOTIFICATION TO INDIAN TRIBES AND OWNERS OF TRUST OR RESTRICTED LANDS.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Indian Land Consolidation Act Amendments of 2000, the Secretary shall notify Indian tribes and owners of trust or restricted lands of the amendments made by the Indian Land Consolidation Act Amendments of 2000.

“(2) SPECIFICATIONS.—The notice required under paragraph (1) shall be designed to inform Indian owners of trust or restricted land of—

“(A) the effect of this Act, with emphasis on the effect of the provisions of this section, on the testate disposition and intestate descent of their interests in trust or restricted land; and

“(B) estate planning options available to the owners, including any opportunities for receiving estate planning assistance or advice.

“(3) REQUIREMENTS.—The Secretary shall provide the notice required under paragraph (1)—

“(A) by direct mail for those Indians with interests in trust and restricted lands for which the Secretary has an address for the interest holder;

“(B) through the Federal Register;

“(C) through local newspapers in areas with significant Indian populations, reservation newspapers, and newspapers that are directed at an Indian audience; and

“(D) through any other means determined appropriate by the Secretary.

“(4) CERTIFICATION.—After providing notice under this subsection, the Secretary shall certify that the requirements of this subsection have been met and shall publish notice of such certification in the Federal Register.

“(5) EFFECTIVE DATE.—The provisions of this section shall not apply to the estate of an individual who dies prior to the day that is 365 days after the Secretary makes the certification required under paragraph (4).”;

(5) in section 208, by striking “section 206” and inserting “subsections (a) and (b) of section 206”;

(6) by adding at the end the following:  
“SEC. 213. PILOT PROGRAM FOR THE ACQUISITION OF FRACTIONAL INTERESTS.

“(a) ACQUISITION BY SECRETARY.—

“(1) IN GENERAL.—The Secretary may acquire, at the discretion of the Secretary and with the consent of the owner, and at fair market value, any fractional interest in trust or restricted lands.

“(2) AUTHORITY OF SECRETARY.—

“(A) IN GENERAL.—The Secretary shall have the authority to acquire interests in trust or restricted lands under this section during the 3-year period beginning on the date of certification that is referred to in section 207(g)(5).

“(B) REQUIRED REPORT.—Prior to expiration of the authority provided for in subparagraph (A), the Secretary shall submit the report required under section 218 concerning whether the program to acquire fractional interests should be extended or altered to make resources available to Indian tribes and individual Indian landowners.

“(3) INTERESTS HELD IN TRUST.—Subject to section 214, the Secretary shall immediately hold interests acquired under this Act in trust for the recognized tribal government that exercises jurisdiction over the land involved.

“(b) REQUIREMENTS.—In implementing subsection (a), the Secretary—

“(1) shall promote the policies provided for in section 102 of the Indian Land Consolidation Act Amendments of 2000;

“(2) may give priority to the acquisition of fractional interests representing 2 percent or less of a parcel of trust or restricted land, especially those interests that would have escheated to a tribe but for the Supreme

Court’s decision in *Babbitt v. Youpee*, (117 S. Ct. 727 (1997));

“(3) to the extent practicable—

“(A) shall consult with the tribal government that exercises jurisdiction over the land involved in determining which tracts to acquire on a reservation;

“(B) shall coordinate the acquisition activities with the acquisition program of the tribal government that exercises jurisdiction over the land involved, including a tribal land consolidation plan approved pursuant to section 204; and

“(C) may enter into agreements (such agreements will not be subject to the provisions of the Indian Self-Determination and Education Assistance Act of 1974) with the tribal government that exercises jurisdiction over the land involved or a subordinate entity of the tribal government to carry out some or all of the Secretary’s land acquisition program; and

“(4) shall minimize the administrative costs associated with the land acquisition program.

“(c) SALE OF INTEREST TO INDIAN LANDOWNERS.—

“(1) CONVEYANCE AT REQUEST.—

“(A) IN GENERAL.—At the request of any Indian who owns at least 5 percent of the undivided interest in a parcel of trust or restricted land, the Secretary shall convey an interest acquired under this section to the Indian landowner upon payment by the Indian landowner of the amount paid for the interest by the Secretary.

“(B) LIMITATION.—With respect to a conveyance under this subsection, the Secretary shall not approve an application to terminate the trust status or remove the restrictions of such an interest.

“(2) MULTIPLE OWNERS.—If more than one Indian owner requests an interest under (1), the Secretary shall convey the interest to the Indian owner who owns the largest percentage of the undivided interest in the parcel of trust or restricted land involved.

“(3) LIMITATION.—If an Indian tribe that has jurisdiction over a parcel of trust or restricted land owns 10 percent or more of the undivided interests in a parcel of such land, such interest may only be acquired under paragraph (1) with the consent of such Indian tribe.

“SEC. 214. ADMINISTRATION OF ACQUIRED FRACTIONAL INTERESTS, DISPOSITION OF PROCEEDS.

“(a) IN GENERAL.—Subject to the conditions described in subsection (b)(1), an Indian tribe receiving a fractional interest under section 213 may, as a tenant in common with the other owners of the trust or restricted lands, lease the interest, sell the resources, consent to the granting of rights-of-way, or engage in any other transaction affecting the trust or restricted land authorized by law.

“(b) CONDITIONS.—

“(1) IN GENERAL.—The conditions described in this paragraph are as follows:

“(A) Until the purchase price paid by the Secretary for an interest referred to in subsection (a) has been recovered, or until the Secretary makes any of the findings under paragraph (2)(A), any lease, resource sale contract, right-of-way, or other document evidencing a transaction affecting the interest shall contain a clause providing that all revenue derived from the interest shall be paid to the Secretary.

“(B) Subject to subparagraph (C), the Secretary shall deposit any revenue derived under subparagraph (A) into the Acquisition Fund created under section 216.

“(C) The Secretary shall deposit any revenue that is paid under subparagraph (A) that is in excess of the purchase price of the fractional interest involved to the credit of

the Indian tribe that receives the fractional interest under section 213 and the tribe shall have access to such funds in the same manner as other funds paid to the Secretary for the use of lands held in trust for the tribe.

“(D) Notwithstanding any other provision of law, including section 16 of the Act of June 18, 1934 (commonly referred to as the ‘Indian Reorganization Act’) (48 Stat. 987, chapter 576; 25 U.S.C. 476), with respect to any interest acquired by the Secretary under section 213, the Secretary may approve a transaction covered under this section on behalf of a tribe until—

“(i) the Secretary makes any of the findings under paragraph (2)(A); or

“(ii) an amount equal to the purchase price of that interest has been paid into the Acquisition Fund created under section 216.

“(2) EXCEPTION.—Paragraph (1)(A) shall not apply to any revenue derived from an interest in a parcel of land acquired by the Secretary under section 213 after—

“(A) the Secretary makes a finding that—

“(i) the costs of administering the interest will equal or exceed the projected revenues for the parcel involved;

“(ii) in the discretion of the Secretary, it will take an unreasonable period of time for the parcel to generate revenue that equals the purchase price paid for the interest; or

“(iii) a subsequent decrease in the value of land or commodities associated with the land make it likely that the interest will be unable to generate revenue that equals the purchase price paid for the interest in a reasonable time; or

“(B) an amount equal to the purchase price of that interest in land has been paid into the Acquisition Fund created under section 216.

“(c) TRIBE NOT TREATED AS PARTY TO LEASE; NO EFFECT ON TRIBAL SOVEREIGNTY, IMMUNITY.—

“(1) IN GENERAL.—Paragraph (2) shall apply with respect to any undivided interest in allotted land held by the Secretary in trust for a tribe if a lease or agreement under subsection (a) is otherwise applicable to such undivided interest by reason of this section even though the Indian tribe did not consent to the lease or agreement.

“(2) APPLICATION OF LEASE.—The lease or agreement described in paragraph (1) shall apply to the portion of the undivided interest in allotted land described in such paragraph (including entitlement of the Indian tribe to payment under the lease or agreement), and the Indian tribe shall not be treated as being a party to the lease or agreement. Nothing in this section (or in the lease or agreement) shall be construed to affect the sovereignty of the Indian tribe.

**“SEC. 215. ESTABLISHING FAIR MARKET VALUE.**

“For purposes of this Act, the Secretary may develop a system for establishing the fair market value of various types of lands and improvements. Such a system may include determinations of fair market value based on appropriate geographic units as determined by the Secretary. Such system may govern the amounts offered for the purchase of interests in trust or restricted lands under section 213.

**“SEC. 216. ACQUISITION FUND.**

“(a) IN GENERAL.—The Secretary shall establish an Acquisition Fund to—

“(1) disburse appropriations authorized to accomplish the purposes of section 213; and

“(2) collect all revenues received from the lease, permit, or sale of resources from interests in trust or restricted lands transferred to Indian tribes by the Secretary under section 213 or paid by Indian landowners under section 213(c).

“(b) DEPOSITS; USE.—

“(1) IN GENERAL.—Subject to paragraph (2), all proceeds from leases, permits, or resource

sales derived from an interest in trust or restricted lands described in subsection (a)(2) shall—

“(A) be deposited in the Acquisition Fund; and

“(B) as specified in advance in appropriations Acts, be available for the purpose of acquiring additional fractional interests in trust or restricted lands.

“(2) MAXIMUM DEPOSITS OF PROCEEDS.—With respect to the deposit of proceeds derived from an interest under paragraph (1), the aggregate amount deposited under that paragraph shall not exceed the purchase price of that interest under section 213.

**“SEC. 217. TRUST AND RESTRICTED LAND TRANSACTIONS.**

“(a) POLICY.—It is the policy of the United States to encourage and assist the consolidation of land ownership through transactions—

“(1) involving individual Indians;

“(2) between Indians and the tribal government that exercises jurisdiction over the land; or

“(3) between individuals who own an interest in trust and restricted land who wish to convey that interest to an Indian or the tribal government that exercises jurisdiction over the parcel of land involved;

in a manner consistent with the policy of maintaining the trust status of allotted lands. Nothing in this section shall be construed to apply to or to authorize the sale of trust or restricted lands to a person who is not an Indian.

“(b) SALES, EXCHANGES AND GIFT DEEDS BETWEEN INDIANS AND BETWEEN INDIANS AND INDIAN TRIBES.—

“(1) IN GENERAL.—

“(A) ESTIMATE OF VALUE.—Notwithstanding any other provision of law and only after the Indian selling, exchanging, or conveying by gift deed for no or nominal consideration an interest in land, has been provided with an estimate of the value of the interest of the Indian pursuant to this section—

“(i) the sale or exchange or conveyance of an interest in trust or restricted land may be made for an amount that is less than the fair market value of that interest; and

“(ii) the approval of a transaction that is in compliance with this section shall not constitute a breach of trust by the Secretary.

“(B) WAIVER OF REQUIREMENT.—The requirement for an estimate of value under subparagraph (A) may be waived in writing by an Indian selling, exchanging, or conveying by gift deed for no or nominal consideration an interest in land with an Indian person who is the owner's spouse, brother, sister, lineal ancestor of Indian blood, lineal descendant, or collateral heir.

“(2) LIMITATION.—For a period of 5 years after the Secretary approves a conveyance pursuant to this subsection, the Secretary shall not approve an application to terminate the trust status or remove the restrictions of such an interest.

“(c) ACQUISITION OF INTEREST BY SECRETARY.—An Indian, or the recognized tribal government of a reservation, in possession of an interest in trust or restricted lands, at least a portion of which is in trust or restricted status on the date of enactment of the Indian Land Consolidation Act Amendments of 2000 and located within a reservation, may request that the interest be taken into trust by the Secretary. Upon such a request, the Secretary shall forthwith take such interest into trust.

“(d) STATUS OF LANDS.—The sale, exchange, or conveyance by gift deed for no or nominal consideration of an interest in trust or restricted land under this section shall

not affect the status of that land as trust or restricted land.

“(e) LAND OWNERSHIP INFORMATION.—Notwithstanding any other provision of law, the names and mailing addresses of the Indian owners of trust or restricted lands, and information on the location of the parcel and the percentage of undivided interest owned by each individual, or of any interest in trust or restricted lands, shall, upon written request, be made available to—

“(1) other Indian owners of interests in trust or restricted lands within the same reservation;

“(2) the tribe that exercises jurisdiction over the land where the parcel is located or any person who is eligible for membership in that tribe; and

“(3) prospective applicants for the leasing, use, or consolidation of such trust or restricted land or the interest in trust or restricted lands.

“(f) NOTICE TO INDIAN TRIBE.—After the expiration of the limitation period provided for in subsection (b)(2) and prior to considering an Indian application to terminate the trust status or to remove the restrictions on alienation from trust or restricted land sold, exchanged or otherwise conveyed under this section, the Indian tribe that exercises jurisdiction over the parcel of such land shall be notified of the application and given the opportunity to match the purchase price that has been offered for the trust or restricted land involved.

**“SEC. 218. REPORTS TO CONGRESS.**

“(a) IN GENERAL.—Prior to expiration of the authority provided for in section 213(a)(2)(A), the Secretary, after consultation with Indian tribes and other interested parties, shall submit to the Committee on Indian Affairs and the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report that indicates, for the period covered by the report—

“(1) the number of fractional interests in trust or restricted lands acquired; and

“(2) the impact of the resulting reduction in the number of such fractional interests on the financial and realty recordkeeping systems of the Bureau of Indian Affairs.

“(b) REPORT.—The reports described in subsection (a) and section 213(a) shall contain findings as to whether the program under this Act to acquire fractional interests in trust or restricted lands should be extended and whether such program should be altered to make resources available to Indian tribes and individual Indian landowners.

**“SEC. 219. APPROVAL OF LEASES, RIGHTS-OF-WAY, AND SALES OF NATURAL RESOURCES.**

“(a) APPROVAL BY THE SECRETARY.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may approve any lease or agreement that affects individually owned allotted land or any other land held in trust or restricted status by the Secretary on behalf of an Indian, if—

“(A) the owners of not less than the applicable percentage (determined under subsection (b)) of the undivided interest in the allotted land that is covered by the lease or agreement consent in writing to the lease or agreement; and

“(B) the Secretary determines that approving the lease or agreement is in the best interest of the owners of the undivided interest in the allotted land.

“(2) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to apply to leases involving coal or uranium.

“(3) DEFINITION.—In this section, the term ‘allotted land’ includes any land held in trust or restricted status by the Secretary on behalf of one or more Indians.

“(b) APPLICABLE PERCENTAGE.—

“(1) PERCENTAGE INTEREST.—The applicable percentage referred to in subsection (a)(1) shall be determined as follows:

“(A) If there are 5 or fewer owners of the undivided interest in the allotted land, the applicable percentage shall be 100 percent.

“(B) If there are more than 5 such owners, but fewer than 11 such owners, the applicable percentage shall be 80 percent.

“(C) If there are more than 10 such owners, but fewer than 20 such owners, the applicable percentage shall be 60 percent.

“(D) If there are 20 or more such owners, the applicable percentage shall be a majority of the interests in the allotted land.

“(2) DETERMINATION OF OWNERS.—

“(A) IN GENERAL.—For purposes of this subsection, in determining the number of owners of, and their interests in, the undivided interest in the allotted land with respect to a lease or agreement, the Secretary shall make such determination based on the records of the Department of the Interior that identify the owners of such lands and their interests and the number of owners of such land on the date on which the lease or agreement involved is submitted to the Secretary under this section.

“(B) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) shall be construed to authorize the Secretary to treat an Indian tribe as the owner of an interest in allotted land that did not escheat to the tribe pursuant to section 207 as a result of the Supreme Court’s decision in *Babbitt v. Youpee*, (117 S. Ct. 727 (1997)).

“(c) AUTHORITY OF SECRETARY TO SIGN LEASE OR AGREEMENT ON BEHALF OF CERTAIN OWNERS.—The Secretary may give written consent to a lease or agreement under subsection (a)—

“(1) on behalf of the individual Indian owner if the owner is deceased and the heirs to, or devisees of, the interest of the deceased owner have not been determined; or

“(2) on behalf of any heir or devisee referred to in paragraph (1) if the heir or devisee has been determined but cannot be located

“(d) EFFECT OF APPROVAL.—

“(1) APPLICATION TO ALL PARTIES.—

“(A) IN GENERAL.—Subject to paragraph (2), a lease or agreement approved by the Secretary under subsection (a) shall be binding on the parties described in subparagraph (B), to the same extent as if all of the owners of the undivided interest in allotted land covered under the lease or agreement consented to the lease or agreement.

“(B) DESCRIPTION OF PARTIES.—The parties referred to in subparagraph (A) are—

“(i) the owners of the undivided interest in the allotted land covered under the lease or agreement referred to in such subparagraph; and

“(ii) all other parties to the lease or agreement.

“(2) TRIBE NOT TREATED AS PARTY TO LEASE; NO EFFECT ON TRIBAL SOVEREIGNTY, IMMUNITY.—

“(A) IN GENERAL.—Subparagraph (B) shall apply with respect to any undivided interest in allotted land held by the Secretary in trust for a tribe if a lease or agreement under subsection (a) is otherwise applicable to such undivided interest by reason of this section even though the Indian tribe did not consent to the lease or agreement.

“(B) APPLICATION OF LEASE.—The lease or agreement described in subparagraph (A) shall apply to the portion of the undivided interest in allotted land described in such paragraph (including entitlement of the Indian tribe to payment under the lease or agreement), and the Indian tribe shall not be treated as being a party to the lease or agreement. Nothing in this section (or in the

lease or agreement) shall be construed to affect the sovereignty of the Indian tribe.

“(e) DISTRIBUTION OF PROCEEDS.—

“(1) IN GENERAL.—The proceeds derived from a lease or agreement that is approved by the Secretary under subsection (a) shall be distributed to all owners of undivided interest in the allotted land covered under the lease or agreement.

“(2) DETERMINATION OF AMOUNTS DISTRIBUTED.—The amount of the proceeds under paragraph (1) that are distributed to each owner under that paragraph shall be determined in accordance with the portion of the undivided interest in the allotted land covered under the lease or agreement that is owned by that owner.

“(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to amend or modify the provisions of Public Law 105-188 (25 U.S.C. 396 note), the American Indian Agricultural Resources Management Act (25 U.S.C. 3701 et seq.), title II of the Indian Land Consolidation Act Amendments of 2000, or any other Act that provides specific standards for the percentage of ownership interest that must approve a lease or agreement on a specified reservation.

“SEC. 220. APPLICATION TO ALASKA.

“(a) FINDINGS.—Congress find that—

“(1) numerous academic and governmental organizations have studied the nature and extent of fractionated ownership of Indian land outside of Alaska and have proposed solutions to this problem; and

“(2) despite these studies, there has not been a comparable effort to analyze the problem, if any, of fractionated ownership in Alaska.

“(b) APPLICATION OF ACT TO ALASKA.—Except as provided in this section, this Act shall not apply to land located within Alaska.

“(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to constitute a ratification of any determination by any agency, instrumentality, or court of the United States that may support the assertion of tribal jurisdiction over allotment lands or interests in such land in Alaska.”.

SEC. 104. JUDICIAL REVIEW.

Notwithstanding section 207(g)(5) of the Indian Land Consolidation Act (25 U.S.C. 2206(f)(5)), after the Secretary of Interior provides the certification required under section 207(g)(4) of such Act, the owner of an interest in trust or restricted land may bring an administrative action to challenge the application of such section 207 to the devise or descent of his or her interest or interests in trust or restricted lands, and may seek judicial review of the final decision of the Secretary of Interior with respect to such challenge.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated not to exceed \$8,000,000 for fiscal year 2001 and each subsequent fiscal year to carry out the provisions of this title (and the amendments made by this title) that are not otherwise funded under the authority provided for in any other provision of Federal law.

SEC. 106. CONFORMING AMENDMENTS.

(a) PATENTS HELD IN TRUST.—The Act of February 8, 1887 (24 Stat. 388) is amended—

(1) by repealing sections 1, 2, and 3 (25 U.S.C. 331, 332, and 333); and

(2) in the second proviso of section 5 (25 U.S.C. 348)—

(A) by striking “and partition”; and

(B) by striking “except” and inserting “except as provided by the Indian Land Consolidation Act or a tribal probate code approved under such Act and except”.

(b) ASCERTAINMENT OF HEIRS AND DISPOSAL OF ALLOTMENTS.—The Act of June 25, 1910 (36 Stat. 855) is amended—

(1) in the first sentence of section 1 (25 U.S.C. 372), by striking “under” and inserting “under the Indian Land Consolidation Act or a tribal probate code approved under such Act and pursuant to”; and

(2) in the first sentence of section 2 (25 U.S.C. 373), by striking “with regulations” and inserting “with the Indian Land Consolidation Act or a tribal probate code approved under such Act and regulations”.

(c) TRANSFER OF LANDS.—Section 4 of the Act of June 18, 1934 (25 U.S.C. 464) is amended by striking “member or:” and inserting “member or, except as provided by the Indian Land Consolidation Act,”.

## TITLE II—LEASES OF NAVAJO INDIAN ALLOTTED LANDS

### SEC. 201. LEASES OF NAVAJO INDIAN ALLOTTED LANDS.

(a) DEFINITIONS.—In this section:

(1) INDIAN TRIBE.—The term “Indian tribe” has the meaning given the term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(2) INDIVIDUALLY OWNED NAVAJO INDIAN ALLOTTED LAND.—The term “individually owned Navajo Indian allotted land” means Navajo Indian allotted land that is owned in whole or in part by 1 or more individuals.

(3) NAVAJO INDIAN.—The term “Navajo Indian” means a member of the Navajo Nation.

(4) NAVAJO INDIAN ALLOTTED LAND.—The term “Navajo Indian allotted land” means a single parcel of land that—

(A) is located within the jurisdiction of the Navajo Nation; and

(B)(i) is held in trust or restricted status by the United States for the benefit of Navajo Indians or members of another Indian tribe; and

(ii) was—

(I) allotted to a Navajo Indian; or

(II) taken into trust or restricted status by the United States for a Navajo Indian.

(5) OWNER.—The term “owner” means, in the case of any interest in land described in paragraph (4)(B)(i), the beneficial owner of the interest.

(6) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(b) APPROVAL BY THE SECRETARY.—

(1) IN GENERAL.—The Secretary may approve an oil or gas lease or agreement that affects individually owned Navajo Indian allotted land, if—

(A) the owners of not less than the applicable percentage (determined under paragraph (2)) of the undivided interest in the Navajo Indian allotted land that is covered by the oil or gas lease or agreement consent in writing to the lease or agreement; and

(B) the Secretary determines that approving the lease or agreement is in the best interest of the owners of the undivided interest in the Navajo Indian allotted land.

(2) PERCENTAGE INTEREST.—The applicable percentage referred to in paragraph (1)(A) shall be determined as follows:

(A) If there are 10 or fewer owners of the undivided interest in the Navajo Indian allotted land, the applicable percentage shall be 100 percent.

(B) If there are more than 10 such owners, but fewer than 51 such owners, the applicable percentage shall be 80 percent.

(C) If there are 51 or more such owners, the applicable percentage shall be 60 percent.

(3) AUTHORITY OF SECRETARY TO SIGN LEASE OR AGREEMENT ON BEHALF OF CERTAIN OWNERS.—The Secretary may give written consent to an oil or gas lease or agreement under paragraph (1) on behalf of an individual Indian owner if—

(A) the owner is deceased and the heirs to, or devisees of, the interest of the deceased owner have not been determined; or

(B) the heirs or devisees referred to in subparagraph (A) have been determined, but 1 or

more of the heirs or devisees cannot be located.

(4) EFFECT OF APPROVAL.—

(A) APPLICATION TO ALL PARTIES.—

(i) IN GENERAL.—Subject to subparagraph (B), an oil or gas lease or agreement approved by the Secretary under paragraph (1) shall be binding on the parties described in clause (ii), to the same extent as if all of the owners of the undivided interest in Navajo Indian allotted land covered under the lease or agreement consented to the lease or agreement.

(ii) DESCRIPTION OF PARTIES.—The parties referred to in clause (i) are—

(I) the owners of the undivided interest in the Navajo Indian allotted land covered under the lease or agreement referred to in clause (i); and

(II) all other parties to the lease or agreement.

(B) EFFECT ON INDIAN TRIBE.—If—

(i) an Indian tribe is the owner of a portion of an undivided interest in Navajo Indian allotted land; and

(ii) an oil or gas lease or agreement under paragraph (1) is otherwise applicable to such portion by reason of this subsection even though the Indian tribe did not consent to the lease or agreement,

then the lease or agreement shall apply to such portion of the undivided interest (including entitlement of the Indian tribe to payment under the lease or agreement), but the Indian tribe shall not be treated as a party to the lease or agreement and nothing in this subsection (or in the lease or agreement) shall be construed to affect the sovereignty of the Indian tribe.

(5) DISTRIBUTION OF PROCEEDS.—

(A) IN GENERAL.—The proceeds derived from an oil or gas lease or agreement that is approved by the Secretary under paragraph (1) shall be distributed to all owners of the undivided interest in the Navajo Indian allotted land covered under the lease or agreement.

(B) DETERMINATION OF AMOUNTS DISTRIBUTED.—The amount of the proceeds under subparagraph (A) distributed to each owner under that subparagraph shall be determined in accordance with the portion of the undivided interest in the Navajo Indian allotted land covered under the lease or agreement that is owned by that owner.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1586, the proposed Indian Land Consolidation Act Amendments of 2000, would reduce the fractionated ownership of Indian trust lands.

Fractionated ownership describes the division of ownership of a parcel of land among a large number of individuals. This has become a significant problem as Indian owners have died without wills and the undivided ownership of those parcels has passed to multiple heirs. In many instances, parcels of lands are owned by several hundred individuals, some of whom are unaccounted for and cannot be located.

The administration of these lands by the Federal Government has become

very expensive and extremely complicated.

The Indian Lands Consolidation Act has been amended on various occasions. Unfortunately, the Supreme Court has found a portion of the 1928 act to be unconstitutional.

S. 1586 is intended to prevent further fractionation of Indian trust lands, consolidate fractionated interests, and vest beneficial title to fractionated lands in tribes.

It allows tribes to adopt their own probate codes and to probate the estates of their members in their tribal courts.

S. 1586 would also add new sections to create a pilot program for the acquisition of fractional interests. These provisions are intended to compliment the pilot program started in 1994 to solicit input on how to address land fractionation. S. 1586 requires the Secretary to continue this project for 3 years and then report to Congress on the feasibility of expanding the program.

Mr. Speaker, may I say this is an issue that has caused great concern. I have had calls from Secretary Babbitt and this administration and previous administrations that support this legislation because it is very nearly impossible for the agency, the BIA, or any form of the Interior Department to manage these fractionated lands. Consequently, there are many things that cannot be done that should be done especially for the natives themselves.

So I urge passage of this legislation.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 1586 and urge my colleagues to support this legislation along the lines that the gentleman from Alaska (Mr. YOUNG) has explained it.

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

Mr. YOUNG of Alaska. 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 Alaska (Mr. YOUNG) that the House suspend the rules and pass the Senate bill, S. 1586.

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

A motion to reconsider was laid on the table.

□

#### CONVEYING LAND IN THE SAN BERNARDINO NATIONAL FOREST, CALIFORNIA

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and concur in the Senate 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.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

#### 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."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3657 was introduced by the gentlewoman from California (Mrs. BONO). This legislation will convey a little over an acre of Forest Service land to a radio station located in the San Bernardino National Forest in California for fair market value.

The bill was amended in the Senate to allow the Forest Service to use the San Bernardino County revenues derived under the Receipts Act for land acquisition.

I would like to commend the gentlewoman from California (Mrs. BONO) for all her diligent work on this important legislation.

I urge all Members to support H.R. 3657.

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

□ 1445

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of this legislation.

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

The SPEAKER pro tempore (Mr. STEARNS). The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 3657.

The question was taken; and (two-thirds having voted in favor thereof)

the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

□

**GLACIER BAY NATIONAL PARK RESOURCE MANAGEMENT ACT OF 1999**

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 501) to address resource management issues in Glacier Bay National Park, Alaska.

The Clerk read as follows:

S. 501

*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 "Glacier Bay National Park Resource Management Act of 1999".

**SEC. 2. DEFINITIONS.**

As used in this Act—

(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. 3. 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 Act 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 Act 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. 4. 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. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as are necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of S. 501, the Glacier Bay National Park Resource Management Act.

This legislation passed the Senate with no opposition last November. The legislation was amended to remove some provisions that were controversial and should now enjoy the support of the House.

The legislation requires the Secretary of the Interior and the State of Alaska to cooperate in the development of a management plan for commercial fisheries in the outer waters of Glacier Bay National Park, in accordance with Federal and State laws and any applicable international conservation and management treaties. The legislation also directs the Secretary of the Interior, once funds are made available, to develop a plan for multi-agency comprehensive research and monitoring program to evaluate the health of fishery resources in the park's marine waters.

Once that program has been completed, the Secretary has 7 years to undertake the research program.

In addition, the legislation will allow for the study of the impact of a subsistence harvest of seagull eggs by local residents.

This legislation passed the Senate without opposition. I urge the House to

support this bill and forward it to the President for his signature.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the bill is presented before us today, my understanding is it is no longer controversial, as it once was. There have been changes in the Senate to provide for a corporate management plan for commercial fisheries in the national park waters outside of Glacier Bay proper.

The bill is no longer inconsistent with the previous compromise and is now supported by the Park Service, and we urge passage.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the Senate bill, S. 501.

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

A motion to reconsider was laid on the table.

□

### INDIAN TRIBAL JUSTICE TECHNICAL AND LEGAL ASSISTANCE ACT OF 2000

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1508) to provide technical and legal assistance to tribal justice systems and members of Indian tribes, and for other purposes, as amended.

The Clerk read as follows:

S. 1508

*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 "Indian Tribal Justice Technical and Legal Assistance Act of 2000".

#### SEC. 2. FINDINGS.

The Congress finds and declares that—

(1) there is a government-to-government relationship between the United States and Indian tribes;

(2) Indian tribes are sovereign entities and are responsible for exercising governmental authority over Indian lands;

(3) the rate of violent crime committed in Indian country is approximately twice the rate of violent crime committed in the United States as a whole;

(4) in any community, a high rate of violent crime is a major obstacle to investment, job creation and economic growth;

(5) tribal justice systems are an essential part of tribal governments and serve as important forums for ensuring the health and safety and the political integrity of tribal governments;

(6) Congress and the Federal courts have repeatedly recognized tribal justice systems as the most appropriate forums for the adju-

dication of disputes affecting personal and property rights on Native lands;

(7) enhancing tribal court systems and improving access to those systems serves the dual Federal goals of tribal political self-determination and economic self-sufficiency;

(8) there is both inadequate funding and an inadequate coordinating mechanism to meet the technical and legal assistance needs of tribal justice systems and this lack of adequate technical and legal assistance funding impairs their operation;

(9) tribal court membership organizations have served a critical role in providing training and technical assistance for development and enhancement of tribal justice systems;

(10) Indian legal services programs, as funded partially through the Legal Services Corporation, have an established record of providing cost effective legal assistance to Indian people in tribal court forums, and also contribute significantly to the development of tribal courts and tribal jurisprudence; and

(11) the provision of adequate technical assistance to tribal courts and legal assistance to both individuals and tribal courts is an essential element in the development of strong tribal court systems.

#### SEC. 3. PURPOSES.

The purposes of this Act are as follows:

(1) to carry out the responsibility of the United States to Indian tribes and members of Indian tribes by ensuring access to quality technical and legal assistance.

(2) To strengthen and improve the capacity of tribal court systems that address civil and criminal causes of action under the jurisdiction of Indian tribes.

(3) To strengthen tribal governments and the economies of Indian tribes through the enhancement and, where appropriate, development of tribal court systems for the administration of justice in Indian country by providing technical and legal assistance services.

(4) To encourage collaborative efforts between national or regional membership organizations and associations whose membership consists of judicial system personnel within tribal justice systems; non-profit entities which provide legal assistance services for Indian tribes, members of Indian tribes, and/or tribal justice systems.

(5) To assist in the development of tribal judicial systems by supplementing prior Congressional efforts such as the Indian Tribal Justice Act (Public Law 103-176).

#### SEC. 4. DEFINITIONS.

For purposes of this Act:

(1) ATTORNEY GENERAL.—The term "Attorney General" means the Attorney General of the United States.

(2) INDIAN LANDS.—The term "Indian lands" shall include lands within the definition of "Indian country", as defined in 18 U.S.C. 1151; or "Indian reservations", as defined in section 3(d) of the Indian Financing Act of 1974, 25 U.S.C. 1452(d), or section 4(10) of the Indian Child Welfare Act, 25 U.S.C. 1903(10). For purposes of the preceding sentence, such section 3(d) of the Indian Financing Act shall be applied by treating the term "former Indian reservations in Oklahoma" as including only lands which are within the jurisdictional area of an Oklahoma Indian Tribe (as determined by the Secretary of Interior) and are recognized by such Secretary as eligible for trust land status under 25 CFR part 151 (as in effect on the date of enactment of this sentence).

(3) INDIAN TRIBE.—The term "Indian tribe" means any Indian tribe, band, nation, pueblo, or other organized group or community which administers justice or plans to administer justice under its inherent authority or the authority of the United States and which

is recognized as eligible for the special programs and services provided by the United States to Indian tribes because of their status as Indians.

(4) **JUDICIAL PERSONNEL.**—The term “judicial personnel” means any judge, magistrate, court counselor, court clerk, court administrator, bailiff, probation officer, officer of the court, dispute resolution facilitator, or other official, employee, or volunteer within the tribal judicial system.

(5) **NON-PROFIT ENTITIES.**—The term “non-profit entity” or “non-profit entities” has the meaning given that term in section 501(c)(3) of the Internal Revenue Code.

(6) **OFFICE OF TRIBAL JUSTICE.**—The term “Office of Tribal Justice” means the Office of Tribal Justice in the United States Department of Justice.

(7) **TRIBAL JUSTICE SYSTEM.**—The term “tribal court”, “tribal court system”, or “tribal justice system” means the entire judicial branch, and employees thereof, of an Indian tribe, including, but not limited to, traditional methods and fora for dispute resolution, trial courts, appellate courts, including inter-tribal appellate courts, alternative dispute resolution systems, and circuit rider systems, established by inherent tribal authority whether or not they constitute a court of record.

#### **TITLE I—TRAINING AND TECHNICAL ASSISTANCE, CIVIL AND CRIMINAL LEGAL ASSISTANCE GRANTS**

##### **SEC. 101. TRIBAL JUSTICE TRAINING AND TECHNICAL ASSISTANCE GRANTS.**

Subject to the availability of appropriations, the Attorney General, in consultation with the Office of Tribal Justice, shall award grants to national or regional membership organizations and associations whose membership consists of judicial system personnel within tribal justice systems which submit an application to the Attorney General in such form and manner as the Attorney General may prescribe to provide training and technical assistance for the development, enrichment, enhancement of tribal justice systems, or other purposes consistent with this Act.

##### **SEC. 102. TRIBAL CIVIL LEGAL ASSISTANCE GRANTS.**

Subject to the availability of appropriations, the Attorney General, in consultation with the Office of Tribal Justice, shall award grants to non-profit entities, as defined under section 501(c)(3) of the Internal Revenue Code, which provide legal assistance services for Indian tribes, members of Indian tribes, or tribal justice systems pursuant to federal poverty guidelines that submit an application to the Attorney General in such form and manner as the Attorney General may prescribe for the provision of civil legal assistance to members of Indian tribes and tribal justice systems, and/or other purposes consistent with this Act.

##### **SEC. 103. TRIBAL CRIMINAL ASSISTANCE GRANTS.**

Subject to the availability of appropriations, the Attorney General, in consultation with the Office of Tribal Justice, shall award grants to non-profit entities, as defined by section 501(c)(3) of the Internal Revenue Code, which provide legal assistance services for Indian tribes, members of Indian tribes, or tribal justice systems pursuant to federal poverty guidelines that submit an application to the Attorney General in such form and manner as the Attorney General may prescribe for the provision of criminal legal assistance to members of Indian tribes and tribal justice systems, and/or other purposes consistent with this Act. Funding under this title may apply to programs, procedures, or proceedings involving adult criminal actions, juvenile delinquency actions, and/or

guardian-ad-litem appointments arising out of criminal or delinquency acts.

##### **SEC. 104. NO OFFSET.**

No Federal agency shall offset funds made available pursuant to this Act for Indian tribal court membership organizations or Indian legal services organizations against other funds otherwise available for use in connection with technical or legal assistance to tribal justice systems or members of Indian tribes.

##### **SEC. 105. TRIBAL AUTHORITY.**

Nothing in this Act shall be construed to—

(1) encroach upon or diminish in any way the inherent sovereign authority of each tribal government to determine the role of the tribal justice system within the tribal government or to enact and enforce tribal laws;

(2) diminish in any way the authority of tribal governments to appoint personnel;

(3) impair the rights of each tribal government to determine the nature of its own legal system or the appointment of authority within the tribal government;

(4) alter in any way any tribal traditional dispute resolution fora;

(5) imply that any tribal justice system is an instrumentality of the United States; or

(6) diminish the trust responsibility of the United States to Indian tribal governments and tribal justice systems of such governments.

##### **SEC. 106. AUTHORIZATION OF APPROPRIATIONS.**

For purposes of carrying out the activities under this title, there are authorized to be appropriated such sums as are necessary for fiscal years 2000 through 2004.

#### **TITLE II—INDIAN TRIBAL COURTS**

##### **SEC. 201. GRANTS.**

(a) **IN GENERAL.**—The Attorney General may award grants and provide technical assistance to Indian tribes to enable such tribes to carry out programs to support—

(1) the development, enhancement, and continuing operation of tribal justice systems; and

(2) the development and implementation of—

(A) tribal codes and sentencing guidelines;

(B) inter-tribal courts and appellate systems;

(C) tribal probation services, diversion programs, and alternative sentencing provisions;

(D) tribal juvenile services and multi-disciplinary protocols for child physical and sexual abuse; and

(E) traditional tribal judicial practices, traditional tribal justice systems, and traditional methods of dispute resolution.

(b) **CONSULTATION.**—In carrying out this section, the Attorney General may consult with the Office of Tribal Justice and any other appropriate tribal or Federal officials.

(c) **REGULATIONS.**—The Attorney General may promulgate such regulations and guidelines as may be necessary to carry out this title.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—For purposes of carrying out the activities under this section, there are authorized to be appropriated such sums as are necessary for fiscal years 2000 through 2004.

##### **SEC. 202. TRIBAL JUSTICE SYSTEMS.**

Section 201 of the Indian Tribal Justice Act (25 U.S.C. 3621) is amended—

(1) in subsection (a), by striking “1994, 1995, 1996, 1997, 1998, 1999, and 2000” and inserting “2000 through 2007”;

(2) in subsection (b), by striking “1994, 1995, 1996, 1997, 1998, 1999, and 2000” and inserting “2000 through 2007”;

(3) in subsection (c), by striking “1994, 1995, 1996, 1997, 1998, 1999, and 2000” and inserting “2000 through 2007”; and

(4) in subsection (d), by striking “1994, 1995, 1996, 1997, 1998, 1999, and 2000” and inserting “2000 through 2007”.

#### **TITLE III—TECHNICAL AMENDMENTS TO ALASKA NATIVE CLAIMS SETTLEMENT ACT**

##### **SEC. 301. 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. 302. 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 IV—NATIONAL LEADERSHIP SYMPOSIUM FOR AMERICAN INDIAN, ALASKAN NATIVE, AND NATIVE HAWAIIAN YOUTH**

##### **SEC. 401. 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 \$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 first-hand operations of the United States Government.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of the proposed Tribal Justice Technical and Legal Assistance Act of 1999.

This bill authorizes the Attorney General to award grants to tribal justice systems to provide training and technical assistance for the development, enrichment, and enhancement of tribal justice systems.

This legislation also authorizes the Attorney General to award grants to provide technical assistance to Indian tribes to enable them to carry out programs to support their tribal justice systems.

Let me point out that all grants provided for in this legislation will be subject to the availability of appropriations.

S. 1508 was passed by the other body on November 19, 1999. Very frankly, Mr. Speaker, this is an important bill to many tribes, and I urge my colleagues to support its passage today.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

In essence, Mr. Speaker, this legislation would provide training technical assistance for the development, enrichment, and enhancement of tribal justice systems. We support the legislation, and I urge my colleagues to support it.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the Senate bill, S. 1508, as amended.

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

A motion to reconsider was laid on the table.

□

#### INDIAN TRIBAL REGULATORY REFORM AND BUSINESS DEVELOPMENT ACT OF 1999

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 614) to provide for regulatory reform in order to encourage investment, business, and economic development with respect to activities conducted on Indian lands.

The Clerk read as follows:

S. 614

*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 "Indian Tribal Regulatory Reform and Business Development Act of 1999".

#### SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) despite the availability of abundant natural resources on Indian lands and a rich cultural legacy that accords great value to self-determination, self-reliance, and independence, Native Americans suffer rates of unemployment, poverty, poor health, substandard housing, and associated social ills which are greater than the rates for any other group in the United States;

(2) the capacity of Indian tribes to build strong Indian tribal governments and vigorous economies is hindered by the inability of Indian tribes to engage communities that surround Indian lands and outside investors in economic activities conducted on Indian lands;

(3) beginning in 1970, with the issuance by the Nixon Administration of a special message to Congress on Indian Affairs, each President has reaffirmed the special government-to-government relationship between Indian tribes and the United States; and

(4) the United States has an obligation to assist Indian tribes with the creation of appropriate economic and political conditions with respect to Indian lands to—

(A) encourage investment from outside sources that do not originate with the Indian tribes; and

(B) facilitate economic development on Indian lands.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To provide for a comprehensive review of the laws (including regulations) that affect investment and business decisions concerning activities conducted on Indian lands.

(2) To determine the extent to which those laws unnecessarily or inappropriately impair—

(A) investment and business development on Indian lands; or

(B) the financial stability and management efficiency of Indian tribal governments.

(3) To establish an authority to conduct the review under paragraph (1) and report findings and recommendations that result from the review to Congress and the President.

#### SEC. 3. DEFINITIONS.

In this Act:

(1) AUTHORITY.—The term "Authority" means the Regulatory Reform and Business Development on Indian Lands Authority.

(2) FEDERAL AGENCY.—The term "Federal agency" means an agency, as that term is defined in section 551(l) of title 5, United States Code.

(3) INDIAN.—The term "Indian" has the meaning given that term in section 4(d) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(d)).

(4) INDIAN LANDS.—

(A) IN GENERAL.—The term "Indian lands" includes lands under the definition of—

(i) the term "Indian country" under section 1151 of title 18, United States Code; or

(ii) the term "reservation" under—

(I) section 3(d) of the Indian Financing Act of 1974 (25 U.S.C. 1452(d)); or

(II) section 4(10) of the Indian Child Welfare Act of 1978 (25 U.S.C. 1903(10)).

(B) FORMER INDIAN RESERVATIONS IN OKLAHOMA.—For purposes of applying section 3(d) of the Indian Financing Act of 1974 (25 U.S.C. 1452(d)) under subparagraph (A)(ii), the term "former Indian reservations in Oklahoma" shall be construed to include lands that are—

(i) within the jurisdictional areas of an Oklahoma Indian tribe (as determined by the Secretary of the Interior); and

(ii) recognized by the Secretary of the Interior as eligible for trust land status under part 151 of title 25, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(5) INDIAN TRIBE.—The term "Indian tribe" has the meaning given that term in section

4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(6) SECRETARY.—The term "Secretary" means the Secretary of Commerce.

(7) TRIBAL ORGANIZATION.—The term "tribal organization" has the meaning given that term in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l)).

#### SEC. 4. ESTABLISHMENT OF AUTHORITY.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary, in consultation with the Secretary of the Interior and other officials whom the Secretary determines to be appropriate, shall establish an authority to be known as the Regulatory Reform and Business Development on Indian Lands Authority.

(2) PURPOSE.—The Secretary shall establish the Authority under this subsection in order to facilitate the identification and subsequent removal of obstacles to investment, business development, and the creation of wealth with respect to the economies of Native American communities.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Authority established under this section shall be composed of 21 members.

(2) REPRESENTATIVES OF INDIAN TRIBES.—12 members of the Authority shall be representatives of the Indian tribes from the areas of the Bureau of Indian Affairs. Each such area shall be represented by such a representative.

(3) REPRESENTATIVES OF THE PRIVATE SECTOR.—No fewer than 4 members of the Authority shall be representatives of non-governmental economic activities carried out by private enterprises in the private sector.

(c) INITIAL MEETING.—Not later than 90 days after the date of enactment of this Act, the Authority shall hold its initial meeting.

(d) REVIEW.—Beginning on the date of the initial meeting under subsection (c), the Authority shall conduct a review of laws (including regulations) relating to investment, business, and economic development that affect investment and business decisions concerning activities conducted on Indian lands.

(e) MEETINGS.—The Authority shall meet at the call of the chairperson.

(f) QUORUM.—A majority of the members of the Authority shall constitute a quorum, but a lesser number of members may hold hearings.

(g) CHAIRPERSON.—The Authority shall select a chairperson from among its members.

#### SEC. 5. REPORT.

Not later than 1 year after the date of enactment of this Act, the Authority shall prepare and submit to the Committee on Indian Affairs of the Senate, the Committee on Resources of the House of Representatives, and to the governing body of each Indian tribe a report that includes—

(1) the findings of the Authority concerning the review conducted under section 4(d); and

(2) such recommendations concerning the proposed revisions to the laws that were subject to review as the Authority determines to be appropriate.

#### SEC. 6. POWERS OF THE AUTHORITY.

(a) HEARINGS.—The Authority may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Authority considers advisable to carry out the duties of the Authority.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Authority may secure directly from any Federal department or agency such information as the Authority considers necessary to carry out the duties of the Authority.

(c) **POSTAL SERVICES.**—The Authority may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) **GIFTS.**—The Authority may accept, use, and dispose of gifts or donations of services or property.

**SEC. 7. AUTHORITY PERSONNEL MATTERS.**

(a) **COMPENSATION OF MEMBERS.**—

(1) **NON-FEDERAL MEMBERS.**—Members of the Authority who are not officers or employees of the Federal Government shall serve without compensation, except for travel expenses as provided under subsection (b).

(2) **OFFICERS AND EMPLOYEES OF THE FEDERAL GOVERNMENT.**—Members of the Authority who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) **TRAVEL EXPENSES.**—The members of the Authority shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Authority.

(c) **STAFF.**—

(1) **IN GENERAL.**—The chairperson of the Authority may, without regard to the civil service laws, appoint and terminate such personnel as may be necessary to enable the Authority to perform its duties.

(2) **PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.**—The chairperson of the Authority may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed under GS-13 of the General Schedule established under section 5332 of title 5, United States Code.

**SEC. 8. TERMINATION OF THE AUTHORITY.**

The Authority shall terminate 90 days after the date on which the Authority has submitted a copy of the report prepared under section 5 to the committees of Congress specified in section 5 and to the governing body of each Indian tribe.

**SEC. 9. EXEMPTION FROM FEDERAL ADVISORY COMMITTEE ACT.**

The activities of the Authority conducted under this title shall be exempt from the Federal Advisory Committee Act (5 U.S.C. App.).

**SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as are necessary to carry out this Act, to remain available until expended.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of S. 614, the Indian Tribal Regulatory Reform and Business Development Act. This important bill would establish a 21-member authority within the Federal Government to facilitate the removal of obstacles to business development with respect to the economies of Native American communities.

Mr. Speaker, this legislation is long overdue. We have many, many times

where individual Indian tribes try to improve their lot only to find the process for developing an economic base is slowed down by the very government that they are under trust to. So I urge the passage of this legislation.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

The gentleman from Alaska (Mr. YOUNG) has quite accurately explained the legislation. We are in support of it.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the Senate bill, S. 614.

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

A motion to reconsider was laid on the table.

□

**NATIVE AMERICAN BUSINESS DEVELOPMENT, TRADE PROMOTION, AND TOURISM ACT OF 2000**

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2719) to provide for business development and trade promotion for Native Americans, and for other purposes.

The Clerk read as follows:

S. 2719

*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 "Native American Business Development, Trade Promotion, and Tourism Act of 2000".

**SEC. 2. FINDINGS; PURPOSES.**

(a) **FINDINGS.**—Congress finds that—

(1) clause 3 of section 8 of article I of the United States Constitution recognizes the special relationship between the United States and Indian tribes;

(2) beginning in 1970, with the inauguration by the Nixon Administration of the Indian self-determination era, each President has reaffirmed the special government-to-government relationship between Indian tribes and the United States;

(3) in 1994, President Clinton issued an Executive memorandum to the heads of departments and agencies that obligated all Federal departments and agencies, particularly those that have an impact on economic development, to evaluate the potential impacts of their actions on Indian tribes;

(4) consistent with the principles of inherent tribal sovereignty and the special relationship between Indian tribes and the United States, Indian tribes retain the right to enter into contracts and agreements to trade freely, and seek enforcement of treaty and trade rights;

(5) Congress has carried out the responsibility of the United States for the protection and preservation of Indian tribes and the resources of Indian tribes through the endorsement of treaties, and the enactment of other

laws, including laws that provide for the exercise of administrative authorities;

(6) the United States has an obligation to guard and preserve the sovereignty of Indian tribes in order to foster strong tribal governments, Indian self-determination, and economic self-sufficiency among Indian tribes;

(7) the capacity of Indian tribes to build strong tribal governments and vigorous economies is hindered by the inability of Indian tribes to engage communities that surround Indian lands and outside investors in economic activities on Indian lands;

(8) despite the availability of abundant natural resources on Indian lands and a rich cultural legacy that accords great value to self-determination, self-reliance, and independence, Native Americans suffer higher rates of unemployment, poverty, poor health, substandard housing, and associated social ills than those of any other group in the United States;

(9) the United States has an obligation to assist Indian tribes with the creation of appropriate economic and political conditions with respect to Indian lands to—

(A) encourage investment from outside sources that do not originate with the tribes; and

(B) facilitate economic ventures with outside entities that are not tribal entities;

(10) the economic success and material well-being of Native American communities depends on the combined efforts of the Federal Government, tribal governments, the private sector, and individuals;

(11) the lack of employment and entrepreneurial opportunities in the communities referred to in paragraph (7) has resulted in a multigenerational dependence on Federal assistance that is—

(A) insufficient to address the magnitude of needs; and

(B) unreliable in availability; and

(12) the twin goals of economic self-sufficiency and political self-determination for Native Americans can best be served by making available to address the challenges faced by those groups—

(A) the resources of the private market;

(B) adequate capital; and

(C) technical expertise.

(b) **PURPOSES.**—The purposes of this Act are as follows:

(1) To revitalize economically and physically distressed Native American economies by—

(A) encouraging the formation of new businesses by eligible entities, and the expansion of existing businesses; and

(B) facilitating the movement of goods to and from Indian lands and the provision of services by Indians.

(2) To promote private investment in the economies of Indian tribes and to encourage the sustainable development of resources of Indian tribes and Indian-owned businesses.

(3) To promote the long-range sustained growth of the economies of Indian tribes.

(4) To raise incomes of Indians in order to reduce the number of Indians at poverty levels and provide the means for achieving a higher standard of living on Indian reservations.

(5) To encourage intertribal, regional, and international trade and business development in order to assist in increasing productivity and the standard of living of members of Indian tribes and improving the economic self-sufficiency of the governing bodies of Indian tribes.

(6) To promote economic self-sufficiency and political self-determination for Indian tribes and members of Indian tribes.

**SEC. 3. DEFINITIONS.**

In this Act:

(1) **ELIGIBLE ENTITY.**—The term “eligible entity” means an Indian tribe or tribal organization, an Indian arts and crafts organization, as that term is defined in section 2 of the Act of August 27, 1935 (commonly known as the “Indian Arts and Crafts Act”) (49 Stat. 891, chapter 748; 25 U.S.C. 305a), a tribal enterprise, a tribal marketing cooperative (as that term is defined by the Secretary, in consultation with the Secretary of the Interior), or any other Indian-owned business.

(2) **INDIAN.**—The term “Indian” has the meaning given that term in section 4(d) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(d)).

(3) **INDIAN GOODS AND SERVICES.**—The term “Indian goods and services” means—

(A) Indian goods, within the meaning of section 2 of the Act of August 27, 1935 (commonly known as the “Indian Arts and Crafts Act”) (49 Stat. 891, chapter 748; 25 U.S.C. 305a);

(B) goods produced or originated by an eligible entity; and

(C) services provided by eligible entities.

(4) **INDIAN LANDS.**—

(A) **IN GENERAL.**—The term “Indian lands” includes lands under the definition of—

(i) the term “Indian country” under section 1151 of title 18, United States Code; or

(ii) the term “reservation” under—

(I) section 3(d) of the Indian Financing Act of 1974 (25 U.S.C. 1452(d)); or

(II) section 4(10) of the Indian Child Welfare Act of 1978 (25 U.S.C. 1903(10)).

(B) **FORMER INDIAN RESERVATIONS IN OKLAHOMA.**—For purposes of applying section 3(d) of the Indian Financing Act of 1974 (25 U.S.C. 1452(d)) under subparagraph (A)(ii), the term “former Indian reservations in Oklahoma” shall be construed to include lands that are—

(i) within the jurisdictional areas of an Oklahoma Indian tribe (as determined by the Secretary of the Interior); and

(ii) recognized by the Secretary of the Interior as eligible for trust land status under part 151 of title 25, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(5) **INDIAN-OWNED BUSINESS.**—The term “Indian-owned business” means an entity organized for the conduct of trade or commerce with respect to which at least 50 percent of the property interests of the entity are owned by Indians or Indian tribes (or a combination thereof).

(6) **INDIAN TRIBE.**—The term “Indian tribe” has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(7) **SECRETARY.**—The term “Secretary” means the Secretary of Commerce.

(8) **TRIBAL ENTERPRISE.**—The term “tribal enterprise” means a commercial activity or business managed or controlled by an Indian tribe.

(9) **TRIBAL ORGANIZATION.**—The term “tribal organization” has the meaning given that term in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l)).

#### SEC. 4. OFFICE OF NATIVE AMERICAN BUSINESS DEVELOPMENT.

(a) **IN GENERAL.**—

(1) **ESTABLISHMENT.**—There is established within the Department of Commerce an office known as the Office of Native American Business Development (referred to in this Act as the “Office”).

(2) **DIRECTOR.**—The Office shall be headed by a Director, appointed by the Secretary, whose title shall be the Director of Native American Business Development (referred to in this Act as the “Director”). The Director shall be compensated at a rate not to exceed level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) **DUTIES OF THE SECRETARY.**—

(1) **IN GENERAL.**—The Secretary, acting through the Director, shall ensure the coordination of Federal programs that provide assistance, including financial and technical assistance, to eligible entities for increased business, the expansion of trade by eligible entities, and economic development on Indian lands.

(2) **INTERAGENCY COORDINATION.**—The Secretary, acting through the Director, shall coordinate Federal programs relating to Indian economic development, including any such program of the Department of the Interior, the Small Business Administration, the Department of Labor, or any other Federal agency charged with Indian economic development responsibilities.

(3) **ACTIVITIES.**—In carrying out the duties described in paragraph (1), the Secretary, acting through the Director, shall ensure the coordination of, or, as appropriate, carry out—

(A) Federal programs designed to provide legal, accounting, or financial assistance to eligible entities;

(B) market surveys;

(C) the development of promotional materials;

(D) the financing of business development seminars;

(E) the facilitation of marketing;

(F) the participation of appropriate Federal agencies or eligible entities in trade fairs;

(G) any activity that is not described in subparagraphs (A) through (F) that is related to the development of appropriate markets; and

(H) any other activity that the Secretary, in consultation with the Director, determines to be appropriate to carry out this section.

(4) **ASSISTANCE.**—In conjunction with the activities described in paragraph (3), the Secretary, acting through the Director, shall provide—

(A) financial assistance, technical assistance, and administrative services to eligible entities to assist those entities with—

(i) identifying and taking advantage of business development opportunities; and

(ii) compliance with appropriate laws and regulatory practices; and

(B) such other assistance as the Secretary, in consultation with the Director, determines to be necessary for the development of business opportunities for eligible entities to enhance the economies of Indian tribes.

(5) **PRIORITIES.**—In carrying out the duties and activities described in paragraphs (3) and (4), the Secretary, acting through the Director, shall give priority to activities that—

(A) provide the greatest degree of economic benefits to Indians; and

(B) foster long-term stable economies of Indian tribes.

(6) **PROHIBITION.**—The Secretary may not provide under this section assistance for any activity related to the operation of a gaming activity on Indian lands pursuant to the Indian Gaming Regulatory Act (25 U.S.C. 2710 et seq.).

#### SEC. 5. NATIVE AMERICAN TRADE AND EXPORT PROMOTION.

(a) **IN GENERAL.**—The Secretary, acting through the Director, shall carry out a Native American export and trade promotion program (referred to in this section as the “program”).

(b) **COORDINATION OF FEDERAL PROGRAMS AND SERVICES.**—In carrying out the program, the Secretary, acting through the Director, and in cooperation with the heads of appropriate Federal agencies, shall ensure the coordination of Federal programs and services designed to—

(1) develop the economies of Indian tribes; and

(2) stimulate the demand for Indian goods and services that are available from eligible entities.

(c) **ACTIVITIES.**—In carrying out the duties described in subsection (b), the Secretary, acting through the Director, shall ensure the coordination of, or, as appropriate, carry out—

(1) Federal programs designed to provide technical or financial assistance to eligible entities;

(2) the development of promotional materials;

(3) the financing of appropriate trade missions;

(4) the marketing of Indian goods and services;

(5) the participation of appropriate Federal agencies or eligible entities in international trade fairs; and

(6) any other activity related to the development of markets for Indian goods and services.

(d) **TECHNICAL ASSISTANCE.**—In conjunction with the activities described in subsection (c), the Secretary, acting through the Director, shall provide technical assistance and administrative services to eligible entities to assist those entities with—

(1) the identification of appropriate markets for Indian goods and services;

(2) entering the markets referred to in paragraph (1);

(3) compliance with foreign or domestic laws and practices with respect to financial institutions with respect to the export and import of Indian goods and services; and

(4) entering into financial arrangements to provide for the export and import of Indian goods and services.

(e) **PRIORITIES.**—In carrying out the duties and activities described in subsections (b) and (c), the Secretary, acting through the Director, shall give priority to activities that—

(1) provide the greatest degree of economic benefits to Indians; and

(2) foster long-term stable international markets for Indian goods and services.

#### SEC. 6. INTERTRIBAL TOURISM DEMONSTRATION PROJECTS.

(a) **PROGRAM TO CONDUCT TOURISM PROJECTS.**—

(1) **IN GENERAL.**—The Secretary, acting through the Director, shall conduct a Native American tourism program to facilitate the development and conduct of tourism demonstration projects by Indian tribes, on a tribal, intertribal, or regional basis.

(2) **DEMONSTRATION PROJECTS.**—

(A) **IN GENERAL.**—Under the program established under this section, in order to assist in the development and promotion of tourism on and in the vicinity of Indian lands, the Secretary, acting through the Director, shall, in coordination with the Under Secretary of Agriculture for Rural Development, assist eligible entities in the planning, development, and implementation of tourism development demonstration projects that meet the criteria described in subparagraph (B).

(B) **PROJECTS DESCRIBED.**—In selecting tourism development demonstration projects under this section, the Secretary, acting through the Director, shall select projects that have the potential to increase travel and tourism revenues by attracting visitors to Indian lands and lands in the vicinity of Indian lands, including projects that provide for—

(i) the development and distribution of educational and promotional materials pertaining to attractions located on and near Indian lands;

(ii) the development of educational resources to assist in private and public tourism development on and in the vicinity of Indian lands; and

(iii) the coordination of tourism-related joint ventures and cooperative efforts between eligible entities and appropriate State and local governments that have jurisdiction over areas in the vicinity of Indian lands.

(3) GRANTS.—To carry out the program under this section, the Secretary, acting through the Director, may award grants or enter into other appropriate arrangements with Indian tribes, tribal organizations, intertribal consortia, or other tribal entities that the Secretary, in consultation with the Director, determines to be appropriate.

(4) LOCATIONS.—In providing for tourism development demonstration projects under the program under this section, the Secretary, acting through the Director, shall provide for a demonstration project to be conducted—

(A) for Indians of the Four Corners area located in the area adjacent to the border between Arizona, Utah, Colorado, and New Mexico;

(B) for Indians of the northwestern area that is commonly known as the Great North-west (as determined by the Secretary);

(C) for the Oklahoma Indians in Oklahoma;

(D) for the Indians of the Great Plains area (as determined by the Secretary); and

(E) for Alaska Natives in Alaska.

(b) ASSISTANCE.—The Secretary, acting through the Director, shall provide financial assistance, technical assistance, and administrative services to participants that the Secretary, acting through the Director, selects to carry out a tourism development project under this section, with respect to—

(1) feasibility studies conducted as part of that project;

(2) market analyses;

(3) participation in tourism and trade mis-sions; and

(4) any other activity that the Secretary, in consultation with the Director, determines to be appropriate to carry out this section.

(c) INFRASTRUCTURE DEVELOPMENT.—The demonstration projects conducted under this section shall include provisions to facilitate the development and financing of infrastruc-ture, including the development of Indian reservation roads in a manner consistent with title 23, United States Code.

**SEC. 7. REPORT TO CONGRESS.**

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary, in con-sultation with the Director, shall prepare and submit to the Committee on Indian Af-fairs of the Senate and the Committee on Re-sources of the House of Representatives a re-port on the operation of the Office.

(b) CONTENTS OF REPORT.—Each report pre-pared under subsection (a) shall include—

(1) for the period covered by the report, a summary of the activities conducted by the Secretary, acting through the Director, in carrying out sections 4 through 6; and

(2) any recommendations for legislation that the Secretary, in consultation with the Director, determines to be necessary to carry out sections 4 through 6.

**SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as are necessary to carry out this Act, to remain available until expended.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may con-sume, and I rise in support of S. 2719,

the Native American Business Develop-ment, Trade Promotion, and Tourism Act of 2000. This bill will establish an office of Native American Business De-velopment which will coordinate Fed-eral programs relating to Indian eco-nomic development.

Mr. Speaker, this is a companion bill to the previous bill, and I support this legislation.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 2719 is good policy, and I urge my colleagues to support it.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the Senate bill, S. 2719. The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Sen-ate bill was passed.

A motion to reconsider was laid on the table.

□

**INDIAN EMPLOYMENT, TRAINING, AND RELATED SERVICES DEMONSTRATION ACT AMENDMENTS OF 2000**

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1509) to amend the In-dian Employment, Training, and Re-lated Services Demonstration Act of 1992, to emphasize the need for job cre-ation on Indian reservations, and for other purposes, as amended.

The Clerk read as follows:

S. 1509

*Be it enacted by the Senate and House of Rep-resentatives of the United States of America in Congress assembled,*

**TITLE I—INDIAN EMPLOYMENT, TRAIN-ING, AND RELATED SERVICES DEM-ONSTRATION ACT AMENDMENTS**

**SEC. 101. SHORT TITLE.**

This title may be cited as the “Indian Em-ployment, Training, and Related Services Demonstration Act Amendments of 2000”.

**SEC. 102. FINDINGS, PURPOSES.**

(a) FINDINGS.—The Congress finds that—

(1) Indian tribes and Alaska Native organi-zations that have participated in carrying out programs under the Indian Employment, Training, and Related Services Demonstration Act of 1992 (25 U.S.C. 3401 et seq.) have—

(A) improved the effectiveness of employ-ment-related services provided by those tribes and organizations to their members;

(B) enabled more Indian and Alaska Native people to prepare for and secure employ-ment;

(C) assisted in transitioning tribal mem-bers from welfare to work; and

(D) otherwise demonstrated the value of integrating employment, training, education and related services.

(E) the initiatives under the Indian Em-ployment, Training, and Related Services Demonstration Act of 1992 should be strengthened by ensuring that all Federal

programs that emphasize the value of work may be included within a demonstration pro-gram of an Indian or Alaska Native organiza-tion;

(F) the initiatives under the Indian Em-ployment, Training, and Related Services Demonstration Act of 1992 should have the benefit of the support and attention of the officials with policymaking authority of—

(i) the Department of the Interior;

(ii) other Federal agencies that administer programs covered by the Indian Em-ployment, Training, and Related Services Dem-onstration Act of 1992.

(b) PURPOSES.—The purposes of this title are to demonstrate how Indian tribal govern-ments can integrate the employment, train-ing, and related services they provide in order to improve the effectiveness of those services, reduce joblessness in Indian com-munities, foster economic development on Indian lands, and serve tribally-determined goals consistent with the policies of self-de-termination and self-governance.

**SEC. 103. AMENDMENTS TO THE INDIAN EMPLOYMENT, TRAINING AND RELATED SERVICES DEMONSTRATION ACT OF 1992.**

(a) DEFINITIONS.—Section 3 of the Indian Employment, Training, and Related Services Demonstration Act of 1992 (25 U.S.C. 3402) is amended—

(1) by redesignating paragraphs (1) through (3) as paragraphs (2) through (4), respec-tively; and

(2) by inserting before paragraph (2) the following:

“(1) FEDERAL AGENCY.—The term ‘federal agency’ has the same meaning given the term ‘agency’ in section 551(l) of title 5, United States Code.”.

(b) PROGRAMS AFFECTED.—Section 5 of the Indian Employment, Training, and Related Services Demonstration Act of 1992 (25 U.S.C. 3404) is amended by striking “job training, tribal work experience, employment oppor-tunities, or skill development, or any pro-gram designed for the enhancement of job opportunities or employment training” and inserting the following: “assisting Indian youth and adults to succeed in the work-force, encouraging self-sufficiency, familiar-izing Indian Youth and adults with the world of work, facilitating the creation of job op-portunities and any services related to these activities”.

(c) PLAN REVIEW.—Section 7 of the Indian Employment, Training, and Related Services Demonstration Act of 1992 (25 U.S.C. 3406) is amended—

(1) by striking “Federal department” and inserting “Federal agency”;

(2) by striking “Federal departmental” and inserting “Federal agency”;

(3) by striking “department” each place it appears and inserting “agency”; and

(4) in the third sentence, by inserting “statutory requirement,” after “to waive any”.

(d) PLAN APPROVAL.—Section 8 of the In-dian Employment, Training, and Related Services Demonstration Act of 1992 (25 U.S.C. 3407) is amended—

(1) in the first sentence, by inserting before the period at the end the following: “, in-cluding any request for a waiver that is made as part of the plan submitted by the tribal government”; and

(2) in the second sentence, by inserting be-fore the period at the end the following: “, including reconsidering the disapproval of any waiver requested by the Indian tribe”.

(e) JOB CREATION ACTIVITIES AUTHORIZED.—Section 9 of the Indian Employment, Train-ing, and Related Services Demonstration Act of 1992 (25 U.S.C. 3407) is amended—

(1) by inserting “(a) IN GENERAL.—” before “The plan submitted”; and

(2) by adding at the end the following:

“(b) JOB CREATION OPPORTUNITIES.—

“(1) IN GENERAL.—Notwithstanding any other provisions of law, including any requirement of a program that is integrated under a plan under this Act, a tribal government may use a percentage of the funds made available under this Act (as determined under paragraph (2)) for the creation of employment opportunities, including providing private sector training placement under section 10.

“(2) DETERMINATION OF PERCENTAGE.—The percentage of funds that a tribal government may use under this subsection is the greater of—

“(A) the rate of unemployment in the service area of the tribe up to a maximum of 25 percent; or

“(B) 10 percent.

“(c) LIMITATION.—The funds used for an expenditure described in subsection (a) may only include funds made available to the Indian tribe by a Federal agency under a statutory or administrative formula.”

**SEC. 104. REPORT ON EXPANDING THE OPPORTUNITIES FOR PROGRAM INTEGRATION.**

Not later than one year after the date of enactment of this title, the Secretary, the Secretary of Health and Human Services, the Secretary of Labor, and the tribes and organizations participating in the integration initiative under this title shall submit a report to the Committee on Indian Affairs of the Senate and the Committee on Resources of the House of Representatives on the opportunities for expanding the integration of human resource development and economic development programs under this title, and the feasibility of establishing Joint Funding Agreements to authorize tribes to access and coordinated funds and resources from various agencies for purposes of human resources development, physical infrastructure development, and economic development assistance in general. Such report shall identify programs or activities which might be integrated and make recommendations for the removal of any statutory or other barriers to such integration.

**TITLE II—LIMITATION ON PARTIES LIABLE IN CERTAIN LAND DISPUTES**

**SEC. 201. LIABLE PARTIES LIMITED.**

In any action brought claiming an interest in land or natural resources located in Oneida or Madison counties in the State of New York that arises from—

(1) the failure of Congress to approve or ratify the transfer of such land or natural resources from, by, or on behalf of any Indian nation, tribe, or band; or

(2) a violation of any law of the United States that is specifically applicable to the transfer of land or natural resources from, by, or on behalf of any Indian nation, tribe, or band (including the Act entitled “An Act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers”, approved June 30, 1834 (1 Stat. 137)),

liability shall be limited to the party to whom the Indian nation, tribe, or band allegedly transferred the land or natural resources.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of S. 1509,

the Indian Employment, Training, and Related Services Demonstration Act Amendments of 2000. This bill will demonstrate our Indian tribal governments can integrate their employment, training, and related services they provide.

This legislation is important to all tribal governments, and I urge my colleagues to support it.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of the legislation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the Senate bill, S. 1509, as amended.

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

A motion to reconsider was laid on the table.

□

**INDIAN ARTS AND CRAFTS ENFORCEMENT ACT OF 2000**

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2872) to improve the cause of action for misrepresentation of Indian arts and crafts.

The Clerk read as follows:

S. 2872

*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 “Indian Arts and Crafts Enforcement Act of 2000”.

**SEC. 2. AMENDMENTS TO CIVIL ACTION PROVISIONS.**

Section 6 of the Act entitled “An Act to promote the development of Indian arts and crafts and to create a board to assist therein, and for other purposes” (25 U.S.C. 305e) (as added by section 105 of the Indian Arts and Crafts Act of 1990 (Public Law 101-644; 104 Stat. 4664)) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting “, directly or indirectly,” after “against a person who”; and

(B) by inserting the following flush language after paragraph (2)(B):

“For purposes of paragraph (2)(A), damages shall include any and all gross profits accrued by the defendant as a result of the activities found to violate this subsection.”;

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking “or” at the end;

(ii) in subparagraph (B), by striking the period and inserting “; or”; and

(iii) by adding at the end the following:

“(C) by an Indian arts and crafts organization on behalf of itself, or by an Indian on behalf of himself or herself.”; and

(B) in paragraph (2)(A)—

(i) by striking “the amount recovered the amount” and inserting “the amount recovered—

“(i) the amount”; and

(ii) by adding at the end the following:

“(ii) the amount for the costs of investigation awarded pursuant to subsection (b) and reimburse the Board the amount of such costs incurred as a direct result of Board activities in the suit; and”;

(3) in subsection (d)(2), by inserting “subject to subsection (f),” after “(2)”; and

(4) by adding at the end the following:

“(f) Not later than 180 days after the date of enactment of the Indian Arts and Crafts Enforcement Act of 2000, the Board shall promulgate regulations to include in the definition of the term ‘Indian product’ specific examples of such product to provide guidance to Indian artisans as well as to purveyors and consumers of Indian arts and crafts, as defined under this Act.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of S. 2872, the Indian Arts and Crafts Enforcement Act of 2000. This bill will facilitate the initiation of suits by Indian tribes pursuant to the Indian Arts and Crafts Act of 1990.

Mr. Speaker, I urge my colleagues to support this, and why we did not roll all these bills into one, I will never know, but that is not my pay grade. I urge the passage of this legislation.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 2872 is a needed tool for the enforcement of the Indian Arts and Crafts Act of 1990 and will permit Native American arts and crafts organizations and Indian artisans access to Federal courts to protect their wares and their intellectual properties.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the Senate bill, S. 2872.

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

A motion to reconsider was laid on the table.

□

**NAMPA AND MERIDIAN CONVEYANCE ACT**

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3022) to direct the Secretary of the Interior to convey certain irrigation facilities to the Nampa and Meridian Irrigation District.

The Clerk read as follows:

S. 3022

*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 "Nampa and Meridian Conveyance Act".

**SEC. 2. CONVEYANCE OF FACILITIES.**

The Secretary of the Interior (in this Act referred to as the "Secretary") shall, as soon as practicable after the date of enactment of this Act, convey facilities to the Nampa and Meridian Irrigation District (in this Act referred to as the "District") in accordance with all applicable laws and pursuant to the terms of the Memorandum of Agreement (contract No. 1425-99MA102500, dated 7 July 1999) between the Secretary and the District. The conveyance of facilities shall include all right, title, and interest of the United States in and to any portion of the canals, laterals, drains, and any other portion of the water distribution and drainage system that is operated or maintained by the District for delivery of water to and drainage of water from lands within the boundaries of the District.

**SEC. 3. LIABILITY.**

Except as otherwise provided by law, effective on the date of conveyance of facilities under this Act, the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence based on its prior ownership or operation of the conveyed property.

**SEC. 4. EXISTING RIGHTS NOT AFFECTED.**

Nothing in this Act affects the rights of any person except as provided in this Act. No water rights shall be transferred, modified, or otherwise affected by the conveyance of facilities and interests to the Nampa and Meridian Irrigation District under this Act. Such conveyance shall not affect or abrogate any provision of any contract executed by the United States or State law regarding any irrigation district's right to use water developed in the facilities conveyed.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of S. 3022.

For the last 6 years, the Subcommittee on Water and Power of the Committee on Resources has pursued legislation to shrink the size and scope of the Federal Government through the defederalization of the Bureau of Reclamation assets.

S. 3022 continues this defederalization process by directing the Secretary of the Interior to convey, as soon as practical after the date of enactment, certain facilities to the Nampa and Meridian Irrigation District, pursuant to the Memorandum of Agreement between the Secretary of the Interior and the district.

Mr. Speaker, I urge my colleagues to vote "aye" on this bill.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation conveys titles of land and facilities to the Nampa Meridian Irrigation District near Boise, Idaho. It is not controversial and is supported by the administration.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the Senate bill, S. 3022.

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

A motion to reconsider was laid on the table.

□

**SPANISH PEAKS WILDERNESS ACT OF 2000**

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 503) designating certain land in the San Isabel National Forest in the State of Colorado as the "Spanish Peaks Wilderness".

The Clerk read as follows:

S. 503

*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 "Spanish Peaks Wilderness Act of 2000".

**SEC. 2. DESIGNATION OF SPANISH PEAKS WILDERNESS.**

(a) COLORADO WILDERNESS ACT.—Section 2(a) of the Colorado Wilderness Act of 1993 (Public Law 103-77; 107 Stat. 756; 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—

"(A) comprises approximately 18,000 acres, as generally depicted on a map entitled 'Proposed Spanish Peaks Wilderness', dated February 10, 1999; and

"(B) shall be known as the 'Spanish Peaks Wilderness'."

(b) MAP; BOUNDARY DESCRIPTION.—

(1) FILING.—As soon as practicable after the date of enactment of this Act, the Secretary of Agriculture (referred to in this Act as the "Secretary"), shall file a map and boundary description of the area designated under subsection (a) with—

(A) the Committee on Resources of the House of Representatives; and

(B) the Committee on Energy and Natural Resources of the Senate.

(2) FORCE AND EFFECT.—The map and boundary description under paragraph (1) shall have the same force and effect as if included in the Colorado Wilderness act of 1993 (Public Law 103-77; 107 Stat. 756), except that the Secretary may correct clerical and typographical errors in the map and boundary description.

(3) AVAILABILITY.—The map and boundary description under paragraph (1) shall be on file and available for public inspection in the Office of the Chief of the Forest Service.

**SEC. 3. ACCESS.**

(a) IN GENERAL.—The Secretary shall allow the continuation of historic uses of the Bulls Eye Mine Road established before the date of enactment of this Act, subject to such terms and conditions as the Secretary may provide.

(b) PRIVATELY OWNED LAND.—Access to any privately owned land within the wilderness areas designated under section 2 shall be provided in accordance with section 5 of the Wilderness Act (16 U.S.C. 1134 et seq.).

**SEC. 4. CONFORMING AMENDMENTS.**

Section 10 of the Colorado Wilderness Act of 1993 (Public Law 103-77; 107 Stat. 756; 16 U.S.C. 1132 note) is repealed.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 503, the Spanish Peaks Wilderness Act of 1999, was introduced by Senator WAYNE ALLARD and will simply add the Spanish Peaks area to a list of areas designated as wilderness by the Colorado Wilderness Act of 1993.

I would like to take a moment to commend my esteemed colleague, the gentleman from Colorado (Mr. MCINNIS), for all his diligent work on the House version of this legislation, H.R. 898. H.R. 898 passed through the subcommittee and full committee by a voice vote. However, in the interest of time we are considering the Senate version today. Therefore, I urge all Members to support passage of S. 503, the Spanish Peaks Wilderness Act of 2000, under suspension of the rules.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield such time as I may consume to join with the chairman in urging all Members to support this legislation.

The lands contained in this legislation contain headwaters in two spectacular 13,000-foot peaks that have been studied and considered for wilderness designation for nearly two decades. We support this legislation and would note that the House passed the legislation of the gentleman from Colorado (Mr. MCINNIS) and the gentleman from Colorado (Mr. UDALL), H.R. 898, last year; and the Senate has now passed this amended version this last week. I want to commend our House colleagues for all the effort they put into working out some of the problems that were found in this legislation. We support this bill, Mr. Speaker.

Mr. MCINNIS. Mr. Speaker, today we will consider S. 503, a companion to my bill H.R. 898, the Spanish Peaks Wilderness Act of 1999. This legislation will give permanent protection, in the form of wilderness, to the heart of the beautiful Spanish Peaks area in Colorado.

The bill is supported by several of my colleagues from Colorado, including Mr. SCHAFER, whose district includes the portion of the Spanish Peaks within Las Animas County. I am also pleased to be joined by Mr. HEFLEY, Mr. TANCREDO and Mr. MARK UDALL of Colorado. I greatly appreciate their assistance and support of this legislation.

Also, across the Capitol, Senator ALLARD sponsored this legislation that we consider on the House floor today. I would like to extend my appreciation to the Senator for his active support of this worthwhile legislation. I would also like to thank Chairman YOUNG and Subcommittee Chairman CHENOWETH-HAGE for their work in the Committee on Resources to

bring this bill to final passage and hopefully on to signature by the President.

Finally, I would offer a note of appreciation and thanks to the former Members of Congress whose efforts made today's legislation possible. First, approximately twenty years ago, Senator William Armstrong of Colorado began this worthwhile process by proposing wilderness in Colorado, and in 1986 Senator Armstrong proposed protected status and management for the Spanish Peaks. His efforts set in place the foundation upon which today's bill is built. Second, I would like to thank the former Congressman from the Second District, Mr. Skaggs. Together, he and I introduced this legislation in the 104th Congress and again in the 105th Congress, which passed the House but due to time constraints did not pass the Senate. The efforts by both of these individual legislators helped make this bill possible.

The mountains known as the Spanish Peaks are two volcanic peaks in Las Animas and Huerfano Counties. The eastern peak rises to 12,683 feet above sea level, while the summit of the western peak reaches 13,626 feet. The two served as landmarks for Native Americans as well as some of Colorado's other early settlers.

With this history, it's not surprising that the Spanish Peaks portion of the San Isabel National Forest was included in 1977 on the National Registry of Natural Landmarks. The Spanish Peaks area has outstanding scenic, geologic, and wilderness values, including a spectacular system of over 250 free standing dikes and ramps of volcanic materials radiating from the peaks. The lands covered by this bill are not only beautiful and part of a rich heritage, but also provide an excellent source of recreation. The State of Colorado has designated the Spanish Peaks as a natural area, and they are a popular destination for hikers seeking an opportunity to enjoy an unmatched vista of southeastern Colorado's mountains and plains.

The Forest Service originally reviewed and recommended the Spanish Peaks area for possible wilderness designation in 1979. The process since then has involved several steps, and during that time, the Forest Service has been able to acquire most of the inholdings within Spanish Peaks area. So the way is now clear for Congress to finish the job and designate the Spanish Peaks area as part of the National Wilderness Preservation System.

The bill before the House today would designate as wilderness about 18,000 acres of the San Isabel National Forest, including both of the Spanish Peaks as well as the slopes below and between them. This includes most of the lands originally recommended for wilderness by the Forest Service, but with boundary revisions that will exclude some private lands. I would like to note that Senator ALLARD and I have made significant efforts to address local concerns about the wilderness designation, including: (1) adjusting the boundary slightly to exclude certain lands that are likely to have the capacity for mineral production; and (2) excluding from the wilderness a road used by locals for access to the beauty of the Spanish Peaks. Senator ALLARD and I did not act to introduce this bill until a local consensus was achieved on this wilderness designation.

The bill itself is very simple. It would just add the Spanish Peaks area to the list of

areas designated as wilderness by the Colorado Wilderness Act of 1993. As a result, all the provisions of that Act—including the provisions related to water—would apply to the Spanish Peaks area just as they do to the other areas on that list. Like all the areas now on that list, the Spanish Peaks area covered by this bill is a headwaters area, which for all practical purposes eliminates the possibility of water conflicts. There are no water diversions within the area.

Mr. Speaker, I close my statement by thanking all of my fellow members for your time and by urging all Members of the House to vote yes in support of passage of S. 503.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the Senate bill, S. 503.

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

A motion to reconsider was laid on the table.

□

#### IMPROVEMENT OF NATIVE HIRING WITHIN THE STATE OF ALASKA

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 748) to improve Native hiring and contracting by the Federal Government within the State of Alaska, and for other purposes.

The Clerk read as follows:

S. 748

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

##### SECTION 1. REPORT.

(a) Within six months after the enactment of this Act 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. 2. 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.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

□ 1500

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 748 directs the Secretary of the Interior to complete and submit a report within 6 months after enactment of this act on the progress the Department has made in implementing section 1307 and 1308 of the Alaska National Interest Lands Conservation Act, called ANILCA.

Since ANILCA was enacted, the Department has failed to implement these two sections of the bill. This bill further requires the Secretary to include a detailed action plan for the implication of ANILCA section 1307 and 1308 to consult with Alaska Native Corporations formed under the Alaska Native Claims Settlement Act, nonprofit organizations, and tribal entities in the immediate vicinity of the park units. It further requires the Secretary, to the extent possible, to involve such groups in developing materials and pilot programs.

I urge an aye vote on this important legislation for the Alaska Natives.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 748, legislation intended to encourage the Department of the Interior to improve Native hiring and contracting within the State of Alaska.

As I understand it, this legislation is supported by the Department of the Interior. I urge its passage.

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

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

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Alaska

(Mr. YOUNG) that the House suspend the rules and pass the Senate bill, S. 748.

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

A motion to reconsider was laid on the table.

□

LAKE TAHOE RESTORATION ACT

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3388) to promote environmental restoration around the Lake Tahoe basin, as amended.

The Clerk read as follows:

H.R. 3388

*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 "Lake Tahoe Restoration Act".

**SEC. 2. FINDINGS AND PURPOSES.**

(a) FINDINGS.—Congress finds that—

(1) Lake Tahoe, one of the largest, deepest, and clearest lakes in the world, has a cobalt blue color, a unique alpine setting, and remarkable water clarity, and is recognized nationally and worldwide as a natural resource of special significance;

(2) in addition to being a scenic and ecological treasure, Lake Tahoe is one of the outstanding recreational resources of the United States, offering skiing, water sports, biking, camping, and hiking to millions of visitors each year, and contributing significantly to the economies of California, Nevada, and the United States;

(3) the economy in the Lake Tahoe basin is dependent on the protection and restoration of the natural beauty and recreation opportunities in the area;

(4) Lake Tahoe is in the midst of an environmental crisis; the Lake's water clarity has declined from a visibility level of 105 feet in 1967 to only 70 feet in 1999, and scientific estimates indicate that if the water quality at the Lake continues to degrade, Lake Tahoe will lose its famous clarity in only 30 years;

(5) sediment and algae-nourishing phosphorous and nitrogen continue to flow into the Lake from a variety of sources, including land erosion, fertilizers, air pollution, urban runoff, highway drainage, streamside erosion, land disturbance, and ground water flow;

(6) methyl tertiary butyl ether—

(A) has contaminated and closed more than 1/3 of the wells in South Tahoe; and

(B) is advancing on the Lake at a rate of approximately 9 feet per day;

(7) destruction of wetlands, wet meadows, and stream zone habitat has compromised the Lake's ability to cleanse itself of pollutants;

(8) approximately 40 percent of the trees in the Lake Tahoe basin are either dead or dying, and the increased quantity of combustible forest fuels has significantly increased the risk of catastrophic forest fire in the Lake Tahoe basin;

(9) as the largest land manager in the Lake Tahoe basin, with 77 percent of the land, the Federal Government has a unique responsibility for restoring environmental health to Lake Tahoe;

(10) the Federal Government has a long history of environmental preservation at Lake Tahoe, including—

(A) congressional consent to the establishment of the Tahoe Regional Planning Agen-

cy in 1969 (Public Law 91-148; 83 Stat. 360) and in 1980 (Public Law 96-551; 94 Stat. 3233);

(B) the establishment of the Lake Tahoe Basin Management Unit in 1973; and

(C) the enactment of Public Law 96-586 (94 Stat. 3381) in 1980 to provide for the acquisition of environmentally sensitive land and erosion control grants;

(11) the President renewed the Federal Government's commitment to Lake Tahoe in 1997 at the Lake Tahoe Presidential Forum, when he committed to increased Federal resources for environmental restoration at Lake Tahoe and established the Federal Interagency Partnership and Federal Advisory Committee to consult on natural resources issues concerning the Lake Tahoe basin;

(12) the States of California and Nevada have contributed proportionally to the effort to protect and restore Lake Tahoe, including—

(A) expenditures—

(i) exceeding \$200,000,000 by the State of California since 1980 for land acquisition, erosion control, and other environmental projects in the Lake Tahoe basin; and

(ii) exceeding \$30,000,000 by the State of Nevada since 1980 for the purposes described in clause (i); and

(B) the approval of a bond issue by voters in the State of Nevada authorizing the expenditure by the State of an additional \$20,000,000; and

(13) significant additional investment from Federal, State, local, and private sources is needed to stop the damage to Lake Tahoe and its forests, and restore the Lake Tahoe basin to ecological health.

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

(1) to enable the Forest Service to plan and implement significant new environmental restoration activities and forest management activities to address the phenomena described in paragraphs (4) through (8) of subsection (a) in the Lake Tahoe basin;

(2) to ensure that Federal, State, local, regional, tribal, and private entities continue to work together to improve water quality and manage Federal land in the Lake Tahoe Basin Management Unit; and

(3) to provide funding to local governments for erosion and sediment control projects on non-Federal land if the projects benefit the Federal land.

**SEC. 3. DEFINITIONS.**

In this Act:

(1) ENVIRONMENTAL THRESHOLD CARRYING CAPACITY.—The term "environmental threshold carrying capacity" has the meaning given the term in article II of the Tahoe Regional Planning Compact set forth in the first section of Public Law 96-551 (94 Stat. 3235).

(2) FIRE RISK REDUCTION ACTIVITY.—

(A) IN GENERAL.—The term "fire risk reduction activity" means an activity that is necessary to reduce the risk of wildlife to promote forest management and simultaneously achieve and maintain the environmental threshold carrying capacities established by the Planning Agency in a manner consistent, where applicable, with chapter 71 of the Tahoe Regional Planning Agency Code of Ordinances.

(B) INCLUDED ACTIVITIES.—The term "fire risk reduction activity" includes—

(i) prescribed burning;

(ii) mechanical treatment;

(iii) road obliteration or reconstruction; and

(iv) such other activities consistent with Forest Service practices as the Secretary determines to be appropriate.

(3) PLANNING AGENCY.—The term "Planning Agency" means the Tahoe Regional Plan-

ning Agency established under Public Law 91-148 (83 Stat. 360) and Public Law 96-551 (94 Stat. 3233).

(4) PRIORITY LIST.—The term "priority list" means the environmental restoration priority list developed under section 6.

(5) SECRETARY.—The term "Secretary" means the Secretary of Agriculture, acting through the Chief of the Forest Service.

**SEC. 4. ADMINISTRATION OF THE LAKE TAHOE BASIN MANAGEMENT UNIT.**

(a) IN GENERAL.—The Lake Tahoe Basin Management Unit shall be administered by the Secretary in accordance with this Act and the laws applicable to the National Forest System.

(b) RELATIONSHIP TO OTHER AUTHORITY.—

(1) PRIVATE OR NON-FEDERAL LAND.—Nothing in this Act grants regulatory authority to the Secretary over private or other non-Federal land.

(2) PLANNING AGENCY.—Nothing in this Act affects or increases the authority of the Planning Agency.

(3) ACQUISITION UNDER OTHER LAW.—Nothing in this Act affects the authority of the Secretary to acquire land from willing sellers in the Lake Tahoe basin under any other law.

**SEC. 5. CONSULTATION WITH PLANNING AGENCY AND OTHER ENTITIES.**

(a) IN GENERAL.—With respect to the duties described in subsection (b), the Secretary shall consult with and seek the advice and recommendations of—

(1) the Planning Agency;

(2) the Tahoe Federal Interagency Partnership established by Executive Order No. 13057 (62 Fed. Reg. 41249) or a successor Executive order;

(3) the Lake Tahoe Basin Federal Advisory Committee established by the Secretary on December 15, 1998 (64 Fed. Reg. 2876) (until the committee is terminated);

(4) Federal representatives and all political subdivisions of the Lake Tahoe Basin Management Unit; and

(5) the Lake Tahoe Transportation and Water Quality Coalition.

(b) DUTIES.—The Secretary shall consult with and seek advice and recommendations from the entities described in subsection (a) with respect to—

(1) the administration of the Lake Tahoe Basin Management Unit;

(2) the development of the priority list;

(3) the promotion of consistent policies and strategies to address the Lake Tahoe basin's environmental and recreational concerns;

(4) the coordination of the various programs, projects, and activities relating to the environment and recreation in the Lake Tahoe basin to avoid unnecessary duplication and inefficiencies of Federal, State, local, tribal, and private efforts; and

(5) the coordination of scientific resources and data, for the purpose of obtaining the best available science as a basis for decision-making on an ongoing basis.

**SEC. 6. ENVIRONMENTAL RESTORATION PRIORITY LIST.**

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop a priority list of potential or proposed environmental restoration projects for the Lake Tahoe Basin Management Unit.

(b) DEVELOPMENT OF PRIORITY LIST.—In developing the priority list, the Secretary shall—

(1) use the best available science, including any relevant findings and recommendations of the watershed assessment conducted by the Forest Service in the Lake Tahoe basin; and

(2) include, in order of priority, potential or proposed environmental restoration projects in the Lake Tahoe basin that—

(A) are included in or are consistent with the environmental improvement program adopted by the Planning Agency in February 1998 and amendments to the program;

(B) would help to achieve and maintain the environmental threshold carrying capacities for—

- (i) air quality;
- (ii) fisheries;
- (iii) noise;
- (iv) recreation;
- (v) scenic resources;
- (vi) soil conservation;
- (vii) forest health;
- (viii) water quality; and
- (ix) wildlife.

(C) FOCUS IN DETERMINING ORDER OF PRIORITY.—In determining the order of priority of potential and proposed environmental restoration projects under subsection (b)(2), the focus shall address projects (listed in no particular order) involving—

(1) erosion and sediment control, including the activities described in section 2(g) of Public Law 96-586 (94 Stat. 3381) (as amended by section 7 of this Act);

(2) the acquisition of environmentally sensitive land from willing sellers—

(A) using funds appropriated from the land and water conservation fund established under section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-5); or

(B) under the authority of Public Law 96-586 (94 Stat. 3381);

(3) fire risk reduction activities in urban areas and urban-wildland interface areas, including high recreational use areas and urban lots acquired from willing sellers under the authority of Public Law 96-586 (94 Stat. 3381);

(4) cleaning up methyl tertiary butyl ether contamination; and

(5) the management of vehicular parking and traffic in the Lake Tahoe Basin Management Unit, especially—

(A) improvement of public access to the Lake Tahoe basin, including the promotion of alternatives to the private automobile;

(B) the Highway 28 and 89 corridors and parking problems in the area; and

(C) cooperation with local public transportation systems, including—

- (i) the Coordinated Transit System; and
- (ii) public transit systems on the north shore of Lake Tahoe.

(d) MONITORING.—The Secretary shall provide for continuous scientific research on and monitoring of the implementation of projects on the priority list, including the status of the achievement and maintenance of environmental threshold carrying capacities.

(e) CONSISTENCY WITH MEMORANDUM OF UNDERSTANDING.—A project on the priority list shall be conducted in accordance with the memorandum of understanding signed by the Forest Supervisor and the Planning Agency on November 10, 1989, including any amendments to the memorandum as long as the memorandum remains in effect.

(f) REVIEW OF PRIORITY LIST.—Periodically, but not less often than every 3 years, the Secretary shall—

- (1) review the priority list;
- (2) consult with—
  - (A) the Tahoe Regional Planning Agency;
  - (B) interested political subdivisions; and
  - (C) the Lake Tahoe Water Quality and Transportation Coalition;
- (3) make any necessary changes with respect to—
  - (A) the findings of scientific research and monitoring in the Lake Tahoe basin;
  - (B) any change in an environmental threshold as determined by the Planning Agency; and

(C) any change in general environmental conditions in the Lake Tahoe basin; and

(4) submit to Congress a report on any changes made.

(g) CLEANUP OF HYDROCARBON CONTAMINATION.—

(1) IN GENERAL.—The Secretary shall, subject to the availability of appropriations, make a payment of \$1,000,000 to the Tahoe Regional Planning Agency and the South Tahoe Public Utility District to develop and publish a plan, not later than 1 year after the date of enactment of this Act, for the prevention and cleanup of hydrocarbon contamination (including contamination with MTBE) of the surface water and ground water of the Lake Tahoe basin.

(2) CONSULTATION.—In developing the plan, the Tahoe Regional Planning Agency and the South Tahoe Public Utility District shall consult with the States of California and Nevada and appropriate political subdivisions.

(3) WILLING SELLERS.—The plan shall not include any acquisition of land or an interest in land except an acquisition from a willing seller.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, for the implementation of projects on the priority list and the payment identified in subsection (g), \$20,000,000 for the first fiscal year that begins after the date of enactment of this Act and for each of the 9 fiscal years thereafter.

#### SEC. 7. ENVIRONMENTAL IMPROVEMENT PAYMENTS.

Section 2 of Public Law 96-586 (94 Stat. 3381) is amended by striking subsection (g) and inserting the following:

“(g) PAYMENTS TO LOCALITIES.—

“(1) IN GENERAL.—The Secretary of Agriculture shall, subject to the availability of appropriations, make annual payments to the governing bodies of each of the political subdivisions (including any public utility the service area of which includes any part of the Lake Tahoe basin), any portion of which is located in the area depicted on the final map filed under section 3(a).

“(2) USE OF PAYMENTS.—Payments under this subsection may be used—

“(A) first, for erosion control and water quality projects; and

“(B) second, unless emergency projects arise, for projects to address other threshold categories after thresholds for water quality and soil conservation have been achieved and maintained.

“(3) ELIGIBILITY FOR PAYMENTS.—

“(A) IN GENERAL.—To be eligible for a payment under this subsection, a political subdivision shall annually submit a priority list of proposed projects to the Secretary of Agriculture.

“(B) COMPONENTS OF LIST.—A priority list under subparagraph (A) shall include, for each proposed project listed—

“(i) a description of the need for the project;

“(ii) all projected costs and benefits; and

“(iii) a detailed budget.

“(C) USE OF PAYMENTS.—A payment under this subsection shall be used only to carry out a project or proposed project that is part of the environmental improvement program adopted by the Tahoe Regional Planning Agency in February 1998 and amendments to the program.

“(D) FEDERAL OBLIGATION.—All projects funded under this subsection shall be part of Federal obligation under the environmental improvement program.

“(4) DIVISION OF FUNDS.—

“(A) IN GENERAL.—The total amounts appropriated for payments under this subsection shall be allocated by the Secretary of Agriculture based on the relative need for

and merits of projects proposed for payment under this section.

“(B) MINIMUM.—To the maximum extent practicable, for each fiscal year, the Secretary of Agriculture shall ensure that each political subdivision in the Lake Tahoe basin receives amounts appropriated for payments under this subsection.

“(5) AUTHORIZATION OF APPROPRIATIONS.—In addition to the amounts authorized to be appropriated to carry out section 6 of the Lake Tahoe Restoration Act, there is authorized to be appropriated for making payments under this subsection \$10,000,000 for the first fiscal year that begins after the date of enactment of this paragraph and for each of the 9 fiscal years thereafter.”.

#### SEC. 8. FIRE RISK REDUCTION ACTIVITIES.

(a) IN GENERAL.—In conducting fire risk reduction activities in the Lake Tahoe basin, the Secretary shall, as appropriate, coordinate with State and local agencies and organizations, including local fire departments and volunteer groups.

(b) GROUND DISTURBANCE.—The Secretary shall, to the maximum extent practicable, minimize any ground disturbances caused by fire risk reduction activities.

#### SEC. 9. AVAILABILITY AND SOURCE OF FUNDS.

(a) IN GENERAL.—Funds authorized under this Act and the amendment made by this Act—

(1) shall be in addition to any other amounts available to the Secretary for expenditure in the Lake Tahoe basin; and

(2) shall not reduce allocations for other Regions of the Forest Service.

(b) MATCHING REQUIREMENT.—Except as provided in subsection (c), funds for activities under section 6 and section 7 of this Act shall be available for obligation on a 1-to-1 basis with funding of restoration activities in the Lake Tahoe basin by the States of California and Nevada.

(c) RELOCATION COSTS.—The Secretary shall provide 2/3 of necessary funding to local utility districts for the costs of relocating facilities in connection with environmental restoration projects under section 6 and erosion control projects under section 2 of Public Law 96-586.

#### SEC. 10. AMENDMENT OF PUBLIC LAW 96-586.

Section 3(a) of Public Law 96-586 (94 Stat. 3383) is amended by adding at the end the following:

“(5) WILLING SELLERS.—Land within the Lake Tahoe Basin Management Unit subject to acquisition under this section that is owned by a private person shall be acquired only from a willing seller.”.

#### SEC. 11. RELATIONSHIP TO OTHER LAWS.

Nothing in this Act exempts the Secretary from the duty to comply with any applicable Federal law.

#### SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

#### GENERAL LEAVE

Mr. GIBBONS. 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. 3388.

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

There was no objection.

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

Mr. Speaker, H.R. 3388, the Lake Tahoe Restoration Act, was introduced by my colleague, the gentleman from California (Mr. DOOLITTLE). This bill authorizes \$30 million per year for 10 years to be used for a variety of activities relating to protecting and restoring the water quality of Lake Tahoe. Such projects may include erosion control projects, hazardous fuel treatments, cleanup of groundwater contamination, traffic management, and acquisition of environmentally sensitive lands. All projects will involve partnerships with appropriate State and local officials. The Forest Service supports this bill, with the understanding that funds for these projects must be new appropriations and will not come from existing Forest Service funding.

The bill, as amended, ensures that any land acquisition under this bill will be funded only by the Land and Water Conservation Fund or the Santini-Burton Act.

I urge support for the bill.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Lake Tahoe is owned jointly by the State of California and the State of Nevada and is one of the largest, deepest, clearest lakes in the world. Yet the lake is experiencing an environmental crisis. Water clarity has declined from a visibility level of 105 feet in 1967 to 70 feet in 1999. Scientists believe damage to Tahoe's clarity could be irreversible within a decade.

Approximately 30 to 40 percent of the trees in the Lake Tahoe Basin are dead or dying and pose a risk to catastrophic fire. Thirty percent of the South Lake Tahoe water supply has been contaminated by MTBE, a gasoline additive. A number of factors have contributed to the basin's and lake's deterioration, among them land disturbance, erosion, air pollution, fertilizers, runoff, and boating activity.

Following a Presidential forum, the Tahoe Regional Planning Agency estimated that it will cost \$900 million over the next 10 years to restore the lake. Since 1980, Nevada and California contributions to the effort have exceeded \$230 million. In 1997, Nevada authorized a bond issuance of \$82 million over a 10-year period. California has appropriated \$60 million of a \$275 million commitment. In addition, a coalition of 18 businesses and environmental groups have also pledged to raise \$300 million.

H.R. 3388 would authorize \$300 million, a third of the total cost on a matching basis over 10 years for environmental restoration projects at Lake Tahoe. The bill requires the Secretary of Agriculture to develop a priority list of projects to address air quality, fisheries, noise, recreation, scenic resources, soil conservation, forest

health, water quality, and wildlife. The bill would require that the Secretary give priority to projects involving erosion and sediment control, acquisition of environmentally sensitive land, fire risk reduction in urban areas and urban-wildland interface, MTBE cleanup, and management of parking and traffic.

This is a very healthy and ambitious agenda. These projects would account for \$200 million. Another million dollars will be granted to the Tahoe Regional Planning Authority and local utility districts to address well and water contamination.

Finally, the bill would authorize \$1 million to local authorities for erosion control activities, water quality, and soil conservation projects on non-Federal land. Much of this activity requires extensive consultation with State, regional, and local authorities.

I note that the bill is virtually identical to the one of Senator FEINSTEIN's passed in the Senate on October 5. There is no reason why we should not be taking up that bill and sending it to the President.

Although I do not support the limited acquisition authority in the bill, I support this legislation; and I urge my colleagues to do the same.

I also want to say that I think that certainly the local governments and the private business community should be commended for the efforts that they are undertaking to dramatically alter the activities, many of which I think will, in fact, be enhanced when they are completed, but will provide for better transportation, for less contamination of the lake, for greater setbacks and protections of the lake, which is one of the great, great natural assets of our two States and one in which the people of both Nevada and California have a great deal of pride in.

I would urge my colleagues to support this legislation.

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

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

Mr. Speaker, I would like to thank the gentleman from California (Mr. DOOLITTLE) whose district includes that portion of Lake Tahoe. It was his vision, hard work, and leadership on this issue that is going to reward us with a preservation of the water quality of Lake Tahoe. I want to thank him for his efforts in this regard.

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 Nevada (Mr. GIBBONS) that the House suspend the rules and pass the bill, H.R. 3388, 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.

## BEND FEED CANAL PIPELINE PROJECT ACT OF 2000

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2425) to authorize the Bureau of Reclamation to participate in the planning, design, and construction of the Bend Feed Canal Pipeline Project, Oregon, and for other purposes.

The Clerk read as follows:

S. 2425

*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 "Bend Feed Canal Pipeline Project Act of 2000".

### SEC. 2. FEDERAL PARTICIPATION.

(a) The Secretary of the Interior, in cooperation with the Tumalo Irrigation District (referred to in this section as the "District"), is authorized to participate in the planning, design, and construction of the Bend Feed Canal Pipeline Project, Oregon.

(b) The Federal share of the costs of the project shall not exceed 50 per centum of the total, and shall be non-reimbursable. The District shall receive credit from the Secretary toward the District's share of the project for any funds the District has provided toward the design, planning or construction prior to the enactment of this Act.

(c) Funds received under this Act shall not be considered a supplemental or additional benefit under the Act of June 17, 1902 (82 Stat. 388) and all Acts amendatory thereof or supplementary thereto.

(d) Title to facilities constructed under this Act will be held by the District.

(e) Operations and maintenance of the facilities will be the responsibility of the District.

(f) There are authorized to be appropriated \$2,500,000 for the Federal share of the activities authorized under this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

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

Mr. Speaker, S. 2425 will enable the Bureau of Reclamation to participate in the planning, design, and construction of the Bend Feed Canal Pipeline Project in Oregon, and for other purposes.

The Federal cost share of the costs of the project shall not exceed 50 percent of the total. The legislation authorizes \$2,500,000 for this project.

I urge an aye vote.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have no objection to this legislation, and I urge its passage.

Mr. WALDEN of Oregon. Mr. Speaker, today I rise in strong support of S. 2425, the Bend Feed Canal Pipeline Project Act of 2000. This bill was sponsored in the Senate by my good friend, Senator SMITH of Oregon, and I sponsored the companion legislation in the House.

S. 2425 would authorize the Bureau of Reclamation to participate in the planning, design, and construction of the Bend Feed Canal Pipeline Project in Oregon.

The Bend Feed Canal is built on pumice and other porous volcanic rock. Because of the porous rock, over 20 cubic feet per second of water is lost over the length of the Bend Feed Canal. This loss causes the Tumalo Irrigation District (District) to use all available water, and in drought years even that is not enough to supply the needs of its irrigators. The existing Bend Feed Canal has several segments currently piped. This creates a dangerous situation as a person falling into an open section of the canal will soon find themselves approaching a piped section which would mean almost certain death. Although the beginning of each piped section has a trash rack, with the urbanization of Bend and the development around the Bend Feed Canal, the risk to small children is great.

This legislation will allow the District to replace six segments of open canal with pipeline. In addition to the water conservation benefits, once the project is complete the District will have increased system reliability and the customers in the area will have fewer safety concerns. This is a very important step for a once largely rural community that is experiencing rapid growth.

The Bend Feed Canal Pipeline Project Act of 2000 is supported by the Tumalo Irrigation District and the Oregon Water Resources Congress.

The District would pay 50% of the costs of the project. The total cost of the project is expected to be approximately \$4 million.

Mr. Speaker, I strongly support S. 2425. It is a good bill for the irrigators and it is good bill for the Bend community.

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

Mr. GIBBONS. 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 Nevada (Mr. GIBBONS) that the House suspend the rules and pass the Senate bill, S. 2425.

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

A motion to reconsider was laid on the table.

□

#### KLAMATH BASIN WATER SUPPLY ENHANCEMENT ACT OF 2000

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2882) to authorize the Bureau of Reclamation to conduct certain feasibility studies to augment water supplies for the Klamath Project, Oregon and California, and for other purposes.

The Clerk read as follows:

S. 2882

*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 "Klamath Basin Water Supply Enhancement Act of 2000".

#### SEC. 2. AUTHORIZATION TO CONDUCT FEASIBILITY STUDIES.

In order to help meet the growing water needs in the Klamath River basin, to improve water quality, to facilitate the efforts of the State of Oregon to resolve water rights claims in the Upper Klamath River Basin including facilitation of Klamath tribal water rights claims, and to reduce conflicts over water between the Upper and Lower Klamath Basins, the Secretary of the Interior (hereafter referred to as the "Secretary") is authorized and directed, in consultation with affected state, local and tribal interests, stakeholder groups and the interested public, to engage in feasibility studies of the following proposals related to the Upper Klamath Basin and the Klamath Project, a federal reclamation project in Oregon and California:

(1) Increasing the storage capacity, and/or the yield of the Klamath Project facilities while improving water quality, consistent with the protection of fish and wildlife.

(2) The potential for development of additional Klamath Basin groundwater supplies to improve water quantity and quality, including the effect of such groundwater development on non-project lands, groundwater and surface water supplies, and fish and wildlife.

(3) The potential for further innovations in the use of existing water resources, or market-based approaches, in order to meet growing water needs consistent with state water law.

#### SEC. 3. ADDITIONAL STUDIES.

(a) NON-PROJECT LANDS.—The Secretary may enter into an agreement with the Oregon Department of Water Resources to fund studies relating to the water supply needs of non-project lands in the Upper Klamath Basin.

(b) SURVEYS.—To further the purposes of this Act, the Secretary is authorized to compile information on native fish species in the Upper Klamath River Basin, upstream of Upper Klamath Lake. Wherever possible, the Secretary should use data already developed by Federal agencies and other stakeholders in the Basin.

(c) HYDROLOGIC STUDIES.—The Secretary is directed to complete ongoing hydrologic surveys in the Klamath River Basin currently being conducted by the U.S. Geological Survey.

(d) REPORTING REQUIREMENTS.—The Secretary shall submit the findings of the studies conducted under section 2 and Section 3(a) of this Act to the Congress within 90 days of each study's completion, together with any recommendations for projects.

#### SEC. 4. LIMITATION.

Activities funded under this Act shall not be considered a supplemental or additional benefit under the Act of June 17, 1902 (82 Stat. 388) and all Acts amendatory thereof or supplementary thereto.

#### SEC. 5. WATER RIGHTS

Nothing in this Act shall be construed to—

(1) create, by implication or otherwise, any reserved water right or other right to the use of water;

(2) invalidate, preempt, or create any exception to State water law or an interstate compact governing water;

(3) alter the rights of any State to any appropriated share of the waters of any body or surface or groundwater, whether determined by past or future interstate compacts or by past or future legislative or final judicial allocations;

(4) preempt or modify any State or Federal law or interstate compact dealing with water quality or disposal; or

(5) confer upon any non-Federal entity the ability to exercise any Federal right to the

waters of any stream or to any groundwater resources.

#### SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized such sums as necessary to carry out the purposes of this Act. Activities conducted under this Act shall be non-reimbursable and nonreturnable.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

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

Mr. Speaker, S. 2882 will enable the Bureau of Reclamation to conduct certain feasibility studies to augment water supplies for the Klamath Project, Oregon and California, and for other purposes.

I urge an aye vote.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this legislation.

Mr. WALDEN of Oregon. Mr. Speaker, I rise today to offer my strong support for S. 2882, the Klamath Basin Water Supply Enhancement Act of 2000. This bill was sponsored in the Senate by Senator GORDON SMITH of Oregon, and I sponsored the companion bill on the House side with my good friend WALLY HERGER of California. I would like to thank Chairman Young of the Resources Committee and Chairman DOOLITTLE of the Water and Power Subcommittee for helping bring this bill to the floor.

The Klamath Project in Oregon and California was one of the earliest federal reclamation projects. The Secretary of the Interior authorized development of the project on May 15, 1905, under provisions of the Reclamation Act of 1902. The project irrigates over 200,000 acres of farmland in south-central Oregon and north-central California. The two main sources of water for the project are Upper Klamath Lake and the Klamath River, as well as Clear Lake Reservoir, Gerber Reservoir, and Lost River, which are located in a closed basin. The total drainage area is approximately 5,700 square miles. The Klamath River is subject to an interstate compact between the States of Oregon and California.

There are also several wildlife refuges in the basin that are an important part of the western flyway. There are suckers in Upper Klamath Lake on the Endangered Species List that require the lake to be maintained at certain levels throughout the summer. There are also salmon in the Klamath River for which federal agencies are seeking additional flow. It is my understanding that there will be significant additional flow requirements next year.

S. 2882, as amended by the Senate, would authorize the Bureau of Reclamation to conduct feasibility studies to determine what steps can be taken to meet the growing water needs in the Klamath River Basin (Basin) of Oregon and California. The outcome of these studies will help to determine the future water use of the residents and wildlife that surround this area. It will simply evaluate the feasibility of increasing the storage capacity, and/or the yield

of the Klamath Project facilities while improving water quality, consistent with the protection of fish and wildlife.

It is important to note that there were severe shortages of water in the Basin this year. However, this was not a drought year. The shortages are symptoms of a much larger problem in the Basin. If a solution is not found soon, a drought could have devastating effects on farmers in the area and on the wildlife that depends upon certain flow levels.

S. 2882 is an extremely important bill to people of the Klamath Basin. I support this measure and urge its immediate passage.

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

Mr. GIBBONS. 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 Nevada (Mr. GIBBONS) that the House suspend the rules and pass the Senate bill, S. 2882.

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

A motion to reconsider was laid on the table.

□

#### STUDY OF RESOURCES IN SALMON CREEK WATERSHED

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2951) to authorize the Secretary of the Interior to conduct a study to investigate opportunities to better manage the water resources in the Salmon Creek watershed of the upper Columbia River.

The Clerk read as follows:

S. 2951

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

#### SECTION 1. SALMON CREEK WATERSHED, WASHINGTON, WATER MANAGEMENT STUDY.

(a) IN GENERAL.—The Secretary of the Interior may conduct a study to investigate the opportunities to better manage the water resources in the Salmon Creek Watershed, a tributary to the Upper Columbia River system, Okanogan County, Washington, so as to restore and enhance fishery resources (especially the endangered Upper Columbia Spring Chinook and Steelhead), while maintaining or improving the availability of water supplies for irrigation practices vital to the economic well-being of the county.

(b) PURPOSE.—The purpose of the study under subsection (a) shall be to derive the benefits of and further the objectives of the comprehensive, independent study commissioned by the Confederated Tribes of the Colville Reservation and the Okanogan Irrigation District, which provides a credible basis for pursuing a course of action to simultaneously achieve fish restoration and improved irrigation conservation and efficiency.

(c) COST SHARE.—The Federal Government's cost share for the feasibility study shall not exceed 50 percent.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

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

Mr. Speaker, I rise in support of S. 2951, a bill to authorize the Secretary of the Interior to conduct a study to investigate opportunities to better manage the water resources in the Salmon Creek watershed of the upper Columbia River.

The study would allow the Secretary of the Interior to build on an independent study commissioned by the Confederated Tribes of the Colville Reservation and the local irrigation district to restore and enhance fishery resources, especially the endangered Upper Columbia Spring Chinook and Steelhead, while maintaining or improving the availability of water supplies for irrigation practices.

S. 2951 passed the Senate on October 13. I urge an aye vote.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this legislation.

Mr. HASTINGS of Washington. Mr. Speaker, I rise today in support of S. 2951. This legislation would authorize the Secretary of the Interior to conduct a study to investigate opportunities to better manage the water resources in the Salmon Creek watershed of the upper Columbia River. The purpose of the study is to explore ways to improve salmon migration while maintaining irrigation for area farms.

Mr. Speaker, this legislation is very similar to my legislation passed by the House and Senate earlier this year to study the potential benefits of replacing water currently removed from the Yakima River with water drawn from the Columbia River in order to benefit salmon. These two pieces of legislation highlight our commitment to saving the salmon in Central Washington without tearing down our dams and destroying our way of life. This common sense legislation is a locally derived solution that will greatly improve habitat and salmon survival while respecting historic water rights in my district.

Salmon Creek is a tributary of the Okanogan River in my district in Central Washington. During irrigation season, water is released from the reservoirs to provide water needed by local farms. However, the diversion of the creek waters causes approximately 4.3 miles of Salmon Creek to dry up during the later months of the irrigation season. This creek has historically provided habitat for several threatened and endangered salmon species.

The Okanogan Irrigation District in Okanogan County, Washington and the Confederated Tribes of the Colville Reservation have worked together to study and develop a series of projects to restore natural fish runs in Salmon Creek while protecting irrigation for over 5000 acres of orchards and farms. As a result of this collaborative effort, the Okanogan Irrigation District and the Confederated Tribes of the Colville Reservation have developed a proposal that would move the intake system for the Okanogan Irrigation District from Salm-

on Creek to the Okanogan River. These projects, which are frequently referred to as "pump exchanges," allow irrigation districts to terminate withdrawals from over appropriated rivers and streams and secure water from more abundant rivers further downstream from the initial intake point.

This legislation authorizes the study of both the pump exchange and other irrigation improvements that could return as much as 11,000 acre feet of water to Salmon Creek. The bill would limit the federal government's share of the total cost of the feasibility study to 50 percent, and the Congressional Budget Office estimates that implementing S. 2951 would cost about \$250,000 in fiscal year 2001. The Administration testified in favor of this legislation during a hearing in the Senate Committee on Energy and Natural Resources Subcommittee on Water and Power.

This feasibility study offers Okanogan County residents hope for the protection and improvement of what is left of their hard-hit economy. More than 262 jobs have been lost in the Okanogan Basin in recent months due to declines in the forest products industry. Additionally, falling apple prices have resulted in the loss of 80 jobs from the recent closure of an apple packing facility in Tonasket, Washington. This is compounded by the possibility that the National Marine Fisheries Service (NMFS) will shut down irrigation facilities, as they have elsewhere in my district, due to inadequate stream flow in local rivers and creeks for endangered fish species. As more than 5000 acres of orchards and fields are served by the Okanogan Irrigation District, an irrigation shutdown would be devastating.

Once again, I thank you for this opportunity to express my support for authorizing this essential fish restoration study provided in S. 2951. I commend the Okanogan Irrigation District and the Confederated Tribes of the Colville Reservation for their proactive approach to restoring salmon and steelhead populations and maintaining water deliveries to irrigators. I urge my colleagues to support this common sense local solution to improve the water resources in Salmon Creek.

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

Mr. GIBBONS. 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 Nevada (Mr. GIBBONS) that the House suspend the rules and pass the Senate bill, S. 2951.

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

A motion to reconsider was laid on the table.

□

#### AUTHORIZING APPROPRIATIONS FOR THE RECLAMATION SAFETY OF DAMS ACT OF 1978

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3595) to increase the authorization of appropriations for the Reclamation of Safety of Dams Act of 1978, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3595

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

**SECTION 1. INCREASED AUTHORIZATION OF APPROPRIATIONS FOR THE RECLAMATION SAFETY OF DAMS ACT OF 1978.**

The Reclamation Safety of Dams Act of 1978 is amended—

(1) in section 4 (43 U.S.C. 508)—

(A) in subsection (a), by striking “or from nonperformance of reasonable and normal maintenance of the structure by the operating entity”;

(B) in subsection (c), by—

(i) inserting after “1984” the following: “and the additional \$380,000,000 further authorized to be appropriated by amendments to that Act in 2000”;

(ii) striking paragraph (2) and redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(iii) in the first sentence of paragraph (3), as so redesignated, inserting “irrigation,” after “Costs allocated to the purpose of”, and inserting “without regard to water users’ ability to pay” before the period at the end; and

(C) in subsection (d), by inserting before the period at the end the following: “: Provided further, That the Secretary is authorized to expend payments of such reimbursable costs made pursuant to a repayment contract at any time prior to completion of construction”;

(2) in section 5 (43 U.S.C. 509), by—

(A) inserting after “levels” the following: “and, effective October 1, 1997, not to exceed an additional \$380,000,000 (October 1, 2000, price levels)”;

(B) striking “\$750,000” and inserting “\$1,200,000 (October 1, 2000, price levels), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the types of construction involved herein.”; and

(C) striking “sixty days (which” and all that follows through “day certain)” and inserting “30 calendar days”;

(3) in section 2 (43 U.S.C. 506), by inserting “(a)” before “In order to”, and by adding at the end the following:

“(b) Prior to selecting a Bureau of Reclamation facility for modification, the Secretary shall notify project beneficiaries in writing of such selection and solicit their interest in participating in evaluating the facility for modification. If requested by the project beneficiaries, the Secretary, acting through the Commissioner of the Bureau of Reclamation, is authorized to negotiate an agreement with project beneficiaries for the cooperative oversight of planning, design, cost containment, procurement, construction, and management of the modifications. Prior to submitting the modification reports required by section 5, the Secretary shall consider, and where appropriate implement, alternatives recommended by project beneficiaries. Within 30 days after receiving such recommendations, the Secretary shall provide to the project beneficiaries a written response detailing proposed actions to address the recommendations. The Secretary’s response to the project beneficiaries shall be included in the modification reports required by section 5.

“(c) Following submission of the reports required by section 5, project beneficiaries who wish to receive regular information concerning the status and costs of modifications shall notify the Secretary in writing. During the construction phase of the modifications, the Secretary shall keep such beneficiaries informed of the costs and status of such modifications. The Secretary shall consider, and where appropriate implement, alternatives recommended by project beneficiaries concerning the cost containment measures and construction management techniques needed to carry out such modifications.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

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

Mr. Speaker, this legislation would increase the authorized cost ceiling for the Bureau of Reclamation’s dam safety program. The program is designed to ensure that its facilities operate in a safe and reliable condition to protect the public, property, and natural resources downstream of reclamation structures.

Since the introduction of this bill, members of the Subcommittee on Water and Power have worked to ensure that project beneficiaries are informed of the costs and status of dam safety modifications. This legislation requires the Secretary to provide the costs and the status of the modifications if the project beneficiaries notify the Secretary in writing of their interest in this information.

In addition, the legislation requires the Secretary to consider and, where appropriate, implement containment and construction management techniques and recommendations provided by the project beneficiaries regarding costs.

I urge an aye vote.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this legislation. The bill amends the Reclamation Safety of Dams Act of 1978 to increase the authorized cost ceiling for the Reclamation Safety of Dams Act by \$380 million.

The bill also makes important changes pertaining to reimbursable costs. The amendment affords local projects beneficiaries an opportunity to negotiate an agreement with the Bureau of Reclamation, allowing for local participation in the oversight of dam safety project planning, design, cost containment, and other matters.

It should be clearly understood, however, that the public safety responsibilities of the Secretary pursuant to this Act are not diminished or affected in any way by these procedures allowing for full participation by the project beneficiaries.

I urge adoption of this legislation.

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

Mr. GIBBONS. 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 Nevada (Mr. GIBBONS) that the House suspend the rules and pass the bill, H.R. 3595, 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.

□

**MIWALETA PARK EXPANSION ACT**

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 1725) to provide for the conveyance by the Bureau of Land Management to Douglas County, Oregon, of a county park and certain adjacent land.

The Clerk read as follows:

Senate amendments:

Page 3, strike out lines 6 through 10 and insert:

(1) IN GENERAL.—After conveyance of land under subsection (a), the County shall manage the land for public park purposes consistent with the plan for expansion of the Miwaleta Park as approved in the Decision Record for Galesville Campground, EA #OR110-99-01, dated September 17, 1999.

Page 3, line 14, strike out “purposes—” and insert “purposes as described in paragraph 2(b)(1)—”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

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

Mr. Speaker, I rise in support of H.R. 1725, as amended and introduced by my colleague the gentleman from Oregon (Mr. DEFAZIO).

A significant amount of effort has gone into the preparation of this bill, and I would like to begin by commending the gentleman from Oregon (Mr. DEFAZIO) and the gentleman from Oregon (Mr. WALDEN) for their diligence in bringing this legislation to the floor.

The Miwaleta Park, located in Oregon, is a 30-acre area jointly managed by the Bureau of Land Management and Douglas County.

□ 1515

The title to this park and surrounding area is currently held by the BLM; and under H.R. 1725, the title and all rights and interests to this land would be transferred to Douglas County for the purpose of building a public campground.

I reiterate my support for H.R. 1725 and ask for support of this legislation.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1725.

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

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

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 1725.

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

A motion to reconsider was laid on the table.

□

**WASHINGTON-ROCHAMBEAU REVOLUTIONARY ROUTE NATIONAL HERITAGE ACT OF 2000**

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4794) to require the Secretary of the Interior to complete a resource study of the 600 mile route through Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and Virginia, used by George Washington and General Rochambeau during the American Revolutionary War.

The Clerk read as follows:

H.R. 4794

*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 "Washington-Rochambeau Revolutionary Route National Heritage Act of 2000".

**SEC. 2. 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 section, 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 resource study of the 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 American Revolutionary War.

(b) CONSULTATION.—In conducting the study required by subsection (a), the Secretary shall consult with State and local historic associations and societies, State historic preservation agencies, and other appropriate organizations.

(c) CONTENTS.—The study shall—

(1) identify the full range of resources and historic themes associated with the route referred to in subsection (a), including its relationship to the American Revolutionary War;

(2) identify alternatives for National Park Service involvement with 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 pursuant to paragraph (2).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

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

Mr. Speaker, H.R. 4794 requires the Secretary of the Interior to complete a resource study of the 600-mile route used by George Washington and General Rochambeau during the Revolu-

tionary War. The extensive route travels through nine different States and stretches from Massachusetts to Virginia.

The study will identify the full range of resources and historic themes associated with the route and identify alternatives for a National Park Service involvement with the preservation and interpretation of the route.

Compared to those of the Civil War, there just are not that many designated historic sites associated with the Revolutionary War. We need to protect these very important Revolutionary War sites as well. Thus, I urge my colleagues to support H.R. 4794.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 4794, the Washington-Rochambeau Revolutionary Route National Heritage Act of 2000. I want to commend our colleague, the gentleman from Connecticut (Mr. LARSON), for all of the work he has done on this legislation. There is bipartisan support by every Member who represents the areas crossed by this road.

Mr. LARSON. Mr. Speaker, I rise today in support of my bill H.R. 4794, the Washington-Rochambeau Revolutionary Route National Heritage Act of 2000.

At the outset, Mr. Speaker, I wish to deeply thank the gentleman from Alaska, Chairman YOUNG, and the gentleman from California, Mr. MILLER, for all of their efforts to bring this bill to the floor today. I also would like to thank and commend my colleagues Mr. GILCREST and Ms. KELLY, who helped to have this bill placed on the House Calendar, and the other co-sponsors of this bill.

Earlier this year, I received a letter from Hans DePold, a constituent of mine and a Member of the Sons of the American Revolution. The letter asked for my help in preserving a very special piece of history for all Americans, a route traveled by General George Washington and General Rochambeau during the American Revolution. It is from this correspondence and several meetings with Mr. DePold that I decided to introduce this piece of legislation. Since the introduction of H.R. 4794, I have received letters of support from States across this Nation urging the preservation of this Route.

Almost 220 years after the Yorktown campaign, which was the decisive battle in the Revolutionary War, few Americans are unaware of the assistance from America's French Allies. In 1780, George Washington's army dwindled to less than 3,000 and assistance was desperately needed. Fortunately, 5,000 troops from the French expeditionary army, led by General Rochambeau, landed in Newport, Rhode Island to assist General Washington. At Rochambeau's urging, Washington abandoned his original plan to face the British in New York, and the combined army continued south to Yorktown, Virginia. General Rochambeau was vital in advising Washington and in guiding the "end-game" strategy that implemented the Yorktown Campaign.

The Washington-Rochambeau Revolutionary Route is just another example of our

Country's rich history. The troops traveled through 9 states up and down the East Coast and it is this route these soldiers took that has become known as the Washington-Rochambeau Revolutionary Road.

When the troops passed through Connecticut, many buildings served as inns or officers housing. Seven towns and cities in my Congressional District have been documented as Washington Rochambeau sites. But my District and the State of Connecticut only represent a small piece of the larger story. There has been no comprehensive effort since 1957 to mark this route in its entirety.

This bill would authorize the National Park Service to conduct a resource study for the 600 miles that extend through Connecticut, Delaware, Maryland, Massachusetts, New York, New Jersey, Pennsylvania, Rhode Island, and Virginia. The study would identify the means of preservation and interpretation of the Route for the education of the public.

The Secretary will also consult with the State and Local historic associations and other appropriate organizations. This bill will help in preserving this route, which serves as a reminder of how Americans won their freedom.

This legislation has bipartisan support and the co-sponsorship of every member who represents the district where the WRRR travels through.

I applaud the hard work and vision of the members of The Connecticut Society of the Sons of the American Revolution, Russell Wirtalla, Vice President of the New England Region Sons of the American Revolution, and Hans DePold, Washington-Rochambeau Revolutionary Route Committee of Correspondence. My sincere thanks and admiration also goes to Dr. Jacques Bossiere Chairman of the Washington Rochambeau Revolutionary Route Committee, Dr. James Johnson, Executive Director of the Washington Rochambeau Revolutionary Route Committee and Serge Gabriel, President of Souvenir Francais, Connecticut. In addition I would like to recognize, John Shannahan and Mary M. Donahue of the Connecticut Historical Commission, Dr. Robert A. Selig an eminent historian on Rochambeau's Cavalry, and Marolyn Paulis, President of the Connecticut State Society of the Daughters of the American Revolution. It would be remiss of me to not also recognize the work and support of Jay Jackson, Chancellor and Dr. David Musto, President of the Society of the Cincinnati in the State of Connecticut. Much gratitude is also extended to Larry Gall of the National Park Service and Steve Elkinton, Director of National Park Service Historic Trails.

I would also like to offer my gratitude for the support of the Ambassador of France to the United States, François Bujon de l'Estang.

Mr. Speaker, I submit for the RECORD a letter of support from François Bujon de l'Estang, the Ambassador of France to the United States, and urge my colleagues to support this legislation.

AMBASSADE DE FRANCE

AUX ETATS-UNIS,

Washington, June 29, 2000.

Hon. JOHN B. LARSON,

Member of Congress, House of Representatives, Longworth House Office Building, Washington, DC.

DEAR MR. LARSON: Thank you for taking the initiative to introduce a legislation to commission the Secretary of Interior and the National Park Service to complete a resource study of the Washington-Rochambeau

Revolutionary Road, the six hundred mile trail traveled by the American and French generals en route to the decisive battle of Yorktown.

I commend you for paving the way to a proper commemoration of an important page of the shared history of our nations. The Washington-Rochambeau alliance is a reminder to us of how long and deep the relationship between our two countries has been. All events that remind us of the importance of the historical links uniting our nations should be encouraged.

Sincerely,

FRANÇOIS BUJON DE L'ESTANG.

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

Mr. GIBBONS. 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 Nevada (Mr. GIBBONS) that the House suspend the rules and pass the bill, H.R. 4794.

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.

□

#### NATIONAL FOREST AND PUBLIC LANDS OF NEVADA ENHANCEMENT ACT OF 1988 AMENDMENTS

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 439) to amend the National Forest and Public Lands of Nevada Enhancement Act of 1988 to adjust the boundary of the Toiyabe National Forest, Nevada, as amended.

The Clerk read as follows:

S. 439

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

#### SECTION 1. ADJUSTMENT OF BOUNDARY OF THE TOIYABE NATIONAL FOREST, NEVADA.

Section 4(a) of the National Forest and Public Lands of Nevada Enhancement Act of 1988 (102 Stat. 2750) is amended—

(1) by striking "Effective" and inserting "(1) Effective"; and

(2) by adding at the end the following:

"(2) Effective on the date of enactment of this paragraph, the portion of the land transferred to the Secretary of Agriculture under paragraph (1) situated between the lines marked 'Old Forest Boundary' and 'Revised National Forest Boundary' on the map entitled 'Nevada Interchange "A", Change 1', and dated September 16, 1998, is transferred to the Secretary of the Interior."

#### SEC. 2. OVERTIME PAY FOR CERTAIN FIRE-FIGHTERS.

(a) IN GENERAL.—Section 5542(a) of title 5, United States Code, is amended by adding at the end the following:

"(5) Notwithstanding paragraphs (1) and (2), for an employee of the Department of the Interior or the United States Forest Service in the Department of Agriculture engaged in emergency wildland fire suppression activities, the overtime hourly rate of pay is an amount equal to one and one-half times the hourly rate of basic pay of the employee, and all that amount is premium pay."

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first applicable pay period be-

ginning on or after the end of the 30-day period beginning on the date of the enactment of this Act, and shall apply only to funds appropriated after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

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

Mr. Speaker, Senate 439 would amend the National Forest and Public Lands of Nevada Enhancement Act to adjust a boundary of the Toiyabe National Forest in Nevada, thereby transferring the jurisdiction of the land from the Secretary of Agriculture to the Secretary of the Interior. This legislation has local support, as well as support from the administration. Senate 439 was favorably reported by the full committee on June 7, 2000, by voice vote.

Senate 439, as amended, also includes the Wildland Fire Firefighters Pay Equity Act of 1999, introduced by the gentleman from California (Mr. POMBO). One of the problems faced during the catastrophic fire season of 2000 was a shortage of properly trained fire fighting crews. This language will go far to address this particular problem by allowing fire fighters to earn the standard time-and-a-half overtime rate for time spent fighting fires, regardless of their pay base.

Mr. Speaker, I ask all Members to support this bill.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we support this legislation.

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

Mr. GIBBONS. 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 Nevada (Mr. GIBBONS) that the House suspend the rules and pass the Senate bill, S. 439, as amended.

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

The title of the Senate bill was amended so as to read:

"A bill to amend the National Forest and Public Lands of Nevada Enhancement Act of 1988 to adjust the boundary of the Toiyabe National Forest, Nevada, and to amend chapter 55 of title 5, United States Code, to authorize equal overtime pay provisions for all Federal employees engaged in wildland fire suppression operations."

A motion to reconsider was laid on the table.

#### ASSISTING IN ESTABLISHMENT OF INTERPRETATIVE CENTER AND MUSEUM NEAR DIAMOND VALLEY LAKE IN SOUTHERN CALIFORNIA

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2977) to assist in the establishment of an interpretive center and museum in the vicinity of the Diamond Valley Lake in southern California to ensure the protection and interpretation of the paleontology discoveries made at the lake and to develop a trail system for the lake for use by pedestrians and nonmotorized vehicles.

The Clerk read as follows:

S. 2977

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

#### SECTION 1. 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 purpose 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.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

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

Mr. Speaker, the purpose of S. 2977 is to assist in the establishment of an interpretive center and museum in the vicinity of the Diamond Valley Lake in Southern California. Diamond Valley Lake is the result of a joint effort by State and local authorities to address possible water shortage problems in Southern California. This Senate bill has House companion legislation introduced by the gentleman from California (Mr. CALVERT), who deserves

credit for his hard work and leadership on this bill.

Mr. Speaker, S. 2977 provides recreational and educational opportunities to the region by assisting in the funding for the design, construction, furnishing, and operation of an interpretive center and museum.

The center and museum will be known as the Western Center for Archeology, and will house an assortment of archeological remains which were excavated during the construction of the reservoir. The Western Center will also be available to provide storage and state-of-the-art curation services for other valuable artifacts that many Federal agencies have been unable to care for in recent years.

This bill also provides funding to share in the cost of the design, construction, and maintenance of a trails system around Diamond Valley Lake and the surrounding areas. The trails will provide nonmotorized recreation for visitors to the area.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do not know if this is a very good bill or not, to tell you the truth. There is no Federal connection to this project at all. None of the facilities, the land, are federally owned or operated; and I do not quite know why the Federal Government is spending money here when we have a multibillion dollar backlog in maintenance and construction on our Federal lands and our national parks, and why we would now be spending money on a completely non-Federal project here to construct recreational facilities and design of a visitors center.

I know that the gentleman from California (Mr. CALVERT) and Senator FEINSTEIN support this legislation. I do not know if it is the best idea, but we will let it go at that.

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

Mr. GIBBONS. 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 Nevada (Mr. GIBBONS) that the House suspend the rules and pass the Senate bill, S. 2977.

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

A motion to reconsider was laid on the table.

□

GENERAL LEAVE

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the 34 suspensions just passed.

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

There was no objection.

□

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 4 p.m.

Accordingly (at 3 o'clock and 23 minutes p.m.), the House stood in recess until approximately 4 p.m.

□

□ 1600

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PEASE) at 4 p.m.

□

AIRPORT SECURITY IMPROVEMENT ACT OF 2000

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2440) to amend title 49, United States Code, to improve airport security, as amended.

The Clerk read as follows:

S. 2440

*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 "Airport Security Improvement Act of 2000".

SEC. 2. CRIMINAL HISTORY RECORD CHECKS.

(a) EXPANSION OF FAA ELECTRONIC PILOT PROGRAM.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop, in consultation with the Office of Personnel Management and the Federal Bureau of Investigation, the pilot program for individual criminal history record checks (known as the electronic fingerprint transmission pilot project) into an aviation industry-wide program.

(2) LIMITATION.—The Administrator shall not require any airport, air carrier, or screening company to participate in the program described in subsection (a) if the airport, air carrier, or screening company determines that it would not be cost effective for it to participate in the program and notifies the Administrator of that determination.

(b) APPLICATION OF EXPANDED PROGRAM.—

(1) INTERIM REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the status of the Administrator's efforts to utilize the program described in subsection (a).

(2) NOTIFICATION CONCERNING SUFFICIENCY OF OPERATION.—If the Administrator determines that the program described in subsection (a) is not sufficiently operational 2 years after the date of enactment of this Act to permit its utilization in accordance with subsection (a), the Administrator shall notify the committees referred to in paragraph (1) of that determination.

(c) CHANGES IN EXISTING REQUIREMENTS.—Section 44936(a)(1) of title 49, United States Code, is amended—

(1) in subparagraph (A) by striking " , as the Administrator decides is necessary to ensure air transportation security,";

(2) in subparagraph (D) by striking "as a screener" and inserting "in the position for which the individual applied"; and

(3) by adding at the end the following:

"(E) CRIMINAL HISTORY RECORD CHECKS FOR SCREENERS AND OTHERS.—

"(i) IN GENERAL.—A criminal history record check shall be conducted for each individual who applies for a position described in subparagraph (A), (B)(i), or (B)(ii).

"(ii) SPECIAL TRANSITION RULE.—During the 3-year period beginning on the date of enactment of this subparagraph, an individual described in clause (i) may be employed in a position described in clause (i)—

"(I) in the first 2 years of such 3-year period, for a period of not to exceed 45 days before a criminal history record check is completed; and

"(II) in the third year of such 3-year period, for a period of not to exceed 30 days before a criminal history record check is completed,

if the request for the check has been submitted to the appropriate Federal agency and the employment investigation has been successfully completed.

"(iii) EMPLOYMENT INVESTIGATION NOT REQUIRED FOR INDIVIDUALS SUBJECT TO CRIMINAL HISTORY RECORD CHECK.—An employment investigation shall not be required for an individual who applies for a position described in subparagraph (A), (B)(i), or (B)(ii), if a criminal history record check of the individual is completed before the individual begins employment in such position.

"(iv) EFFECTIVE DATE.—This subparagraph shall take effect—

"(I) 30 days after the date of enactment of this subparagraph with respect to individuals applying for a position at an airport that is defined as a Category X airport in the Federal Aviation Administration approved air carrier security programs required under part 108 of title 14, Code of Federal Regulations; and

"(II) 3 years after such date of enactment with respect to individuals applying for a position at any other airport that is subject to the requirements of part 107 of such title.

"(F) EXEMPTION.—An employment investigation, including a criminal history record check, shall not be required under this subsection for an individual who is exempted under section 107.31(m) of title 14, Code of Federal Regulations, as in effect on the date of enactment of this subparagraph."

(d) LIST OF OFFENSES BARRING EMPLOYMENT.—Section 44936(b)(1)(B) of title 49, United States Code, is amended—

(1) by inserting "(or found not guilty by reason of insanity)" after "convicted";

(2) in clause (xi) by inserting "or felony unarmed" after "armed";

(3) by striking "or" at the end of clause (xii);

(4) by redesignating clause (xiii) as clause (xv) and inserting after clause (xii) the following:

"(xiii) a felony involving a threat;

"(xiv) a felony involving—

"(I) willful destruction of property;

"(II) importation or manufacture of a controlled substance;

"(III) burglary;

"(IV) theft;

"(V) dishonesty, fraud, or misrepresentation;

"(VI) possession or distribution of stolen property;

"(VII) aggravated assault;

"(VIII) bribery; and

"(IX) illegal possession of a controlled substance punishable by a maximum term of imprisonment of more than 1 year, or any other crime classified as a felony that the

Administrator determines indicates a propensity for placing contraband aboard an aircraft in return for money; or"; and

(5) in clause (xv) (as so redesignated) by striking "clauses (i)-(xii) of this paragraph" and inserting "clauses (i) through (xiv)".

### SEC. 3. IMPROVED TRAINING.

(a) TRAINING STANDARDS FOR SCREENERS.—Section 44935 of title 49, United States Code, is amended by adding at the end the following:

"(e) TRAINING STANDARDS FOR SCREENERS.—

"(1) ISSUANCE OF FINAL RULE.—Not later than May 31, 2001, and after considering comments on the notice published in the Federal Register for January 5, 2000 (65 Fed. Reg. 559 et seq.), the Administrator shall issue a final rule on the certification of screening companies.

"(2) CLASSROOM INSTRUCTION.—

"(A) IN GENERAL.—As part of the final rule, the Administrator shall prescribe minimum standards for training security screeners that include at least 40 hours of classroom instruction before an individual is qualified to provide security screening services under section 44901.

"(B) CLASSROOM EQUIVALENCY.—Instead of the 40 hours of classroom instruction required under subparagraph (A), the final rule may allow an individual to qualify to provide security screening services if that individual has successfully completed a program that the Administrator determines will train individuals to a level of proficiency equivalent to the level that would be achieved by the classroom instruction under subparagraph (A).

"(3) ON-THE-JOB TRAINING.—In addition to the requirements of paragraph (2), as part of the final rule, the Administrator shall require that before an individual may exercise independent judgment as a security screener under section 44901, the individual shall—

"(A) complete 40 hours of on-the-job training as a security screener; and

"(B) successfully complete an on-the-job training examination prescribed by the Administrator."

(b) COMPUTER-BASED TRAINING FACILITIES.—Section 44935 of title 49, United States Code, is further amended by adding at the end the following:

"(f) ACCESSIBILITY OF COMPUTER-BASED TRAINING FACILITIES.—The Administrator shall work with air carriers and airports to ensure that computer-based training facilities intended for use by security screeners at an airport regularly serving an air carrier holding a certificate issued by the Secretary of Transportation are conveniently located for that airport and easily accessible."

### SEC. 4. IMPROVING SECURED-AREA ACCESS CONTROL.

Section 44903 of title 49, United States Code, is amended by adding at the end the following:

"(g) IMPROVEMENT OF SECURED-AREA ACCESS CONTROL.—

"(1) ENFORCEMENT.—

"(A) ADMINISTRATOR TO PUBLISH SANCTIONS.—The Administrator shall publish in the Federal Register a list of sanctions for use as guidelines in the discipline of employees for infractions of airport access control requirements. The guidelines shall incorporate a progressive disciplinary approach that relates proposed sanctions to the severity or recurring nature of the infraction and shall include measures such as remedial training, suspension from security-related duties, suspension from all duties without pay, and termination of employment.

"(B) USE OF SANCTIONS.—Each airport operator, air carrier, and security screening company shall include the list of sanctions pub-

lished by the Administrator in its security program. The security program shall include a process for taking prompt disciplinary action against an employee who commits an infraction of airport access control requirements.

"(2) IMPROVEMENTS.—The Administrator shall—

"(A) work with airport operators and air carriers to implement and strengthen existing controls to eliminate airport access control weaknesses by January 31, 2001;

"(B) require airport operators and air carriers to develop and implement comprehensive and recurring training programs that teach employees their roles in airport security, the importance of their participation, how their performance will be evaluated, and what action will be taken if they fail to perform;

"(C) require airport operators and air carriers to develop and implement programs that foster and reward compliance with airport access control requirements and discourage and penalize noncompliance in accordance with guidelines issued by the Administrator to measure employee compliance;

"(D) assess and test for compliance with access control requirements, report findings, and assess penalties or take other appropriate enforcement actions when noncompliance is found;

"(E) improve and better administer the Administrator's security database to ensure its efficiency, reliability, and usefulness for identification of systemic problems and allocation of resources;

"(F) improve the execution of the Administrator's quality control program by January 31, 2001; and

"(G) require airport operators and air carriers to strengthen access control points in secured areas (including air traffic control operations areas) to ensure the security of passengers and aircraft by January 31, 2001."

### SEC. 5. PHYSICAL SECURITY FOR ATC FACILITIES.

(a) IN GENERAL.—In order to ensure physical security at Federal Aviation Administration staffed facilities that house air traffic control systems, the Administrator of the Federal Aviation Administration shall act immediately to—

(1) correct physical security weaknesses at air traffic control facilities so the facilities can be granted physical security accreditation not later than April 30, 2004; and

(2) ensure that follow-up inspections are conducted, deficiencies are promptly corrected, and accreditation is kept current for all air traffic control facilities.

(b) REPORTS.—Not later than April 30, 2001, and annually thereafter through April 30, 2004, the Administrator shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the progress being made in improving the physical security of air traffic control facilities, including the percentage of such facilities that have been granted physical security accreditation.

### SEC. 6. EXPLOSIVES DETECTION EQUIPMENT.

Section 44903(c)(2) of title 49, United States Code, is amended by adding at the end the following:

"(C) MANUAL PROCESS.—

"(i) IN GENERAL.—The Administrator shall issue an amendment to air carrier security programs to require a manual process, at explosive detection system screen locations in airports where explosive detection equipment is underutilized, which will augment the Computer Assisted Passenger Prescreening System by randomly selecting

additional checked bags for screening so that a minimum number of bags, as prescribed by the Administrator, are examined.

"(ii) LIMITATION ON STATUTORY CONSTRUCTION.—Clause (i) shall not be construed to limit the ability of the Administrator to impose additional security measures on an air carrier or a foreign air carrier when a specific threat warrants such additional measures.

"(iii) MAXIMUM USE OF EXPLOSIVE DETECTION EQUIPMENT.—In prescribing the minimum number of bags to be examined under clause (i), the Administrator shall seek to maximize the use of the explosive detection equipment."

### SEC. 7. AIRPORT NOISE STUDY.

(a) IN GENERAL.—Section 745 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (49 U.S.C. 47501 note; 114 Stat. 178) is amended—

(1) in the section heading by striking "GENERAL ACCOUNTING OFFICE";

(2) in subsection (a) by striking "Comptroller General of the United States shall" and inserting "Secretary shall enter into an agreement with the National Academy of Sciences to";

(3) in subsection (b)—

(A) by striking "Comptroller General" and inserting "National Academy of Sciences";

(B) by striking paragraph (1);

(C) by adding "and" at the end of paragraph (4);

(D) by striking "; and" at the end of paragraph (5) and inserting a period;

(E) by striking paragraph (6); and

(F) by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (1), (2), (3), and (4), respectively;

(4) by striking subsection (c) and inserting the following:

"(c) REPORT.—Not later than 18 months after the date of the agreement entered into under subsection (a), the National Academy of Sciences shall transmit to the Secretary a report on the results of the study. Upon receipt of the report, the Secretary shall transmit a copy of the report to the appropriate committees of Congress."

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section."

(b) CONFORMING AMENDMENT.—The table of contents for such Act (114 Stat. 61 et seq.) is amended by striking item relating to section 745 and inserting the following:

"Sec. 745. Airport noise study."

### SEC. 8. TECHNICAL AMENDMENTS.

(a) FEDERAL AVIATION MANAGEMENT ADVISORY COUNCIL.—Section 106(p)(2) is amended by striking "15" and inserting "18".

(b) NATIONAL PARKS AIR TOUR MANAGEMENT.—Title VIII of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (49 U.S.C. 40128 note; 114 Stat. 185 et seq.) is amended—

(1) in section 803(c) by striking "40126" each place it appears and inserting "40128";

(2) in section 804(b) by striking "40126(e)(4)" and inserting "40128(f)"; and

(3) in section 806 by striking "40126" and inserting "40128".

(c) RESTATEMENT OF PROVISION WITHOUT SUBSTANTIVE CHANGE.—Section 41104(b) of title 49, United States Code, is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—Except as provided in paragraph (3), an air carrier, including an indirect air carrier, may not provide, in aircraft designed for more than 9 passenger seats, regularly scheduled charter air transportation for which the public is provided in advance a schedule containing the departure

location, departure time, and arrival location of the flight unless such air transportation is to and from an airport that has an airport operating certificate issued under part 139 of title 14, Code of Federal Regulations (or any subsequent similar regulation)."; and

(2) by adding at the end the following:

"(3) EXCEPTION.—This subsection does not apply to any airport in the State of Alaska or to any airport outside the United States."

#### SEC. 9. EFFECTIVE DATE.

Except as otherwise expressly provided, this Act and the amendments made by this Act shall take effect 30 days after the date of enactment of this Act.

The SPEAKER pro tempore (Mr. PEASE). Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Mississippi (Mr. SHOWS) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

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

Mr. Speaker, last March the Subcommittee on Aviation held a hearing on aviation security, and at that time it heard some disturbing testimony.

For example, the General Accounting Office testified that although security screeners have detected about 10,000 guns over the last 5 years, weapons still often pass through airport checkpoints undetected. This is not surprising, given the repetitive, monotonous, stressful job that the screeners have. Moreover, screener pay is very low, only about \$6 or \$7 an hour. Some only get minimum wage. Most could probably make more working in a fast food restaurant. As a result, turnover exceeds 100 percent at most large airports; and at one airport, turnover of security screeners topped 400 percent a year.

But it is not turnover that is the problem. For example, the DOT Inspector General told us that even though Congress has authorized about \$350 million for the purchase of explosive detection systems, airlines often do not use this equipment as much as they could. The IG also testified that the list of 25 crimes that disqualified one from being a security screener did not include such serious crimes as burglary, bribery, and felony drug possession.

As a result of that hearing, the chairman of the Subcommittee on Aviation, the gentleman from Tennessee (Mr. DUNCAN), along with some of my colleagues on the Subcommittee on Aviation, the gentleman from Pennsylvania (Mr. SHUSTER); the gentleman from Minnesota (Mr. OBERSTAR); the gentleman from Illinois (Mr. LIPINSKI); and the gentleman from California (Mr. GARY MILLER), introduced H.R. 4529. That bill expanded the list of crimes that would disqualify one from being a security screener.

In the Senate, Senator HUTCHISON of Texas introduced a similar bill. That bill, S. 2440, passed the Senate on Octo-

ber 3. Mr. Speaker, S. 2440 not only expands the list of disqualifying crimes, it also attempts to plug some of the other holes in our aviation security system that hearings have revealed.

Let me emphasize that I believe that our aviation system is safe. There has not been a hijacking of a U.S. airline flight since 1991, and that hijacker did not actually have a weapon as he claimed, so he was arrested. However, as recent events demonstrate, it remains a dangerous world for Americans, and aviation is still a tempting target for terrorists. That is why it is so important to maintain a strong aviation security system, and that is why passage of this bill is so important.

This bill will take several steps to improve aviation security. For one, it will mandate fingerprint checks for all employees who will have access to the airfield or who will be responsible for screening passengers and their baggage. Previously, fingerprint checks were required only where a background investigation revealed gaps in a person's employment history.

To expedite these fingerprint checks, the bill expands the electronic fingerprint transmission project into an aviation industry-wide program. Each airport, airline, and screening company will have the option of deciding whether they want to participate in this new program.

This bill, like the original House bill, also expands the list of crimes that would disqualify a person from working as a screener or getting a job with an airport that would provide access to the airfield.

Another important feature of this bill is the directive to make greater use of explosive detection systems.

Taxpayers have already spent millions on these systems, and we want to make sure that they are fully utilized. FAA and the airlines have been relying on a profiling system to ensure that suspicious bags are examined by an explosive detection system. However, there is no guarantee that this profiling is 100 percent effective.

Increasing the number of bags randomly selected for further examination improves the odds that a 1-in-a-million bag with a bomb will be discovered.

In short, while security in this country is good, it could be better. By upgrading screener training and making other changes that I have described, this bill will make it better, and it will do this at very little cost to the FAA, the airlines, and the airports.

Therefore, I urge passage of this legislation, and I will include a more detailed section-by-section summary of the bill in the RECORD at this point.

#### SECURITY BILL—S. 2440

##### SECTION-BY-SECTION SUMMARY

Section 1 is the short title.

Section 2 changes the system and requirements governing criminal history record checks (i.e. fingerprint checks).

Subsection (a) expands the electronic fingerprint pilot program.

Paragraph (1) directs FAA to develop the electronic fingerprint transmission pilot project into an aviation industry-wide program within 2 years. This may require airports to purchase new equipment but will expedite the fingerprint checking process.

Paragraph (2) makes clear that small airports do not have to buy the new equipment or participate in the electronic fingerprint transmission program if it would be too costly. They can continue to do the fingerprint checks under the current slower process.

Subsection (b) describes the implementation of the new fingerprint transmission program.

Paragraph (1) directs the FAA to report to Congress within 1 year on the FAA's progress in making this program available throughout the aviation industry.

Paragraph (2) requires the FAA to notify Congress if the fingerprint transmission program will not be operational within 2 years as required by subsection (a)(1).

Subsection (c) requires that fingerprint checks be done for anyone applying for a job as a security screener, a screener supervisor, or that will allow unescorted access to the air field. This requirement takes effect within 30 days at category X airports and within 3 years at all other airports. During the first 3 years, the person can be temporarily employed without the fingerprint check if the fingerprints have been submitted and an employment or background investigation has been done and found no cause for suspicion. This temporary employment without a fingerprint check can last 45 days within 2 years of enactment and 30 days during the third year of enactment. After that, all new employees must have a fingerprint check before beginning work. Applicants who are subject to the fingerprint check do not have to also undergo an employment or background investigation as was formerly the case. Government employees and others with access to the air field, who are exempted under FAA rules from fingerprint checks, will not be subject to them as a result of this bill.

Subsection (d) lists additional crimes that would disqualify a person from being a security screener.

Section 3 calls for improved training.

Subsection (a) adds a new subsection (e) to section 44935 of title 49 establishing new training standards for screeners.

Paragraph (e)(1) requires FAA to issue a final rule for the certification of screening companies by May 31, 2001. This is the rule that was previously mandated by section 302 of public law 104-264, 110 Stat. 3250.

Paragraph (e)(2) requires this rule to prescribe 40 hours of classroom instruction, or an equivalent program, before a person can be a security screener.

Paragraph (e)(3) requires that a person complete 40 hours of on-the-job training and pass an on-the-job exam before exercising independent judgment as a security screener.

Subsection (b) directs FAA to work with airlines and airports to ensure that computer-based training devices for screeners are conveniently located and easily accessible.

Section 4 adds a new subsection (g) to section 44903 of Title 49 to tighten access controls to the airfield.

Paragraph (g)(1) requires FAA to publish a list of sanctions for disciplining employees who violate airport access control requirements. The guidelines shall incorporate a progressive disciplinary approach. Airports, airlines and screening companies shall include the sanctions in their security programs.

Paragraph (g)(2) requires FAA to work with airlines and airports to improve airport access controls by January 31, 2001.

Section 5 calls for better security at air traffic control facilities. This applies only to

those facilities that are staffed, not to those that merely house equipment.

Subsection (a) requires FAA to improve security at ATC facilities so that they all can get security accreditation by April 30, 2004.

Subsection (b) requires annual reports from the FAA on the progress being made in getting its facilities accredited, including the percentage that have been accredited.

Section 6 requires FAA to increase the number of checked bags that are selected for screening by explosive detection systems (EDS). The purpose of this requirement is to increase utilization of explosive detection systems at those airport terminals where they are installed. However, the requirement is not intended to require an increase in the number of "selectees" when an air carrier instead employs a bag match system—even if the carrier serves an airport in which explosive detection equipment is installed.

Section 7 transfers responsibility for a noise study mandated by section 745 of AIR 21 (P.L. 106-181, 114 Stat. 115) from the General Accounting Office to the National Academy of Sciences.

Section 8 makes several technical changes. Subsection (a) changes the total number of members of the Management Advisory Council to conform to the number that were added by AIR 21.

Subsection (b) changes incorrect cross references in the National Parks Air Tour Management Act of 2000.

Subsection (c) rewrites section 723 of Air 21 dealing with restrictions on scheduled charters to remove double negatives and make it more understandable.

Section 9 states that the bill becomes effective 30 days after enactment.

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

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

Mr. Speaker, I rise in strong support of S. 2440, the Airport Security Improvement Act of 2000. Mr. Speaker, S. 2440 makes several needed changes to the Federal Aviation Administration's airport security program.

In March of this year, the House Subcommittee on Aviation held a hearing on aviation security. During that hearing, both the General Accounting Office and DOT's Inspector General highlighted certain weaknesses in FAA's security program. Significantly, both the GAO and IG uniformly described security screener performance as a "weak link" in the aviation system.

Millions of passengers and pieces of baggage pass through our airports each day. Therefore, it is important to maintain passenger screening check points and to ensure that the screeners that operate them are qualified. However, high turnover, low wages, and lack of adequate training hinders security screening performance.

To remedy this situation, S. 2440 directs the FAA to finalize by May 1, 2001, its proposed rule to certify screening companies and enhance screener training. As part of this effort, S. 2440 mandates minimum training standards for screeners: 40 hours of classroom training and 40 hours on the job. Certification of screening companies and mandatory training requirements will help to ensure a proficient and highly qualified screening workforce.

In addition, the IG has found that FAA's background investigative proce-

dures are often ineffective and that vulnerabilities exist in airport access control. To ensure effective background investigations, S. 2440 requires criminal history record checks for those individuals who apply for a position as a screener or as screening supervisor, or who apply for a position that allows for unescorted access to secured areas of an airport. Importantly, S. 2440 adds several crimes to the list of crimes that would disqualify an individual from holding a security-sensitive position.

Mr. Speaker, S. 2440 requires that FAA, in consultation with the Office of Personnel Management and the Federal Bureau of Investigation, to expand its electronic fingerprint transmission pilot project into an aviation industry-wide program. This program will allow for a quick turnaround on criminal background checks for individuals applying for screener or other security-sensitive positions.

To ensure that all potential areas of vulnerability are addressed, S. 2440 directs the FAA to work with responsible parties to eliminate access control weaknesses, requiring airport operators and air carriers to adopt training programs so that all employees are aware of the importance of complying with the access control procedures. Mr. Speaker, S. 2440 also requires airport operators and air carriers to develop programs that award compliance with the access controls procedures, penalize noncompliance, and hold individuals accountable for their actions.

Finally, the GAO testified that although many FAA-certified explosive detection machines have been installed, many of these machines are underutilized. To maximize EDS usage, S. 2440 directs the FAA to require certain air carriers to develop a manual process whereby extra bags would be selected to go through EDS screening.

Congress must continue to oversee FAA's progress in resolving these very significant and complex security issues. I urge my colleagues to support S. 2440.

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

Mr. LATOURETTE. Mr. Speaker, the gentleman from Mississippi (Mr. SHOWS) and I have, I think, adequately demonstrated that it is not easy to say "security screener" 10 times in a row.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of S. 2330, the Airport Security Improvement Act of 2000. S. 2440 makes several needed changes to the Federal Aviation Administration's (FAA) airport security program.

Whenever I consider aviation security, I first reflect on the Pan American World Airways flight 103. On December 21, 1988, the world of aviation security changed forever when a terrorist bomb tore apart a Boeing 737 killing all 259 passengers and crew, and 11 residents of the small town of Lockerbie, Scotland. This terrorist act propelled the families of those victims on a tireless mission to prevent such future tragedies, culminating in the creation of the President's Commission on Avia-

tion Security and Terrorism, on which I served as a commissioner.

The Commission's 1990 report found the nation's civilian aviation security system to be seriously flawed, and made 64 recommendations to correct those flaws. First and foremost among its recommendations was that the FAA aggressively pursue a research and development program to produce new techniques and equipment that will detect small amounts of explosives in an airport operational environment. I introduced legislation implementing the Commission's recommendations. My legislation was enacted in the Aviation Security Improvement Act of 1990. Six years later, spurred by initial concerns that a terrorist act was responsible for the TWA 800 explosion off Long Island, President Clinton organized another commission, the 1996 White House Commission on Aviation Safety and Security. The Gore Commission, as it was known, made 31 recommendations for enhancing aviation security. Again, Congress acted swiftly and, in the 1996 FAA Reauthorization Act, included measures to heighten security.

Since the passage of the 1996 FAA Reauthorization Act, Congress has provided more than \$350 million for deployment of security equipment, and more than \$250 million in research funds. Recently, the Wendell H. Ford Aviation Investment and Reform Act (AIR 21), which was signed into law by the President on April 5, authorized \$5 million annually for the Department of Transportation (DOT) to carry out at least one project to test and evaluate innovation security systems. In addition, AIR 21 authorized such sums as may be necessary to develop and improve security screener training programs and such sums as may be necessary to hire additional inspectors to enhance air cargo security programs.

To date, the FAA has installed 92 FAA-certified explosive detection ("EDS") machines at 35 airports, 553 explosive trace detection devices at 84 U.S. and foreign airports, and 18 advanced technology bulk explosives detection x-ray machines at eight airports. In addition, the FAA has deployed 38 computer-based training device platforms at 37 airports. The General Accounting Office (GAO) has commented, however, that at many airports EDS machines are underutilized. S. 2440 directs the FAA to require those air carriers whose EDS machines are underutilized to develop a manual process whereby extra bags would be selected to go through EDS screening.

While deploying EDS equipment is a critical component to increase aviation security, with millions of passengers and pieces of baggage passing through our airports each day, it is also of paramount importance to maintain passenger-screening checkpoints and ensure that the screeners that operate them are well qualified. In March of this year, the House Aviation Subcommittee held a hearing on aviation security. During that hearing, both the GAO and DOT's Inspector General uniformly described security screener performance as the "weak link" in the aviation system. The FAA and the airlines share the responsibility to ensure optimal performance of security screeners. However, high turnover, low wages, and lack of adequate training hinder security screener performance.

S. 2440 directs the FAA to finalize by May 1, 2001, its proposed rule that would implement the Gore Commission recommendations

to certify screening companies, and enhance screener training. In addition, S. 2440 mandates minimum training standards for screeners: 40 hours of classroom training and 40 hours on the job. Certification of screening companies and mandatory training requirements will go a long way toward ensuring a proficient and highly qualified screening workforce.

In addition, the Inspector General has made some very startling findings regarding the ineffectiveness of FAA's background investigative procedures, and the vulnerabilities in airport access control. An Inspector General study of security procedures at six airports concluded that compliance with existing FAA regulations was lax. Of the 35 percent of employee files reviewed, the IG found no evidence that a complete background investigation had been performed. Despite this failure, airport identification cards were issued to these employees. In addition, 15 percent of the files reviewed showed an unexplained employment gap, but with no requisite criminal background check being performed.

To ensure effective background investigations, S. 2440 requires criminal history record checks for those individuals who apply for a position as a screener or a screener supervisor, or who apply for a position that allows for unescorted access to secured areas of an airport. Importantly, S. 2440 adds several crimes, including illegal possession of a controlled substance, to the list of crimes that would disqualify an individual from holding a security-sensitive position.

Further, S. 2440 requires the FAA, in consultation with the Office of Personnel Management and the Federal Bureau of Investigation, to expand its electronic fingerprint transmission pilot project into an aviation industry wide program. This program will allow for a quick turnaround on criminal background checks for individuals applying for screener or other security-sensitive positions.

The FAA must take a holistic view toward its security responsibilities to ensure that all areas of vulnerability are addressed. However, the airlines and airports also share in that responsibility—and should not put cost considerations above passenger safety. S. 2440 directs the FAA to work with all responsible parties to eliminate access control weaknesses, requiring airport operators and air carriers to adopt training programs so that all employees are aware of the importance of complying with the access control procedures. S. 2440 also requires airport operators and air carriers to develop programs that award compliance with access controls procedures, penalize non-compliance, and hold individuals accountable for their actions.

I made a promise when I was on the President's 1990 Commission on Aviation Security and Terrorism that I would not let that Report gather dust on a shelf. Passage of S. 2440, in combination with the AIR 21 provisions, is just another milestone on the infinite continuum of enhancing aviation security.

We must remain vigilant in our oversight of the FAA's progress in resolving these very significant and complex security issues. We owe it to the American traveling public both here and abroad. I urge my colleagues to support this critical piece of legislation.

Mr. LATOURETTE. 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 Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the Senate bill, S. 2440, as amended.

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

A motion to reconsider was laid on the table.

□

#### GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the Senate bill just passed.

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

There was no objection.

□

#### AUTHORIZING USE OF CAPITOL GROUNDS FOR DEDICATION OF JAPANESE-AMERICAN MEMORIAL TO PATRIOTISM

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and concur in the Senate Concurrent Resolution (S. Con. Res. 139) authorizing the use of the Capitol grounds for the dedication of the Japanese-American Memorial to Patriotism.

The Clerk read as follows:

S. CON. RES. 139

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

##### SECTION 1. DEFINITIONS.

In this Resolution:

(1) EVENT.—The term "event" means the dedication of the National Japanese-American Memorial to Patriotism.

(2) SPONSOR.—The term "sponsor" means the National Japanese-American Memorial Foundation.

##### SEC. 2. AUTHORIZATION OF EVENT TO CELEBRATE THE DEDICATION OF THE NATIONAL JAPANESE-AMERICAN MEMORIAL.

The National Japanese-American Memorial Foundation may sponsor the dedication of the National Japanese-American Memorial to Patriotism on the Capitol grounds on November 9, 2000, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate.

##### SEC. 3. TERMS AND CONDITIONS.

(a) IN GENERAL.—The event shall be open to the public, free of admission charge, and arranged so as not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board.

(b) EXPENSES AND LIABILITIES.—The sponsor shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

##### SEC. 4. STRUCTURES AND EQUIPMENT.

(a) STRUCTURES AND EQUIPMENT.—

(1) IN GENERAL.—Subject to the approval of the Architect of the Capitol, beginning on November 8, 2000, the sponsor may erect or place and keep on the Capitol grounds, until not later than 8:00 p.m. on Saturday, November 11, 2000, such stage, sound amplification devices, and other related structures and equipment as are required for the event.

(b) ADDITIONAL ARRANGEMENTS.—The Architect of the Capitol and the Capitol Police

Board may make any such additional arrangements as are appropriate to carry out the event.

##### SEC. 5. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 4 of the Act of July 31, 1946 (40 U.S.C. 193d; 60 Stat. 718), concerning sales, advertisements, displays, and solicitations on the Capitol grounds, as well as other restrictions applicable to the Capitol grounds, with respect to the event.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Mississippi (Mr. SHOWS) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

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

Mr. Speaker, Senate Concurrent Resolution 139 authorizes use of the Capitol grounds for the dedication ceremony of the National Japanese-American Memorial on November 9, 2000, or on such date that the Speaker of the House of Representatives and the Senate Committee on Rules and Administration jointly designate. The resolution authorizes the Architect of the Capitol, the Capitol Police Board, and the National Japanese-American Memorial Foundation, the sponsor of the event, to negotiate the necessary arrangements for carrying out the events in complete compliance with the rules and regulations governing the use of the Capitol grounds. The event will be free of charge and open to the public.

In 1991, former Congressman and now Secretary Mineta introduced House Joint Resolution 271 authorizing the Go For Broke National Veterans Association Foundation to establish a memorial to honor Japanese-American patriotism during World War II. This measure had the support of 132 cosponsors and unanimously passed the House and the Senate. In 1995, the Committee on Transportation and Infrastructure reported legislation transferring land between the Architect of the Capitol, the Department of the Interior, and the District of Columbia for the purpose of setting aside a parcel of land suitable for this memorial.

The memorial, which was authorized by Congress and is privately funded, occupies a triangular Federal park just south of the Capitol at Louisiana and New Jersey Avenues and D Street, Northwest. This memorial will help us all better understand Japanese-Americans' World War II experiences. I would encourage all members to attend this important dedication ceremony. I support this measure, and I urge my colleagues to support it.

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

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

Mr. Speaker, I rise in support of Senate Concurrent Resolution 139, a resolution to authorize the use of the Capitol grounds on November 9 for the dedication of the National Japanese-

American Memorial to Patriotism. The memorial is to be constructed on a prominent site located at the intersection of New Jersey Avenue and Louisiana Avenue, just a few yards from the Capitol. The event will be free of charge, open to the public, and will be arranged and conducted on the conditions prescribed by the Architect of the Capitol and the Capitol Police Board.

I support the resolution and urge my colleagues to also support the resolution.

Mr. OBERSTAR. Mr. Speaker, I rise in support of this resolution, which authorizes the use of the Capitol grounds for the dedication of the National Japanese-American Memorial to Patriotism. As with all events on the Capitol Grounds, this event will be open to the public and free of charge.

The Transportation and Infrastructure Committee, and its predecessor, the Public Works and Transportation Committee, has a long, proud history associated with this Memorial and the event. In 1991, our former Committee colleague, the gentleman from California, Norman Mineta, introduced House Joint Resolution 271. This Joint Resolution, which Congress adopted in October 1992, authorized the Go For Broke National Veterans Association to establish a memorial in the District of Columbia to honor Japanese American patriotism in World War II.

In November 1995, I had the honor of introducing H.R. 2636, co-sponsored by the gentleman from California, Mr. MATSUI, and the gentleman from New York, Mr. KING. The bill authorized the transfer of certain parcels of property to establish and build the memorial. In 1996, the bill was passed as part of the Omnibus Parks and Lands Management Act of 1996 (P.L. 104-333). Finally, today, nine years after then-Congressman Norman Mineta began this process, we authorize use of the Capitol grounds for the dedication ceremony and celebration to open the National Japanese-American Memorial to Patriotism on November 9, 2000.

The Memorial honors the patriotism of Japanese Americans who served the armed forces of the United States during World War II. More than 33,000 Japanese-Americans were drafted or volunteered for U.S. military service during the war. The Japanese-American 100th/442nd Regimental Combat Team is one of the most highly decorated military units in American history. Its members received more than 18,000 individual decorations. Just last week, this body considered and passed a bill to name the new courthouse in Seattle, Washington, after just one of this unit's many heroes, William Kenzo Nakamura.

Mr. Speaker, this beautiful Memorial is more than a fitting tribute to World War II veterans of Japanese ancestry. It also recognizes one of our nation's darker moments—the sacrifices of approximately 120,000 Japanese-Americans who were interned as a matter of "military necessity" for up to four years during the War. One of those interned was my friend, Norm Mineta. We came to Congress together 25 years ago and I will never forget his story. He was only 11 years old when he and his family were forced from their California home at gunpoint. Norm was wearing his Cub Scout uniform and carrying his baseball, bat, and glove. Before he boarded the evacuation train, a Military Police officer confiscated his bat be-

cause it could be used as a weapon. Norm and his family would spend the next 18 months interned in the Heart Mountain concentration camp, outside Cody, Wyoming.

Many, like our former colleague, now-Secretary of Commerce Mineta, although placed in internment camps during the war, never lost their faith in America. They lost their jobs, their homes, and their livelihoods, but they clung to their belief in the justice of the American system. At a time when so many were faced with terror and adversity, they held in their hearts a steadfast belief in the American system. It is fitting that this Memorial to Japanese-American Patriotism is within a stone's throw of the U.S. Capitol.

I support the resolution and wish to extend my thanks to Secretary Mineta, the gentleman from California, Mr. MATSUI, and the gentleman from Hawaii, Senator INOUE, for their perseverance in their long struggle to create this Memorial, and their many contributions to our country.

I urge adoption of the resolution.

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

Mr. LATOURETTE. 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 Ohio (Mr. LATOURETTE) that the House suspend the rules and concur in the Senate Concurrent Resolution, S. Con. Res. 139.

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

A motion to reconsider was laid on the table.

□

#### GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the Senate concurrent resolution just concurred in.

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

There was no objection.

□

#### SPECIAL ORDERS

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

□

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. PORTER) is recognized for 5 minutes.

(Mr. PORTER addressed the House. His remarks will appear hereafter in the Extension of Remarks.)

□

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

(Mr. DAVIS of Illinois addressed the House. His remarks will appear hereafter in the Extension of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Hawaii (Mrs. MINK) is recognized for 5 minutes.

(Mrs. MINK of Hawaii addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

□

#### KEEPING SOCIAL SECURITY SOLVENT

The SPEAKER pro tempore. 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, I wanted to address what I think is one of the important issues in this election, and I would hope everybody all over the country would ask the candidates that are running for the United States Senate, or for the U.S. House of Representatives, or for the President, do they have a plan that will keep Social Security solvent.

Social Security, which is probably one of our most important, most successful programs in the United States, now pays over 90 percent of the retirement benefits to almost one-third of our retirees. Social Security is important. The longer we put off developing a solution for Social Security, the more drastic that solution.

I first came to Congress in 1993. I introduced my first Social Security bill that year; and then in 1995, 1997 and 1999, I introduced a Social Security solvency bill that was actually scored by the Social Security Administration, scored to keep Social Security solvent for the next 75 years.

□ 1615

It is interesting that in the earlier years there were less changes, and we needed less money from the general fund to accommodate the continuation of Social Security. In other words, putting off that bill, missing our opportunity for the last 8 years has meant that the changes are going to be more dramatic. Somehow we have got to do it without reducing benefits for existing or near-term retirees and somehow we have got to do it with yet again increasing taxes on working Americans.

I am going to go through a few charts very quickly. This is, of course, a picture of President Franklin Delano Roosevelt. When he created the Social Security program over 6 decades ago, he wanted it to feature a private sector 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.

A lot of people have said, well, Social Security somehow is going to solve the problem and so maybe I do not need to save. So where we have ended up in this country is having a lower savings than most any of the other industrialized countries in the world. Somehow

because savings and investment are important, we need to refurbish and encourage savings and investment; and we need to save Social Security to the full extent of its benefits.

How do we do that? That is the question. That is the argument in this election year. The system is stretched to its limits. 78 million baby boomers begin retiring in 2008. Social Security spending exceeds tax revenues in 2015. So as the baby boomers retire, these are the higher wage earners now, so since Social Security taxes are based on how much one's income is, they go out of the high paying-in mode, if you will, and start taking the higher benefits, because benefits are also indexed to how much one paid in during one's working life. So the problem is Social Security trust funds go broke in 2013 although the crisis could arrive much sooner.

I want to spend a little time on the crisis arriving much sooner, because it is 2015 up here when tax revenues are going to be short of paying benefits. Then the question is, or I could say the problem, where does the money come from to start supplementing those benefits over and above tax increases? What should make us all very nervous, Mr. Speaker, is that, in the past, in 1978, in 1977 and again in 1983, what we did when we ran into a financial problem of being short money, we reduced benefits and increased taxes.

Let us not put it off. Let us not do it again. It is too much of a burden. It is too disruptive for the economy to yet again increase taxes on the American worker.

Insolvency is certain. It is not some wild-eyed, green-shaded economist predicting insolvency. 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. We know how much they will pay in taxes. We know how much they are going to take out in benefits. It is all a strict formula. Payroll taxes will not cover benefits starting in 2015, and the shortfalls will add up to \$120 trillion between 2015 and 2075; \$120 trillion.

Who knows what \$120 trillion is? Most of us in this Chamber certainly do not. But our annual budget is approaching \$1.9 trillion. That is the annual budget, \$1.9 trillion. But for the next 75 years, between 15 and 75, it is going to take \$120 trillion more than what is coming in in Social Security taxes to accommodate the benefits that we have promised the American people.

One thing that needs to be done is we need to start getting a better return on that investment that employees and employers are paying into Social Security.

The demographics are part of what is causing the insolvency. Our pay as you go retirement system will not meet the challenge of demographic change.

Let me just state, before we get to how many workers are paying in their taxes for each retiree, that when this

system started in 1935, when we started Social Security, the average age, the average life-span was 62 years. That meant that most people paid into Social Security taxes all their lives but did not take out Social Security benefits. So that pay as you go worked very well in those years.

But what is happening now, there are fewer workers paying in every year because of the reduction in birth rate, because life-span is increasing. In 1940, for example, there were 38 workers paying in their Social Security taxes that was immediately sent out, it almost goes out the same week that Treasury gets it, 38 people paying in their Social Security tax to accommodate every one retiree. Today there are three workers paying in their Social Security tax to pay the benefits for that one retiree. By 2025, the estimate is that there will be two workers. So there is a tremendous burden on those two workers. If the benefits in today's dollars are, some of the average is \$1,200 a month, for that \$1,200 a month, that means in today's dollars each one of those workers is going to have to chip in \$600 a month to pay for the retirement benefits.

Again, we are not talking about touching the insurance portion of Social Security. The disability insurance is never being considered to be invested in anything else. It is an insurance program. Whether it is Governor Bush's plan or my plan or the plan of the gentleman from Arizona (Mr. KOLBE) and the gentleman from Texas (Mr. STENHOLM), it never touches that portion that is the insurance portion of Social Security.

I was trying to represent how serious the unfunded liability is for Social Security. So this chart sort of represents what I call a bleak future of future deficits. Because of the large tax increases in 1983 when we started having problems coming up with the money, we really jacked up those taxes, those payroll taxes for Social Security in 1983.

So that means that there is more money coming in to Social Security than is needed to pay benefits. But that runs out in the year 2015. I think it is, I am trying to think of the best word, maybe unconscionable is a good word, to start promising more benefits now in Social Security or to stand aside and not do anything to solve Social Security because all of this red most likely is going to have to be paid with tax increases.

We cannot borrow \$120 trillion because the economists say to borrow that much from the private sector would totally disrupt the economy. But really there are only three choices. We either increase taxes, reduce benefits, or we borrow from the private sector. So to do nothing I think puts a huge burden on our kids and our grandkids.

Some have said, well, the economy is great, the economic growth will solve the Social Security problem. Social Security benefits, however, are indexed to

wage growth. That means the more money one makes now one pays in more Social Security taxes now, but eventually one's benefits are also going to be higher.

So in the long run, economic expansion and higher wages are a short-term benefit, but it leaves a long-term hole. 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 that larger hole to fill later. The administration has used these short-term advantages as an excuse to do nothing.

I think it is unfair, I think it is, in a way, untruthful for anybody to suggest that somehow because we do not hit the problem until 2015, another 14 years from now, that we do not have to worry about it now, because, again, to put off this problem not to take advantage of the surpluses while we have them is going to be just a huge burden on future young people and their taxes.

It is now predicted that to pay Social Security, Medicare and Medicaid, it would take 47 percent payroll tax within the next 40 years. So if we do nothing, no changes, no better return on the money coming in, payroll taxes could go up to 47 percent to cover the cost of Medicare and Medicaid and Social Security.

There is no Social Security account with one's name on it. The Supreme Court, on two decisions now, have said, look, the Social Security tax is a tax. Any benefits that people decide to give to seniors or the disabled is a decision of Congress and the President. There is no relation, there is no entitlement to Social Security benefits. So what should make us all a little nervous is, when times really get tough, will Congress and the President decide to reduce benefits, or will they increase taxes, or will they do both?

This is a quote that I brought from President Clinton's Office of Management and Budget: These trust fund balances are available to finance future benefit payments and other trust fund expenditures but only in a bookkeeping sense.

This is the trust fund they are talking about. They are the claims on the Treasury that, when redeemed, will have to be financed by raising taxes, borrowing from the public, or reducing benefits or other expenditures.

In the trust fund, for the last 40 years, up until the last 5 years, we have been taking all the Social Security surplus and spending it on other government programs. So a lot of people, as I give talks in my district and throughout the country, they said, well, look, if government would just keep its hands off those trust funds, we would be okay.

Government has got to keep its paws off the trust funds, but it is still not enough that we will get into. We have got to do more. What we did 3, 4 years ago in this Congress is we started saying, look, we are going to slow down

the growth of government. We are going to save and put aside the Social Security trust funds.

I introduced a bill 3 years ago that said we are not going to spend any of the Social Security surplus, and we started implementing that. We called it a lockbox for the Social Security surplus. But what it does is it makes sure that we do not spend any of the Social Security surplus for other government programs. We do not expand government that is going to be demanded for that increased expansion in the future. That is a good start.

This year to draw the line in the sand, our Republican conference said, well, we need public support, again, if we are not going to increase spending so much and let this government bureaucracy continue to grow as fast as it has grown in the past.

So this year what we did is we came up with another sort of gimmick, but it is going to do the job. It says we are going to take 90 percent of all of the surplus, Social Security and so-called on budget surplus, and we are going to use 90 percent of all that total surplus to pay down the debt held by the public, and only 10 percent is going to be available for spending.

Now, there is enough public support on that, that these appropriation bills we are going to pass in the next, hopefully this week, but within the next 2 weeks is going to live within that commitment to use 90 percent of the surplus to pay down the debt held by the public.

I am concerned with the suggestion, in fact this is the Vice President's suggestion on Social Security that we pay down the debt held by the public and then we use that interest savings, what we are paying in interest of what we owe on the \$3.4 trillion that is the debt held by the public.

Let me just give my colleagues a quick note on that. The total debt of this country is \$5.6 trillion. Of that \$5.6 trillion, \$3.4 trillion is the so-called Treasury bills. It is what Treasury has its weekly auctions. When one buys a bond or any other Treasury paper, that is the debt held by the public. That accounts for \$3.4 trillion out of the \$5.6 trillion total.

The rest, there is about a trillion that is owed to the Social Security Trust Fund and then another trillion that is owed to all of the other 120 trust funds in government. So we are still sort of playing creative financing games. We have got to be careful about doing that.

But the Vice President has suggested pay down this debt and then accommodate what he suggests that will save Social Security until 2057. The problem is that it is going to take \$46.6 trillion between now and 2057 to accommodate the shortfall, the shortage, where we need another \$46.6 trillion over and above what is coming in in Social Security taxes.

□ 1630

And so to pay down this amount cannot accommodate the need for that

many dollars over and above taxes. So I think it is, I guess some people have been using the words "fuzzy math." This is fuzzy math.

This is another way of depicting what the problem is if we simply rely on the \$260 billion a year that we are now using to service the debt held by the public. \$260 billion a year. It may be reasonable to say, well, we can add another IOU to the trust fund to the amount of \$260 billion a year, but here the blue shade at the bottom represents the \$260 billion a year for the next 57 years. Still, the difference between that \$260 billion a year in total leaves a shortfall of \$35 trillion that is needed over and above the \$260 billion in interest. So it still is not going to accommodate the needs. So to not be totally up front with the American people, I think, is unfair.

The biggest risk is doing nothing at all. Social Security has a total unfunded liability of over \$9 trillion. I mentioned the \$120 trillion over the next 75 years. If we put \$9 trillion into a savings account now, earning a real 7 percent, then it will be worth the \$120 trillion as we need it over the next 75 years. But we need, today, an unfunded liability of coming up with \$9 trillion today and putting it into that kind of an interesting bearing account if we are to have enough money.

The Social Security trust fund contains nothing but IOUs in a steel box in Maryland. Again, the challenge is coming up with the money we need to pay these benefits. To keep paying promised Social Security benefits, the payroll tax, if we make no changes in the program, no systemic changes, the payroll tax will have to be increased by nearly 50 percent or benefits will have to be cut by 30 percent. Neither one of these should be acceptable to this body or the President or the other Chamber, and that is why it is important that we move ahead.

I have introduced Social Security legislation, as I mentioned, that does not have any tax increase, that does not reduce the benefits for seniors or near-term seniors, very similar to what Governor Bush has suggested that we do with Social Security to make sure that we get a better return on investment.

I wonder if my colleagues can guess how much the average retiree will get back, in their retirement years, of the money they and their employer put into Social Security; 1.9 percent, on average. Some get back a negative return.

Just a mention of the Social Security lockbox. It is maybe a little gimmicky, but it accomplished our goal this past year in saying, look, we are not going to spend any of the Social Security surplus for anything except Social Security or to pay down the debt held by the public. And the Vice President, by the way, as an officer of the United States Senate, I am sure could help us get that bill through the Senate. We passed it in this Chamber, sent it to

the Senate; and now, as I understand it, there has been a threat of a filibuster. So the Vice President could help us get that bill passed and into law so that the lockbox is locked in.

I mentioned the return of Social Security. The real return of Social Security is less than 2 percent for most workers and shows a negative return for some compared to over 7 percent for the marketplace. So over the last 100 years, the equity market has given a real return of 7 percent. But looking at this chart, we see the light blue over here that shows that minorities actually have a negative return. One reason for that is that, for example, a young black male on average is going to have a life-span of 62 years.

So that means that they die before they are eligible for their Social Security benefits. So they pay in all their life and do not get anything in return. If there was a retirement account in their individual name, at least it would go into their estate and the government could not mess around with the benefits in the future. The average is 1.9 percent return for the average retiree; and again, the market average for a real return on investments is 7 percent.

I am going to get a little more into this. This is another way of expressing that Social Security is a bad investment right now. The insurance part for disability is good, and that needs to be totally saved. That cannot be privately invested. It has to stay in the same system as it is. It is working well. But the rest of Social Security, as an investment, is not good.

For example, if a person retired 5 years ago, they would have had to live 16 years after retirement to break even with what that individual and his or her employer paid into Social Security. By 2005, they would have to live to be 23 years. Remember, at one time there were 38 people working for every retiree. If someone retired in 1940, in 2 months they got back everything they and their employer put into it. But for our kids and our grandkids, if they retire after 2015 and 2025, they will have to live 26 years after retirement to break even. It is not a good investment. How can we do better than the 1.9 percent? A CD gives better than 1.9 percent.

This is the picture I have on my wall of my office. When I come out to vote, I look at my grandkids. Bonnie and I have nine grandkids, and I think they really are the generation at risk. It is easy for politicians to make all kinds of promises now and to do more things for more people so that they can get elected to office, but part of the decision has got to be what are our high standards of living, and doing what we think we deserve now, going to do to our kids and our grandkids in terms of the obligation that they are going to have in taxes or paying off our bills.

I am a farmer from Michigan, and it has always been a goal in our farm community to just try to pay down the

mortgage to let our kids have a little better start than we might have had. But in this Congress, in this government, what we are doing is increasing the debt, increasing the mortgage on our kids and our grandkids. Let us not do this.

I will do this for practice now, in case my family is looking. This is my oldest, Nick Smith; this is my youngest, Frances, and Claire and Emily, and George is a tiger, and here is Henry and James, and Selena. I might show that again, because I would hope that every grandparent, I would hope every grandparent, Mr. Speaker, considers the implication of not doing anything and just saying, well, Social Security is important, we have to put it first, but they have to come up with a plan. It should be scored by the Social Security Administration to keep Social Security solvent for the next 75 years.

Just look what we have done on tax increases and think what is going to happen in the future if we continue to depend on tax increases on working Americans. In 1940, the rate was 2 percent, 1 percent for the employee, 1 percent for the employer; a total of 2 percent on the first \$3,000 for a total of \$60 a year taxes for Social Security. By 1960, that went up to 6 percent, 3 percent for the employee, 3 percent for the employer, first \$4,800; total a year \$288. In 1980, we jumped the taxes again because benefits were jacked up and people said, well, we need more money. So again we imposed this tax on the American worker of 10.16 percent of everything they made, and so the base was \$25,900; the total tax by the employee and the employer went up to \$2,631. Today, our taxes are 12.4 percent on the first \$76,000, and the \$76,000 is indexed for inflation. So that \$76,000 base goes up every year.

So I think the question is, if we keep putting this problem off, like we have in the past, are we going to do the same thing we did in 1977 and 1983, reduce benefits and increase taxes? I am concerned that the temptation to do that is going to be great, and that is why it is so important that during these good times, where we have a surplus, not in Social Security but in the general fund, that we use that surplus now. We do not spend it on expanded government, but we use it to make sure that we keep Social Security safe. And that means we have to introduce bills.

In the legislation that I introduced, what I did was I started out allowing 2.5 percent, or the equivalent of 2.5 percent of the taxes to be invested in a private retirement account that can only be used after retirement; that can only be invested in safe investments, index funds or other safe investments determined by the Secretary of the Treasury. So it is only for retirement; it does not go out of Social Security. Like Governor Bush's proposal, it does not go out of Social Security; it supplements Social Security.

There have been suggestions that one way to do it, and we could do this, is

that for every \$4 an individual makes on their investments, they would lose \$3 of Social Security benefits. So it can be a fail-safe system, and what we have to accomplish is a return of better than the 1.9 percent.

This pie chart is part of the problem. We have raised social security taxes so high that 76 percent of American workers pay more in the Social Security tax than they do in the income tax; 78 percent of American workers now, if we add the Medicare to it, 78 percent of the American workers pay more in the FICA payroll reduction tax than they do in the income tax. So when we talk about income tax changes, somehow we have also got to get to the top of the discussion priorities: What do we do about the FICA tax? Are we just going to continue increasing the FICA tax to accommodate the demand for more spending by this Congress?

These are the six principles of Social Security. Senator ROD GRAMS from Minnesota has these criteria. I have these criteria in my bill. Governor Bush has these criteria in his proposal.

Number one, protect current and future beneficiaries; two, allow freedom of choice; three, preserve the safety net; four, make Americans better off, not worse off; five, create a fully funded system; and, six, no tax increases, and no reduction in benefits for seniors or near-term retirees.

Personal retirement accounts. How much of a risk is it? In the first place, they do not come out of Social Security. They are part of the Social Security benefit. They become part of the Social Security retirement benefits and an offset to the fixed program; yet everybody would have the option whether to go into this kind of an investment where they can invest and own their own retirement account or whether they stay in the same system. A worker will own their own retirement account. It is limited to safe investments that will earn more than the 1.9 percent paid by Social Security.

This was a chart I got from Senator GRAMS; no new taxes. I think that has to be paramount. The burden on social security taxes on so many working families today is already way too high.

A little more on personal retirement accounts. If, for example, if an individual is able to invest 2 percent of their earnings, if John Doe makes an average of \$36,000 a year, he can expect monthly payments of \$6,000 rather than the \$1,280 from Social Security, if he has his own PRA to supplement it.

I think it is good that when we passed the Social Security bill in 1935 there were provisions that said counties and States do not have to opt into Social Security. They could develop their own retirement system if they were a county employee or a State employee. Several counties in the United States, Galveston County, Texas, being one of them, opted to go into personal savings accounts.

□ 1645

Employees of Galveston County, Texas, that opted out of Social Security,

here is what they are getting: Death benefits \$75,000. Social Security would pay a burial benefit of \$253. The disability benefits \$1,280 for Social Security. The Galveston plan is accommodating \$2,749. For retirement benefits Social Security is the same as disability, \$1,280. The Galveston plan is paying \$4,790 a month for their retirees.

Spouses and survivor benefits under the Galveston County plan: This is a young lady by the name of Wendy Colehill that used her death benefits check of \$126,000 to pay for her husband's funeral and to get a college education.

I just put this up here just to try to emphasize that those kind of personal investments can do much better for us. And so, there has got to be a safety net for everybody. I mean, we are not a society that is going to let old people go hungry or go without shelter, but we have got to look for ways that are going to supplement the income coming in for these retirees.

She says, "Thank God that some wise men privatized Social Security here in Galveston. If I had regular Social Security, I would be broke."

San Diego is another county that has opted out of Social Security. A 30-year-old employee who earns a salary of \$30,000 for 35 years and contributes 6 percent to his PRA would receive \$3,000 per month in retirement. Under the current Social Security system, that employee would get \$1,077 a month under Social Security. So \$3,000 compared to \$1,000.

The difference between San Diego's system of PRAs and Social Security is the more than the difference in a check, it is also the difference between ownership and dependence. It is the difference between having that money there, that it is your money, that if you die before retirement age, it goes into your estate. It means that, with the Supreme Court decisions, that there is no guarantee that politicians do not mess around with that money that you have expected in your retirement.

Even those who oppose PRAs, I thought this was an interesting quote. I got this from Senator GRAMS also. This is a letter from Senators BARBARA BOXER, DIANNE FEINSTEIN, and Senator TED KENNEDY to President Clinton saying let San Diego keep their PRA program and not use a technicality to force them back into Social Security. And they said in the letter to President Clinton, "Millions of our constituents will receive higher retirement benefits from their current public pension than they would under Social Security."

I am wrapping this up with the last three charts. This again is what other countries are doing by privatizing, well ahead of America. Even these countries that are socialist countries have now gone to privatization.

The British workers chose PRAs with 10 percent returns. And who could blame them. They have got a two-tier

system. But two out of three of the British workers enrolled in the second tier, Social Security system chose to enroll in the personal retirement accounts. The British workers have enjoyed a 10 percent return on their pension investments over the past few years. The pool of PRAs in Britain exceeds nearly \$1.4 trillion, larger than their entire economy and larger than the private pensions of all other European countries combined.

The U.S. trails other countries in saving its retirement system. Of course Chile was one of the early countries. In the 18 years since Chile offered the PRAs, 90 percent of the Chilean workers have created accounts. Their average rate of return has been 11.3 percent per year. Among others, Australia, Britain, Switzerland offer workers the PRAs.

I represented the United States Public Pension Retirement Program in an international meeting in Europe 3 years ago. I was really, and I am not sure if the word is impressed or astounded, at the number of countries throughout the world that is moving their public pensions to have some real investments with some of that money that is coming in.

We have got countries now that are paying up to a 40 percent payroll tax to cover their senior benefits and a tremendous pressure not only on the workers and how much money they get, but a tremendous pressure on the cost of the goods they produce. So it puts those countries at a real competitive disadvantage when they have to add to the cost of products they sell enough to pay their workers to survive and still take almost half of it for their senior retirement program.

I want to save this one. This is the average rate of return on stocks in the last 100 years. But this is based on a family income of \$58,000. The returns on a PRA, the three colors, the light blue is 2 percent of your earnings, the pink is 6 percent of your earnings, and the purple is 10 percent of your earnings. And so, you can see that in 20 years you can take 10 percent of your earnings and have it valued at \$274,000. If you were to leave that in for 40 years, it would be worth \$1,389,000.

The point is that you can be an average income worker and you can retire as a wealthy retiree because of the magic of compound interest. And that means the long-term investments.

I drew this chart which represents what you would have paid in if you had left the money in for 30 years. Any year in our history, a 30-year period put around the worst depressions that we have had in the last 100 years is still going to end up with a positive return of almost three percent. The average is 2.6 percent. So, on average, leaving that investment in the equity stock markets for 30 years, it is a 2.6 return.

We have got to have provisions where you do not have to bounce out and cash in all at once. And I do this in my legislation. It has got to be done in any

legislation we have. We have got to continue the safety net. We have got to continue having options for those individuals that decide they want to stay in the same system. But we have also got to have an opportunity where individuals have that ownership, have that control by having their own accounts without the chance that Government is going to mess around with it later. And we have got to have the criteria in developing any plan that we do not have yet again another tax increase, that we do not have any benefit cuts for seniors or near-term retirees.

If anybody would like to see the details of my Social Security proposal and probably more than you ever wanted to know about Social Security, this is my website: [www.house.gov.NickSmith/welcomehtml](http://www.house.gov.NickSmith/welcomehtml).

If you go to one of the search engines and you do "Nick Smith on Social Security," it should come up here on my website.

Mr. Speaker, I think we have come a long way in terms of the lockbox, not spending the Social Security surplus. I think this year we are doing it again by saying we are going to take at least 90 percent of the total surplus and put that 90 percent for either Social Security for the time being, use it to pay down the debt held by the public, and only argue about the other 10 percent.

There is a danger of Government growing faster than it should simply because politicians get on the front page of the paper and on the television set when they take home pork barrel projects.

I think if there is anything I would ask the public, Mr. Speaker, to do in this campaign when they are talking to the representatives running for Federal office is to pin them down on Social Security. It is something that we cannot afford to give up.

□

#### 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. SHOWS) to revise and extend their remarks and include extraneous material:)

Mr. DAVIS of Illinois, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

(The following Members (at the request of Mr. LATOURETTE) to revise and extend their remarks and include extraneous material:)

Mr. PORTER, for 5 minutes, today and October 24.

Mr. CANADY of Florida, for 5 minutes, October 25.

□

#### SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1854. An act to reform the Hart-Scott-Rodino Antitrust Improvements Act of 1976; to the Committee on the Judiciary.

S. 2943. An act 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; to the Committee on International Relations.

□

#### ADJOURNMENT

Mr. SMITH of Michigan. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 55 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, October 24, 2000, at 10:30 a.m., for morning hour debates.

□

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

10663. A letter from the Associate Administrator, Department of Agriculture, Agricultural Marketing Service, Fruit and Vegetable Programs, transmitting the Department's final rule—Sweet Onions Grown in the Walla Walla Valley of Southeast Washington and Northeast Oregon; Revision of Administrative Rules and Regulations [Docket No. FV00-956-1 IFR] received October 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10664. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Time Limited Tolerances for Pesticide Emergency Exemptions [OPP-181051A; FRL-6749-7] (RIN: 2070-AD15) received October 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10665. A letter from the Office of the Secretary, Department of Defense, transmitting the Department's final rule—Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); TRICARE Prime Enrollment—received October 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

10666. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, Veterans Benefits Administration, transmitting the Department's final rule—Reservists Education: Monthly Verification of Enrollment and Other Reports (RIN: 2900-A168) received October 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

10667. A letter from the Acting Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Official Foreign Travel—received October 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10668. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Missouri [MO 110-1110; FRL-6889-8] received October 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10669. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Missouri [MO 108-

1108; FRL-6890-3] received October 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10670. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Missouri [MO 116-1116a; FRL-6890-4] received October 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10671. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Arizona: Final Authorization of State Hazardous Waste Management Program Revisions [FRL-6888-7] received October 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10672. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Tennessee: Final Authorization of State Hazardous Waste Management Program Revision [FRL-6889-7] received October 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10673. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans (SIP) for the State of Alabama—Call for 1-hour Attainment Demonstration for the Birmingham, Alabama Marginal Ozone Nonattainment Area [AL-200018; FRL-6892-2] received October 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10674. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Vermont: Final Authorization of State Hazardous Waste Management Program Revisions [FRL-6892-8] received October 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10675. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Maintenance Plan Revisions; Wisconsin [WI99-01-7330a, FRL-6891-3] received October 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10676. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—List of Approved Spent Fuel Storage Casks: NAC-UMS Addition (RIN: 3150-AG32) received October 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10677. A letter from the Secretary, Department of Agriculture, transmitting a report on the Strategic Plan for FY 2000–2005; to the Committee on Government Reform.

10678. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC-10-10F, DC-10-15, DC-10-30, DC-10-30F, and DC-10-40 Series Airplanes, and Model MD-11 and -11F Series Airplanes [Docket No. 99-NM-162-AD; Amendment 39-11750; AD 2000-11-02] (RIN: 2120-AA64) received October 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10679. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC-9-80 and MD-90-30 Series Airplanes, and Model MD-88 Airplanes [Docket No. 99-NM-161-AD; Amendment 39-11749; AD 2000-11-01] (RIN: 2120-AA64) received October 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10680. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model CL-600-2B19 Series Airplanes [Docket No. 2000-NM-312-AD; Amendment 39-11914; AD 2000-20-03] (RIN: 2120-AA64) received October 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10681. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Aircraft Company Beech Models 1900C, 1900C (C-12J), and 1900D Airplanes [Docket No. 2000-CE-02-AD; Amendment 39-11905; AD 2000-19-04] (RIN: 2120-AA64) received October 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10682. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model CL-600-1A11 (CL-600) and CL-600-2A12 (CL-601) Series Airplanes [Docket No. 99-NM-26-AD; Amendment 39-11902; AD 2000-19-01] (RIN: 2120-AA64) received October 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10683. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747-400 Series Airplanes Equipped with Rolls-Royce RB211-524G/H and RB211-524G-T/H-T Engines [Docket No. 99-NM-76-AD; Amendment 39-11540; AD 2000-02-22] (RIN: 2120-AA64) received October 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10684. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-120 Series Airplanes [Docket No. 2000-NM-305-AD; Amendment 39-11911; AD 2000-19-10] (RIN: 2120-AA64) received October 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10685. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767 Series Airplanes Powered by Rolls-Royce RB 211 Series Engines [Docket No. 2000-NM-140-AD; Amendment 39-11910; AD 2000-19-09] (RIN: 2120-AA64) received October 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10686. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Turbomeca Arriel 1 Series Turboshift Engines [Docket No. 2000-NE-11-AD; Amendment 39-11912; AD 2000-20-01] (RIN: 2120-AA64) received October 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10687. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Agusta S.p.A. Model A109K2 and A109E Helicopters [Docket No. 2000-SW-21-AD; Amendment 39-11917; AD 2000-20-06] (RIN: 2120-AA64) received October 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10688. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas

Model MD-90-30 Series Airplanes [Docket No. 99-NM-329-AD; Amendment 39-11855; AD 2000-16-01] (RIN: 2120-AA64) received October 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10689. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; General Electric Company CF6-50 Series Turbofan Engines [Docket No. 2000-NE-38-AD; Amendment 39-11913; AD 2000-20-02] (RIN: 2120-AA64) received October 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10690. A letter from the Secretary, Department of Labor, transmitting a draft of proposed legislation entitled the "Black Lung Disability Trust Fund Debt Restructuring Act"; to the Committee on Ways and Means.

10691. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property [Rev. Rul. 2000-50] received October 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10692. A letter from the Under Secretary for Domestic Finance, Department of the Treasury, transmitting a draft of proposed legislation to reduce and eliminate the issuance of certain securities due to the current and projected budget surplus; jointly to the Committees on Education and the Workforce, the Judiciary, and Ways and Means.

□

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GEKAS: Committee on the Judiciary. H.R. 3312. A bill to clarify the Administrative Dispute Resolution Act of 1996 to authorize the Merit Systems Protection Board to establish under such Act a 3-year pilot program that will provide a voluntary early intervention alternative dispute resolution process to assist Federal agencies and employees in resolving certain personnel actions and disputes in administrative programs; with amendments (Rept. 106-994 Pt. 1).

#### DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the Committee on Government Reform discharged. H.R. 3312 referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

□

#### TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

*[The following action occurred on October 20, 2000]*

H.R. 1552. Referral to the Committee on Resources extended for a period ending not later than October 25, 2000.

H.R. 1882. Referral to the Committee on Ways and Means extended for a period ending not later than October 25, 2000.

H.R. 2580. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than October 25, 2000.

H.R. 4548. Referral to the Committee on Education and the Workforce extended for a period ending not later than October 25, 2000.

H.R. 4585. Referral to the Committee on Commerce extended for a period ending not later than October 25, 2000.

*[Submitted October 23, 2000]*

H.R. 3312. Referral to the Committee on Government Reform extended for a period ending not later than October 23, 2000.

□

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. CARDIN (for himself, Mr. STARK, Mr. MENENDEZ, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. BECERRA, Mr. DOGGETT, and Ms. ROYBAL-ALLARD):

H.R. 5524. A bill to amend the Internal Revenue Code of 1986 to strengthen the effectiveness of the earned income tax credit in reducing child poverty and promoting work; to the Committee on Ways and Means.

By Mr. GRAHAM:

H.R. 5525. A bill to extend the temporary office of bankruptcy judge established for the district of South Carolina; to the Committee on the Judiciary.

By Mr. GEJDENSON (for himself and Mr. SMITH of New Jersey):

H. Con. Res. 433. Concurrent resolution expressing the sense of Congress with respect to the parliamentary elections held in Belarus on October 15, 2000; to the Committee on International Relations.

□

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 464: Mr. COX.  
H.R. 1093: Mr. POMEROY and Mr. MCCOLLUM.  
H.R. 1411: Mr. COX.  
H.R. 1456: Mr. SOUDER.  
H.R. 3275: Mr. GEJDENSON.  
H.R. 3514: Mr. SABO, Mr. FRELINGHUYSEN, Mr. REYES, and Mr. CAMP.

H.R. 3576: Mr. BONILLA.

H.R. 3677: Mr. LATOURETTE.

H.R. 3700: Mr. GUTIERREZ.

H.R. 4025: Mrs. CHRISTENSEN.

H.R. 4353: Ms. ESHOO.

H.R. 4467: Mr. BLUNT.

H.R. 4538: Mr. BONIOR and Ms. CARSON.

H.R. 4740: Mr. CARDIN and Mr. UDALL of Colorado.

H.R. 5250: Mr. PAYNE and Mr. FRANK of Massachusetts.

H.R. 5268: Mr. KENNEDY of Rhode Island.

H.R. 5276: Mr. RUSH.

H.R. 5306: Mr. BURTON of Indiana.

H.R. 5345: Mr. UDALL of Colorado and Mr. RUSH.

H.R. 5472: Mr. PORTER and Mr. RUSH.

H.R. 5506: Mr. MATSUI.

H.R. 5511: Mr. FARR of California and Mr. DELAHUNT.

H. Con. Res. 426: Mr. KLINK, Mr. HAYES, Mr. BISHOP, Mr. GONZALEZ, Mr. CUMMINGS, and Mr. TANNER.

H. Res. 517: Ms. CARSON.