SENATE—*Tuesday, October 17, 2000*

(Legislative day of Friday, September 22, 2000)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Gracious Father, this morning the Senate was jarred awake by the news of the tragic airplane accident that claimed the lives of Missouri Governor Mel Carnahan, his son, Randy, and Governor Carnahan's aide, Chris Sifford.

In this difficult hour we ask You to give Your strength and peace to the Carnahan and Sifford families. Bless the citizens of Missouri. Grant Roger Wilson, who at this hour is serving as Acting Governor of Missouri, Your power and fortitude.

We begin the day conscious of the frailty and brevity of our physical life. Our time here is but a small part of the whole of eternity. May we live and work to Your glory in all that we say and do in this busy day in the life of our Senate. In Your all powerful name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable GEORGE V. VOINOVICH, a Senator from the State of Ohio, 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.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

SCHEDULE

Mr. VOINOVICH. Mr. President, today the Senate will resume debate on the conference report to accompany the Agriculture appropriations bill. Debate on the conference report will be limited in today's session and a short period on Wednesday morning. Therefore, those Senators with statements are encouraged to come to the floor during today's session, if possible. The vote on the Agriculture appropriations conference report is scheduled to occur at 11:30 a.m. on Wednesday. However, that vote time may be changed to accommodate those Senators who will be attending the memorial service for the sailors who died on the U.S.S. *Cole*. Senators will be notified as soon as possible if that change is made.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

LOSS OF GOVERNOR MEL CARNAHAN AND OTHERS

Mr. VOINOVICH. Mr. President, I appreciate the Chaplain of the Senate opening today's session in prayer for Missouri Governor Mel Carnahan and for his son, Randy Carnahan, and for Chris Sifford, all of whom were tragically killed last night in a plane crash in Missouri.

Mel Carnahan and his wife Jean were good friends of mine and my wife Janet. We got to know them through the Governors' Association—a wonderful man, wonderful family man, one of the finest human beings I have ever met. From a personal point of view, my sympathy goes out to Jean, his wife, and to the rest of his family and to the citizens of Missouri. This country lost a great leader.

On behalf of the entire Senate, I express our deepest sympathies to Governor Carnahan's wife Jean and to their sons, Russ, Robin, and Tom, and to their grandchildren, Andrew and Austin. They have lost a father, husband, grandfather, son, a brother, and an uncle. This is a terrible burden to carry, and we wish them God's strength and courage in so doing.

The entire Senate joins me in expressing condolences to the citizens of Missouri who have lost the Governor they elected to serve them at State government. We also extend our sympathies to the family of Chris Sifford.

All of us involved in statewide public office know the dangers of flying across our States for different events. So when a tragedy such as this occurs, it hits especially hard. When I woke up at 6 o'clock this morning to the public radio saying Mel Carnahan and his son were killed, it reminded me how fragile life is and how so often we take life for granted. It also reminded me that each day we live, we should thank God for it and let the people with whom we come in contact know that we love them.

This is a sad day for our country. As I said, Mel Carnahan was truly a great leader and made a great contribution also to the National Governors' Association.

Many Senators knew Governor Carnahan and will be making remarks today and in the next few days.

The PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, I received a phone call early this morning from my personal assistant, Janice Shelton, who indicated to me that Governor Carnahan was dead, having been killed in a tragic plane crash with his son, Randy.

I have watched very closely Governor Carnahan for the last 18 months, as we have watched the most noted Senate race in America this year between two very fine men, Senator ASHCROFT, formerly the Governor of Missouri, and Governor Carnahan. It was a great race to watch because they were so devoted to their different causes. There was distinction between the campaign philosophies. It was a race where the numbers never changed more than a point or two: For 18 months, back and forth, one ahead by a point, the other ahead by a point.

At this time, we realize that those numbers don't mean a great deal, that races in which we are engaged involve good people. Governor Carnahan, what a wonderful man. I got to know him very well, and his wife attended many functions in which I was in attendance. He dedicated his life to public service. The State of Missouri and the country will be less as a result of losing this fine man.

As has been indicated by Governor VOINOVICH, Senator VOINOVICH, our hearts go out to the entire family and the people of Missouri. Also, as Senator VOINOVICH and I were talking before the Senate convened, we have a great amount of sadness for Senator ASHCROFT, who is going through a difficult time now as a result of this, always wondering, having flown around the State himself, as we all have, trying to understand this life that we lead. So not only do I extend my sympathy to the Carnahan family, but also to Governor ASHCROFT, and the fact that in this country we can have people who have strong beliefs, differing beliefs, yet people of great moral certitude who believe very strongly in their causes. That is what makes this country as great as it is.

It is with a great deal of sadness that I came to work today. It is with a great deal of sadness I am with the Dean of the Senate and Senator VOINOVICH who

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

is opening the Senate today. This will have an impact on my life, always, having known him and suddenly his life is snuffed out. I am a better person for having known Governor Carnahan. The people of Missouri are better off as a result of his service. I wish Godspeed to the people of Missouri and the Carnahan family.

Mr. VOINOVICH. Mr. President, I would be remiss if I did not also mention that I was asked by Senator KIT BOND and Senator ASHCROFT to also publicly express their sympathies to the people of Missouri on the death of Mel Carnahan. Both Senator ASHCROFT and Senator BOND served as Governors of the State of Missouri and knew Mel Carnahan quite well. We know there was a campaign going on, and I am sure this is also very heavy on JOHN ASHCROFT.

Mr. DORGAN. Mr. President, I wish to make a comment about the tragic death last evening of Governor Carnahan of Missouri. Governor Carnahan, of course, was also a candidate for the Senate, a Governor of Missouri, Lieutenant Governor, and a distinguished officeholder for many years in the State of Missouri. His tragic death last evening is something that obviously allows all to say to his family, his widow, and the folks who were his friends and relatives, that our thoughts and prayers are with them. It is a difficult time, I know. This is a man who gave so much service to his country and such distinguished service to our country.

My thoughts are with him and his family this morning.

Mr. BAUCUS. Mr. President, I extend my deepest personal sympathies to Mel Carnahan's family. He was tragically killed in a plane crash last night. All Members want to serve our country as well as we possibly can. We go the extra mile to serve our people. We all know the dangers inherent with flying in small aircraft to try to attend political events and try to make meetings on schedules that are very uncertain.

All in the Senate are particularly grieved in this tragedy. We extend our most heartfelt sympathies to the Governor's wife, his family, to his campaign team, and all who were involved. It is difficult to explain how deeply we feel about this.

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

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. VOINOVICH). In my capacity as a Senator from the State of Ohio, I ask unanimous consent that the order for the quorum call be rescinded.

Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. I ask unanimous consent that the Senate now recess until the hour of 11 a.m., and further that Senator DORGAN be recognized at 11 for up to 30 minutes.

Without objection, it is so ordered.

There being no objection, the Senate, at 10:22 a.m., recessed until 11:03 a.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. ROBERTS).

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DORGAN. Mr. President, the Senator from Montana, Mr. BAUCUS, wishes to make a presentation on the Agriculture appropriations bill. I intend to make a longer presentation. I ask he be recognized; that following his presentation, I be recognized in the regular order.

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

The distinguished Senator from Montana is recognized.

RETIREMENT SECURITY

Mr. BAUCUS. Mr. President, I rise to urge that Congress enact the Retirement Security and Savings Act, which has passed the House and been reported unanimously by the Senate Finance Committee. This is a balanced, bipartisan bill. It will encourage people to set their own money aside for retirement, by reforming the private pension rules and increasing the amount that people can put in an individual retirement account. It also will create two important new savings incentives. One is a tax credit for small businesses that set up pension programs for their employees. The other is a tax credit for low and middle income people who save for their own retirement. If, before adjourning, we can find a way to enact this bill, it will be a significant addition to the record of the 106th Congress. Let me explain why.

The American people have many wonderful qualities. But, these days, unfortunately, thrift is not one of them. During the last 20 years, personal savings rates have consistently declined, from 9 percent of GDP in the 1970s to less than 1 percent now. In fact, the preliminary net personal savings rate for August is the lowest rate since the Commerce Department began keeping records in 1959. So what? Why does this matter?

In the first place, a low savings rate means that less capital is available for new investments. Perhaps that is not a pressing issue right now, with a booming economy. But it should be. Over the long run, a low cost of capital is essential to our international competitiveness. On top of that, a low savings rate means that people aren't putting their own money away for retirement. That makes them more dependent on Social Security. In fact, 16 percent of today's retirees depend exclusively on Social Security for their retirement income, and two-thirds depend on it as their primary source of retirement income.

We need to protect Social Security. But that is not enough. After all, Social Security only replaces about 40 percent of the income earned during our working years. If retirees continue to rely so heavily on Social Security, there will still be far too many Americans spending their retirement years one step away from poverty. We need to supplement Social Security, by encouraging more Americans to save for their retirement. And we can start by passing the Retirement Security and Savings Act, as reported by the Senate Finance Committee.

As a threshold matter, the bill does two important things. First, it reforms the tax rules for pension plans. It makes pensions more portable. It strengthens pension security and enforcement. It expands coverage for small businesses. It enhances pension fairness for women. And it encourages retirement education. Second, the bill increases the contribution limits for individual retirement accounts. IRAs have proven to be a very popular way for millions of workers to save for retirement, particularly for those who do not have pension plans available through their employers. The IRA limits have not been increased since they were created almost two decades ago. An increase is long overdue. These are positive changes. However, by and large, they reinforce the conventional approach to retirement incentives. That approach can best be described as a ''top down'' approach. We create incentives for people with higher incomes, hoping that the so-called nondiscrimination rules will give the higher paid folks an incentive to encourage more participation by others, such as through employer matching programs. I do not have a problem with this approach, as far as it goes. But it does not do enough to reach out to middle and lower income workers.

That is why I am particularly pleased that the bill goes further, by creating two new savings incentives. One creates a new incentive to encourage small businesses to establish pension plans for their employees. The other creates a new matching program to help workers save their own money for retirement. Let me discuss each in turn.

First, the incentives for small businesses. Unlike larger companies, most small business owners do not offer pension plans. While three out of every four workers at large companies are

participating in some form of pension plan, only one out of every three employees of small businesses have pensions. This leaves over 30 million workers without a pension plan. It is not that small businesses do not want to provide pension plans. They simply cannot afford to. Record-keeping requirements are too complex and expensive. The bill addresses this, by creating two new tax credits.

The first is a tax credit of up to $500 to help defray the administrative costs of starting a new plan. The second is a tax credit to help employers contribute to a new plan on behalf of their lower paid employees. In effect, it is a match of amounts employers in small firms put into new retirement plans for their employees—up to a limit of 3 percent of the salaries of these workers. Taken together, these new incentives will make it easier for small businesses to reach out to their employees and provide them with a pension. In addition, the bill creates a new tax credit that is aimed primarily at workers who do not have a pension plan available to them, to encourage them to save for themselves.

Only one-third of families with incomes under $25,000 are saving for retirement either through a pension plan or in an IRA. This compares with 85 percent of families with incomes over $50,000 who are saving for retirement. We clearly need to provide an incentive for those families who are not saving right now, and the individual savings credit included in the Finance Committee bill will provide that incentive.

Here is how it works. A couple with a joint income of $20,000 is eligible for a 50 percent tax credit for the amount that they save each year, for savings of up to $2,000. People with higher incomes get a smaller match, up to a joint income of $50,000. According to the Joint Tax Committee, almost 10 million families will be eligible for the individual savings credit. This will provide a strong incentive for these families to begin setting aside money for their retirement. That, in a nutshell, is how the credits work. Let me respond to the common criticisms of the proposal.

One is that the tax credit for low and moderate income workers is not refundable and therefore will not benefit lower income families that have no tax liability. All that I can say, in response, is that I am a realist. I agree that the credit should be refundable. But, this year, a refundable credit is not in the cards, because it generates strong opposition from the majority. Another criticism, from a different direction, is that the credit is targeted to a specific income class, and provides taxpayers in that income class with too much of a benefit. I disagree. This is not a novel approach. Many provisions of the tax code are phased out at higher income levels, as a way of targeting benefits and reducing the revenue loss.

Another thing. By targeting lower and moderate income workers, the credit provides balance. The benefits of the other provisions of the bill go primarily to higher-paid workers. After all, if we increase the amount that can be deferred in a 401(k) plan more from $10,000 to $15,000 a year, we are only benefiting folks who can afford to make that much of a contribution. So a credit targeted to low and moderate income workers provides the overall bill with balance.

In conclusion, I urge the leadership, on the tax-writing committees, in the Senate, in the House, and in the administration, to work together to secure passage of this important legislation. We continue to have a rip-roaring national economy. But many people have been left behind, good people, who are working hard to make ends meet. Let us reach out to them. Let us make an effort to give every working person in this country a real stake in the American dream. Maybe some young worker will see this tax credit and start to put away a little money that he or she otherwise would have spent. That money will compound, and so will the virtue of thrift. And that, Mr. President, will be good for all of us.

The PRESIDING OFFICER. The distinguished Democratic leader is recognized.

MEL CARNAHAN

Mr. DASCHLE. Mr. President, it is with a sad heart that I speak this morning. We now all know that we have lost the Governor of the State of Missouri. Gov. Mel Carnahan was killed in a plane crash last night. Like another man from Missouri, Harry Truman, Mel Carnahan was a man of plain speech and enormous political courage. I believe he would have been a great United States Senator, just as he was a great Governor. His death is a loss to the people of Missouri and to all Americans.

Mel Carnahan spent his life in public service. In this time of skepticism and cynicism about politics and politicians, it is worth noting that Mel Carnahan could have done anything with his life and been a success. His intelligence, his drive, his dedication, his hard work, would have landed him at the top of just about anything he chose to pursue. But Mel Carnahan made a choice early in his life that he would enter public service and that he would use his enormous talents to help people, and that is what he did.

In the State legislature, as State treasurer, as Lieutenant Governor, and during his two terms as Governor, he worked to help people, to make government efficient, and to use the tools at his disposal to make a difference to people's lives.

Whether it was improving public schools, expanding health insurance for children, stricter safety standards for nursing homes to protect seniors, or passing some of the toughest anti-crime measures in the nation to make communities safer, he made a difference.

When Governor Carnahan raised taxes in 1993 to improve Missouri schools, it was an act of political courage that he said was part of his job. ''It was the right thing to do,'' he said later. It was the right thing to do. If one principle could sum up Mel Carnahan's entire political career of public service, it would be just that—he saw what needed to be done, and he did the right thing, regardless of political consequences.

He saw what needed to be done, and using that strong inner compass of right and wrong that steered him through his entire life, he made his decisions—not based on polls or focus groups or other political considerations, but on what was the right thing to do.

Last night, we lost a true public servant—the kind whose service on behalf of people brings honor to all of us who have chosen a similar path for our lives. The fact that his son Randy was with him makes the personal tragedy suffered by the Carnahan family all the more crushing. Our thoughts and prayers are with Jean Carnahan, and the Carnahan and Sifford families in this time of sadness.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

AGRICULTURE APPROPRIATIONS AND FAMILY FARMERS

Mr. DORGAN. Mr. President, I indicated I wanted to talk today about the appropriations bill conference report that is going to be considered by the Senate. The vote at this point is ordered for tomorrow. It is a vote on the Agriculture appropriations bill conference report.

I am a member of the subcommittee dealing with Agriculture appropriations in the Senate. We have had a lengthy conference with the House of Representatives and have reported out a piece of legislation. While I am critical of the farm bill we have in this country because I believe it does not work, I do not want to start with criticism of anything or anybody. Rather, I want to start with compliments.

I compliment Senator THAD COCHRAN who is the chairman of the Senate Agriculture Appropriations Subcommittee. He does just an excellent job. I appreciate very much the work he does.

I compliment Senator HERB KOHL who is the ranking member on that subcommittee.

I thank Galen Fountain, our minority clerk on the subcommittee, who

does a lot of work with us, and good work; Rebecca Davies, Martha Scott-Poindexter, Les Spivey, Hunt Shipman—staff people who have done a great deal of work to put this legislation together.

On my staff, Dale Thorenson and Nicole Kroetsch, Brian Moran, and Stephanie Mohl, who worked on parts of this. Thanks to all those people.

When we bring a piece of legislation to the floor of the Senate after it has gone through conference, it has gone through a long, tortured process. It is not an easy thing to put together. It represents a lot of work and compromise. Thanks to all the people I have mentioned.

I will try to, for a moment, describe why all of this is important to me. There are a lot of things in this legislation dealing with research, agricultural research, food research, Food for Peace—you name it, there is a whole range of programs that deal with very important and serious issues. But I want to focus on one thing, and that is family farming.

I come from a State that is largely an agricultural State. The fact is, our family farmers in this country are in deep trouble. Some people probably couldn't care less. They get their butter from a carton, they get their eggs from a carton, they buy their milk in a bottle, they get their pasta in a package, and they couldn't care less what is happening to family farmers.

Those who think a lot about it understand the importance of farmers who are out there with their families living on the farm, with the yard light that illuminates their place at night. They understand its culture, and understand its contribution to our country. Those who think about it understand the importance of broad-based economic ownership in our country's food production.

I want to read a couple of letters because we are in a situation where commodity prices have collapsed, the grain prices are rock bottom, and our farmers are in desperate trouble. They are losing their livelihood, losing their farms, having to quit. This is a letter I received a couple of days ago from a woman named Lois. I will not read her last name. I do not know if she has indicated she would want me to read this on the floor of the Senate. This is a family farm in North Dakota. Lois and her husband run a family farm. The letter says:

> Dear Byron, it's 6 a.m. I woke up [this morning] and feel compelled to write, as I feel farmers here are now at rock bottom.
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> Right now as we harvest a worthless crop, pay huge prices for our oil products, face winter and bills to pay, we find the [crops sprout damaged and injured] by rain. Harvest brings more stress and fears to all of us. I'm afraid for us. I'm afraid for my neighbors and others like us who can't make a profit thru no fault of our own. We . . . have other jobs, but we can't keep farming. . . . I am taking time off these days (from my work) to drive a grain truck. I'm hauling grain that is below $1 a bushel. . . . We need a price that is more than cost. It's called profit. I don't have a lot of answers. We've attended many meetings. . . . We can feed the world . . . we should feel pride in that.

But what's wrong? There's something not connecting here.

She, like so many others, is trying to make a living on a family farm, and they are going broke.

A farm family—a man and his wife—wrote to me about a week ago and said:

> It is with tears in my eyes that I find myself writing to you today. After I have been assisting in what should be a joyous time, it just couldn't be further from that. So for the first time, I am taking steps to try and find help, for not only ourselves, but all of those who are worse off around us. Somebody has to help us now. . . . My husband and I farm—near a small community in the northwest corner of North Dakota.
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> We are blessed with some of the greatest soil and we felt very fortunate until now that it has helped to provide us with thousands of bushels of grain, plus cattle. In fact, up until recently, we had thought we were very fortunate. We couldn't have been more wrong, however.
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> We are facing the worst times our 3rd generation farm has ever seen since its existence began in 1914. As combines are cutting our fields, the last thing I would normally be doing right now is writing a letter, but we have no choice. Something has to be done and people need to know what kind of devastation is [occurring] in our economy.
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> It was just this morning that we were told that our very rare and beautifully colored, disease free durum wheat is now only worth 80 cents a bushel. Our neighbors were not so ''lucky.'' There is no market for theirs as it was not close to perfect.
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> Our banks will not collect on their loans, young people like ourselves are going to just pack up and leave. . . . There is just no reason for us to continually be abused. . . .

She raises the questions, as other farmers do, about everyone else making record profits that handle their grain. The grain elevators, railroads, and the grain trade all make record profits.

She says:

> We are one of the very few young farmers left in our community and after this harvest there will be many more forced to leave. There just will be no alternative.

Another letter from another family farm in North Dakota. A farmer writes:

> So why do I write? Simply to encourage you to continue the battle, to be a voice alerting the nation to the financial, cultural and social devastation that is taking place in rural America. As a seventy two year old lifetime farmer, now retired, I am a witness to farm after farm being discontinued. The immediate community in which I live vastly changed and changing. Good young family farmers are quitting one after the other, some forced out financially, others giving up before complete financial ruin. There is no profit incentive, the gamble is too great, the fight against weather, disease, regulations and prices too heavy a burden to bear.

This farmer writes:

> Personally, I have a son now forty five, who has farmed since graduating from the University of North Dakota. His hope is fading. He talks of farming one more year and [then giving up]. He is a fourth generation farmer ready to give up. His son now seven never to continue into the fifth generation [on the family farm].

He says:

> My concern is for my family, my community, the nation.

I will not read any more. I have so many letters from farmers. They are out there wondering what is wrong with an economic system which rewards everyone except those who produce the crops.

Some say: The ''family farm,'' that is kind of like the little old diner that gets left behind when the interstate comes through. It was a great old place once, but it is irrelevant now because the interstate moves people past that diner. They say that is what the family farm is like. They couldn't be more wrong.

I have indicated before, go to Europe, if you wonder what an economy ought to be with respect to rural values. Europe was hungry at one point so it decided never to be hungry again. One part of national security is to make sure you have a network of producers, a network of family farms producing your food. That way you will not have concentration; you will have broad-based economic ownership, and you will provide national security with respect to food. Europe has a healthy agricultural base. Europe has family farmers who are making money and small towns that have life on their main streets. Why? Because Europe has chosen an economic model that says they intend to keep their family farmers on the farm.

Our country ought to do the same, for a whole series of reasons, some economic, some cultural, some social. But family farms contribute more than just grain. They contribute families, yes; they contribute community; they contribute a culture that is very important to this country.

A wonderful author named Critchfield used to write about the nurturing of family values in this country. He said family values have always started, in the two centuries of America, on its family farms, and rolled to its small towns and to its cities. The refreshment and nurturing of family values has always come from the seedbed of family values; and that is our family farms.

If one wonders what kind of cultural devastation occurs or what kind of cultural changes will occur in this country if we lose our family farms, our rural economy, and turn into a country in which corporations farm all of America from coast to coast—one can see that model in a number of other areas. It is not something that advances our country's interests. Rather, it retards our country's interests.

So I do not come here making excuses in support of family farms. I

come saying that the support of family farms is essential for the long term well-being of this country.

How do we support family farms? Well, we have a farm bill that is a disaster called Freedom to Farm. We gave farmers so-called freedom to farm, but not freedom to sell. So farmers are prevented from selling into certain markets. The freedom to farm is a presumption that individual family farmers have the economic clout in which to deal with everyone else with whom they have to deal.

Does a family farmer have a chance when complaining about railroad rates? I do not think so. Ask the folks in Montana who filed a complaint against the railroad rates. Ask them if they got a fair shake when it took 16 years to get the complaint processed down through the ICC.

Who wins when the family farmer is overcharged by a railroad for hauling grain? The railroad wins.

Who wins when the food manufacturers or the grain trade takes a kernel of wheat, moves it somewhere down the line on the railroad and into a plant, puffs it up, puts it on a grocery store, and calls it puffed wheat? Who wins when they take produce from farmers and give them a pittance for it, and then charge a fortune for it on the grocery store shelf? It is the same kernel of wheat, only it has had a puff added to it. The puff is worth more than the wheat. The people selling the puffed wheat are making a fortune, and the family farmers are going broke.

Is that an economic model that has any justice in it at all? The answer is no. So we ought to have a farm program that works. And we do not. Next year we ought to commit ourselves to repealing Freedom to Farm, and rewriting a bill that works for family farmers, that provides a safety net for family farms in the country. This is not rocket science. They do it in Europe. We ought to be able to do it in our country.

Let me describe, just for a moment, what we have in this appropriations bill. We have disaster assistance in this appropriations bill.

I want to show a couple of charts that talk about what happened in North Dakota in the spring of this year after the crops were planted. This chart happens to show a grain field. It does not look like it, but it is a grain field. From the evening of June 12 until the morning of June 14—a day and a half—a stalled thunderstorm system—actually several thunderstorms converging together—dumped as much as 18 inches of rain in the Red River Valley, near Grand Forks, ND.

North Dakota is a state that usually gets 15 to 17 inches of rain a year. We are a semiarid state which averages 15 to 17 inches of rainfall a year. From June 12 through June 14, in some of these areas, we had 18 inches in 36 hours.

A few days later on the evening of June 19, around 7 o'clock in the evening, flash flooding and severe thunderstorms hit the Fargo-Morehead area about 80 miles south of the first set of storms in the Red River Valley. By 11 p.m. that evening, more than 4 inches of rain had fallen, and it looked as if maybe the worst had passed. But thundershower after thundershower pummeled the area after midnight, dropping an additional 2 inches of rain in 90 minutes. So, this area ended up with a total of 6 inches of rain in a very short period. This is a totally flat terrain. It caused massive sheet flooding. Throughout the area around Fargo, seven to 9 inches of rain in total fell in the timespan of 6 hours.

This chart shows what a grain field looked like the day after. Here is another picture of grain fields. As you can see, there is no grain there. This is a lake. In fact, this area used to be Lake Agassiz long before any of us were around. But you can see what this does if you are a family farmer and you have been out in the spring planting grain. We now have a flood.

The floods in North Dakota, the drought in Texas, the drought in Georgia, the drought in Mississippi, and other parts of our country, the disasters in Montana, all persuaded this Agriculture appropriations subcommittee to add more funding for disaster aid. We originally added $450 million for Crop Loss Assistance due to weather disasters when the bill was in the Senate—an amendment I offered on the floor of the Senate.

When it went to conference, the need was obvious, so we added more. It went to $1.1 billion for disaster aid because we had had continued disasters in Texas and in the Deep South. In fact, look at Georgia here. The weekend before we lost our late colleague, Senator Coverdell—who was a distinguished Senator and one I deeply admired—the weekend before we tragically lost our colleague, I had spoken to him about what was happening in Georgia. He said that he was going to cosponsor with me a disaster piece that would provide assistance for farmers in that area of the country. We had need—because of the floods—in our area as well.

We have had drought in the Deep South. As shown on this chart, we can see these red areas. We have had flooding in other areas. We have had a pretty difficult time this year in many areas of the country.

So this piece of legislation adds $1.1 billion for disaster assistance. This help allows farmers who have been struck by natural disasters to be able to claim some help for crops that they were not able to harvest.

In addition to that, we had folks up in this part of North Dakota that harvested a crop—a crop that looked great—but they had a disaster when they delivered that crop to the grain elevator. They took a durum crop from the field—a 45-bushel-to-the-acre crop, which is a pretty good crop—only to discover that when they got it to the grain elevator it was full of disease and sprout damage. They found out that grain they thought was going to be worth a decent price was now valued by the grain trade at only 80 cents a bushel.

The cost of producing this grain is probably $4 to $4.50 a bushel. So, they had a field waving in the wind, getting ripe and ready to be harvested. They got the combine out, took the grain off, and then discovered what cost them $4.50 a bushel to produce was now worth 80 cents. To make matters worse, they also found out that the crop insurance they had taken out to insure their crop does not provide help for them to cover the quality loss.

That is called a quality loss adjustment. Actually a better word for it is a catastrophe. If you have a product that you have produced, and it turns out to be worth almost nothing, that is a catastrophe.

Here is what has happened to our farmers. You can see, going back to 1996, wheat prices were very high. That is when Congress passed Freedom to Farm. Many of us stood on the floor of the Senate warning, at that point, this isn't going to continue. But Freedom to Farm provided specific payments over a period of time after which there would be a phaseout of the program altogether. You can see what has happened to prices. You can see with prices at rock bottom, having collapsed and stayed down for some while, that the quality loss adjustments mean that farmers are getting pennies for their crop.

This disaster is not a natural disaster, but rather it has resulted in quality loss adjustments by the grain trade that had to be addressed in this bill. For the first time, this legislation will provide $500 million for quality loss adjustments. I will talk through that for a moment so people understand why this is in the bill and why it was necessary.

These farmers haven't caused the problem. These are good family farmers who have discovered that their crop, especially in our part of the country up in North Dakota, with the worst crop disease in a century, these are farmers who have discovered that they have produced a rather bountiful crop that is worth nothing when they take it to the grain elevator. Without the quality loss assistance, we would have had a wholesale migration from our family farms. We are going to have a lot of migration anyway by family farmers who simply can't make it. But the disaster aid and the quality loss adjustment is going to be a step in the right direction by at least extending a hand to say until we change this farm bill, here is some help.

I pushed very hard on quality loss assistance. I know I might have bruised some feelings here and there, but I just didn't think we had any choice. We can't say to family farmers, when their prices are collapsed, that it doesn't matter. We can't say to family farmers who are out there struggling: When your crop is hit by disease, it doesn't matter; when your crop insurance doesn't pay off, it doesn't matter; if you are hit 6 or 7 years in a row by natural disaster, as has been the case with many counties in North Dakota, it doesn't matter.

We have a responsibility to define the kind of economy we want in this country. The kind of economy I want is an economy that values that which is produced on our family farms. Our farm program needs changing desperately. We have not been able to get that done this year. In the meantime, this piece of legislation, this Agriculture appropriations bill, does provide some fill so that with respect to disaster and quality loss adjustments, we are able to provide some short-term, interim help to family farmers.

I say to Senator COCHRAN, Senator KOHL, and others who were willing to allow me to press as hard as I did to put this in the bill, I appreciate—and the family farmers in my State will appreciate—the opportunity to continue to try to make that family farm work and to make a living.

I say, again, that we have a responsibility to decide as a Congress whether we want family farms in our future. For those who don't, let's just keep doing what we are doing and that is where we will end up. We will eventually not have any family farmers left in this country. But for those who, like me, believe that a network of family farms is essential to this country, to its culture and its economy, then we better wake up and work together and write a farm bill that works and gives farmers some hope. We better do that, not 2 years from now, not 3 years from now. We better do that now.

We are about ready to adjourn, I suppose, at the end of this week or the end of next week, and we will reconvene as a Congress, the 107th Congress, in January. My hope is one of the first items of business is for us to understand that rural America has not shared in this bountiful prosperity of our country. It is not just that food has no value. You look around the world at night on your television screen, you will discover that there are people who are hungry, there are children who are going to bed with an ache in their belly in every corner of the globe. Food does have value. But the food that is produced in this country, regrettably, has value only for established monopolistic interests, those who have become big enough to flex their economic muscle at the expense of those who produce the food.

Everyone who touches a bushel of grain produced by a family farmer seems to be making record profits. Every enterprise that touches it seems to be doing well. The railroads, the grain trade, the grocery manufacturers, they are all doing well. In fact, they are doing so well, they are marrying each other. Every day you read about another merger. They want to get hitched. They have so much money, they are all rolling in cash. It is the folks out here who took all the risks and plowed the ground and seeded the ground and harvested the crop. They are the ones who can't make a living. There is something disconnected about that kind of economic circumstance.

We can have the kind of economy we choose to have. It is within our ability to define the kind of economy we want for this country. I hope, beginning next year, we will decide that there is a different way, a better way to extend the help for family farmers with a farm program that really works during tough times and a farm program that we would not need during better economic times when grain prices reflected the real value of the grain produced by family farms.

We have made some progress in the Agriculture appropriations bill dealing with sanctions. It is not the best, but we have made some progress. Many of us in the Senate, many in the Congress, have believed that it is relatively foolish for our farmers to bear the brunt of national security interests by having sanctions against other countries that say you can't ship food or medicine to certain countries because we are angry with their leaders. That has never made any sense to me.

We can be as angry as we like with the country of Iran or Libya or Cuba or Iraq, but refusing to ship food to those countries doesn't hurt Saddam Hussein or Fidel Castro. All that does is hurt hungry, sick, and poor children. It hurts hungry people, sick people, and poor people in countries to which we are not allowed to ship food and medicine. Talk about shooting yourself in the foot, our public policy has been to say ready, aim, fire, and we shoot ourselves right smack in the foot on the issue of sanctions.

I don't have a quarrel with those who want to strap economic sanctions on the country of Iraq. That is fine with me. But sanctions should not include food. We have tried mightily to get rid of the sanctions with respect to a range of countries with whom we now prevent the shipment of food and medicine. This legislation marginally moves in that direction. It includes some elements of the amendment I put in the appropriations bill as it went through the Senate. But, once again, it is reactionary with respect to Cuba. There is going to be no grain sold to Cuba because of restrictions put in here by a few people who were trying to hijack this debate in the conference. The result is it tightens up on travel restrictions to Cuba, and virtually means there will be no food sold in Cuba. In my judgment, that is very foolish, but we will live to fight another day on that issue. At least part of what is done in this legislation dealing with sanctions on agricultural shipments is a step in the right direction.

There is much more to talk about in this legislation. Let me end by mentioning my thanks to the people who helped put this legislation together. It is not easy to do. On balance, while there are some things I don't agree with—I have not described what those are—I think it is a good piece of legislation and a pretty good appropriations bill. It ought to be a precursor for all of us who support family farmers to understand that year after year, when you have to add a disaster piece and emergency pieces to deal with the failure of a farm program, it is time to rewrite the farm program from the start.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. VOINOVICH). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

COMPLETING THE WORK OF THE SENATE

Mr. DASCHLE. Mr. President, I understand we are about to recess for the day. I want to discuss for just a moment, if I may, my observations about the week and the lack of any activity or communication with the Democratic caucus. I am told that the majority leader has indicated to his caucus members that there won't be a vote tomorrow and that the vote will be postponed on the Agriculture appropriations bill until Thursday.

I am surprised by that announcement, first, because I had not been forewarned or informed in any way that this would be the schedule for the week. I also am disappointed because I have indicated to a lot of people that they needed to ensure they would be here tomorrow at 11:30. They have all made plans accordingly. A lot of people have arranged their entire week around the fact that tomorrow at 11:30 there would be a vote. I am told that our Republican colleagues may simply go into a quorum call at some point and force the Senate into a vote on Thursday, which is, of course, their right. We will insist on a vote on adjournment tomorrow. There will be a vote tomorrow.

We think we ought to be here, working, resolving the outstanding differences. The longer we are gone, the

less likely it is we will finish our work. It is that simple. How many days do we have to go with absolutely no business on the Senate floor? We could be taking up an array of issues. We could be taking up unfinished business that begs our consideration. Yet we sit day after day holding hands and wondering when, if ever, we will adjourn sine die. This isn't the way to run the Senate.

At the very least, there ought to be a minimum amount of communication between Republicans and Democrats with regard to the schedule. To read an announcement that there will be a vote postponement and not to give forewarning to all of our colleagues who are making travel plans is, again, just another departure from what I consider to be good will and common sense.

We will delay the vote at least until 4 o'clock tomorrow afternoon because of the Cole funeral. We understand there will be Members who need to travel to Virginia for that very important matter. We will delay the vote until at least after 4 o'clock. I want colleagues to know there will be a vote tomorrow and we will force that vote. We will continue to force votes to keep people here to do what they are supposed to do.

I have also just been in consultation with a number of our colleagues from the White House, and they have indicated they will begin insisting on much shorter continuing resolutions, 2 or 3 days at the maximum. I hope the President will veto anything longer than a 3-day CR. Why? Because it is ridiculous to be taking 7-day CRs, leaving 5 days for campaigning and 2 days for work—if that. We should be working 7 days with a 7-day CR. We should be finishing the Nation's business with the CR. To give every single candidate, whoever it is, the opportunity to campaign while leaving the people's business for whenever they can get around to it and delay it to another occasion when it is more convenient for them to come back is unacceptable, inexcusable, and will not be tolerated.

I put our colleagues on notice that in whatever limited way we can influence the schedule, we intend to do so. That will at least require perhaps a little more consultation but, at the very least, a little more forewarning to all colleagues with regard to the schedule and what it is we are supposed to be doing here.

Mr. REID. Will the Senator yield?

Mr. DASCHLE. I am happy to yield to the Senator.

Mr. REID. I ask the Democratic leader if he has ever seen in his many years in the Congress, both the House and the Senate, the casual attitude, with so few appropriations bills having been passed? We have less than 3 weeks left until the elections of this cycle, and we are here doing nothing. Has the Senator ever experienced anything such as this?

Mr. DASCHLE. I have seen recesses that are more productive than what we have experienced since we started passing CRs. These recesses, as I like to call them—7 days of continuation of a resolution, and then 2 days, if that, of work, maybe 1 day of work—are mind boggling.

There ought to be some urgency here. We ought to express the same level of urgency that a continuing resolution implies. But I don't see any urgency. I see no sense of determination to try to finish our work. If we take a poll of where our colleagues are today, they are cast out over all 50 States, with very little appreciation of the need to finish our work, to come back and do what we are supposed to do.

(Mr. ROBERTS assumed the Chair.)

Mr. DASCHLE. I know the Presiding Officer is required to move on and is being replaced again by a very distinguished Presiding Officer from Kansas, our colleague, PAT ROBERTS, but I appreciate very much the question posed by the distinguished assistant Democratic leader.

Mr. REID. If I could ask the Senator one more question; that is, I don't know what will happen this weekend, but I can only speak for myself and a number of other Senators with whom I have had the opportunity to speak on the phone and in person today. We should be working this weekend. For us now to not have votes until late Wednesday or maybe even Thursday, and to take Friday, Saturday, Sunday, and maybe Monday off? I want the leader to know that there are a number of us on this side who feel the urgency is here; we should press forward and work through the weekend.

Mr. DASCHLE. Let me respond to the distinguished Senator from Nevada. First, I would like to see if we could work on Tuesday. I would like to see us work on Wednesday. But as he has noted, given the urgency of completing our work, Saturday and perhaps even Sunday would be a real departure from current practice. But just working on the weekdays of the week would be a startling revelation for some of our colleagues.

I think it is time we get the job done. It is time we recognize how important it is we finish our work. It is time we bring people back. Let's keep people here. Let's require they negotiate. Let's work and get our business done before we have to continue this charade that seems to be a common practice of being in session but doing no work.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. I ask unanimous consent that further actions under the quorum call be waived.

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

The Senator is recognized.

MARKETING VIOLENCE TO CHILDREN

Mr. BYRD. Mr. President, Americans are rightfully horrified and alarmed at the news reports and stories about so-called ''child soldiers'' pressed into service in paramilitary armies around the world. In Cambodia, the Sudan, Lebanon, and elsewhere, we gaze into the hard-eyed stares of barefoot ten-year-olds cradling well-worn rifles and machine guns. These children have known nothing but violence. It is hard to imagine how they will ever be able to move beyond such violence, should peace ever be established in their homelands. They do not know how to live under the rule of law, only under the rule of might makes right. They have a very casual attitude about killing other human beings.

We certainly would not want our own children to experience such a life, and we would not want such a generation of casual killers to grow up amongst us. Yet, in the midst of all of our affluence, we are rearing a generation that is appallingly casual about violence, a generation that is appallingly self-centered about getting—or taking—what they want. Too many of our children live lives heavily influenced by a completely unrealistic set of expectations and examples. In the movies, when something bad happens to someone, does he or she turn to the police for help and then retire to the background while the police deal with the problem? No, of course not. Our hero grabs a gun and gives chase. Bullets fly, explosions and car crashes ensue, and the audience is treated to every gory detail. There is no fading to black anymore to let our imaginations fill in the details. No, our hero leaves a bloody trail of death and destruction in his wake and goes home with the girl—and none of those details are left to our imagination, either.

Now, instead of the aforementioned action-adventure, one could opt instead for some other movie genre but many are worse. Horror movies have taken violence against the innocent to new, ever-more-squeamish lows. The realistic and grisly visuals are, no doubt, a tribute to the talents of makeup and special-effects artists, but, nevertheless, I remain unconvinced that putting these nightmares on the silver screen does anything but tarnish the screen and the imaginations of the viewers. Some of the subject matter in these films is so misogynistic, so filled with contempt for societal order, and so filled with invective and hate, that it should set the alarm bells ringing in peaceable folks and incite them to demand greater responsibility from the entertainment industry.

I have always instinctively, intuitively felt that people who can look with equanimity on this kind of violence, even on screen or on the radio, might themselves be open to such action. In fact, this does seem to be the case in practice. We surround our children with these so-called ''role models,'' and then, for amusement—and I use that term lightly—we let our children play games in which they get to act out this lifestyle.

What are we doing? We send our children the message that real life is dull, and that this is what we do for fun. We allow them to watch so-called movie stars create mayhem without ever facing the consequences. Then we allow our children to listen to music that may also be filled with violent lyrics. Then we let our children amuse themselves by play-acting that they are the killers. We allow them to have hours, sometimes, of simulated target practice—and we pay for the privilege. Should we then be surprised when our children come to believe that violence against others is just one stop along the continuum of acceptable behavior?

Our children may go to school every day. They may have a roof over their heads at night. Perhaps they have nice clothes to wear. They may have parents who love them. They may have, in short, everything, but they have, in too many cases, developed the same hard-eyed stare that those Cambodian child soldiers have. They have developed the same casual attitude about violence and in far too many cases, they act out these violent impulses, with tragic results.

I have long shared the concerns of many parents and grandparents that young people are being exposed to far too much violence through the media—through the movies, through television, rock music—if you can call it music—and video games. The entertainment industry, however, has generally rebuffed criticism about the content of its programs and products, and about concerns that too much exposure to violence is harmful to our young people. The industry, in fact, has repeatedly claimed to be making efforts to reduce the exposure of young people to violence, including instituting a system of labeling program content so that parents are supposedly better able to evaluate the programs, and video games and what goes for music that their children watch and play.

Now it seems as though the entertainment industry has been caught with its hand in the cookie jar.

Just a few days ago, the Federal Trade Commission—the agency responsible for enforcing consumer protection laws—released a report finding that the entertainment industry aggressively markets violence-ridden materials directly to young people. This report details how companies, on the one hand, stamp ''mature audience'' ratings on their products that contain violent material, while on the other hand, these same companies peddle these ''mature''-rated products to young people.

Let me just read a passage of the FTC report: ''Two plans for games developed in 1998 described its target audience as 'Males 17–34 due to M rating. The true target is males 12–34.' '' In other words, not 17 to 34, but 12 to 34. There it is—in black and white! Video game marketers acknowledge that they are giving a quick wink to their own standards and then they state their true target. This is especially significant since only the electronic game industry has adopted a rule prohibiting its marketers from targeting advertising for games to children below the age designations indicated by their rating. So the FTC has knocked a huge hole in the industry's pious statements of concern by highlighting its hypocritical marketing practices.

You may recall to memory the story of Hansel and Gretel—a story that is not without its own share of violence. Just as Hansel and Gretel were enchanted by the evil witch's gingerbread house, our children are dazzled by the entertainment industry's lurid images. The industry beckons our children with advertising and once they are in the industry's clutches, the children are fattened up with more violent material. Of course, in the story of Hansel and Gretel, the children realize they are about to be cooked and eaten, and they trick the witch and shove her into the oven. Would we could do that with the entertainment industry. But I am not suggesting that we shove the entertainment industry into the oven—but perhaps we do need to turn up the heat!

The impact of media violence on our children is of great concern. Numerous studies conducted by the nation's top universities in the past three decades have come to the same conclusion: namely, there is at least some demonstrable link between watching violent acts in movies, television shows, or video games and acting aggressively in life.

As parents, policymakers, and citizens and legislators, we should all be worried about this. The amount of entertainment violence witnessed by American children is alarming.

Film makers, striving to turn profits in the competitive film industry, display more and more explicit violence, and programmers devise increasingly violent computer and video games that have children take on roles in which they are rewarded for the number of enemies they kill. Is it any wonder, then, that children become numb to the horrors they witness daily in their entertainment? Is it a surprise that these same children have a world view that incorporates violence as an acceptable means for settling conflict? Of course not.

If the industry is unwilling to address the concerns of parents by continuing to market inappropriate material to children, and then to broadcast that material at times when children are most likely to be watching, then I think it is incumbent upon Congress to act. We cannot be passive about this issue. We cannot say how awful it is—''How awful''—but then fail to take action. If the entertainment industry will not act responsibly, if the industry will not work with parents to craft commonsense approaches to curbing inappropriate programming, then it will fall to Congress to address the situation. Will it? Reducing the violence placed before America's children in the guise of entertainment is an important task. Images seen in childhood help to shape attitudes for a lifetime.

I know that I am not alone in recognizing the threat to our society created by producing our own generation of child soldiers, of young people indifferent to the suffering they cause by their violent acts. This FTC report merely provides evidence that, like the tobacco companies, the violent entertainment industry is targeting our children to build a nation, not of addicts, but of indifference to excessive violence. We cannot let this continue. But will we?

If the entertainment industry cannot abide by, and will not enforce, voluntary guidelines to regulate media violence, then it is time for the rest of us to insist that those guidelines be enforced.

That might be a good question for tonight's debate. I wonder if all the questions have already been determined. Why not some questions of this nature?

I realize that legislation to address this issue is unlikely to see action in the very few days remaining in this Congress. In fact, I would not like to rush such legislation and risk doing it poorly. Of course, it will not be done and cannot be done in the few days that remain. I would rather finish the critical appropriations work that still remains. But I do hope that this report will not be lost in Olympic and election hoopla. I intend to revisit this issue next year, and I hope that other Members will join me in a sincere and bipartisan effort to find a way to protect our children and our society.

It is the same old story, Mr. President, the same old story. We talk about it. We wring our hands. We wail and gnash our teeth and moan and groan about the entertainment industry. But we welcome those contributions from the entertainment industry. They are great. They are great. But we are paying for it with the denigration of our children.

When will America awaken? When will the candidates be asked piercing questions about their stands on matters such as this? I would like to hear their answers. Tonight, in that town-hall meeting, would be a good place for those, wouldn't it?

What are you going to do, Mr. Candidate, about the entertainment industry? How much money have you already accepted? Are you going to accept money from the entertainment industry? If you do, then how can you turn around and do something in the interests of our children? A good question.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. GREGG). The distinguished Senator from Pennsylvania is recognized.

A CONSTITUTIONAL CRISIS IN THE APPROPRIATIONS PROCESS

Mr. SPECTER. Mr. President, I have sought recognition to comment on the pending legislation, which will fund three major Departments in the United States: The Department of Labor, the Department of Health and Human Services, and the Department of Education.

I chair the subcommittee in the Senate Appropriations Committee which has the responsibility for this legislation. I am very concerned about what is happening to our constitutional process. I think it not an overstatement to say that we have a constitutional crisis in what is happening with the appropriations process in the relationship between the Congress and the President of the United States.

Since the Government was closed in late 1995 and early 1996, there has been created a very significant imbalance between the Congress and the President with what is realistically viewed as practically a dictatorial system of the President saying what is acceptable and the Congress being held hostage, in effect, concerned about being blamed for shutting down the Government. That is not the way the Constitution was written.

The Congress is supposed to present the bills to the President. If the President vetoes, then there are negotiations and discussions as to what will happen. But the status of events today is that the President calls the tune and the Congress simply complies.

There is also a significant deviation because, contrary to constitutional provision, the President and the President's men and women participate in the legislative process. The Constitution says that each House shall pass a bill; there will be a conference committee; they will agree; and each House will then vote on the conference report; and, if approved, the bill is submitted to the President.

The constitutional process does not call for the executive branch to participate in deciding what will be in the bills. But for many years now, representatives from the Office of Management and Budget, OMB, sit in on the conferences, are a party to the process, and seek to determine in advance what will be acceptable to the executive branch, contrary to the constitutional setup where Congress is supposed to pass the bills and submit them to the President.

We have had a very difficult time in the last 3 years with what has happened with the appropriations bill covering Labor, Health and Human Services, and Education. I spoke at some length about this problem on October 14, 1998, as we worked for the appropriations bill which turned out to be an omnibus bill. I was so concerned about the process that I voted against that bill. That was a tough vote to make since there were so many items on financing education which were very important and with which I agreed, and on financing Health and Human Services, again, which were important and with which I agreed, and on financing the Department of Labor, again, which were important and with which I agreed; but I felt so strongly that I voted against the bill and spoke at some length, as the CONGRESSIONAL RECORD will reflect on page S12536, on October 14th of 1998.

Then on November 9, 1999, I again expressed my concerns about what the appropriations process comprehended as set forth in some detail on S14340 of the CONGRESSIONAL RECORD.

This year, again, I am very concerned about where we are headed. The President submitted requests for these Departments for $106.2 billion. The Senate bill has provided the total amount which the President requested, but we have established some different priorities. That, under the Constitution, is the congressional prerogative. The Constitution calls for the Congress to control the purse strings and to establish the priorities. Of course, the President has to approve. But here again, the Constitution does not make the President the dominant player in this process; the Congress is supposed to traditionally control the purse strings.

Working collaboratively with my distinguished colleague from Iowa, Senator TOM HARKIN, we produced a bipartisan bill. I learned a long time ago that if you want to get something done in Washington, you have to be willing to cross party lines. Senator HARKIN and I have done that. When the Democrats controlled the Senate, he chaired and I was ranking member; and with Republican control, I have the privilege, honor, to chair, and he is the ranking member. We have taken a very strong stand on appropriations for the National Institutes of Health, which I believe are the crown jewel of the Federal Government, maybe the only jewel of the Federal Government. This year we have increased funding for NIH by $2.7 billion, which is $1.7 billion more than the President's priority. Last year we appropriated $2.3 billion on an increase which, with an across-the-board cut, was reduced to $2.2 billion. The year before, it was a billion, and the year before that, almost a billion. So that we have added some—it is $2.7 billion this year, 2.2 last year, 2.0 the year before, a billion the year before that, and almost a billion the year before that. So that we have added $8 billion. I think it adds up to $8 billion; when you deal with all these zeros, sometimes they are not too easy to add up in your head.

The Senate approved that, and the House approved that. We think with the enormous progress made on Alzheimer's and Parkinson's and cancer and heart disease, and so many others, that is where the priorities should be. We also put in $1 billion more on special education than the President had in his budget, a matter of some concern to many in the Senate. With the leadership of the distinguished Senator from New Hampshire, who is now presiding, we put extra funding there because we think that is where the priorities ought to be. Then the President made a request for $2.7 billion for school construction and new teachers. There is a lot of controversy in the Republican-controlled Senate about whether these are appropriate Federal functions, but we ended up, in a carefully crafted bill, giving the President his priorities, with an addendum that if the local school district decided they did not need the money for construction, that the local school districts could allocate it to local needs. And if the local school districts decided they did not need the money for teachers, they would give it to local needs.

The President has resisted this. This is a very fundamental difference in governmental philosophy, a Washington, DC, bureaucratic straitjacket versus local control—according to the President, the first call for his own programs on construction of schools and on more teachers.

We worked very hard this year and the Senate returned a bill which was passed on June 30, which tied a record going back to June 30, 1976, when the fiscal year 1977 appropriations bill was passed. Then we completed the conference with the House, where we had it all set on July 27, which I think may have established a new record. I am not sure about that. And we did not add the final signature to the conference report because we didn't want to be in a position where the bill was sent to the President in August and held up there, but we finished all of our work.

Regrettably, this bill has not been presented to the President because of the efforts on negotiations with the White House to try to get a bill which the President could sign. I repeat, I think it is a mistake, constitutionally and procedurally, to do that. We ought to send the President the bill.

There have been, candidly, concerns within the Republican leadership where we have had bicameral meetings between the House and the Senate, the

leadership, on precisely what should be done. It is my urging to my colleagues in the Senate and the House that we should stand by our bill of $106.2 billion, which is as much as the President asked for, and we should stand by our priorities, which give $600 million more to education. There is no higher priority in America than education. And we should stand by our priority of according $1.7 billion more to the National Institutes of Health. We should stand by our approach of giving the President what he asked for on teachers and school construction, subject to local determination if the local boards decide they do not want it for those purposes. But we ought not to buy our way out of town and to knuckle to the President and cave to the President. We ought to assert our legislative institutional standing.

This bill could have been presented to the White House in early September. This Senator has pressed consistently in leadership meetings to present the bill to the President. It is my hope we will do that.

I am not unaware of the fact that this is October 17 and that the Presidential election will be held 3 weeks from today. But I think we are dealing with values and principles here, constitutional principles which are paramount, and we ought to assert our legislative prerogatives and submit the bill to the President. There might be an opportunity for a national debate on this subject. Certainly it is worth an effort.

There is no doubt that the President has the so-called bully pulpit, but there is a lot of concern in America on what the funding is going to be for the Departments involved here, not only the Department of Labor but certainly the Department of Education and certainly the Department of Health and Human Services. We ought to lay down a marker. We ought to lay down the gauntlet, and we ought to ask America to join in a debate to see where America's priorities lie.

My own instinct is that we have the high ground here and we have the better case. So I hope the Congress will submit this bill to the President, will engage in that debate, and will assert our constitutional prerogatives to legislate. I think we have a good chance to have this bill finally enacted into law, or if it is vetoed, with some national debate, something very close to it.

In the absence of any other Senator seeking recognition, I suggest the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT AGREEMENT—H.R. 4461

Mr. COCHRAN. Mr. President, I am pleased to announce to the Senate that agreement has been reached and I am able at the request of the majority leader to make an announcement on the scheduling of votes and other business before the Senate.

I ask unanimous consent the vote on the Agriculture appropriations conference report now occur at 5:30 on Wednesday, October 18, and further, the allotted debate times prior to the vote now occur beginning at 3:30 on Wednesday.

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

MORNING BUSINESS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Senate now be in a period of morning business with Senators speaking for up to 10 minutes each.

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

THE TREAD ACT

Mr. FITZGERALD. Mr. President, I rise today to clarify the history and intent of section 14 of the Transportation Recall Enhancement, Accountability, and Documentation Act, which passed the Senate on Wednesday. This section of the legislation is based on the Child Passenger Protection Act of 2000, which I introduced on February 10, 2000 with my colleague from Arkansas, BLANCHE LINCOLN, and my colleague from Pennsylvania, RICK SANTORUM.

The purpose of the Child Passenger Protection Act of 2000 is to enhance children's safety in motor vehicles. It calls for the adoption of improved child restraint safety performance standards and testing requirements, and it requires the Secretary of Transportation to provide parents with better consumer information about child restraints.

Child deaths in motor vehicle crashes in the United States have declined some since 1975, but significant work remains to be done in the area of child passenger safety. Motor vehicle crashes are the single leading cause of death and serious injury for young children in the United States.

Each year, up to 600 children under the age of five die in car crashes, and up to 70,000 are injured as occupants in motor vehicle crashes. Motor vehicle crashes cause about one of every three injury deaths among children 12 and younger in this country.

A child restraint that is installed and used correctly can prevent many injuries and deaths. The failure of some consumers to use age- and weight-appropriate child restraints has been well documented. Many consumers who purchase and use child restraints have little guidance or information with which to distinguish among the broad array of models, sizes, shapes and features of child restraints that are being sold in retail stores.

A child restraint that is well designed can prevent still more child injuries and deaths. The former top safety official at the National Highway Transportation Safety Administration (NHTSA), Dr. Ricardo Martinez, stated, in a letter dated September 14, 1999 to all manufacturers of child restraints sold in the United States: ''[m]any restraints have been engineered to barely comply with some of the most safety-critical requirements of the [Federal] standard.'' NHTSA also has questioned the efforts of some child restraint manufacturers to have child restraint defects characterized as ''inconsequential'' to avoid recall campaigns, and the agency recently suggested that child restraints be assigned safety ratings.

NHTSA is the agency within the United States Department of Transportation that monitors the safety of child restraints. NHTSA's primary method for verifying that a child restraint is designed to meet Federal safety standards is its compliance testing program. In compliance tests, Federal regulators subject the child restraint to a sled test that simulates a frontal collision with a stationary object.

The sled test used by NHTSA to verify a child restraint's performance does not consider how that restraint will perform in rear-impact, rollover, or side-impact crashes; and the sleds used in government compliance tests bear limited resemblance to the interiors of today's passenger vehicles. These sleds feature flat bench seats with lap belts that were common in automobiles of the mid-1970s, but which do not apply to many of the passenger vehicles that are on our roads these days.

Child restraints are too often marketed for children who are heavier than the anthropomorphic test dummies used by NHTSA in these sled tests. One private group's testing has shown that child restraints tested with a child at the highest weight recommended by the manufacturer have failed. NHTSA should allow child restraints to be marketed for children at specific weights only if the restraint has been tested at those weights.

The current Federal standard for child restraints, known as Federal Motor Vehicle Safety Standard 213, is overdue to be upgraded to better reflect new developments in technology. While the current safety standard for child restraints specifies that child restraints be tested at an impact of 30 mph, tests are regularly conducted at speeds as low as 27.6 mph. The Government does not crash test any child restraints in actual motor vehicles; and

it has not required that child restraint manufacturers simplify and standardize instructions for installing and using child restraints.

Finally, although head injuries from motor vehicle collisions frequently are the cause of serious injuries or fatalities, many makes and models of child restraints do not offer side-impact padding or other protection from head injuries in side-impact crashes. The Child Passenger Protection Act requires the Secretary of the U.S. Department of Transportation (DOT) to initiate a rulemaking that would address these and other deficiencies in our current child restraint system.

Under this legislation, DOT will also begin a comprehensive program to provide information to consumers for use in making informed decisions in the purchase of child restraints. The Secretary must issue a notice of proposed rulemaking to establish such a program within 12 months of the bill's enactment, and it must issue a final rule within 24 months of the bill's enactment.

The Subcommittee on Consumer Affairs, Foreign Commerce and Tourism held a field meeting on June 19, 2000 in St. Louis, MO, to discuss the Child Passenger Protection Act. My colleague from Missouri, Senator JOHN ASHCROFT, chaired this field meeting, at which the subcommittee heard testimony from NHTSA, highway safety advocates, and a pediatric surgeon concerning the current state of child passenger safety and additional ways to improve safety. S. 2070 passed the full Committee on Commerce, with a substitute amendment, by voice vote on September 20, 2000.

This committee amendment to S. 2070, which has been incorporated into section 14 of the TREAD Act, also requires a study, within 12 months of the bill's enactment, of automobile booster seat use and effectiveness. In addition, this committee amendment requires DOT to develop a 5-year strategic plan to reduce deaths and injuries caused by the failure to use an appropriate booster seat for children between the ages of 4 and 8 years. The bill thus focuses more attention on an issue that automobile safety advocates have dubbed the ''forgotten child problem.'' This problem exists for children, usually between the ages of four and eight years, who have outgrown their infant child restraints but who do not fit properly in adult seat belts.

I want to close by extending my thanks to all who have so strongly supported this legislation, including the American College of Emergency Physicians, Advocates for Highway and Auto Safety, the Easter Seals KARS program, State Farm Insurance, SafetyBeltSafe U.S.A., the National SAFE KIDS Campaign, the co-authors of the book Baby Bargains, Consumers Union, and the American Automobile Association. I congratulate my colleague from Illinois, Congressman JOHN SHIMKUS, who introduced companion legislation in the House of Representatives, for his fine work on getting this legislation included in the TREAD Act and through the House of Representatives on Tuesday. I am pleased that this important piece of legislation passed the Senate unanimously last week.

VICTIMS OF GUN VIOLENCE

Mr. DORGAN. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read the names of some of those who have lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

October 17, 1999:
Ariosto Bautista, 20, Rochester, NY;
Tavaris Covington, 20, Charlotte, NC;
Jilad Edwards, 16, Detroit, MI;
Jason Jones, 16, Baltimore, MD;
Edward Mason, 76, Dallas, TX;
Luis Hernandez, 30, Oakland, CA;
Hiram J. Rumlin, 25, Rochester, NY;
Herbert Sanford, 21, Detroit, MI;
John Williams, 36, Baltimore, MD;
Ladrandria Williams, 18, Detroit, MI; and
Unidentified Male, 82, Portland, OR.

Following are the names of some of the people who were killed by gunfire one year ago Friday, Saturday, Sunday and Monday.

October 13, 1999:
Adnan Ahmed Ali, 21, Memphis, TN;
Richard Baker, 27, Philadelphia, PA;
Ivan Cook, Sr., 68, Knoxville, TN;
Granville Deshields, 23, Philadelphia, PA;
Kevin Hooker, 20, Atlanta, GA;
Robert Liggins, 35, Dallas, TX;
Christopher Scott, 25, Baltimore, MD;
Theresa Scott, 38, Detroit, MI;
Zzeene Stukes, 23, Baltimore, MD;
Davey Taylor, 22, Detroit, MI;
Unidentified Male, Long Beach, CA;
Unidentified Male, Portland, OR; and
Unidentified Male, Washington, DC.

October 14, 1999:
Andre Chamberlin, 23, Washington, DC;
Nathen Davis, 23, Washington, DC;
Luis Fernandez, 38, Miami-Dade County, FL;
Ronnell Johnson, 22, Baltimore, MD;
Shaun Lynch, 20, Houston, TX;
Jennifer Monte, 23, Philadelphia, PA;
David Naysmith, 29, Detroit, MI;
Eliezer Nieves, 30, Miami-Dade County, FL; and
Unidentified Male, 19, Portland, OR.

October 15, 1999:
Justin Alban, 23, Baltimore, MD;
Albert Carballo, 48, Miami-Dade County, FL;
Carl Creary, 48, Miami-Dade County, FL;
Devadiipa Creary, Miami-Dade County, FL;
Sylvester Exum, 45, Memphis, TN;
Juan Godin, 42, Houston, TX;
Brian Harrington, 3, Detroit, MI;
Wanda Harrington, 47, Detroit, MI;
Guillermo Marquez, 32, Houston, TX;
Anton Parker, 19, Washington, DC;
Mario Pujol, 53, Miami-Dade County, FL;
Magdeil Rivera, 25, Bridgeport, CT;
Luis Velez, 20, Bridgeport, CT
Clifton Walker, 31, Philadelphia, PA;
Unidentified Male, 16, Chicago, IL;
Unidentified Male, 96, Long Beach, CA; and
Unidentified Male, 17, Norfolk, VA.

October 16, 1999:
Hector Aviles, 21, Philadelphia, PA;
Norris Bradley, 19, Washington, DC;
Elenora Fisher, 35, New Orleans, LA;
Anthony Harth, 25, Kansas City, MO;
Pretlow Howell, 22, Chicago, IL;
Bruce Kelly, 35, Akron, OH;
Jose Martines, 22, Houston, TX;
Jose Ramos, 24, Philadelphia, PA;
David Stopka, 25, Chicago, IL;
Carey Thompkins, 28, Cincinnati, OH;
George Zafereo, 52, Victoria, TX; and
Unidentified Male, 82, Portland, OR.

We cannot sit back and allow such senseless gun violence to continue. The deaths of these people are a reminder to all of us that we need to enact sensible gun legislation now.

CASSIE'S LAW

Mr. CRAPO. Mr. President, I rise today to congratulate the Senate on its unanimous passage of the Violence Against Women Act. In particular, I would like to commend the members of the conference committee for including language that establishes a legal definition of dating violence.

In domestic violence situations, victims are victims regardless of their age or legal relationship to the abuser. The seriousness of this issue was brought home by a tragic case in Idaho. In December 1999, a 17-year-old Soda Springs, Idaho, girl, Cassie Dehl, was killed in an accident involving her abusive boyfriend. Prior to her death, the numerous attempts by her mother to obtain legal protection for her daughter failed because Idaho's domestic violence laws did not apply to teenage dating relationships. Earlier this year, Idaho Governor Dirk Kempthorne and the Idaho State Legislature enacted legislation, named in Cassie's memory, which extended Idaho domestic violence laws to dating relationships. I am pleased that Federal law will now also

protect teenagers involved in abusive dating relationships.

While the reauthorization of VAWA is an important step in protecting all victims of domestic violence, our work is not yet done. Under VAWA, dating violence has been included in four of the five major domestic violence grant programs. However, one major grant program was left behind. I am committed to working with my colleagues in the next Congress to expand dating violence to all domestic violence programs under VAWA.

I ask unanimous consent that the vote total be printed in the RECORD.

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

U.S. SENATE ROLLCALL VOTE

(106th Congress, 2d Session)

Vote Number: 269.
Vote Date: October 11, 2000.
Title: H.R. 3244 Conference Report.
Req. for Majority: ½.
Bill Number: H.R. 3244.
Result: Conference Report Agreed to.

VOTE SUMMARY

Yea: 95.
Nay: 0.
Present: 0.
No Vote: 5.

ADDITIONAL STATEMENTS

IN RECOGNITION OF AMBASSADOR DAVID B. HERMELIN

• Mr. LEVIN. Mr. President, I rise today to acknowledge the achievements of an accomplished businessman, distinguished public servant and committed philanthropist from my home state of Michigan, Ambassador David B. Hermelin. On October 22 of this year, the ORT Hermelin College of Engineering will be dedicated in Netanya, Israel. This dedication is a fitting tribute for a man, who along with his wife Doreen, has committed himself to his family, nation and charitable endeavors throughout the world.

Through hard work and an unwavering commitment to the public good, David's work has made an indelible mark upon countless individuals. His keen intellect, business acumen and heart for others has led him to pursue a wide array of business and charitable efforts in the United States and abroad.

David has been deeply involved with the World ORT, having served as the President of American ORT. Founded in response to a famine in Russia in the late 1860s, ORT is a private, non-profit organization that addresses the educational and technical training needs of workers, providing them with the training and self-sufficiency needed to build a meaningful existence. To achieve this goal, ORT builds schools and develops a curriculum that provides students with vital technical skills. ORT has facilities in nearly 60 nations. This year, over 200,000 students are enrolled in ORT programs.

The mission of American ORT is to raise funding necessary to support the efforts of World ORT and administer domestic ORT programs. During David's tenure as President of this organization, American ORT increased its involvement in the mission of World ORT, and strengthened its ties with the larger Jewish community. These strengthened ties were evidenced by the fact that the 1999 General Assembly of the United Jewish Communities of North America was the second consecutive General Assembly sponsored by ORT.

American ORT administers two post-secondary training institutes and one college in the United States. These three institutions serve 5,000 individuals annually, many from the former Soviet Union and Newly Independent States (NIS), by providing them with technical training, English language assistance and career development skills.

David has been involved in many other charitable endeavors as an administrator, contributor and fundraiser. He has served on the Board of Directors for many community and national organizations including the Meyer L. Prentis Comprehensive Cancer Center.

As a businessman, David has worked as a real estate developer, venture capitalist and manager of many interests. Currently, he is the co-owner of two of the largest entertainment facilities in the state of Michigan—the Palace of Auburn Hills, home of the NBA's Detroit Pistons, and the Pine Knob Entertainment Centers. In addition, he sits on the board of several companies including Arbor Drugs Inc., Arena Associates, Village Green Management Company and First America Bank Corporation—Detroit.

In December 1997, President Clinton recognized David's commitment to public service, and appointed him to serve as the U.S. Ambassador to Norway. So extraordinary was his service in this capacity that the Norweigian people awarded him the Royal Norwegian Order of Merit, which is equivalent to being knighted.

David Hermelin has been a community leader for over forty years. As a fellow native of Detroit, Michigan, I have known David for over half of a century. I am pleased to call him an inspiration, a peer and a friend. I am sure that my Senate colleagues will join me in offering my congratulations to David Hermelin for the dedication of the ORT Hermelin College of Engineering, and in wishing him well in the years ahead.•

TRIBUTE TO JOHN ROUSH

• Mr. MCCONNELL. Mr. President, I rise today to honor my good friend, the twentieth President of Centre College in Danville, Kentucky, John Roush.

I want to offer my heartfelt congratulations to John Roush, the students and faculty at Centre College, and the City of Danville, Kentucky for their successful bid to host the only vice presidential debate of the 2000 election. Under the leadership of John Roush, the college and the community worked together to make the debate at Centre College a reality.

By all accounts, the debate in Danville was a success. Even though Centre College is the smallest higher-education institution to have ever hosted a presidential or vice presidential debate, they exceeded expectations and pulled-off a top-rate event. The town and college coordinated events throughout the day of the debate to build anticipation and provide opportunities for those who did not have tickets to participate in the occasion. An outdoor concert, open to the public, was held on Centre's campus and featured Maysville native and celebrity Nick Clooney, gospel singer Larnelle Harris, and the Owensboro Symphony Orchestra. Then, attendees were treated to a live, big-screen viewing of the vice presidential debate.

President John Roush's fingerprints were all over the events of the day; his creativity and ingenuity a benefit to everyone who participated. Whether you watched the debate from the screen on Centre's lawn, the seats of Centre's Norton Center for Fine Arts or on television in your home, the professionalism with which John led the extensive preparations for the debate were apparent.

Just talk to anyone at Centre College, in Danville, or in all of Kentucky for that matter—they will tell you that in the two years John has served as president at Centre, he has rallied students, faculty, and city residents with his passion for excellence. He has been described by his peers and co-workers as having an ''infectious enthusiasm'' and being ''full of integrity.'' He has been characterized as ''energetic'' and ''impressive.'' I know from my own personal experience with and observation of John that all of these descriptions are true. I am proud to call him a fellow Kentuckian and friend.

At this point, Mr. President, I would like to read into the RECORD an excerpt from an October 7, 2000, editorial by Washington Post writer David Von Drehle that ran in the Louisville Courier-Journal, which perfectly sums up the atmosphere in Danville, KY, on the day of the debate.

Centre College hosted the debate. This unlikely setting—far from the nearest airport, in a place without many four-lane roads, in fact—turned out to be one of the best ever. The whole day was a happy pageant of Norman Rockwell meets Alexis de Tocqueville.

Tired and jaded political junkies stepped from their cars and buses into an afternoon that was either the very end of summer or

the very beginning of fall. Clear sky, warm sun, fresh breeze. Though the trees all appeared to be green, a few golden leaves began to drift toward the grass of the college common as evening approached.

On the common, bands played marches and choirs sang gospel hymns. Hours before the debate began, the gently sloping ground filled with grandparents on lawn chairs and moms and dads on blankets and children who twirled and ran and tumbled and plucked leaves from their hair. There were young men in shorts and their sweethearts in sun dresses enjoying the day and preparing to watch the clash on giant screens.

Speakers read passages from great documents of American history—the Declaration of Independence, the Gettysburn Address—and an orchestra played the national anthem and ''My Old Kentucky Home.'' Kids waved flags.

There are no words I can add to more accurately describe the picture-perfect day John Roush orchestrated at Centre College on October 5, 2000.

On behalf of myself and my colleagues in the United States Senate, I applaud you, John Roush, for what you have accomplished at Centre College and thank you for your commitment to higher education.●

INTELLIGENT CITY OF THE YEAR

● Mr. CLELAND. Mr. President, I rise today to congratulate and acknowledge LaGrange, Georgia, which was recently named the ''Intelligent City of the Year for 2000'' by the World Teleport Association. LaGrange is only the second city to win this award which can be awarded to any city worldwide.

LaGrange is deserving of this award, which is in recognition of its ''Internet For Everyone'' program to provide Internet access to every home in the city with cable access at no additional cost to the resident. In the 1990's, LaGrange officials deployed a fiber optic network because they recognized this infrastructure need to ensure their community is adequately prepared for the coming information age, and they saw the advantages of such an investment. This foundation led to the development of a two-way hybrid fiber coaxial cable network that supports cable modems and Internet access for the 21st Century. All the customer needs is a television, and the Internet is accessed through a set top box and wireless keyboard.

This investment in the workforce of tomorrow is one of a kind, and anyone who can access the world wide web will now be a recipient of the knowledge and information of the citizens of LaGrange. I have pledged to work with them to encourage the further development of the Internet for the benefit of users worldwide. In fact, last month, I was in LaGrange to celebrate the wiring of the city's government housing community. At this event, I was pleased with the amount of knowledge the children already have about the web, its uses, and the potential it brings. They are our future, and they are the people who will benefit the most from LaGrange's farsightedness.

As Congress looks for ways to bridge the digital divide, I would like to make an example of LaGrange, Georgia, the Intelligent City of the Year for 2000. There are many options available for communities around the country. Once we are connected we will truly be able to learn more from one another about ourselves, our communities, our country, and our world.

Again, I congratulate the city of LaGrange, Georgia and Mayor Jeff Lukken, and I hope that the children and families of LaGrange will take full advantage of this great opportunity.●

SALUTE TO CRAIG GLAZER

● Mr. VOINOVICH. Mr. President, one of Ohio's illustrious public servants, Commissioner Craig Glazer, is retiring as a member of the Public Utilities Commission of Ohio after serving successfully under three Ohio governors. I extend to him my sincere congratulations and best wishes.

Craig is a man with a love for Ohio. After graduating from Vanderbilt University Law School, he went directly to work for Ohio businesses as an advocate for industry at the law firm of Hahn Loeser & Parks. He worked extensively for utility and consumer interests helping them to expand their operations throughout Ohio.

I personally had the opportunity to witness Craig's leadership while I was Mayor of Cleveland. Between 1979 and 1985, Craig represented the people of Cleveland before the Public Utilities Commission of Ohio (PUCO) as the utility rate counsel.

During my time as Mayor, I worked with Craig on legislation that was ultimately passed in the Ohio Legislature as Senate Bill 378. Upon passage it reformed the structure of PUCO to ensure its accountability to its many constituencies. During this time, he additionally served as house counsel to the city of Cleveland's utility system and served over 300,000 customers through their water, sewer and electric utilities.

He presently serves on the Board of Directors of the national Association of Regulatory Utility Commissioners, serves as vice-chair of its International Relations Committee and is a member of their electricity committee. He also chairs the National Council on Competition in the Electric Industry, an interagency policy group, and is President of Board of Directors of the Ohio Energy Project. He is chair of the Ameritech region Regulatory Coordinating Committee and serves as a member of the North American Electricity Reliability Council's Generation Adequacy Committee and Electric Power research Institute's Advisory Council.

It is clear from his leadership and many efforts that Craig Glazer consistently works hard for the people of Ohio.

I have immense respect for Craig. He is and always has been a true professional. And although I am sorry to see him retire, I am confident that the citizens of Ohio have not heard the last from him.●

CELEBRATING THE SUCCESS OF WEST VIRGINIA HEALTH RIGHT, INC.

● Mr. ROCKEFELLER. Mr. President, I rise today to celebrate the success of one of West Virginia's most successful non-profit health organizations. It gives me great honor to come to the floor today to be able to share with you the remarkable story of West Virginia Health Right, Inc.

West Virginia Heath Right was the brainchild of a group of dedicated volunteers who recognized a desperate need to provide free, quality health care to the homeless, the working poor, the un- and underinsured, de-institutionalized mental health patients, and countless others. Their vision was realized when they opened a small, mission-driven health clinic in Charleston, West Virginia in 1982. From these modest beginnings, West Virginia Health Right, Inc. grew tremendously fast. They soon found that the need in the community was far greater than they had expected and moved from their original location in a soup kitchen in Kanawha County, to a homeless shelter, and finally settled into the third floor of the Charleston Area Medical Center. In 1989, West Virginia Health Right moved to their own clinic building supported by funds from the community. In 1999, West Virginia Health Right again appealed to the community for support and found an overwhelming reception to their needs. They are now housed in a state of the art clinic in Charleston.

Modeling the success of the Charleston clinic, other free clinics began to sprout up in communities throughout the state at the rate of about one every two years. Today, Health Right has eight separate sites across West Virginia, including Charleston, Wheeling, Morgantown, Clarksburg, Huntington, Parkersburg, Bluefield, and Logan, which serve our State's poor and uninsured. Just recently, Health Right announced the opening of a new clinic in Beckley, West Virginia for which I am proud to serve as a board member. They will also be opening new locations in Summersville and Weirton. Remarkably, each of these facilities operates with just a small staff of employees, and relies entirely on the volunteer services of dedicated physicians and nurse practitioners from the area.

West Virginia Health Right, Inc. is a living example that just a few people

can make a difference. Eighteen years ago, four doctors and a dozen volunteers set out with a vision to provide health care to those who needed it most. Today, Health Right is a network of more than 500 physicians and 15,000 volunteers serving 45,000 West Virginians each year. With the uninsured in this nation still at staggering levels, it gives me great pleasure to recognize the invaluable work of West Virginia Health Right, Inc., a group that rather than simply talking about a problem, is actually working to fill a vital need in our state.

Congratulations, West Virginia Health Right, for your success. And thank you for your tireless contributions to the state of West Virginia.●

TRIBUTE TO DR. SAM ROBINSON

● Mr. MCCONNELL. Mr. President, I rise today to pay tribute to my friend Dr. Sam Robinson on the occasion of his retirement as president of the Lincoln Foundation in Louisville, Kentucky.

Sam has been a tireless advocate for the Lincoln Foundation in his 26 years as president, making a difference in the lives of countless young Kentuckians. Sam has worked toward a worthy mission at the Foundation: to help underprivileged children get an education so that they can have a better chance at succeeding in professional life. I applaud your commitment to this cause, Sam, and offer sincere thanks for the good work you have done.

One of the projects Sam has been most passionate about during his time at the Lincoln Foundation is the Whitney M. Young Scholars Program. Sam's ingenuity got the ball rolling for this project, which is a four-year college scholarship program. Since the program's inception, Whitney M. Young scholarships have enabled hundreds of bright young people to attend college who could not have otherwise afforded the expense of an education.

Sam's legacy of service extends far beyond the Lincoln Foundation. His philanthropic and civic actions have resulted in his being honored with the Humanitarian Award from the Louisville Chapter of the National Conference of Christians and Jews, and being named ''Man of the Year'' by Sigma Pi Phi fraternity. Sam also has served on the boards of Bellarmine University, PNC Bank and the Kentucky State Board of Elementary and Secondary Education.

Dr. Sam Robinson's service to the Lincoln Foundation and the thousands of young people he has helped over the years will long be remembered and admired. His genuine compassion for underprivileged students will encourage and inspire Kentuckians for generations to come. Today, I say to Sam: best wishes for many more years of service, and know that your efforts to better the lives of others in Louisville and throughout Kentucky are recognized and appreciated. On behalf of myself and my colleagues in the United States Senate, thank you for giving so much of yourself for so many others.●

TRIBUTE TO ABE SCHRADER

● Mr. LAUTENBERG. Mr. President, I want to call attention to the life of a man who so perfectly portrays the success and opportunity this country can provide if one puts in the effort.

Abe Schrader will celebrate his 100th birthday on October 15, 2000 with multitudes of friends and family. I am privileged to be included as one of those admirers and friends who will join with him that night.

Abe's life story is an example of how a belief in self and hard work can lead to success. He started his life in America at the age of 20 when he immigrated here from Poland. He arrived penniless but with a determination to succeed in his new homeland. Succeed he did as we can see from the story recently printed in the New York Times. Mr. President, I ask that the full text of that article be included in the RECORD.

I know Abe Schrader well and spend time with him on occasions. He is alert, bright and engaging. He manages his investments personally and has done a superb job with them.

I wish all America could meet this congenial, intelligent, caring individual. He is an inspiration for me and I believe could provide spirit and encouragement to all who face aging as to what can be with the right kind of effort and determination.

The article follows:

[From the New York Times, Sept. 28, 2000]

PUBLIC LIVES; AT 99, MAN OF FASHION FINDS LIFE A GOOD FIT

(By Susan Sachs)

Clothes make the man, goes the old saw. You would not get an argument from Abe Schrader.

The garment business—in his case, manufacturing women's coats and better dresses for more than half a century—made him one of the kings of Seventh Avenue. Even now, gliding gracefully toward his 100th birthday next month, Mr. Schrader still appreciates the value of a well-cut suit of clothes.

Sitting yesterday in his apartment overlooking Central Park, reminiscing about the rag trade before it became the more high-hat fashion business, he was impeccably turned out in a blue cashmere jacket, gray slacks, crisp baby-blue shirt and gleaming black shoes. A red silk handkerchief that matched the shade of his tie peeked from his breast pocket.

''All my clothes are made to order,'' Mr. Schrader said, as he flipped open his jacket to show his Italian tailor's label. ''Even when I made $10 a week, I saved up my money all year and bought a custom suit.''

This might sound strange coming from a man whose manufacturing company, the Abe Schrader Corporation, once dominated the city's ready-to-wear industry. But Mr. Schrader, a smallish man who once could burn up the dance floor at nightclubs like El Morocco, never found a good fit off the rack.

''I have a lust for life,'' he said, his Polish accent making the words especially rakish. ''And especially on a dance floor, you've got to look good.''

Last week, the city celebrated clothes with Fashion Week, an extravaganza of designer fashion shows meant to highlight New York as a fashion center. Mr. Schrader, who persuaded City Hall 35 years ago to name a stretch of Seventh Avenue ''Fashion Avenue,'' followed it from afar.

''Some good, some bad,'' he said, diplomatically, on the spring 2001 styles on display.

Mr. Schrader retired from the clothing business 12 years ago, after watching it change from top to bottom.

When he started out, in the early 1920's, the industry was big enough to absorb waves of immigrants—Germans and Irish, followed by Eastern European Jews, then Italians. Seventh Avenue was the center of factories where garments were cut and sewn.

Now most factories have moved offshore in pursuit of cheap foreign labor. And many of the original independent apparel makers of Seventh Avenue were long ago gobbled up by conglomerates.

Mr. Schrader was one of the immigrants who built the business. He arrived in the United States at the age of 20 from Poland. His mother hoped he would continue his religious studies and become a rabbi. But Mr. Schrader had his father's business instincts. He started out as a contractor, hiring people to sew garments for a middleman who got the orders from a retailer.

Within a few years, the ambitious Mr. Schrader began his own manufacturing business, complete with a stable of designers, and dealt directly with retail stores. One of his first contracts was with the government for uniforms for the Women's Auxiliary Army Corps.

''I was,'' he recalled with a deadpan look, ''an instant success.''

Mr. Schrader's life might appear to mirror the archetypal turn-of-the-century immigrant tale. Think, for example, of the immigrant protagonist in the classic 1917 novel ''The Rise of David Levinsky,'' torn between his rabbinical studies and the lucrative garment business.

But Mr. Schrader shrugged off the comparison. Although he can still toss of a Talmudic reference when pressed, he said godliness was not found in ritual or retreat from the world, but in doing good deeds. Besides, he explained: ''Competition is a godsend. If you didn't have it, you'd pay double for your clothes.''

For years, Mr. Schrader was also a fixture in the city's high society nightclubs, where he put his love of ballroom dancing on display.

That is how Pauline Trigere, the fashion designer whose coats were produced by the Schrader company for several years, first met Mr. Schrader. ''It was on the dance floor at El Morocco,'' she said.

Ms. Trigere, who has been in the business almost as long as Mr. Schrader, gave him the supreme compliment from a designer: ''When I made a collection, it was shown the way I made it. He never did something that hurt the garment.''

Mr. Schrader retired in 1988, four years after he sold his business to Interco Inc. With time on his hands, he started, for the first time, to feel his age. ''The first year I went from one museum to the other, one library to the other,'' he said. ''Finally my son

said to me, 'Here, Dad, take my car and chauffeur. Tell me, where would you like to go?' And I said, 'Wall Street.' ''

Now, snappily dressed and eager as any 24-year-old dot-com millionaire, he goes each day at 1 p.m. to his own private office in the brokerage firm of Bishop, Rosen, where he trades stocks for his own account.

It is his joy, like dancing the waltz, although he admitted that ''at 100, I'd be lying to tell you my feet are as good as they used to be.''

He stays at his office until about 4:30 p.m., relishing that everyone calls him Abe, like a pal, instead of the stuffier Mr. Schrader.

''They treat me royally over there,'' Mr. Schrader said happily, settling into his car for the daily ride downtown. ''It keeps me young.''●

TRIBUTE TO ROBERT L. McCURLEY, JR.

● Mr. SHELBY. Mr. President, I rise today to recognize Mr. Robert L. McCurley Jr., of Tuscaloosa, AL for his dedicated work on behalf of the Kiwanis International Foundation. Mr. McCurley retired on September 30, 2000 after two terms as the president of Kiwanis International's charitable arm. I commend him for his commitment to helping the less fortunate throughout the world.

Bob McCurley's duties as Kiwanis International Foundation president have taken him around the world in his efforts to improve the lives of the underprivileged. Under his leadership, the foundation has provided grants to meet the needs of children from Bulgaria and Haiti to India and Cambodia. In particular, the Kiwanis International Foundation has raised millions of dollars to combat iodine deficiency disorders, the leading preventable cause of mental retardation in the world today.

Mr. McCurley earned degrees in both engineering and law from the University of Alabama. He is director of the Alabama Law Institute and an adjunct professor at the Alabama School of Law. He has also served as a municipal judge and has authored 12 books on law and government.

Mr. McCurley has been a member of Kiwanis in Gadsden and Tuscaloosa for more than 30 years. He led the Kiwanis organization in Alabama in 1983–1984, served as Trustee and then Vice President of Kiwanis International from 1987–1992, and since 1994 has served the Kiwanis International Foundation as a Trustee, Treasurer, and President. In addition to Kiwanis, he has served his community as a volunteer in leadership positions with the March of Dimes, Boys Club, Focus on Senior Citizens, and Association for Retarded Children.

Robert L. McCurley Jr.'s charitable work has made a difference in countless lives in Alabama and throughout the world. UNICEF estimates that Kiwanis support of iodine deficiency disorder programs is saving more than 8 million children each year from mental and physical disabilities. I would like to congratulate Mr. McCurley on a stellar term as President of the Kiwanis International Foundation, and wish him and his family the best in the future.●

TRIBUTE TO LAWRENCE AND KIM BUTTERFIELD

● Mr. McCONNELL. Mr. President, I rise today to pay tribute to Lawrence and Kim Butterfield for their commitment to higher education, and their generosity to the many students who will be able to attend Spalding University because of their gift.

Spalding University has 2.5 million reasons to be grateful to Lawrence and Kim Butterfield of Louisville, Kentucky. Their recent $2.5 million contribution to Spalding University will allow the school to expand their current overseas travel and study programs, and provide additional student scholarships. The Butterfield's kindness and generosity will ensure that countless students from all backgrounds will receive a quality education and the opportunity to succeed in whatever field of study they choose. Their contribution also will enable students to have the incredible experience of traveling and studying abroad. Students who could not otherwise have afforded this opportunity will now be able to participate because of Lawrence and Kim.

Spalding University will benefit from the many students who will be able to attend classes because of the Butterfield's gift of scholarship funds. The gift of an education is truly the gift that keeps on giving. When Lawrence and Kim provide a scholarship for a student at Spalding, they give the student a quality education and lifelong career opportunities. But the gift goes further than the individual recipient—it also is a gift to the University and to the Louisville community.

On behalf of myself and my colleagues in the United States Senate, I offer sincere thanks to the Butterfield's for their gift to the students and faculty at Spalding University, to the Louisville community, and to the education of today's youth.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a withdrawal and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF THE U.S. RAILROAD RETIREMENT BOARD FOR FISCAL YEAR 1999—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE RECESS—PM 133

Under the authority of the order of the Senate of January 6, 1999, the Secretary of the Senate, on October 17, 2000, during the recess of the Senate, received the following message from the President of the United States, together with accompanying report; which was referred to the Committee on Health, Education, Labor, and Pensions.

To the Congress of the United States:

I transmit herewith the Annual Report of the Railroad Retirement Board for Fiscal year 1999, pursuant to the provisions of section 7(b)(6) of the Railroad Retirement Act and section 12(l) of the Railroad Unemployment Insurance Act.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 17, 2000*.

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 6, 1999, the Secretary of the Senate, on October 13, 2000, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

H.R. 4516. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001, and for other purposes.

Under the authority of the order of the Senate of January 6, 1999, the enrolled bill was signed by the President pro tempore (Mr. THURMOND) on October 13, 2000.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LUGAR, from the Committee on Agriculture, Nutrition, and Forestry, with an amendment in the nature of a substitute:

S. 1155: A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes (Rept. No. 106–504).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. JEFFORDS (for himself, Mr. KENNEDY, and Mr. DODD):

S. 3208. A bill to amend the Federal Food, Drug, and Cosmetic Act to enhance consumer protection in the purchase of prescription drugs from interstate Internet sellers; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DASCHLE (for Mr. LIEBERMAN (for himself, Mr. DODD, Mr. KERRY, Mr. SARBANES, Mr. SCHUMER, Mr. BIDEN, Mr. MOYNIHAN, Mr. ROTH, and Mr. L. CHAFEE)):

S. 3209. A bill to direct the Secretary of the Interior to carry out a resource study of the approximately 600-mile route through the States of Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and Virginia, used by George Washington and General Rochambeau during the Revolutionary War; to the Committee on Energy and Natural Resources.

By Mr. SESSIONS:

S. 3210. A bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process for consumers and employees; to the Committee on the Judiciary.

By Mr. HARKIN:

S. 3211. A bill to authorize the Secretary of Education to provide grants to develop technologies to eliminate functional barriers to full independence for individuals with disabilities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MCCONNELL:

S. Res. 377. A resolution authorizing the taking of photographs in the Chamber of the United States Senate; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JEFFORDS (for himself, Mr. KENNEDY, and Mr. DODD):

S. 3208. A bill to amend the Federal Food, Drug, and Cosmetic Act to enhance consumer protection in the purchase of prescription drugs from interstate Internet sellers; to the Committee on Health, Education, Labor, and Pensions.

INTERNET PRESCRIPTION DRUG CONSUMER PROTECTION ACT OF 2000

• Mr. JEFFORDS. Mr. President, I am here today to join with my colleagues in the Senate and House in a bipartisan effort to address the relatively new development of Internet pharmacies. The ever-increasing cost of prescription drugs has led a growing number of Americans to turn to Internet pharmacies to try to find savings. Our goal with the Internet Prescription Drug Consumer Protection Act is to allow American consumers to place the same confidence and trust in Internet pharmacies as they do in traditional brick-and-mortar pharmacies. The bill we are introducing today is a starting point in addressing this issue. If there is not enough time to pass this bill in the remaining days of the session, then I hope to return to this issue early in the next Congress and finish what we have started.

We are well aware that the explosion of Internet commerce has put all manner of goods and services literally at our fingertips. In this respect, health care products and prescription drugs are no different from books, compact disks, or the many other products sold online. But there is a potential for very serious dangers when purchasing prescription drugs online. On March 21 of this year, I chaired a hearing of the Health, Education, Labor, and Pensions Committee to examine this issue.

In the search for lower-priced prescription drugs, American consumers can, unwittingly, order prescription drugs from rogue web sites that appear to be American-based companies, but are actually overseas sites offering low-priced prescription drugs that are unapproved, counterfeit, contaminated, expired, mislabeled, manufactured in unapproved facilities, or not stored or handled in a proper manner.

I believe legitimate Internet pharmacies that operate legally and ethically can offer valuable services to many Americans and have an important role in E-commerce. But there must be an appropriate regulatory system that protects American consumers from illegal and unethical behavior which can endanger lives, and which combats any rogue Internet operators.

Our legislation contains several provisions to protect consumers. But the most important is clearly the one that allows states to obtain nationwide injunctive relief against unlawful Internet sellers, as requested by the National Association of Attorneys General. Currently, in their efforts to combat illegal actions by a few Internet pharmacies, several states' Attorneys General have filed suit against the same companies and the same doctors. To simply prevent those bad actors from doing business in their state, each Attorney General has to file an action in his or her state court. This duplication of effort drains resources that could be utilized against other offenders. Since the states' primary goal is to prevent rogue sites from harming citizens, nationwide injunctive relief would allow each state to help protect all the citizens of this nation. This power would be directly analogous to the national injunctive relief contained in the federal telemarketing statute.

A number of witnesses at our hearing testified that the most prominent danger presented to consumers is the rogue pharmacies operating in countries other than the United States. In this case, the federal government is clearly the most appropriate entity to deal with international rogue pharmacists, and this legislation provides remedies. Our bill also provides for better coordination between federal and state authorities.

Mr. President, this legislation represents a great deal of work by Senator KENNEDY and myself. Representatives BLILEY, KLINK, and UPTON have worked on this issue as well, and I understand that they are introducing companion legislation in the House. I am pleased that we have been able to work in a bipartisan and bicameral fashion on such a complicated issue. Any time Congress attempts to respond to emerging technologies, similar challenges are faced.

I recognize that we are introducing this bill late in the session and that several members have expressed concern with certain aspects of our proposal. I want to assure my colleagues that this legislation is a starting point. This will provide my colleagues with the opportunity to make comments and suggestions on the different policy areas. We have written this bill with bipartisan cooperation, and I look forward to continuing in that spirit as we work to ensure the safety of Internet pharmacies.•

• Mr. KENNEDY. Mr. President, the Internet is transforming all aspects of our society, including health care. Web-based businesses, such as Internet pharmacies, can offer convenience and an opportunity for privacy for large numbers of consumers buying online. The Internet also creates opportunities, however, for scam artists and unprincipled suppliers to market contaminated, expired, ineffective, or counterfeit medications to unsuspecting patients. Today, these bad actors can easily prey on patients who turn to the Internet for easy access or low-priced medications.

Clearly, effective oversight is needed to protect consumers using the Internet and root out illegal operators without interfering with legitimate Internet commerce. Americans are entitled to the same protections on the Internet that they enjoy in other commercial settings.

So far, existing Federal and State laws have had only limited success in protecting consumers from unlawful Internet sellers of prescription medications.

Today, some physicians issue prescriptions for patients they have never seen, let alone seriously examined. Patients can purchase prescription drugs on the Internet without adequate safeguards that the drugs are appropriate and of high quality. Because web sites can be easily created and designed, patients may think they have purchased their medications from a U.S.-licensed pharmacy when, in fact, they have not. The prescription drugs they receive may be sold out of someone's garage or from a country with few, if any, standards for manufacturing, storing or shipping these products.

Several states and Federal agencies have taken enforcement actions against unlawful Internet sellers, but with limited results. While the number of legitimate Internet pharmacies remains small, the number of illegal sellers continues to grow. We must do

more to protect patients when they buy prescription drugs online. Patients should have the same protections when purchasing their medications over the Internet as when buying from a ''bricks-and-mortar'' pharmacy.

At a hearing on Internet pharmacies by the Senate Health, Education, Labor and Pensions Committee in March, state and Federal regulators asked the Committee for additional enforcement tools to combat illegal sales of prescription drugs over the Internet. The National Association of Attorneys General called for Federal legislation to require Internet entities that sell prescription medications to disclose information about their businesses, and to give the states the authority to stop illegal sales nationwide, rather than only within their own borders. At a hearing by the House Commerce Committee in May, the Department of Justice asked for authority to freeze domestic assets of illegal foreign web sites.

The Internet Prescription Drug Consumer Protection Act of 2000, which Senators JEFFORDS, DODD, and I are introducing today, gives these needed tools to federal and state law enforcement officials to protect the public from those who sell prescription drugs illegally on the Internet. A companion bill is being introduced by Congressmen BLILEY, KLINK, and UPTON in the House, and I commend Congressman KLINK in particular for his leadership and guidance on this issue.

Today's consumer protection laws were enacted before the development of the Internet. This legislation will fill the gaps in current law that permit these illegal sellers to evade prosecution. The bill is supported by the National Association of Attorneys General, the American Pharmaceutical Association, the American Society of Health-System Pharmacists, drugstore.com, and the National Consumers League.

Our legislation recognizes that states need additional enforcement tools to take effective action against unlawful domestic Internet sellers, and Federal agencies need additional enforcement tools to take effective action against illegal foreign sellers.

First, the Act requires Internet sellers of prescription drugs to disclose on their web sites and to the appropriate state licensing board their street address, telephone number, and states where they are licensed to sell their products. Consumers have a right to know with whom they are dealing on the Internet, just as they do when they walk into their local pharmacy.

Second, the bill authorizes a state to go to federal court to obtain a nationwide injunction against an unlawful Internet seller. Currently, a state can stop an illegal web site operator from selling drugs to citizens in its state, but the illegal operator is free to sell in the other 49 states. For many illegal sellers, the risk of a state injunction is merely a cost of doing business. Under this legislation, illegal sellers will be out of business altogether.

The Federal Government has little authority to bring criminals in other countries to justice. However, it can freeze the U.S. assets of foreign sellers if given the proper authority. This legislation gives the Department of Justice the ability to stop illegal foreign operators from collecting payments from U.S. customers. If they can't turn a profit, they'll stop selling.

As electronic commerce evolves, cooperative multinational efforts will be needed to assure adequate protections for consumers. Our proposal lays the foundation to achieve this goal. It requires the Secretary of Health and Human Services to make recommendations to Congress for coordinating activities of the federal government with those of other countries to curb illegal Internet sales from abroad.

Consumers also have an important role to play. Informed purchasers are well prepared to avoid illegal web sites. This legislation requires the Secretary of Health and Human Services to educate the public about the potential dangers of buying medications online and about effective public and private sector consumer protections.

This legislation is an important step toward making medications online a safe purchase for consumers. I look forward to working with my colleagues to expedite its passage.

I ask that a summary of the bill and letters of support for it be printed in the RECORD.

The materials follow.

INTERNET PRESCRIPTION DRUG CONSUMER PROTECTION ACT OF 2000: SUMMARY

Use of the Internet to buy prescription medications is growing rapidly, and many consumers can benefit from the convenience and potential privacy of this new option. Unfortunately, illegitimate sellers threaten patient safety in this quickly evolving environment. Many of these operations are fly-by-night or foreign businesses that easily evade prosecution. Consumers who buy prescription drugs from such web sites can be harmed from inappropriately prescribed medications, dangerous drug interactions, and contaminated drugs. Consumers may also be defrauded by paying money but never receiving the medications they ordered or receiving ineffective or counterfeit drugs. Because today's laws were enacted before the development of the Internet, there are gaps in current law that leave consumers vulnerable to unscrupulous business practices. This bill addresses these deficiencies by providing federal and state law enforcement authorities with the tools they need to adequately protect the public when buying medications online.

DISCLOSURE REQUIREMENT

Requires interstate Internet sellers of prescription drugs to disclose on their web sites and to the appropriate state licensing board the street address of their place of business, telephone number, and states where they are licensed to sell prescription medications.

FEDERAL CAUSE OF ACTION FOR STATES

Authorizes states to go into federal court to obtain a nationwide injunction against an unlawful interstate Internet seller.

FREEZING FOREIGN ASSETS

Grants the Department of Justice the authority to stop illegal foreign operators from collecting payments from U.S. customers. The bill also requires the Secretary of Health and Human Services to provide recommendations to Congress for coordinating activities of the federal government with those of other countries to curb illegal Internet sales from abroad.

PUBLIC EDUCATION

Requires the Secretary of Health and Human Services to educate the public about the dangers of buying medications online and about effective public and private sector consumer protections.

NATIONAL ASSOCIATION OF ATTORNEYS GENERAL

Washington, DC, October 16, 2000.

Hon. JIM M. JEFFORDS,
U.S. Senate, Washington, DC.
Hon. THOMAS J. BLILEY, Jr.,
House of Representatives, Washington, DC.
Hon. EDWARD M. KENNEDY,
U.S. Senate, Washington, DC.
Hon. RON KLINK,
House of Representatives, Washington, DC.

Re The Internet Prescription Drug Consumer Protection Act of 2000

DEAR SENATOR JEFFORDS, SENATOR KENNEDY, REPRESENTATIVE BLILEY AND REPRESENTATIVE KLINK: As the chair of the Online Pharmacy Working Group for the National Association of Attorneys General, I wish to express the support of my colleagues for legislation you are introducing to address the proliferation of illegal prescription drug sales over the Internet and for your commitment to this issue as the chairs and ranking members of the Senate Health, Education, Labor, and Pensions Committee, the House Commerce Committee and its Subcommittee on Oversight and Investigations, respectively.

As you know, the states have traditionally regulated the practice of prescribing and dispensing medications through state law and licensure requirements. This statutory and regulatory structure ensures the existence of a valid physician-patient or prescriber-patient relationship, the accuracy of prescriptions, and the quality of pharmaceuticals.

The Internet has changed many traditional business practices—including providing new opportunities for consumers to purchase medications from online pharmacies. While the Internet can provide a legitimate, convenient, and effective means for pharmacies to transact business with consumers if operated in full compliance with state laws, it also provides an opportunity for businesses that are not operating in compliance with state laws to reach consumers. Many of these prescribe and sell drugs without a valid examination by a physician, without a review of a patient's medical records for adverse reactions, without valid prescriptions, without compliance with state laws and licensure requirements, without parental consent, etc. These illegal sites can jeopardize the health and safety of consumers.

The state Attorneys General believe that online pharmacies should not be treated differently than traditional ''brick and mortar'' pharmacies when it comes to compliance with state laws: if a pharmacy wants to transact business in a certain state, then it should submit to the laws of that state. If the law is broken, the offender should be

prosecuted. To date, my state of Kansas and several other states have taken enforcement actions against illegal Internet sites prescribing and/or dispensing prescription drugs to consumers in violation of state law.

These cases are not easy ones for the state to bring. Because of the low start-up costs and anonymity associated with the Internet, it is often difficult for the states to locate those responsible for operating an illegal online pharmacy and those who prescribe and dispense the drugs to consumers, hindering effective investigation and prosecution. Likewise the current lack of nationwide injunctive relief requires each state to separately sue a site to obtain an injunction to protect its consumers, wasting valuable resources.

The bi-partisan and bi-cameral legislation you have introduced will increase the effectiveness of the states' ability to protect consumers. The Internet Prescription Drug Consumer Protection Act of 2000 clearly provides the states with the authority to obtain nationwide injunctive relief, providing an opportunity for a state to obtain an injunction effective in every state, while preserving the ability of other states to seek restitution for their own consumers and penalties and fees in their own state courts. It also addresses the need to ensure we can locate the companies selling prescription drugs by incorporating disclosure and notification requirements that will require companies to maintain accurate, accessible information about their principals and location.

Thank you, again, for your leadership on this issue.

Sincerely

CARLA, J. STOVALL,
Attorney General of Kansas.

AMERICAN PHARMACEUTICAL ASSOCIATION,
Washington, DC, October 10, 2000.

Hon. EDWARD M. KENNEDY,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR KENNEDY: The American Pharmaceutical Association (APhA), the national professional society of pharmacists, is pleased to support the Internet Prescription Drug Consumer Protection Act of 2000. This proposal is commendable for building on existing State regulation of pharmacy practice and prescription dispensing by other providers, rather than creating a redundant Federal regulation system.

This bill is important to pharmacists as it provides our patients better protection against fraudulent Internet sellers. This bill also complements APhA's work to help consumers know what to look for in an Internet pharmacy. I have enclosed a sample of the information APhA has disseminated broadly to assist consumers in choosing an Internet pharmacy. We look forward to working with the Secretary of Health and Human Services and the Food and Drug Administration to educate the public about the dangers of purchasing prescription drugs from unlawful Internet sources.

APhA especially supports the provision authorizing injunctions against alienation of property as a preliminary step to address the significant problem of international prescription drug sellers—sellers not bound to the important requirements regulating domestic pharmacies and pharmacists. We strongly support efforts to coordinate Federal agency activity addressing interstate Internet sellers operating from foreign countries. The Association and its members look forward to working with you to refine this approach in certain areas, such as the 75-mile exemption, and to help this proposal become law.

The American Pharmaceutical Association is the first established and largest professional association of pharmacists in the United States. APhA's more than 50,000 members include practicing pharmacists (including pharmacists in legitimate Internet pharmacy practices), pharmaceutical scientists, pharmacy students, and others interested in advancing the profession. The Association is a leader in providing professional information and education for pharmacists and an advocate for improved health through the provision of comprehensive pharmaceutical care.

Please contact Susan C. Winckler, RPh., APhA's Group Director of Policy and Advocacy or Lisa M. Geiger, APhA's Director of State and Federal Policy, should you or your staff require any assistance from APhA. Thank you for your leadership in addressing this important issue.

Sincerely,

JOHN A. GANS,
PharmD, Executive Vice President.

AMERICAN SOCIETY OF HEALTH-SYSTEM PHARMACISTS,
Bethesda, MD, October 6, 2000.

Hon. EDWARD M. KENNEDY,
Senate Russell Office Building, Washington, DC.

DEAR SENATOR KENNEDY: On behalf of the American Society of Health-System Pharmacists (ASHP), the 30,000-member national professional association that represents pharmacists who practice in hospitals, health maintenance organizations, long-term care facilities, home care, and other components of health care systems, I am writing to support continued efforts to improve patient safety. Your legislation, the ''Internet Prescription Consumer Protection Act of 2000,'' provides a significant step towards ensuring that medications obtained via the Internet met the same quality and assurance standards as those products obtained through more traditional means.

ASHP recognizes that the majority of pharmacies selling prescription drugs over the Internet are legitimate entities that offer important health benefits to the patient, including greater accessibility, convenience and access to information. However, legislation is needed to ensure that rogue sites do not exploit and endanger consumers. Current state and federal regulation of Internet pharmacies, as well as voluntary industry initiatives, are not sufficient to ensure patient safety.

The Internet Prescription Drug Consumer Protection Act meets ASHP's policy position on regulating online pharmacy. The bill mandates the disclosure of important provider information, works to ensure that a legitimate patient-prescription relationship exists, and enhances state and federal enforcement authority. These important safety measures will foster greater confidence in the quality of the pharmaceutical products reaching the American public.

Again, we applaud the introduction of your legislation and hope the Congress will come together in a bipartisan manner to address this important patient safety issue in the remaining days of the 106th Congress. We also look forward to working with you further to address the foreign source aspect of the public health problem. Please feel free to have your staff contact Kathleen M. Cantwell, ASHP's Assistant Director and Counsel for Federal Legislative Affairs (301–657–3000 ext. 1326) if we can be of assistance.

Sincerely,

HENRI R. MANASSE, Jr.,
Ph.D., Sc.D.,
Executive Vice President and Chief Executive Officer.

DRUGSTORE.COM,
Bellevue, WA, October 12, 2000.

Hon. PATTY MURRAY,
U.S. Senate, Russell Senate Office Building, Washington, DC.

Re: Internet Prescription Drug Consumer Protection Act of 2000

DEAR SENATOR MURRAY: We understand that legislation will be introduced in the Senate to impose certain requirements on interstate Internet sellers which sell prescription drugs to consumers, and to facilitate legal action against those sellers making illegal sales of prescription drugs over the Internet. We have reviewed a copy of the legislation provided by Senate staff last week. It is our opinion that the legislation does not impose undue burdens on legitimate Internet pharmacies, such as drugstore.com, and that it represents a step forward in providing consumers with information enabling them to distinguish between legitimate pharmacies and rogue operators. The legislation also authorizes additional law enforcement tools to facilitate the prosecution of those rogues.

We were pleased to see the legislation's acknowledgement that ''legitimate Internet sellers of prescription drugs can offer substantial benefits to consumers. These potential benefits include convenience, privacy, valuable information, lower prices, and personalized services.'' drugstore.com is proud to be the leading online drugstore. We believe that our success in attracting more than 1.2 million customers is the direct result of our commitment to provide safe, secure, legitimate and innovative pharmacy services. We are using the Internet to help our customers make clear, informed decisions about their health and well-being.

As this legislation was being developed, we were concerned that it would impose unreasonable burdens on legitimate online pharmacies, such as drugstore.com, that are already complying with all existing state and federal laws. However, we believe that the Web site disclosure requirements contained in the bill are reasonably circumscribed to avoid such burdens. Such requirements mandate that an interstate Internet seller disclose to consumers such fundamental information as its address and the states in which it is licensed. drugstore.com already discloses that and more on its Web site, and, therefore, does not find such requirements objectionable. We hope that the regulations promulgated by the Department of health and Human Services under the authority of Sec. 3(a)(6) will acknowledge the apparent intent of the bill not to impose unreasonable burdens on legitimate Internet pharmacies. In that regard, drugstore.com enthusiastically supports the National Association of Boards of Pharmacy's VIPPS (Verified Internet Pharmacy Practices Sites) certification program. That's because we believe the VIPPS certification helps consumers distinguish between legitimate Internet pharmacies and illegitimate rogue sites. We, therefore, recommend VIPPS as a model for the purpose of promulgating regulations to implement the disclosure requirements of this bill.

We leave to law enforcement authorities the question as to whether the additional enforcement powers authorized by the bill provide sufficient effective mechanisms to investigate and prosecute questionable Internet sites. We take note of the fact that other proposals would have imposed monetary penalties against Internet operators who knowingly dispense a prescription drug without a valid description—a provision missing from this bill. Consistent with drugstore.com's position that rogue sites should be held accountable for their noncompliance with the law, we would have preferred that such penalties be retained as a disincentive to those inclined to violate the law. However, we hope that the enforcement powers included in the bill will be used effectively against illegal operators.

One of the greatest dangers posed to Internet consumers and to legitimate Internet pharmacies across the country is the problem of rogue operators domiciled overseas. Again, we reiterate that the Federal government must exert a much greater effort to address this problem, including working with foreign governments and increasing import surveillance, to deny these rogue sites a safe harbor in the United States.

Finally, we support and encourage consumer education initiatives regarding the dangers and pitfalls of buying from rogue sites, and are pleased to see that the bill mandates such public education. Recently, we participated with the Food and Drug Administration in the CybeRxSmart coalition that is designed to educate and increase consumer awareness on how to purchase prescription drugs safely and legitimately via the Internet. Given the importance of Internet commerce, both to consumers and the economy, we would have preferred that the bill made mandatory the involvement of private sector Internet health care providers in the development of consumer education programs in order to draw on their extensive expertise and enhance the support of such activities.

In summary, we believe that, if sufficient resources are made available to back up the will of Congress as stated in this bill, the Internet Prescription Drug Consumer Protection Act of 2000 can increase consumer awareness of those unsafe Internet sites and enforce federal and state laws against interstate Internet sellers which mislead, and jeopardize the health and safety of, consumers.

We appreciate your attention to this important issue.

Sincerely,

PETER M. NEUPERT,
CEO and President.

NATIONAL CONSUMERS LEAGUE,
Washington, DC, October 10, 2000.

Hon. EDWARD KENNEDY,
Russell Senate Office Building, Washington, DC.

DEAR SENATOR KENNEDY: The National Consumers League, America's oldest nonprofit consumer advocacy organization, is pleased to support the Internet Prescription Drug Consumer Protection Act of 2000. With the increasing use of the Internet to purchase prescription drugs, consumers need adequate protection and information when purchasing medications online. Unfortunately, there are numerous websites that are willing to sell consumers prescription medications without a valid prescription from a licensed provider. These sellers threaten consumer and patient safety and stigmatize the universe of Internet pharmacies, many of which comply with state and federal regulations governing the prescribing and dispensing of medications.

This legislation will provide valuable protections for consumers by addressing the deficiencies that currently exist for state and federal law enforcement agencies to take action against illegitimate sellers. By requiring all Internet pharmacy websites to be licensed in any state that they sell or ship prescription drugs, consumers will have the confidence that their health and safety are being protected and the purchases they make will be legitimate.

Further, we commend the requirement of a consumer education component in this legislation. Without adequate public education consumers would still remain vulnerable to unscrupulous Internet sites despite the enhanced enforcement tools provided in the legislation.

The National Consumers League supports this important piece of legislation and commends you and the other Members of Congress for helping to improve patient safety and enhance consumer protections online. We look forward to working with you on this bill.

Sincerely,

LINDA F. GOLODNER,
President.●

Mr. DODD. Mr. President, I rise today to join Senators KENNEDY and JEFFORDS in introducing the ''Internet Prescription Drug Consumer Protection Act of 2000,'' legislation that offers much-needed safeguards for consumers who purchase prescription drugs over the Internet. This legislation will, for the first time, require online sellers of pharmaceuticals to comply with the same basic standards as traditional brick-and-mortar pharmacies and will create additional enforcement tools so that states and federal agencies can take effective action against online pharmacies that endanger the public safety.

As with most of the recent advances in technology over the past decade, the ability to shop over the Internet has brought with it new benefits, as well as new worries. While many of us applaud the advantages that e-commerce has provided, when it comes to the purchase of products with a direct and immediate impact on health and safety—such as prescription drugs—we must seriously consider the risks that come with convenience.

While some online pharmacies have adopted all the safeguards of traditional pharmacies, such as hiring licensed pharmacists and requiring valid prescriptions before dispensing drugs, increasingly, unscrupulous companies have used the anonymity of cyberspace to hide from federal and state safety regulations, placing the health of their customers at serious risk. These unethical companies can easily take advantage of the fact that, as consumers, we may leave our common sense behind when we turn on our computers. Too often, we assume that simply because a business has a website, it must be legitimate.

Consequently, we've received hundreds of reports of Internet pharmacies selling powerful prescription drugs to consumers simply on the basis of answers to a health questionnaire—without the patient ever setting foot in a doctor's office. This practice, which has been condemned as unethical by the American Medical Association, places patients at serious risk for misdiagnoses and dangerous drug interactions. Perhaps even more frightening is that some Internet sellers are dispensing contaminated or counterfeit drugs to their unsuspecting customers. And, unfortunately, the ease with which websites can be created and removed and the difficulty regulators have in determining the identity of the corporations behind the websites create obstacles to states and federal agencies trying to shut down unlawful sellers.

This legislation would require online sellers of prescription drugs to dispense medications only with valid prescriptions, to notify state boards of pharmacy in each state in which they operate of the establishment of their service, and to provide full disclosure of the address and telephone number of the business's headquarters on their website. Under this bill, Internet sellers who do not adhere to these basic standards will risk serious legal sanctions, including permanent prohibition from conducting further business and the freezing of assets.

While we should ensure that legitimate pharmacies can continue to serve their customers on the information superhighway, we need to act immediately to derail those who would use the Internet in unsafe or illicit ways. The legislation we introduce today will give state and federal agencies the appropriate authority to protect American consumers from unscrupulous Internet sellers. I urge all of my colleagues to join us as cosponsors of this important legislation.

By Mr. DASCHLE (for Mr. LIEBERMAN (for himself, Mr. DODD, Mr. KERRY, Mr. SARBANES, Mr. SCHUMER, Mr. BIDEN, Mr. MOYNIHAN, Mr. ROTH, and Mr. L. CHAFEE)):

S. 3209. A bill to direct the Secretary of the Interior to carry out a resource study of the approximately 600-mile route through the States of Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and Virginia, used by George Washington and General Rochambeau during the Revolutionary War; to the Committee on Energy and Natural Resources.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

WASHINGTON-ROCHAMBEAU REVOLUTIONARY ROUTE NATIONAL HERITAGE ACT OF 2000

● Mr. LIEBERMAN. Mr. President, 219 years ago this month, a small army camped at the gates of a small port in

Virginia. And turned the world upside down. This collection of often poorly fed, poorly paid, and poorly armed men made a sacrifice from which we all benefit today. In October 1781, a few thousand American and French soldiers laid siege to Yorktown, forced the surrender of Cornwallis and his British regulars, and won American independence.

Although we often remember the victory at Yorktown, too often we lose sight of the heroic efforts that made it possible. Too often we forget that this victory was the culmination of a miraculous campaign—when two nations, two armies, and two great men put aside their differences and worked together for a common purpose.

It is my opinion that no single monument or battlefield would do justice to the scope of this event. That is why I, along with my colleagues, Senators DODD, KERRY, BIDEN, ROTH, SCHUMER, MOYNIHAN, SARBANES, and CHAFEE, am privileged to call for a national commemoration of the events leading to our victory at Yorktown and the end of the American Revolution. We have been strongly supported in this effort by the work of dedicated volunteers across the country—members of the Sons of the American Revolution in all of our states. I would especially like to acknowledge the help of Albert McJoynt and Win Carroll, for their work with my staff on this important project.

The Washington-Rochambeau Revolutionary Road is 600 miles of history, winding from Providence, Rhode Island to Yorktown, Virginia. In the opinion of my colleagues and I, it is well worthy of designation as a National Historic Trail. Let us document the events in the cities and towns all along the road to Yorktown and the birth of this great nation of ours. Let us celebrate the unprecedented Franco-American alliance and the superhuman efforts of Generals George Washington and Jean Baptiste Donatien de Vimeur, Comte de Rochambeau to preserve that alliance in the face of seemingly unsurmountable odds. Let us create a National Historic Trail along whose course we can pause and remember these men and women, their travels, and sacrifices—from the journey's beginning when Rochambeau led the French army out of Newport and Providence, Rhode Island, into New York where he joined Washington's troops, and through a cross section of colonial America to its culmination at the gates of Yorktown.

The story of the alliance and the march is like many in our history—full of heroic characters, brave deeds, and political intrigue. Hollywood should take note: it would make for a blockbuster—and uplifting—adventure. The story unfolds through seven states and countless towns and stars the men and women of the march who left their mark wherever they went.

Each of the towns on the trail makes its own unique contribution to the tale of the journey. Hartford and Wethersfield, in my own state of Connecticut—where the two generals met and through a translator planned their strategy. In Phillipsburg, New York, the French and American armies first joined together and faced off against the British in New York City. Here, Washington and Rochambeau planned their high risk strategy—abandoning established positions in the north and racing hundreds of miles south to surprise and trap an unsuspecting British army. In Chatham, New Jersey, the French made a show of storing supplies and building bread ovens in order to disguise their march towards Cornwallis in Virginia, to confuse the British. They moved on through Princeton and Trenton, New Jersey—sites of previous colonial victories against great odds.

But the march itself is only part of the story. The unprecedented alliance between France and America was cemented during this journey. Elite troops from one of the great European powers stood with the ragtag but spirited Continental Army to face and defeat the British Empire. Men who shared no common language and had in many cases been enemies in previous wars, shared clothing and food and cultures in order to achieve their goal. And as a proud member of the Armed Services Committee I am pleased to say this was a successful Joint and Coalition operation.

The trail goes through Philadelphia, Pennsylvania—then capital of the colonies. Here Washington and Rochambeau stopped their men outside town, had them clean off the dirt of the trail and marched them through town with drums beating and flags unfurled before the Continental Congress and the people of Philadelphia. The grandeur of their new European ally helped restore the spirit of America during this very uncertain time.

A few days later in Chester, Pennsylvania, Washington, the normally reserved commander-in-chief, literally danced on the dock when he learned the French fleet had arrived in the Chesapeake and trapped the British at Yorktown. For the first time, it seemed that victory for the colonies was possible. The armies marched on to Wilmington, Delaware and Elkton, Maryland, where American troops were finally paid for some of their efforts, using money borrowed by the bankrupt Continental Army from General Rochambeau.

There are two central characters to this drama, without whom the march, siege, and victory would have never happened—Rochambeau and Washington. French ministers hand-selected the celebrated and experienced Rochambeau for the unique ''Expédition Particulière'' because of his patience and professionalism. Lieutenant General Rochambeau had a distinguished military career. More importantly, he understood the need for America to play the leading role in the war. With dignity and respect, he subordinated himself and his men to Washington and his patchwork forces. While avoiding intrigue and scandal, he overlooked improprieties and affronts, and provided needed counsel, supplies, and money to Washington and his men. He is undoubtedly one of the key forces helping Washington to victory at Yorktown, and has rightly been called ''America's Neglected Founding Father.''

Our nation's capital region also played its part in this story. Troops camped in Baltimore near the site of today's Camden Yards. Some crossed the Potomac near Georgetown, while others camped in Alexandria, Virginia. Along the way, General Washington made a triumphal return to Mount Vernon, and hosted a celebration for his French allies. All along the route, towns were touched and thrilled by the passage of the army and events swirling around them. Within this national commemoration, we should let each tell its own story in its own way.

The force that held it all together throughout the march and on to victory was General Washington. This was not a new role for him. Before the war, Washington was one of the wealthiest men in the colonies and one of its few military heroes. Only he, with his public standing and incredible resolve, could have held together the fledgling Continental Army, the divided loyalties of the American people, a meddling Congress, disloyal generals, and an international alliance, for the six years leading up to the Yorktown Campaign. He overcame his own distrust and doubt and invited his old enemies, the French—who had held him prisoner in an earlier war—to field a European army in the colonies while he was working with all his energy to evict another one. Over the years, he had used his own money and credit to pay and feed his men. And he carefully balanced the need to combine his new nation's independence with delicate European sensibilities to forge a winning alliance. In these months in 1781, he took a grand risk and won the war. Although the march is not his most famous hour, in many ways it is his finest.

The armies marched on through Williamsburg, Virginia until they reached positions outside Yorktown in late September. Washington and Rochambeau and their troops went on to win this battle and the war. The rest is history. We should work today to ensure that this history, in all its rich detail, is not forgotten. We have the support of many state and local and private and public historic preservation groups in our efforts to establish this trail. We

should use their momentum and enthusiasm to make it a reality. This bill begins that process, by directing the Secretary of the Interior to perform a resource study on the establishment of this trail, in coordination with their activities and other Congressionally mandated programs. In a time when it seems we have few heroes, let us take the time to better remember the heroes of our past. Those who sacificed so much for our freedom today deserve no less.●

Mr. SESSIONS:

S. 3210. A bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process for consumers and employees; to the Committee on the Judiciary.

THE CONSUMER AND EMPLOYEE ARBITRATION BILL OF RIGHTS

Mr. SESSIONS. Mr. President, I rise to sent to the desk a bill entitled, ''The Consumer and Employee Arbitration Bill of Rights.'' This bill begins the multi-year legislative process necessary to improve the Federal Arbitration Act so that it will be a cost-effective means of resolving disputes. This bill of rights will provide procedural protections to consumers and employees to ensure that their claims will be resolved under due process of law, in a speedy and cost effective manner.

Congress enacted the Federal Arbitration Act in 1925. It has served us as well for three-quarters of a century. Under the Act, if the parties agree to a contract affecting interstate commerce that contains a clause requiring arbitration, the clause will be enforceable in court. In short, the Federal Arbitration Act allows parties to a contract to agree not to take their disputes to court, but to resolve any dispute arising from that contract before a neutral decision-maker, generally selected by a non-profit arbitration organization. The parties can generally present evidence and be represented by counsel. And the decision-makers will apply the relevant state law in resolving the dispute. Arbitration is generally quicker and less expensive than going to court.

In recent years, there have been some cases where the arbitration process has not worked well, but thousands of disputes have been fairly and effectively settled by arbitrators. Such a system is even more important because of skyrocketing legal costs where attorneys require large contingent fees. Accordingly, I have opposed piecemeal legislative changes to the act. Instead, I believe the time has come for a comprehensive review of how arbitration works and what we can do to enhance its effectiveness.

The approach of reforming arbitration, rather than abandoning the arbitration process provides several benefits. Arbitration is one of the best means of dispute resolution and one that most consumers and employees can afford. Consumers and employees generally cannot afford a team of lawyers to represent them. And their claims are often not big enough so that a lawyer would take the case on a 25 percent or even a 50 percent contingent fee. Thus, the consumer or employee is faced with having to pay a lawyer's hourly rate for his claim. If he can afford to pay the hourly rate, he must decide whether it makes financial sense to pay a lawyer several thousand dollars to litigate a claim in court for a broken television that cost $700 new. If this is what consumers and employees are left with, many will have no choice but to drop their claim. This is not right. It is not fair.

This is where arbitration can give the consumer or employee a cost effective forum to assert their claim. Thus, before we make exceptions to the Federal Arbitration Act for some of the most well to do corporations in our society, I think it is our duty to consider how we can improve the system for those less financially able.

A letter I recently received from the National Arbitration Forum contained some interesting comments about the importance of arbitration: the ABA has calculated that 100 million Americans are locked out of court by high legal costs, and that most lawyers will not begin a lawsuit worth less than $20,000, while arbitration serves as an accessible forum for dispute resolution; consumer class actions increasingly generate little more than coupons for consumers, while contractual arbitration gives a consumer the ability to get his or her case before a neutral party at a reasonable price and in a reasonable amount of time; a recent Roper Study indicates that 59 percent of Americans would choose arbitration over a lawsuit to resolve a claim for money.

Thus, the benefits for customers and employees are readily apparent. Can we improve this system? Yes, but we must take a balanced approach.

Further, arbitration promotes the freedom of parties to make contracts. I was recently contacted by Professor Stephen Ware of the Cumberland School of Law, who reminded us that the promotion of contractual freedom regarding arbitration has long been a primary goal of the Federal Arbitration Act. In any contract, the parties agree to all the terms and clauses included in the contract document. This includes the arbitration clause. This is basic contract law, and the basic principle upon which the Federal Arbitration Act has been supported for 75 years.

But this is not always the case. In certain situations, consumers or employees are not treated fairly. That is what the Consumer and Employee Arbitration Bill of Rights is designed to correct.

The bill will maintain the cost benefits of binding arbitration, but would grant several specific ''due process'' rights to consumers and employees. The bill is based on the consumer and employee due process protocols of the American Arbitration Association and have broad support. The bill provides the following rights:

No. 1, notice—Under the bill an arbitration clause, to be enforceable, would have to have a heading in large, bold print, would have to state whether arbitration is binding or optional, identify a source that the consumer or employee could contact for more information, and state that a consumer could opt out to small claims court.

This will ensure that consumers who receive credit card notices in the mail will not miss an arbitration clause because it is printed in fine print. Further, it will give consumers and employees a means to obtain more information on how to resolve any disputes. Finally, the clause would explain that if a consumer's claims could otherwise be brought in small claims court, he is free to do so. Small claims court, unlike regular trial court, provides another inexpensive and quick means of dispute resolution.

No. 2, independent selection of arbitrators—The bill will grant consumers and employees the right to have potential arbitrators disclose relevant information concerning their business ties and employment. All parties to the arbitration will have an equal voice in selecting a neutral arbitrator. This ensures that the large company who sold a consumer a product will not select the arbitrator itself, because the consumer or the employee with a grievance will have the right to nominate potential arbitrators too. As a result, the final arbitrator selected will have to have the explicit approval of both parties to the dispute. This means the arbitrator will be a neutral party with no allegiance to either the seller or the consumer.

No. 3, choice of law—The bill grants consumers and employees the right to have the arbitrator governed by the substantive law that would apply under conflicts of laws principles applicable in the forum in which the consumer resided at the time the contract was entered into. This means that the substantive contract law that would apply in a court where the consumer or employee resides at the time of making the contract will apply in the arbitration. Thus, in a dispute arising from the purchase of a product by an Alabama consumer from an Illinois company, a court would have to determine whether Alabama or Illinois law applied by looking to the language of the contract and to the place the contract was entered into. The bill ensures that an arbitrator will use the same conflict of laws principles that a court would in determining whether Alabama or Illinois law will govern the arbitration proceedings.

No. 4, representation—The bill grants consumers and employees the right to be represented by counsel at his own expense. Thus, if the claim involves complicated legal issues, the consumer or employee is free to have his lawyer represent him in the arbitration. Such representation should be substantially less expensive than a trial in court because of the more abbreviated and expedited process of arbitration.

No. 5, hearing—The bill grants consumers and employees the right to a fair hearing in a forum that is reasonably convenient to the consumer or employee. This would prevent a large company from requiring a consumer or employee to travel across the country to arbitrate his claim and to expend more in travel costs than his claim may be worth.

No. 6, evidence—The bill grants consumers and employees the right to conduct discovery and to present evidence. This ensures that the arbitrator will have all the facts before him prior to making a decision.

No. 7, cross examination—The bill grants consumers and employees the right to cross-examine witnesses presented by the other party at the hearing. This allows a party to test the statements of the other party's witnesses and be sure that the evidence before the arbitrator is correct.

No. 8, record—The bill grants consumers and employees the right to hire a stenographer or tape record the hearing to produce a record. This right is key to proving later that the arbitration proceeding was fair.

No. 9, timely resolution—The bill grants consumers and employees the right to have an arbitration proceeding to be completed promptly so that they do not have to wait for a year or more to have their claim resolved. Under the bill a defendant must file an answer within 30 days of the filing of the complaint. The arbitrator has 90 days after the answer to hold a hearing. The arbitrator must render a final decision within 30 days after the hearing. Extensions are available in extraordinary circumstances.

No. 10, written decision—The bill grants consumers and employees the right to a written decision by the arbitrator explaining the resolution of the case and his reasons therefor. If the consumer or employee takes a claim to arbitration, he deserves to have an explanation of why he won or lost.

No. 11, expenses—The bill grants consumers and employees the right to have an arbitrator provide for reimbursement of arbitration fees in the interests of justice and the reduction, deferral, or waiver of arbitration fees in cases of extreme hardship. It does little good to take a claim to arbitration if the consumer or employee cannot even afford the arbitration fee. This provision ensures that the arbitrator can waive or reduce the fee or make the company reimburse the consumer or employee for a fee if the interests of justice so require.

No. 12, small claims opt out—The bill grants consumers and employees the right to opt out of arbitration into small claims court if that court has jurisdiction over the claim and the claim does not exceed $50,000.

The bill also provides an effective mechanism for consumers and employees to enforce these rights. At any time, if a consumer or employee believes that the other party violated his rights, he may ask and the arbitrator may award a penalty up to the amount of the claim plus attorneys fees. For example, if the company fails to provide discovery to the employee, the employee can make a motion for fees. The amount of fee award is limited, as it is in court, to the amount of cost incurred by the employee in trying to obtain the information from the company. This principle is taken from Federal Rule of Civil Procedure 37.

After the decision, if the losing party believes that the rights granted to him by the Act have been violated, he may file a petition with the Federal district court. If the court finds by clear and convincing evidence that his rights were violated, it may order a new arbitrator appointed. Thus, if a consumer or employee has an arbitrator that is unfair and this causes him to lose the case, the consumer or employee can obtain another arbitrator.

Mr. President, this bill is the first step to creating a constructive dialog on arbitration reform. This bill of rights will ensure that those who can least afford to go to court can go to a less expensive arbitrator and be treated fairly. It will ensure that every arbitration carried out under the Federal Arbitration Act is completed fairly, promptly, and economically. I look forward to working with my colleagues in the Senate to ensure that consumers and employees who agree in a contract to arbitrate their claims will be afforded due process of law.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3210

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 ''Consumer and Employee Arbitration Bill of Rights''.

SEC. 2. ELECTION OF ARBITRATION.

(a) CONSUMER AND EMPLOYMENT CONTRACTS.—Chapter 1 of title 9, United States Code, is amended by adding at the end the following:

''§ 17. Consumer and employment contracts

''(a) DEFINITIONS.—In this section—

''(1) the term 'consumer contract' means any written, standardized form contract between the parties to a consumer transaction;

''(2) the term 'consumer transaction' means the sale or rental of goods, services, or real property, including an extension of credit or the provision of any other financial product or service, to an individual in a transaction entered into primarily for personal, family, or household purposes; and

''(3) the term 'employment contract'—

''(A) means a uniform, employer promulgated plan that covers all employees in a company, facility, or work grade, and that may cover legally protected rights or statutory rights; and

''(B) does not include any individually negotiated executive employment agreements.

''(b) FAIR DISCLOSURE.—In order to be binding on the parties to a consumer contract or an employment contract, an arbitration clause in such contract shall—

''(1) have a printed heading in bold, capital letters entitled 'ARBITRATION CLAUSE', which heading shall be printed in letters not smaller than ½ inch in height;

''(2) explicitly state whether participation within the arbitration program is mandatory or optional;

''(3) identify a source that a consumer can contact for additional information on costs and fees and on all forms and procedures necessary for effective participation in the arbitration program; and

''(4) provide notice that all parties retain the right to resolve a dispute in a small claims court, if such dispute falls within the jurisdiction of that court and the claim is for less than $50,000 in total damages.

''(c) PROCEDURAL RIGHTS.—If a consumer contract or employment contract provides for the use of arbitration to resolve a dispute arising out of or relating to the contract, each party to the contract shall be afforded the following rights, in addition to any rights provided by the contract:

''(1) COMPETENCE AND NEUTRALITY OF ARBITRATOR AND ADMINISTRATIVE PROCESS.—

''(A) IN GENERAL.—Each party to the dispute (referred to in this section as a 'party') shall be entitled to a competent, neutral arbitrator and an independent, neutral administration of the dispute.

''(B) ARBITRATOR.—Each party shall have an equal voice in the selection of the arbitrator, who—

''(i) shall comply with the Code of Ethics for Arbitrators in Commercial Disputes of the American Arbitration Association and the State bar association of which the arbitrator is a member;

''(ii) shall have no personal or financial interest in the results of the proceedings in which the arbitrator is appointed and shall have no relation to the underlying dispute or to the parties or their counsel that may create an appearance of bias; and

''(iii) prior to accepting appointment, shall disclose all information that might be relevant to neutrality, including service as an arbitrator or mediator in any past or pending case involving any of the parties or their representatives, or that may prevent a prompt hearing.

''(C) ADMINISTRATION.—The arbitration shall be administered by an independent, neutral alternative dispute resolution organization to ensure fairness and neutrality and prevent ex parte communication between parties and the arbitrator.

''(2) APPLICABLE LAW.—In resolving a dispute, the arbitrator—

''(A) shall be governed by the same substantive law that would apply under conflict of laws principles applicable in a court of the forum in which the consumer or employee resided at the time the contract was entered into; and

''(B) shall be empowered to grant whatever relief would be available in court under law or equity.

''(3) REPRESENTATION.—Each party shall have the right to be represented by an attorney, or other representative as permitted by State law, at the expense of that party.

''(4) HEARING.—

''(A) IN GENERAL.—Each party shall be entitled to a fair arbitration hearing (referred to in this section as a 'hearing') with adequate notice and an opportunity to be heard.

''(B) ELECTRONIC OR TELEPHONIC MEANS.—Subject to subparagraph (C), in order to reduce cost, the arbitrator may hold a hearing by electronic or telephonic means or by a submission of documents.

''(C) FACE-TO-FACE MEETING.—Each party shall have the right to require a face-to-face hearing, which hearing shall be held at a location that is reasonably convenient for the party who is the consumer or employee, unless in the interest of fairness the arbitrator determines otherwise, in which case the arbitrator shall use the process described in section 1391 of title 28 to determine the venue for the hearing.

''(5) EVIDENCE.—With respect to any hearing—

''(A) each party shall have the right to present evidence at the hearing and, for this purpose, each party shall grant access to all information reasonably relevant to the dispute to the other parties, subject to any applicable privilege or other limitation on discovery under applicable State law;

''(B) consistent with the expedited nature of arbitration, relevant and necessary prehearing depositions shall be available to each party at the direction of the arbitrator; and

''(C) the arbitrator shall—

''(i) make reasonable efforts to maintain the privacy of the hearing to the extent permitted by applicable State law; and

''(ii) consider appropriate claims of privilege and confidentiality in addressing evidentiary issues.

''(6) CROSS EXAMINATION.—Each party shall have the right to cross examine witnesses presented by the other parties at a hearing.

''(7) RECORD OF PROCEEDING.—Any party seeking a stenographic record of a hearing shall make arrangements directly with a stenographer and shall notify the other parties of these arrangements not less than 3 days in advance of the hearing. The requesting party or parties shall pay the costs of obtaining the record. If the transcript is agreed by the parties, or determined by the arbitrator to be the official record of the proceeding, it shall be provided to the arbitrator and made available to the other parties for inspection, at a date, time, and place determined by the arbitrator.

''(8) TIMELY RESOLUTION.—Upon submission of a complaint by the claimant, the respondent shall have 30 days to file an answer. Thereafter, the arbitrator shall direct each party to file documents and to provide evidence in a timely manner so that the hearing may be held not later than 90 days after the filing of the answer. In extraordinary circumstances, the arbitrator may grant a limited extension of these time limits to a party, or the parties may agree to an extension. The arbitrator shall file a decision with each party not later than 30 days after the hearing.

''(9) WRITTEN DECISION.—The arbitrator shall provide each party with a written explanation of the factual and legal basis for the decision. This written decision shall describe the application of an identified contract term, statute, or legal precedent. The decision of the arbitrator shall be final and binding, subject only to the review provisions in subsection (d).

''(10) EXPENSES.—The arbitrator or independent arbitration administration organization, as applicable, shall have the authority to—

''(A) provide for reimbursement of arbitration fees to the claimant, in whole or in part, as part of the remedy in accordance with applicable law or in the interests of justice; and

''(B) waive, defer, or reduce any fee or charge due from the claimant in the event of extreme hardship.

''(11) SMALL CLAIMS OPT OUT.—Each party shall have the right to opt out of binding arbitration and into the small claims court for the forum, if such court has jurisdiction over the claim. For purposes of this paragraph, no court with jurisdiction to hear claims in excess of $50,000 shall be considered to be a small claims court.

''(d) DENIAL OF RIGHTS.—

''(1) DENIAL OF RIGHTS BY PARTY MISCONDUCT.—

''(A) IN GENERAL.—At any time during an arbitration involving a consumer contract or employment contract, any party may file a motion with the arbitrator asserting that the other party has deprived the movant of 1 or more rights granted by this section and seeking relief.

''(B) AWARD BY ARBITRATOR.—If the arbitrator determines that the movant has been deprived of a right granted by this section by the other party, the arbitrator shall award the movant a monetary amount, which shall not exceed the reasonable expenses incurred by the movant in filing the motion, including attorneys' fees, unless the arbitrator finds that—

''(i) the motion was filed without the movant's first making a good faith effort to obtain discovery or the realization of another right granted by this section;

''(ii) the opposing party's nondisclosure, failure to respond, response, or objection was substantially justified; or

''(iii) the circumstances otherwise make an award of expenses unjust.

''(2) DENIAL OF RIGHTS BY ARBITRATOR.—A losing party in an arbitration may file a petition in the district court of the United States in the forum in which the consumer or employee resided at the time the contract was entered into to assert that the arbitrator violated 1 or more of the rights granted to the party by this section and to seek relief. In order to grant the petition, the court must find clear and convincing evidence that 1 or more actions or omissions of the arbitrator resulted in a deprivation of a right of the petitioner under this section that was not harmless. If such a finding is made, the court shall order a rehearing before a new arbitrator selected in the same manner as the original arbitrator as the exclusive judicial remedy provided by this section.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 1 of title 9, United States Code, is amended by adding at the end the following:

''17. Consumer and employment contracts.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any consumer contract or employment contract entered into after the date that is 6 months after the date of enactment of this Act.

SEC. 3. LIMITATION ON CLAIMS.

Except as otherwise expressly provided in this Act, nothing in this Act may be construed to be the basis for any claim in law or equity.

Mr. HARKIN:

S. 3211. A bill to authorize the Secretary of Education to provide grants to develop technologies to eliminate functional barriers to full independence for individuals with disabilities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

THE TECHNOLOGY FOR ALL AMERICANS ACT

• Mr. HARKIN. Mr. President, I rise to introduce the Technology for All Americans Act. This Act will maximize our country's potential by helping to close the Digital Divide for people with disabilities. In doing so, it will increase their independence and self-sufficiency and further strengthen our economy and society by enabling the greatest possible number of us to contribute our abilities.

As we celebrate the Americans with Disabilities Act's 10th Anniversary, we are entering a new millennium; one that will be defined by technology. But technology can be a double-edged sword for people with disabilities, who continue to fight for the freedom to live independently.

If the Internet and other technologies are accessible, they will offer people with disabilities unprecedented opportunities for independence and self-sufficiency. But if they are not accessible, they simply will create new barriers to full participation of people with disabilities in our society and our economy.

Although new technologies have improved the lives of many Americans with disabilities, there remains a significant ''Digital Divide'' between Americans with and without disabilities. Although people with disabilities are nearly twice as likely as people without disabilities to say that the Internet has improved their lives significantly, they are barely one-quarter as likely to use the Internet and less than half as likely to have access to a computer at home.

The Technology for All Americans Act will begin to bridge this gap. The Act provides incentives for public and private researchers to use universal design and accessibility principles in new technologies, and to develop technologies to eliminate functional barriers to full independence for people with disabilities. It will increase public access to technology by providing grants to States to make public libraries, including those in elementary and secondary schools, technology accessible. It will increase the development and use of accessible technology by providing grants to colleges and universities to establish model curricula incorporating the design and use of accessible technology into academic and professional programs. And it will help children with disabilities maximize

their potential in school and after graduation by ensuring their access to technology. In a nutshell, this Act will help ensure that people with disabilities have an equal opportunity to participate in society.

But, this act is not just for people with disabilities. It is, as it's name says, for all Americans. When people with disabilities succeed in school, join the workforce, and participate in day-to-day life, we all benefit from their abilities.

History also demonstrates that research on accessible technology benefits everyone. How many people know that the typewriter was invented for an Italian countess who was blind? In 1990, the Television Decoder Circuitry Act, which I introduced, required closed captioning for most television sets so that people who are deaf could watch TV. But today millions of people who are not deaf use closed captioning at home, at work, at gyms, and at sports bars, to name a few. And, millions of people use voice-activated technology at work or in car phones and cell phones. That technology also was intended primarily for people with disabilities.

This trend will accelerate as the Technology Revolution moves forward. The technologies that make things accessible for people with disabilities have applications for all of us.

More and more each day, every American's ability to participate in society is determined by how well they are able to use technology. This Act will help us take the greatest advantage of technology for the benefit of the greatest number of Americans. This must be one of our priorities as we move into the new millennium.

So I ask my colleagues, people with disabilities, educators, technology experts, and others who are interested to share their ideas with me about this bill and about the issue of making technology accessible to every American, so that next Congress we can ensure that every American has access to the tools that will shape our future.●

ADDITIONAL COSPONSORS

S. 61

At the request of Mr. DEWINE, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 61, a bill to amend the Tariff Act of 1930 to eliminate disincentives to fair trade conditions.

S. 1536

At the request of Mr. DEWINE, the names of the Senator from Missouri (Mr. BOND) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 1536, a bill to amend the Older Americans Act of 1965 to extend authorizations of appropriations for programs under the Act, to modernize programs and services for older individuals, and for other purposes.

S. 2293

At the request of Mr. SANTORUM, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 2293, a bill to amend the Federal Deposit Insurance Act and the Federal Home Loan Bank Act to provide for the payment of Financing Corporation interest obligations from balances in the deposit insurance funds in excess of an established ratio and, after such obligations are satisfied, to provide for rebates to insured depository institutions of such excess reserves.

S. 2412

At the request of Mr. HOLLINGS, his name was added as a cosponsor of S. 2412, a bill to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2000, 2001, 2002, and 2003, and for other purposes.

S. 2440

At the request of Mr. HOLLINGS, his name was added as a cosponsor of S. 2440, a bill to amend title 49, United States Code, to improve airport security.

S. 2675

At the request of Ms. SNOWE, the names of the Senator from Texas (Mrs. HUTCHISON) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 2675, a bill to establish an Office on Women's Health within the Department of Health and Human Services.

S. 2698

At the request of Mr. MOYNIHAN, the names of the Senator from Utah (Mr. BENNETT), the Senator from Utah (Mr. HATCH), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 2698, a bill to amend the Internal Revenue Code of 1986 to provide an incentive to ensure that all Americans gain timely and equitable access to the Internet over current and future generations of broadband capability.

S. 2725

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 2725, a bill to provide for a system of sanctuaries for chimpanzees that have been designated as being no longer needed in research conducted or supported by the Public Health Service, and for other purposes.

S. 3016

At the request of Mr. ROTH, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 3016, to amend the Social Security Act to establish an outpatient prescription drug assistance program for low-income medicare beneficiaries and medicare beneficiaries with high drug costs.

S. 3020

At the request of Mr. GRAMS, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 3020, a bill to require the Federal Communications Commission to revise its regulations authorizing the operation of new, low-power FM radio stations.

S. 3060

At the request of Mr. WELLSTONE, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 3060, a bill to amend the Hmong Veterans' Naturalization Act of 2000 to extend the applicability of that Act to certain former spouses of deceased Hmong veterans.

S. 3152

At the request of Mr. ROTH, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. 3152, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives for distressed areas, and for other purposes.

S. 3183

At the request of Ms. LANDRIEU, the names of the Senator from Missouri (Mr. ASHCROFT), the Senator from Iowa (Mr. HARKIN), the Senator from Florida (Mr. GRAHAM), the Senator from Virginia (Mr. ROBB), the Senator from Arkansas (Mrs. LINCOLN), and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 3183, a bill to require the Secretary of the Treasury to mint coins in commemoration of the contributions of Dr. Martin Luther King, Jr., to the United States.

S. 3187

At the request of Mr. ROTH, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from Texas (Mr. GRAMM) were added as cosponsors of S. 3187, a bill to require the Secretary of Health and Human Services to apply aggregate upper payment limits to non-State publicly owned or operated facilities under the medicaid program.

S. 3189

At the request of Ms. SNOWE, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 3189, a bill to provide more child support money to families leaving welfare, to simplify the rules governing the assignment and distribution of child support collected by States on behalf of children, to improve the collection of child support, to promote marriage, and for other purposes.

S. RES. 373

At the request of Mr. LUGAR, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. Res. 373, a resolution recognizing the 225th birthday of the United States Navy.

At the request of Mr. LOTT, his name was added as a cosponsor of S. Res. 373, supra

SENATE RESOLUTION 377—AUTHORIZING THE TAKING OF PHOTOGRAPHS IN THE CHAMBER OF THE UNITED STATES SENATE

Mr. MCCONNELL submitted the following resolution; which was considered and agreed to:

S. RES. 377

Resolved, That (a) paragraph 1 of rule IV of the Rules for the Regulation of the Senate Wing of the United States Capitol (prohibiting the taking of pictures in the Senate Chamber) is temporarily suspended for the purpose of permitting photographs as provided in subsection (b).

(b) The photographs shall be—

(1) taken during the period that the Senate of the 106th Congress stands in recess or adjournment and prior to the convening of the 107th Congress;

(2) taken for the purpose of allowing the Senate Commission on Art to carry out its responsibilities to preserve works of art and historical objects within the Senate Chamber and to document those works and objects; and

(3) subject to the approval of the Committee on Rules and Administration.

SEC. 2. The Sergeant at Arms of the Senate shall make the necessary arrangements to carry out this resolution.

AMENDMENTS SUBMITTED

NATIONAL MARINE SANCTUARIES AMENDMENTS ACT OF 2000

SNOWE (AND KERRY) AMENDMENT NO. 4322

Mr. COCHRAN (for Ms. SNOWE (for herself and Mr. KERRY)) proposed an amendment to the bill (S. 1482) to amend the National Marine Sanctuaries Act, and for other purposes; as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

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

SEC. 2. AMENDMENT OF NATIONAL MARINE SANCTUARIES ACT.

Except as otherwise expressly provided, whenever in this Act 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. 3. 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, archeological, 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, archeological, scientific, educational, or esthetic qualities as national marine sanctuary 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) PURPOSE 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 the marine environment, and the natural, historical, cultural, and archeological 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'' 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 by the Secretary in accordance with this title.''.

SEC. 4. 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 archeological, 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, archeological, 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. 5. 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, archeological, educational, or esthetic qualities;

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

''(iii) its resources 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 areas'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. 6. 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.—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 of, 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 paragraph (2) 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; and

(3) PUBLIC COMMENT.—Notwithstanding any other provision of law no closure areas around the Northwestern Hawaiian Islands shall become permanent without adequate review and comment.

(4) COORDINATION.—The Secretary shall work with other Federal agencies and the Director of the National Science Foundation, to develop a coordinated plan to make vessels and other resources available for conservation or research activities for the reserve.

(5) 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)).

(6) 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.

(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce to carry out the provisions of this subsection such sums, not exceeding $4,000,000 for each of fiscal years 2001, 2002, 2003, 2004, and 2005, as are reported under paragraph (5) to be reflected in the Budget of the United States Government.

SEC. 7. 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, harassing, bribing, 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; or

''(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''.

SEC. 8. 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. 9. 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. 10. 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, or coordinate research, monitoring, evaluation, 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, archeological, and historical resources of national marine sanctuaries.

''(2) AVAILABILITY OF RESULTS.—The results of research and monitoring conducted, supported, or permitted 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, evaluation, and education programs under subsection (a) and developing interpretive facilities under subsection (d), the Secretary may consult or coordinate with Federal, interstate, or regional agencies, States or local governments.''.

SEC. 11. 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''; 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. 12. 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. 13. 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 first sentence;

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

(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 archeological, 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. 14. 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) $32,000,000 for fiscal year 2001;

''(B) $34,000,000 for fiscal year 2002;

''(C) $36,000,000 for fiscal year 2003;

''(D) $38,000,000 for fiscal year 2004;

''(E) $40,000,000 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. 15. 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. 16. 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. 17. 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 non-profit 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 non-profit 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, subject to paragraph (2), transfer the contribution to the Secretary.

''(2) REIMBURSEMENT FOR ADMINISTRATIVE COSTS.—Under the agreement entered into under paragraph (1), the Secretary may authorize the non-profit partner organization to retain not more than 5 percent of the amount of monetary contributions it receives from official sponsors under the agreement to offset the administrative costs of the organization in soliciting sponsors.

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

''(A) draws its membership from individuals, private organizations, corporation, 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. 18. ESTABLISHMENT OF DR. NANCY FOSTER SCHOLARSHIP PROGRAM.

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

''SEC. 318. 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 archeology, to be known as Dr. Nancy Foster Scholarships.

''(b) PURPOSES.—The purposes of the Dr. Nancy Foster Scholarship Program are—

''(1) to recognize outstanding scholarship in oceanography, marine biology, or maritime archeology, particularly by women and members of minority groups; and

''(2) to encourage independent graduate level research in oceanography, marine biology, or maritime archeology.

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

''(1) shall be used to support graduate studies in oceanography, marine biology, or maritime archeology 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 section 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 fradulent conduct or failed to comply with any term or condition of the scholarship.

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

SEC. 19. 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''.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, and in consultation with the chairman of the Senate Committee on Armed Services, pursuant to Public Law 106–65, announces the appointment of the following individuals to serve as members of the Commission of the National Military Museum: John G. Campbell, or Virginia, and Henriette V. Warfield, of Virginia.

VETERANS' ORAL HISTORY PROJECT ACT

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 5212 which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5212) to direct the American Folklife Center at the Library of Congress to establish a program to collect video and audio recordings of personal histories and testimonials of American war veterans, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. COCHRAN. Mr. President, I ask unanimous consent the bill be considered read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 5212) was read the third time and passed.

AUTHORIZING PHOTOGRAPHS IN THE SENATE CHAMBER

Mr. COCHRAN. Mr. President, I ask unanimous consent the Senate now proceed to the immediate consideration of S. Res. 377, submitted earlier by Senator MCCONNELL.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 377) authorizing the taking of photographs in the Chamber of the United States Senate.

There being no objection, the Senate proceeded to consider the resolution.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 377) was agreed to, as follows:

S. RES. 377

Resolved, That (a) paragraph 1 of rule IV of the Rules for the Regulation of the Senate Wing of the United States Capitol (prohibiting the taking of pictures in the Senate Chamber) is temporarily suspended for the purpose of permitting photographs as provided in subsection (b).

(b) The photographs shall be—

(1) taken during the period that the Senate of the 106th Congress stands in recess or adjournment and prior to the convening of the 107th Congress;

(2) taken for the purpose of allowing the Senate Commission on Art to carry out its responsibilities to preserve works of art and

historical objects within the Senate Chamber and to document those works and objects; and

(3) subject to the approval of the Committee on Rules and Administration.

SEC. 2. The Sergeant at Arms of the Senate shall make the necessary arrangements to carry out this resolution.

PROVIDING FOR CORRECTIONS IN THE ENROLLMENT OF H.R. 5164

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 428, which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 428) providing for corrections in the enrollment of the bill (H.R. 5164) amending title 49, United States Code, to require reports concerning defects in motor vehicles or tires or other motor vehicle equipment in foreign countries, and for other purposes.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

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

The concurrent resolution (H. Con. Res. 428) was agreed to.

BEAR PROTECTION ACT OF 1999

Mr. COCHRAN. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of Calendar No. 933, S. 1109.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1109) to conserve global bear populations by prohibiting the importation, exportation, and interstate trade of bear viscera and items, products, or substances containing, or labeled or advertised as containing, bear viscera, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. COCHRAN. Mr. President, I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The bill (S. 1109) was read the third time and passed, as follows:

S. 1109

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 ''Bear Protection Act of 1999''.

SEC. 2. FINDINGS.

Congress finds that—

(1) all 8 extant species of bear—Asian black bear, brown bear, polar bear, American black bear, spectacled bear, giant panda, sun bear, and sloth bear—are listed on Appendix I or II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (27 UST 1087; TIAS 8249) (referred to in this section as ''CITES'');

(2) Article XIV of CITES provides that Parties to CITES may adopt stricter domestic measures regarding the conditions for trade, taking, possession, or transport of species on Appendix I or II, and the Parties to CITES adopted a resolution (Conf. 10.8) urging Parties to take immediate action to demonstrably reduce the illegal trade in bear parts and derivatives;

(3) the Asian bear populations have declined significantly in recent years, as a result of habitat loss and poaching due to a strong demand for bear viscera used in traditional medicines and cosmetics;

(4) Federal and State undercover operations have revealed that American bears have been poached for their viscera;

(5) while most American black bear populations are generally stable or increasing, commercial trade could stimulate poaching and threaten certain populations if the demand for bear viscera increases; and

(6) prohibitions against the importation into the United States and exportation from the United States, as well as prohibitions against the interstate trade, of bear viscera and products containing, or labeled or advertised as containing, bear viscera will assist in ensuring that the United States does not contribute to the decline of any bear population as a result of the commercial trade in bear viscera.

SEC. 3. PURPOSES.

The purpose of this Act is to ensure the long-term viability of the world's 8 bear species by—

(1) prohibiting international trade in bear viscera and products containing, or labeled or advertised as containing, bear viscera;

(2) encouraging bilateral and multilateral efforts to eliminate such trade; and

(3) ensuring that adequate Federal legislation exists with respect to domestic trade in bear viscera and products containing, or labeled or advertised as containing, bear viscera.

SEC. 4. DEFINITIONS.

In this Act:

(1) BEAR VISCERA.—The term ''bear viscera'' means the body fluids or internal organs, including the gallbladder and its contents but not including blood or brains, of a species of bear.

(2) IMPORT.—The term ''import'' means to land on, bring into, or introduce into any place subject to the jurisdiction of the United States, whether or not the landing, bringing, or introduction constitutes an importation within the meaning of the customs laws of the United States.

(3) PERSON.—The term ''person'' means—

(A) an individual, corporation, partnership, trust, association, or other private entity;

(B) an officer, employee, agent, department, or instrumentality of—

(i) the Federal Government;

(ii) any State, municipality, or political subdivision of a State; or

(iii) any foreign government;

(C) a State, municipality, or political subdivision of a State; and

(D) any other entity subject to the jurisdiction of the United States.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(5) STATE.—The term ''State'' means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, American Samoa, and any other territory, commonwealth, or possession of the United States.

(6) TRANSPORT.—The term ''transport'' means to move, convey, carry, or ship by any means, or to deliver or receive for the purpose of movement, conveyance, carriage, or shipment.

SEC. 5. PROHIBITED ACTS.

(a) IN GENERAL.—Except as provided in subsection (b), a person shall not—

(1) import into, or export from, the United States bear viscera or any product, item, or substance containing, or labeled or advertised as containing, bear viscera; or

(2) sell or barter, offer to sell or barter, purchase, possess, transport, deliver, or receive, in interstate or foreign commerce, bear viscera or any product, item, or substance containing, or labeled or advertised as containing, bear viscera.

(b) EXCEPTION FOR WILDLIFE LAW ENFORCEMENT PURPOSES.—A person described in subparagraph (B) or (C) of section 4(3) may import into, or export from, the United States, or transport between States, bear viscera or any product, item, or substance containing, or labeled or advertised as containing, bear viscera if the importation, exportation, or transportation—

(1) is solely for wildlife law enforcement purposes; and

(2) is authorized by a valid permit issued under Appendix I or II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (27 UST 1087; TIAS 8249), in any case in which such a permit is required under the Convention.

SEC. 6. PENALTIES AND ENFORCEMENT.

(a) CRIMINAL PENALTIES.—A person that knowingly violates section 5 shall be fined under title 18, United States Code, imprisoned not more than 1 year, or both.

(b) CIVIL PENALTIES.—

(1) AMOUNT.—A person that knowingly violates section 5 may be assessed a civil penalty by the Secretary of not more than $25,000 for each violation.

(2) MANNER OF ASSESSMENT AND COLLECTION.—A civil penalty under this subsection shall be assessed, and may be collected, in the manner in which a civil penalty under the Endangered Species Act of 1973 may be assessed and collected under section 11(a) of that Act (16 U.S.C. 1540(a)).

(c) PRODUCTS, ITEMS, AND SUBSTANCES.—Any bear viscera, or any product, item, or substance sold, imported, or exported, or attempted to be sold, imported, or exported, in violation of this section (including any regulation issued under this section) shall be seized and forfeited to the United States.

(d) REGULATIONS.—After consultation with the Secretary of the Treasury, the Secretary of Health and Human Services, and the United States Trade Representative, the Secretary shall issue such regulations as are necessary to carry out this section.

(e) ENFORCEMENT.—The Secretary, the Secretary of the Treasury, and the Secretary of the department in which the Coast Guard is operating shall enforce this section in the manner in which the Secretaries carry out enforcement activities under section 11(e) of the Endangered Species Act of 1973 (16 U.S.C. 1540(e)).

(f) USE OF PENALTY AMOUNTS.—Amounts received as penalties, fines, or forfeiture of property under this section shall be used in accordance with section 6(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(d)).

SEC. 7. DISCUSSIONS CONCERNING TRADE PRACTICES.

The Secretary and the Secretary of State shall discuss issues involving trade in bear viscera with the appropriate representatives of countries trading with the United States that are determined by the Secretary and the United States Trade Representative to be the leading importers, exporters, or consumers of bear viscera, and attempt to establish coordinated efforts with the countries to protect bears.

SEC. 8. REPORT.

Not later than 1 year after the date of enactment of this Act, the Secretary, in cooperation with appropriate State agencies, shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives a report detailing the progress of efforts to end the illegal trade in bear viscera.

NATIONAL MARINE SANCTUARIES AMENDMENTS ACT OF 2000

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 702, S. 1482.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1482) to amend the National Marine Sanctuaries Act, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with amendments, as follows:

(Omit the parts in boldface brackets and insert the parts printed in italic:)

S. 1482

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 ''National Marine Sanctuaries Amendments Act of **[**1999''.**]** *2000''*.

SEC. 2. AMENDMENT OF NATIONAL MARINE SANCTUARIES ACT.

Except as otherwise expressly provided, whenever in this Act 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. 3. CHANGES IN FINDINGS, PURPOSES, AND POLICIES.

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

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

(2) by inserting ''ecosystem'' after ''comprehensive'' in paragraph (3);

(3) by striking ''wise use'' in paragraph (5) and inserting ''sustainable use''; *and*

[(4) by striking ''and'' after the semicolon in paragraph (5);

[(5)**]** *(4)* by striking ''protection of these'' in paragraph (6) and inserting ''protecting the biodiversity, habitats, and qualities of such''; and

[(6)**]** *(5)* by inserting ''and the values and ecological services they provide'' in paragraph (6) after ''living resources''.

(b) AMENDMENT OF 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 paragraph (3) and inserting the following:

''(3) to maintain natural biodiversity and biological communities, and to protect, and where appropriate, **[**restore,**]** *restore* and enhance natural habitats, populations, and ecological processes;'';

(3) by striking ''understanding, appreciation, and wise use of the marine environment;'' in paragraph (4) and inserting ''understanding, and appreciation of the natural, historical, cultural, and archaeological resources of national marine sanctuaries;'';

(4) by redesignating paragraphs (5) through (9) as paragraphs (6) through (10), and inserting after paragraph (4) the following:

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

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

(6) by striking ''marine resources; and'' in paragraph (9), as redesignated, and inserting ''marine and coastal resources.''; and

(7) by striking paragraph (10), as redesignated.

SEC. 4. CHANGES IN DEFINITIONS.

Section 302 (16 U.S.C. 1432) is amended—

(1) by striking ''304(a)(1)(C)(v)'' in paragraph (1) and inserting ''304(a)(2)(A)'';

(2) by striking '' 'Magnuson'' in paragraph (2) and inserting '' 'Magnuson-Stevens'';

(3) by striking ''and'' after the semicolon in subparagraph (B) of paragraph (6);

(4) by striking ''resources;'' in subparagraph (C) of paragraph (6) and inserting ''resources; and'';

(5) by inserting after paragraph (6)(C) the following:

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

(6) by striking ''injury;'' in paragraph (7) and inserting ''injury, including enforcement activities related to any incident;''

(7) by striking ''educational, or '' in paragraph (8) and inserting ''educational, cultural, archaeological,'';

(8) by striking ''and'' after the semicolon in paragraph (8);

(9) by striking ''Magnuson Fishery Conservation and Management Act.'' in paragraph (9) and inserting ''Magnuson-Stevens Act;''; and

(10) by adding at the end thereof the following:

''(10) 'system' means the National Marine Sanctuary System established by section 303; and

''(11) 'person' has the meaning given that term by section 1 of title 1, United States Code, but includes a department, agency, and instrumentality of the government of the United States, a State, or a foreign Nation.''.

SEC. 5. CHANGES IN SANCTUARY DESIGNATION STANDARDS.

Section 303 (16 U.S.C. 1433) is amended—

(1) by striking the section caption and inserting the following:

''SEC. 303. NATIONAL MARINE SANCTUARY SYSTEM.'';

(2) by striking subsection (a) and inserting the following:

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

(3) by striking paragraph (3) of subsection (b), and redesignating paragraphs (1) and (2) as paragraphs (2) and (3);

(4) by striking so much of subsection (b) as precedes paragraph (2), as redesignated, and inserting the following:

''(b) SANCTUARY DESIGNATION STANDARDS.—

''(1) IN GENERAL.—Before designating an area of the marine environment as a national marine sanctuary, the Secretary shall find that—

''(A) the area is of special national significance due to its—

''(i) biodiversity;

''(ii) ecological importance;

''(iii) archaeological, cultural, or historical importance; or

''(iv) human-use values;

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

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

''(D) the area is of a size and nature that will permit comprehensive and coordinated conservation and management.'';

(5) by striking ''subsection (a)'' in paragraph (2), as redesignated, and inserting ''paragraph (1)'';

(6) by redesignating subparagraphs (E) through (I) of paragraph (2), as redesignated, as paragraphs (F) through (J), and inserting after paragraph (D) the following:

''(E) the areas's scientific value and value for monitoring as a special area of the marine environment;'';

(7) by redesignating subparagraphs (H), (I), and (J), as redesignated, as subparagraphs (I), (J), and (K) and by inserting after subparagraph (G), as redesignated, the following:

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

(8) by striking ''vital habitats, and resources which generate tourism;'' in subparagraph (I), as redesignated, and inserting ''and vital habitats;'';

(9) by redesignating subparagraphs (J) and (K) as subparagraphs (K) and (L), and inserting after subparagraph (I) the following:

''(J) the value of the area as an addition to the System;''; and

(10) by striking ''Merchant Marine and Fisheries'' in subparagraph (A) of paragraph (3), as redesignated, and inserting ''Resources'';

(11) by inserting after ''Administrator'' in subparagraph (B) of paragraph (3), as redesignated the following: ''of the Environmental Protection Agency,''; and

(12) by adding at the end of subsection (b) the following:

''(4) REQUIRED FINDINGS.—

[''(A) NEW DESIGNATIONS.—Before beginning the designation process for any sanctuary that is not a designated sanctuary before January 1, 2000, the Secretary shall make, and submit to the Congress, a finding that each designated sanctuary has—

[''(i) an operational level of facilities, equipment, and employees;

[''(ii) a list of priorities it considers most urgent and a strategy to address those priorities;

[''(iii) a plan and schedule to complete site characterization studies to inventory existing sanctuary resources, including cultural resources; and

[''(iv) a plan for enforcement of the Act within its boundaries, including partnerships with adjacent States or other authorities.

[''(B) EXCEPTION.—Subparagraph (A) does not apply to any draft management plan, draft environmental impact statement, or proposed regulation for a Thunder Bay National Marine Sanctuary.''.]

''(A) NEW DESIGNATIONS.—The Secretary shall not publish in the Federal Register any sanctuary designation notice or regulations proposing to designate a new sanctuary unless the Secretary has published in the Federal Register and submitted to Congress a finding that the addition of a new sanctuary will not have a negative impact on the National Marine Sanctuary System and each designated sanctuary has—

''(i) an operational level of facilities, equipment, and employees;

''(ii) a plan for enforcement of the Act within its boundaries, including partnerships with adjacent States or other authorities;

''(iii) sufficient resources available in the fiscal year in which the finding is made to implement the sanctuary management plan effectively;

''(iv) completed site characterizations studies, inventories of known sanctuary resources, and management plan review; and

''(v) a list of priorities and a strategy to address such priorities.

''(B) FAILURE TO COMPLETE CERTAIN REQUIREMENTS.—If the requirements of subparagraph (A)(iv) have not been completed at the time of designation of a sanctuary, then the Secretary shall submit a plan and schedule for the completion of these activities for the sanctuary, based on the assumption that the amounts appropriated for the sanctuaries will be maintained at the same level for each fiscal year for the next 10 years.

''(C) EXCEPTION.—Subparagraph (A) does not apply to any draft management plan, draft environmental impact statement, or proposed regulation for the Thunder Bay National Marine Sanctuary.

''(D) DEADLINE.—If a finding under subparagraph (A) has not been published by February 1, 2004, the Secretary shall submit to Congress by September 30, 2004, a finding stating whether the requirements in subparagraph (A) have been met.

''(E) SUNSET.—The requirements of this paragraph shall be in effect until September 30, 2004.''.

SEC. 6. CHANGES IN PROCEDURES FOR DESIGNATION AND IMPLEMENTATION.

(a) CHANGES IN NOTICE REQUIREMENTS.—Section 304(a) (16 U.S.C. 1434(a)) is amended—

(1) by striking paragraph (1)(C) and inserting the following:

''(C) on the same day the notice required by subparagraph (A) is submitted to the Office of the Federal Register, the Secretary shall submit a copy of the notice and the draft sanctuary designation documents prepared under paragraph (2) to the Committee on Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.'';

(2) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), and inserting the following after paragraph (1):

''(2) SANCTUARY DESIGNATION DOCUMENTS.—The Secretary shall prepare sanctuary designation documents on the proposal that include the following:

''(A) A draft environmental impact statement under paragraph (3).

''(B) A management plan document, which the Secretary shall make available to the public, containing—

''(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, including innovative approaches such as marine zoning, interpretation and education, research, monitoring and assessment, resource protection, restoration, and enforcement (including surveillance activities for the area);

''(iv) an evaluation of the advantages of cooperative State and Federal management if all or part of a proposed marine sanctuary is within the territorial limits of a State, or is superjacent to the subsoil and seabed within the seaward boundary of a State (as 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; and

''(vi) the regulations proposed under paragraph (1)(A).

''(C) Maps depicting the boundaries of the proposed sanctuary.

''(D) A statement of the basis for the findings made under section 303(b)(2).

''(E) An assessment of the considerations under section 303(b)(1).

''(F) A resource assessment that includes—

''(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) a discussion, prepared after consultation with the Secretary of the Interior, of any commercial, governmental, or recreational resource uses in the areas that are subject to the primary jurisidiction 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.''.

(b) OTHER NOTICE-RELATED CHANGES.—Section 304(a) (16 U.S.C. 1434(a)) is further amended—

(1) by striking ''as provided by'' in subparagraph (A) of paragraph (3), as redesignated, and inserting ''under'';

(2) by inserting ''cultural, archaeological,'' after ''educational,'' in paragraph [(4),] *(5)* as redesignated;

(3) by striking ''only by the same procedures by which the original designation is made.'' in paragraph [(4),] *(5)* as redesignated, and inserting ''by following the applicable procedures of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and chapter 5 of title 5, United States Code.'';

(4) by inserting ''this Act and'' after ''objectives of'' in the second sentence of paragraph (6), as redesignated; and

(5) by striking ''Merchant Marine and Fisheries Resources'' in paragraph (7), as redesignated, and inserting ''Resources''.

(c) OTHER CHANGES.—Section 304 (16 U.S.C. 1434) is amended—

(1) by striking ''(a)(6)'' in subsection (b)(1) and inserting ''(a)(7)'';

[(1)] *(2)* by inserting ''or the national system'' in subsection (b)(2) after ''sanctuary'' *each place it appears*;

[(2)] *(3)* by striking ''management techniques,'' in subsection (e) and inserting ''management techniques and strategies,''; and

[(3)] *(4)* by striking ''title.'' in subsection (e) and inserting ''title. This review shall include a prioritization of management objectives.''

SEC. 7. CHANGES IN ACTIVITIES PROHIBITED.

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

(1) by striking ''sell,'' in paragraph (2) and inserting ''offer for sale, sell, purchase, import, export,''; and

(2) by striking paragraph (3) and inserting the following:

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

''(A) refusing to permit any authorized officer 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 purpose of conducting a search or inspection in connection with the enforcement of this title;

''(B) assaulting, resisting, opposing, impeding, intimidating, or interfering with any authorized officer in the conduct of any search or inspection under this title;

''(C) submitting false information to the Secretary or any officer authorized by the Secretary in connection with any search or inspection under this title; or

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

SEC. 8. CHANGES IN ENFORCEMENT PROVISIONS.

Section 307 (16 U.S.C. 1437) is amended—

(1) by redesignating paragraphs (1) through (5) of subsection (b) as paragraphs (2) through (6), and inserting before paragraph (2) the following:

''(1) arrest any person, if there is reasonable cause to believe that the person has committed an act prohibited by section 306(3);'';

(2) by redesignating subsections (c) through (j) as subsections (d) through (k), and inserting after subsection (b) the following:

''(c) CRIMINAL OFFENSES.—

''(1) IN GENERAL.—Violation of section 306(3) is punishable by a fine under title 18, United States Code, imprisonment for not more than 6 months, or both.

''(2) AGGREVATED VIOLATIONS.—If a person in the course of violating section 306(3)—

''(A) uses a dangerous weapon,

''(B) causes bodily injury to any person authorized to enforce this title or to implement its provisions, or

''(C) causes such a person to fear imminent bodily injury,

then the violation is punishable by a fine under title 18, United States Code, imprisonment for not more than 10 years, or both.'';

(3) by redesignating subsections (e) through (k), as redesignated, as subsections (f) through (l), respectively, and by inserting after subsection (d), as redesignated, the following:

''(e) JUDICIAL CIVIL PENALTIES.—The Secretary may bring an action to access and collect any civil penalty for which a person is liable under paragraph (d)(1) in the United States district court for the district in which the person from whom the penalty is sought resides, in which such person's principal place of business is located, or where the incident giving rise to civil penalties under this section occurred.'';

(4) by inserting ''electronic files,'' after ''books,'' in subsection (h), as redesignated; and

(5) by redesignating subsections (i) through (l), as designated, as subsections (j) through (m), and by inserting after subsection (h), as redesignated, the following:

''(i) NATIONWIDE SERVICE OF PROCESS.—In any action by the United States under this chapter, 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. 9. ADDITIONAL REGULATIONS AUTHORITY ADDED.

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

''SEC. 308. REGULATIONS AND SEVERABILITY.

''(a) REGULATIONS.—The Secretary may issue such regulations as may be necessary to carry out this title.

''(b) SEVERABILITY.—If any provision of this title, or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of this title and of the application of that provision to other persons and circumstances shall not be affected.''.

SEC. 10. 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 PROGRAMS AND INTERPRETIVE FACILITIES.

''(a) IN GENERAL.—The Secretary shall conduct, support, or coordinate research, monitoring, evaluation, and education programs necessary and reasonable to carry out the purposes and policies of this title.

''(b) RESEARCH AND MONITORING.—The Secretary may support, promote, and coordinate appropriate research on, and long-term monitoring of, the resources and human uses of marine sanctuaries, as is consistent with the purposes and policies of this title. In carrying out this subsection the Secretary may consult with Federal agencies, States, local governments, regional agencies, interstate agencies, or other persons, and coordinate with the National Estuarine Research Reserve System.

''(c) EDUCATION AND INTERPRETIVE FACILITIES.—The Secretary may establish facilities or displays—

''(1) to promote national marine sanctuaries and the purposes and policies of this title; and

''(2) either solely or in partnership with other persons, under an agreement under section 311.''.

SEC. 11. CHANGES IN SPECIAL USE PERMIT PROVISIONS.

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

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

''(b) PUBLIC NOTICE REQUIRED.—The Secretary shall provide appropriate public notice before identifying any 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) by redesignating paragraph (3) of subsection (d), as redesignated, as paragraph (4), and by inserting after paragraph (2) thereof the following:

''(3) WAIVER OR REDUCTION OF FEES.—The Secretary may waive or reduce fees under this subsection, or accept in-kind contributions in lieu of fees under this subsection, for activities that do not derive profit from the access to and use of sanctuary resources or that the Secretary considers to be beneficial to the system.''; and

(5) by striking ''designating and'' in paragraph (4)(B) of subsection (d), as redesignated.

SEC. 12. CHANGES IN COOPERATIVE AGREEMENTS PROVISIONS.

Section 311 (16 U.S.C. 1442) is amended—

(1) by adding at the end of subsection (a) the following: ''Notwithstanding any other provision of law to the contrary, the Secretary may apply for, accept, and use grants from Federal agencies, States, local governments, regional agencies, interstate agencies, foundations, or other persons, to carry out the purposes and policies of this title.''; and

(2) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), and inserting after subsection (a) the following:

''(b) USE OF STATE AND FEDERAL AGENCY RESOURCES.—The Secretary may, whenever appropriate, use by agreement the personnel, services, or facilities of departments, agencies, and instrumentalities of the government of the United States or of any State or political subdivision thereof on a reimbursable or non-reimbursable basis to assist in carrying out the purposes and policies of this title.''.

SEC. 13. CHANGES IN PROVISIONS CONCERNING DESTRUCTION, LOSS, OR INJURY.

(a) LIABILITY.—Section 312 (16 U.S.C. 1443(a)) is amended—

(1) by striking ''used to destroy, cause the loss of, or injure'' in subsection (a)(2) and inserting ''that destroys, causes the loss of, or injures'';

(2) by inserting ''or vessel'' after ''person'' in subsection (a)(4);

(3) by inserting ''(as defined in section 302(11))'' after ''damages'' in subsection (b)(2);

(4) by striking ''vessel who'' in subsection (c) and inserting ''vessel that'';

(5) by striking ''person may'' in subsection (c) and inserting ''person or vessel may'';

(6) by inserting ''by the Secretary'' after ''used'' in subsection (d); and

(7) by adding at the end of subsection (d) the following:

''(4) STATUTE OF LIMITATIONS.—An action for response costs and damages under subsection (c) may not be brought more than 2 years after the date of completion of the relevant damage assessment and restoration plan prepared by the Secretary.''.

SEC. 14. AUTHORIZATION OF APPROPRIATIONS.

Section 313 (16 U.S.C. 1444) is amended by striking paragraphs (1), (2), and (3) and inserting the following:

''(1) $30,000,000 for fiscal year 2000;

''(2) $32,000,000 for fiscal year 2001;

''(3) $34,000,000 for fiscal year 2002;

''(4) $36,000,000 for fiscal year 2003; [and]

''(5) $38,000,000 for fiscal year [2004.''.] *2004; and*

''(6) $40,000,000 for fiscal year 2005.''.

SEC. 15. 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. 16. CHANGES IN ADVISORY COUNCIL PROVISIONS.

Section 315 (16 U.S.C. [1446)] *1445a)* is amended by striking ''provide assistance'' in subsection (a) and inserting ''advise and make recommendations''.

SEC. 17. CHANGES IN THE SUPPORT ENHANCEMENT PROVISIONS.

Section 316 (16 U.S.C. [1447)] *1445b)* is amended—

(1) by striking ''use'' in subsection (a)(4) and inserting ''manufacture, reproduction, or other use'';

(2) by striking ''sanctuaries;'' in subsection (a)(4) and inserting ''sanctuaries or by persons that enter [cooperative agreements] *collaborative efforts* with the Secretary under subsection (f);'';

(3) by striking ''symbols'' in subsection (a)(6) and inserting ''symbols, including sale of items bearing the symbols,'';

(4) by redesignating subsections (c), (d), and (e) as (d), (e), and (f), respectively, and by inserting after subsection (b) the following:

''(c) COLLABORATIONS.— The Secretary may authorize the use of the symbol described in subsection (a) by any person with which the Secretary is engaged in a collaborative effort to carry out the purposes and policies of this title.'';

[(4) striking] *(5) by striking* ''Secretary; and'' in paragraph (3) of subsection (f), as redesignated, and inserting ''Secretary, or without prior authorization under subsection (a)(4); or''; and

[(5)] *(6)* by adding at the end thereof the following:

[''(f)] *''(g)* AUTHORIZATION FOR NON-PROFIT ORGANIZATION TO SOLICIT SPONSORS.—

''(1) IN GENERAL.—The Secretary may enter into an agreement with a non-profit 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 non-profit organization to solicit persons to be official sponsors of the national marine sanctuary program 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 organization to collect the statutory contribution from the sponsor, and, subject to paragraph (2), transfer the contribution to the Secretary.

''(2) REIMBURSEMENT FOR ADMINISTRATIVE COSTS.—Under the agreement entered into under paragraph (1), the Secretary may authorize the non-profit organization to retain not more than 5 percent of the amount of monetary contributions it receives from official sponsors under the agreement to offset the administrative costs of the organization in soliciting sponsors.''.

Mr. COCHRAN. I ask consent the committee amendments be agreed to.

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

The committee amendments were agreed to.

AMENDMENT NO. 4322

Mr. COCHRAN. Senators SNOWE and KERRY have an amendment at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Ms. SNOWE, for herself and Mr. KERRY, proposes an amendment numbered 4322.

Mr. COCHRAN. I ask unanimous consent the amendment be agreed to.

The amendment (No. 4322) was agreed to, as follows:

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

• Mr. MCCAIN. Mr. President, I rise in support of S. 1482, the National Marine Sanctuaries Amendments Act of 2000. The National Marine Sanctuary System recognizes the ecological and cultural importance of our nation's marine resources. By setting aside these areas for protection above and beyond what is already encompassed in other state and federal programs, we are ensuring that the public will benefit from them well into the future.

The existing 13 sanctuaries provide more then just protection for the marine resources they encompass. They also provide recreational and educational opportunities that might not otherwise exist. For example, in the USS Monitor Sanctuary, a sunken Civil War vessel lies off the coast of North Carolina and preserves a piece of our collective history. And, in the 5,300 square miles of the Monterey Bay Sanctuary, the program protects important kelp forests and one of the deepest underwater canyons on the west coast. This emphasis on complementary uses and management is the strength of the sanctuary program.

There is much we can do to build upon the successes the sanctuaries have already achieved. By prioritizing our actions over the next few years on making the existing sanctuaries fully operational with education and research programs, a full complement of staff, active public outreach programs, and enforcement we will strengthen the system and help it to reach its full potential. At the same time, we are increasing the funding to the system to ensure that these goals can be reached. Authorization levels begin at $32 million for fiscal year 2001 with levels increasing by $2 million a year until fiscal year 2005. Additionally, $6 million per year is authorized for construction projects at the sanctuaries.

This bill also includes a new initiative to help secure the future of marine resource conservation through the creation of the Dr. Nancy Foster Scholarship Program. These graduate scholarships will be funded by setting aside 1 percent of the National Marine Sanctuary Program's annual appropriated funds in memory of Dr. Nancy Foster, a 23-year NOAA employee who was serving as the Assistant Administrator for Ocean Services and Coastal Zone Management at the time of her death in June.

I would like to thank Senator SNOWE, the sponsor of the legislation, and Senators KERRY, INOUYE, and HOLLINGS for their bipartisan support of and hard work on this bill. I would also like to express my gratitude and that of the Commerce Committee to the staff who worked on this bill, including Sloan Rappoport, Stephanie Bailenson, Brooke Sikora, Rick Kenin and Margaret Spring. In particular I would like to thank Emily Lindow, a Sea Grant fellow, whose background and experience in coastal management issues helped produce a strong and balanced marine sanctuaries bill.

Mr. President, again I urge the Senate to pass S. 1482, the National Marine Sanctuaries Amendments Act of 2000.•

Mr. HOLLINGS. Mr. President, I rise to make a few remarks on S. 1482, the National Marine Sanctuaries Amendments Act of 2000, legislation to reauthorize the National Marine Sanctuaries Act.

To begin, I want to thank Senator SNOWE, our chairman on the Oceans and Fisheries Subcommittee on the Commerce Committee, for putting this legislation on the committee agenda this Congress and working diligently for its passage. In addition, passage of this bill would not have been possible without the tireless efforts of the ranking member of the subcommittee, Mr. KERRY. I would also like to thank them for their support and inclusion of the Dr. Nancy Foster Scholarship Program in this bill. We were all deeply saddened by Dr. Foster's passing this year, at the height of her career as the head of the National Ocean Service. I know I speak for all of my colleagues when I say we are only too pleased to have this opportunity to recognize Dr. Foster's efforts to protect, understand, and make the public care about our marine environment. Dr. Foster was particularly proud of NOAA's Sanctuaries Program and I know she would have appreciated creating this opportunity to encourage more women and minorities to become involved in the study of the marine environment and conservation of our underwater treasures.

When Congress enacted the National Marine Sanctuaries Act in 1972 we recognized that while the Nation had already provided our ''special areas'' on land with protections, we had no mechanism to protect those areas of the marine environment with unique qualities that are of special national, and even international, significance. Congress acted on the need for certain marine areas to be protected from human threats and recognized that management of undersea areas posed different challenges than land-based preserves, requiring different expertise and approaches. In fact, at the time, the unique character of the marine environment was the predominant reason for bringing together the Stratton Commission and the subsequent creation of the National Oceanic and Atmospheric Administration (NOAA) at the Commission's recommendation. Before the creation of NOAA in 1970, the late Senator from Washington state, Warren Magnuson, noted that twenty-eight different departments and agencies dealt with the field of oceanography. Senator Magnuson concluded, in part because of the lack of coordination that we ''know more about the back side of the Moon that we know of three-quarters of the Earth's surface.'' The creation of NOAA was the way to go about changing this fact. Since then, Congress has consistently endorsed the creation of NOAA 30 years ago as the premier federal agency to manage, study, and protect the marine environment in a coordinated and comprehensive manner.

In much the same way, Congress created the sanctuaries system to ''provide a coordinated and comprehensive approach to the conservation and management of special areas of the marine environment.'' It was the clear intent of Congress that a tool was needed to create and protect marine sanctuaries. If the Congress believed that existing laws could have done the job, we would not have created the Sanctuary program. In fact, in 1971 we recognized there was a need to create a marine sanctuaries program because ''a mechanism for protecting certain important areas of the coastal zone from intrusive activities by man . . . is not met by any legislation now on the books.''

Furthermore, the Senate Commerce Committee found that ''the establishment of marine sanctuaries is appropriate where it is desirable to set aside areas of the seabed and the waters above for scientific study, to preserve, unique, rare, or characteristic features of the oceans, coastal, and other waters, and their total ecosystems.'' As I have said before, it is as clear now as it was then that NOAA is the appropriate agency to study and preserve marine ecosystems; the line offices of NOAA have expertise in all of the major areas that impact marine sanctuaries and the ecosystems on which they depend.

Today, nothing has occurred that would change the intent of Congress when they created the sanctuaries program in 1972—certain areas of the marine environment need special protection and recognition. While that protection has not been as comprehensive as many would like, I know that the program is growing in both energy and focus thanks to a concerted effort from all those who care about our coastal environment. This year marks a great turning point for the program, as a result of the improvements in this legislation, the current five-year review process, the increased financial commitment by both the Congress and the administration, and the flood of public support for ocean conservation. In fact, the exploration and publicity generated by NOAA's Sustainable Seas program, in conjunction with the National Geographic Society, will help bring a fuller understanding and focus to each of our sanctuaries.

Now, one of the hallmarks of the Sanctuaries Act is the process that Congress established to ensure significant ''up-front'' involvement of all constituent groups affected by the designation of a sanctuary. Although to

some this may seem unduly cumbersome, I believe that the history has shown that this inclusive, open-door process has worked and that the ''behind-closed doors, top-down'' approach creates nothing but havoc and leads to ineffective solutions that lack public support. However, I am heartened by the fact that President Clinton appears to agree with the process Congress created with the sanctuaries program. In Executive Order 13158 on Marine Protected Areas, signed on May 26, 2000, President Clinton states, ''In carrying out the requirements of . . . of this order, [agencies] shall consult with those States that contain portions of the marine environment, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands, tribes, Regional Fishery Management Councils, and other entities, as appropriate, to promote coordination of Federal, State, territorial, and tribal actions to establish and manage MPAs.''

I would urge the administration to continue meeting the commitment to involve the public, the states, and tribes as much as possible up front, particularly with respect to efforts currently underway within the administration to identify and protect the corals and other living marine resources of the Northwestern Hawaiian Islands. Use the authorities and direction contained in the Sanctuaries Act; it is flexible, works well with our nearshore analogs, the National Estuarine Research Reserves, and other coastal reserves and parks, and has the added benefit of a well-known process that has worked to ensure lasting public support for protecting the marine environment. In this regard, I commend the cooperative efforts of NOAA, and other federal and state agencies, and all the constituent groups in putting together the Tortugas Ecological Reserve under able leadership of the Florida Keys National Marine Sanctuary.

NOAA was established 30 years ago to research, protect, and manage our nations oceans and atmosphere. That statement may seem fairly obvious, but there are some who may have lost sight of where we've come from and where we are going. So I thought I would re-state congressional intent for the record: Congress clearly intended that NOAA be the lead agency in development of a comprehensive and coordinated ocean and coastal management system, including marine protected areas, under the National Marine Sanctuaries Act and many of the other statutes it implements such as the Coastal Zone Management Act and the Magnuson-Stevens Fishery Conservation and Management Act.

In closing, I would like again state my support for the National Marine Sanctuaries Amendments Act and to urge its adoption by the Senate. This bill takes an important step to further the wise stewardship of our marine resources and the protection of areas of significant ecological, aesthetic, historical and recreational value. It will improve our 13 existing sanctuaries, provide a rational framework for the designation of any future marine sanctuaries, and offers a sound mechanism for a coordinating a national system of marine protected areas.

• Ms. SNOWE. Mr. President, I rise in support of S. 1482, the National Marine Sanctuaries Amendments Act of 2000. This bill represents a major breakthrough for the protection of our coastal and marine resources by reauthorizing the marine sanctuary program. It is highly appropriate that we are considering this bill because just last week, on October 7, 2000, we designated our 13th national marine sanctuary in Thunder Bay. This is the first sanctuary in the system to be designated in the Great Lakes and serves as a perfect example of the type of federal and state partnerships that have contributed to the success of our other sanctuaries.

One hundred years after the first national park was created, the United States made a similar commitment to preserving its valuable marine resources by establishing the National Marine Sanctuary Program in 1972. Since then, 13 areas covering a wide range of marine habitats have been designated as national marine sanctuaries in the Atlantic, Pacific, Great Lakes and Gulf of Mexico. Today, the sanctuaries program protects over 18,000 square miles of our seas. Not only do the sanctuaries help protect unique ecosystems, but they also serve as models for multiple use management in the marine environment. Additionally, the sanctuaries can also function as platforms for better ocean stewardship, allowing opportunities for research, education, and outreach activities.

One of the most serious impediments to achieving the original goals of the program is the lack of funding. This bill authorizes funds at a level that we hope will allow full implementation of the sanctuary program. The bill authorizes $32 million in fiscal year 2001, with levels increasing by $2 million a year until fiscal year 2005. It also authorizes $6 million a year in fiscal years 2001 through 2005 for construction projects at the sanctuaries.

Additionally, we have set the priority for the next few years on making the existing sanctuaries fully operational before expanding the sanctuary system. These marine sanctuaries have tremendous potential for protecting our marine resources and increasing the public's awareness of the marine environment. However, lack of funding has prevented the sanctuary program from reaching its full potential. By increasing authorization levels and focusing our attention on the existing sanctuaries we can drastically increase the public benefits from these sanctuaries.

There are two exceptions to this limitation. The first is to allow for the completion of the Thunder Bay National Marine Sanctuary designation. The second is to allow for the development of a sanctuary in the Northwestern Hawaiian Islands. These unpopulated islands provide a refuge for marine resources without the typical coastal development pressures. They are also home to the majority of the United States' coral reefs. The people of Hawaii have strong ties to these islands and, in recent years, have been working on a variety of conservation strategies to better manage these valuable resources. One of the options being discussed is a national marine sanctuary. Members of the Subcommittee on Oceans and Fisheries want to ensure that this remains an option. The full complement of marine conservation and management programs administered by the Department of Commerce will provide for meaningful and lasting protections of these resources.

This bill also creates the Dr. Nancy Foster Scholarship Program to recognize outstanding scholarship, particularly by women and minorities, in the fields of oceanography, marine biology, or maritime archeology. The scholarships will be used to support the graduate studies and research of its recipients. It is being established in honor of Dr. Nancy Foster, a 23-year NOAA employee who was serving as the Assistant Administrator for Ocean Services and Coastal Zone Management at the time of her death in June. The scholarship will be funded by setting aside 1 percent of the National Marine Sanctuary Program's annual appropriated funds. I can think of no better tribute to Dr. Foster's long commitment to marine resource conservation and management then helping the next generation of scientists and managers launch their careers.

I would like to thank Senator KERRY, the ranking member of the Oceans and Fisheries Subcommittee for his hard work and support of this bill. I would also like to thank Senator INOUYE for his support, particularly for his contributions to the Northwestern Hawaiian Islands Coral Reef Reserve provision. In addition, I would like to thank Senator MCCAIN, the chairman of the Commerce Committee, and Senator HOLLINGS, the ranking member of the Committee, for their bipartisan support of this measure. We have before us an opportunity to significantly improve our nation's ability to conserve and manage our marine resources and I urge the Senate to pass S. 1482, as amended.•

MARINE SANCTUARY PROGRAM

• Mr. INOUYE. Mr. President, I take this opportunity to thank Senators SNOWE, KERRY and HOLLINGS for their

dedicated efforts in support of this important measure and engage in a discussion of certain provisions of S. 1482, the National Marine Sanctuaries Amendments Act of 2000.

Since its creation in 1972, the National Marine Sanctuary Program has successfully protected our nation's unique marine resources through a deliberative process that has allowed affected citizens to help shape the future of the protected resources. The Hawaiian Islands Humpback Whale National Marine Sanctuary is an excellent example of how divergent interests came together to develop a plan for the protection of the unique marine resources of this area.

We now have a new opportunity to enhance the protection of another unique Hawaiian resource—the coral reef ecosystem surrounding the Northwestern Hawaiian Island (NWHI). In May of this year, President Clinton expressed his desire to provide strong and lasting protection for the coral reef ecosystem of the NWHI, and directed the Secretaries of the Interior and Commerce, in cooperation with the State of Hawaii and in consultation with the Western Pacific Regional Fishery Management Council (WESPAC), to develop recommendations for ''a new, coordinated management regime to increase protection for the coral reef ecosystem'' of the NWHI.

I agree with the President that there should be strong and lasting protection for the coral reef ecosystem of the NWHI. I also believe that it is critical to ensure meaningful public input on the nature of actions to be taken and to foster public support for these lasting protections.

Prior to the President's announcement, the Commerce Department already had a solid head start in efforts to identify and evaluate actions to protect the resources of the NWHI in developing the first ever ecosystem level fishery management plan. This Coral Reef Ecosystem Fisheries Management Plan, which identifies a series of actions such as ''no-take'' closures for coral and monk seal protection, was subject to extensive public comment and is now undergoing departmental internal review.

To complement this ongoing effort, the sanctuary program is well equipped to achieve the President's goals while ensuring meaningful public participation. Accordingly, S. 1482 would trigger an immediate process for designating a sanctuary in the NWHI. In the interim, to accommodate President Clinton's desire to implement protections without delay, S. 1482 would authorize the President, after consulting with the Governor of the State of Hawaii, to designate any coral reef ecosystem area in the NWHI as a coral reef reserve, and establish a Coral Reef Reserve Advisory Council to work with the Secretary of Commerce in developing a long-range and lasting plan to protect the living marine resources of the NWHI. The Coral Reef Reserve area would ultimately become part of any sanctuary established in the NWHI.

The Dry Tortugas Ecological Reserve and Natural Resource area off the Florida Keys is in many ways similar to what is being proposed for the Northwestern Hawaiians Islands. However, the Dry Tortugas process benefited from an extensive public process which ensured community concerns were heard and addressed. As a result of this process, there is now widespread support for this ecological reserve.

I am concerned about the administration's interest in immediately establishing, without any public input, areas around the NWHI within which all activities are permanently prohibited except for Native Hawaiian access and subsistence. This could mean that all other activities, including commercial and recreational access and possibly certain defense activities, would be prohibited within these areas forever. Whatever protections the administration feels are necessary should be subject to review during the course of the sanctuary designation process. Even the Administration's U.S. Coral Reef Task Force contemplated a deliberative process when it recommended the goal of achieving at least 20 percent protection by the year 2010.

Mr. HOLLINGS. I agree with my colleague from the great State of Hawaii. The National Sanctuary Program is an ideal tool for coordinated and comprehensive management of the coral reef ecosystem of the NWHI. I further agree that any closure areas imposed by the President prior to the completion of the sanctuary designation process should be subject to public comment and review before it becomes permanently carved in stone. Does the Senator envision that the Reserve area would be subject to the same 5-year program review that the Sanctuary process provides? In addition to Congressional oversight, such periodic and rigorous review will help ensure the Sanctuary and Reserve are meeting the expectations set by the people of Hawaii, the Sanctuary Advisory Council, the Secretary of Commerce, and the President.

Mr. INOUYE. Yes, in addition to the evaluation process provided for in the designation, the legislation ensures that such a 5-year review would take place. While we know enough about the area to understand the need to protect it, we will know far more about it in 5 years. In conjunction with the development of a Sanctuary the National Oceanic and Atmospheric Administration is already mapping and assessing the coral ecosystem of this area, and evaluating the status of its living marine resources. It will be important to use this information to evaluate whether the management of the area under the National Marine Sanctuaries Act, in conjunction with other marine conservation laws, is adequate.

Ms. SNOWE. I fully concur with my colleagues that robust public participation, oversight and review is necessary to ensure long-term meaningful protection of our living marine resources whether in Hawaii or in my home state of Maine. While I agree that it is appropriate to take action to protect our precious coral resources, I, to, am greatly concerned about the administration's plans to impose immediate and permanent prohibitions in marine areas without providing a meaningful opportunity for public comment on the proposal. Both the National Marine Sanctuaries Act and the Magnuson-Stevens Fishery Conservation and Management Act provide models for such a process. As my esteemed colleague from Hawaii pointed out, WESPAC has gone through an elaborate public process in developing the Coral Reef Ecosystem Fishery Management Plan which identified several potential closed areas. Does the Senator believe the development of this plan provided sufficient public review to support immediate closures under the Magnuson-Stevens Act or other marine conservation status implemented by the Secretary?

Mr. INOUYE. Yes I do, and I would support such closures, as well as taking aggressive action to address the terrible problem of marine debris in the NWHI, which is harming both the corals and our endangered monk seals. Furthermore, I believe it may be appropriate to identify further precautionary actions that our scientists tell us may be necessary to prevent future harm to these resources. However, no action should be taken on these proposals until they can be evaluated publicly by the people of Hawaii.

Mr. HOLLINGS. I believe that is a sound plan and I look forward to working with you as we ensure that the NWHI and other important marine areas are accorded strong and lasting protections developed through the consensus process. Thank you.

Mr. INOUYE. I thank Senators SNOWE and HOLLINGS.●

Mr. COCHRAN. I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The bill (S. 1482), as amended, was engrossed for a third reading, read the third time, and passed, as follows:

S. 1482

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 ''National Marine Sanctuaries Amendments Act of 2000''.

SEC. 2. AMENDMENT OF NATIONAL MARINE SANCTUARIES ACT.

Except as otherwise expressly provided, whenever in this Act 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. 3. 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, archeological, 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, archeological, 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 the marine environment, and the natural, historical, cultural, and archeological 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'' 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 by the Secretary in accordance with this title.''.

SEC. 4. 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 archeological, 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, archeological, 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. 5. 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, archeological, 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. 6. 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.—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 of, 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 paragraph (2) 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) PUBLIC COMMENT.—Notwithstanding any other provision of law, no closure areas around the Northwestern Hawaiian Islands shall become permanent without adequate review and comment.

(4) COORDINATION.—The Secretary shall work with other Federal agencies and the Director of the National Science Foundation, to develop a coordinated plan to make vessels and other resources available for conservation or research activities for the reserve.

(5) 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)).

(6) 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.

(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce to carry out the provisions of this subsection such sums, not exceeding $4,000,000 for each of fiscal years 2001, 2002, 2003, 2004, and 2005, as are reported under paragraph (6) to be reflected in the Budget of the United States Government.

SEC. 7. 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, harassing, bribing, 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; or

''(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''.

SEC. 8. 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. 9. 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. 10. 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, or coordinate research, monitoring, evaluation, 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, archeological, and historical resources of national marine sanctuaries.

''(2) AVAILABILITY OF RESULTS.—The results of research and monitoring conducted, supported, or permitted 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, archeological, scientific, educational, or esthetic qualities of the national marine sanctuary.

''(e) CONSULTATION AND COORDINATION.—In conducting, supporting, and coordinating research, monitoring, evaluation, and education programs under subsection (a) and developing interpretive facilities under subsection (d), the Secretary may consult or coordinate with Federal, interstate, or regional agencies, States or local governments.''.

SEC. 11. 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''; 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. 12. 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. 13. 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 first sentence;

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

(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 archeological, 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. 14. 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) $32,000,000 for fiscal year 2001;

''(B) $34,000,000 for fiscal year 2002;

''(C) $36,000,000 for fiscal year 2003;

''(D) $38,000,000 for fiscal year 2004;

''(E) $40,000,000 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. 15. 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. 16. 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. 17. 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 non-profit 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 non-profit 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, subject to paragraph (2), transfer the contribution to the Secretary.

''(2) REIMBURSEMENT FOR ADMINISTRATIVE COSTS.—Under the agreement entered into under paragraph (1), the Secretary may authorize the non-profit partner organization to retain not more than 5 percent of the amount of monetary contributions it receives from official sponsors under the agreement to offset the administrative costs of the organization in soliciting sponsors.

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

''(A) draws its membership from individuals, private organizations, corporation, 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. 18. ESTABLISHMENT OF DR. NANCY FOSTER SCHOLARSHIP PROGRAM.

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

''SEC. 318. 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 archeology, to be known as Dr. Nancy Foster Scholarships.

''(b) PURPOSES.—The purposes of the Dr. Nancy Foster Scholarship Program are—

''(1) to recognize outstanding scholarship in oceanography, marine biology, or maritime archeology, particularly by women and members of minority groups ; and

''(2) to encourage independent graduate level research in oceanography, marine biology, or maritime archeology.

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

''(1) shall be used to support graduate studies in oceanography, marine biology, or maritime archeology 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 section 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 ARCHEOLOGY DEFINED.—In this section the term 'maritime archeology' includes the curation, preservation, and display of maritime artifacts.''.

SEC. 19. 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''.

CARBON CYCLE AND AGRICULTURAL BEST PRACTICES RESEARCH ACT

Mr. COCHRAN. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of Calendar No. 797, S. 1066.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1066) to amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to encourage the use of and research into agricultural best practices to improve the environment, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Agriculture, Nutrition, and Forestry, with an amendment; as follows:

[Strike out all after the enacting clause and insert the part printed in italic.]

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Carbon Cycle and Agricultural Best Practices Research Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) agricultural producers in the United States—

(A) have, in good faith, participated in mandatory and voluntary conservation programs, the successes of which are unseen by the general public, to preserve natural resources; and

(B) have a personal stake in ensuring that the air, water, and soil of the United States are productive since agricultural productivity directly affects—

(i) the economic success of agricultural producers; and

(ii) the production of food and fiber for developing and developed nations;

(2) in addition to providing food and fiber, agriculture serves an environmental role by providing benefits to air, soil, and water through agricultural best practices;

(3) agricultural best practices include the more efficient use of agriculture inputs and equipment;

(4)(A) agricultural best practices accentuate the carbon cycle by increasing the conversion of carbon dioxide from the air into plants that produce grain and forage;

(B) at the end of the growing season, plant material decomposes, adding carbon to soil;

(C) carbon can persist in soil for hundreds and even thousands of years; and

(D) through conservation practices, the additional carbon in soil results in multiple environmental benefits, erosion reduction, moisture retention, water quality improvements, and increased crop yields;

(5) according to the Climate Monitoring and Diagnostics Laboratory of the National Oceanic and Atmospheric Administration, North American soils, crops, rangelands, and forests absorbed an equivalent quantity of carbon dioxide emitted from fossil fuel combustion as part of the natural carbon cycle from 1988 through 1992;

(6) the estimated quantity of carbon stored in world soils is more than twice the carbon in living vegetation or in the atmosphere;

(7) agricultural best practices can increase the quantity of carbon stored in farm soils, crops, and rangeland;

(8) by increasing use of voluntary agricultural best practices, it is possible to offset carbon dioxide emissions, thereby benefiting the environment, without implementing a United Nations-sponsored climate change protocol or treaty;

(9) Federal research is needed to identify—

(A) the agricultural best practices that supplement the natural carbon cycle; and

(B) Federal conservation programs that can be altered to increase the environmental benefits provided by the natural carbon cycle; and

(10) increasing soil organic carbon is widely recognized as a means of increasing agricultural production and meeting the growing domestic and international food consumption needs with a positive environmental benefit.

SEC. 3. AGRICULTURAL BEST PRACTICES.

Title XIV of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3101 et seq.) is amended by adding at the end the following:

''Subtitle N—Carbon Cycle and Agricultural Best Practices

''SEC. 1490. DEFINITIONS.

''In this subtitle:

''(1) AGRICULTURAL BEST PRACTICE.—The term 'agricultural best practice' means a voluntary practice used by 1 or more agricultural producers to manage a farm or ranch that has a beneficial or minimal impact on the environment, including—

''(A) crop residue management;

''(B) soil erosion management;

''(C) nutrient management;

''(D) remote sensing;

''(E) precision agriculture;

''(F) integrated pest management;

''(G) animal waste management;

''(H) cover crop management;

''(I) water quality and utilization management;

''(J) grazing and range management;

''(K) wetland management;

''(L) buffer strip use; and

''(M) tree planting.

''(2) CONSERVATION PROGRAM.—The term 'conservation program' means a program established under—

''(A) subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3830 et seq.);

''(B) section 401 or 402 of the Agricultural Credit Act of 1978 (16 U.S.C. 2201, 2202);

''(C) section 3 or 8 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1003, 1006a); or

''(D) any other provision of law that authorizes the Secretary to make payments or provide other assistance to agricultural producers to promote conservation.

''SEC. 1491. CARBON CYCLE AND AGRICULTURAL BEST PRACTICES RESEARCH.

''(a) IN GENERAL.—The Department of Agriculture shall be the lead agency with respect to

any agricultural soil carbon research conducted by the Federal Government.

''(b) RESEARCH SERVICES.—

''(1) AGRICULTURAL RESEARCH SERVICE.—The Secretary, acting through the Agricultural Research Service, shall collaborate with other Federal agencies to develop data and conduct research addressing soil carbon balance and storage, making special efforts to—

''(A) determine the effects of management and conservation on soil organic carbon storage in cropland and grazing land;

''(B) evaluate the long-term impact of tillage and residue management systems on the accumulation of organic carbon;

''(C) study the transfer of organic carbon to soil; and

''(D) study carbon storage of commodities.

''(2) NATURAL RESOURCES CONSERVATION SERVICE.—

''(A) RESEARCH MISSIONS.—The research missions of the Secretary, acting through the Natural Resources Conservation Service, include—

''(i) the development of a soil carbon database to—

''(I) provide online access to information about soil carbon potential in a format that facilitates the use of the database in making land management decisions; and

''(II) allow additional and more refined data to be linked to similar databases containing information on forests and rangeland;

''(ii) the conversion to an electronic format and linkage to the national soil database described in clause (i) of county-level soil surveys and State-level soil maps;

''(iii) updating of State-level soil maps;

''(iv) the linkage, for information purposes only, of soil information to other soil and land use databases; and

''(v) the completion of evaluations, such as field validation and calibration, of modeling, remote sensing, and statistical inventory approaches to carbon stock assessments related to land management practices and agronomic systems at the field, regional, and national levels.

''(B) UNIT OF INFORMATION.—The Secretary, acting through the Natural Resources Conservation Service, shall disseminate a national basic unit of information for an assessment of the carbon storage potential of soils in the United States.

''(3) ECONOMIC RESEARCH SERVICE REPORT.—Not later than 1 year after the date of enactment of this section, the Secretary, acting through the Economic Research Service, shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that analyzes the impact of the financial health of the farm economy of the United States under the Kyoto Protocol and other international agreements under the Framework Convention on Climate Change—

''(A) with and without market mechanisms (including whether the mechanisms are permits for emissions and whether the permits are issued by allocation, auction, or otherwise);

''(B) with and without the participation of developing countries;

''(C) with and without carbon sinks; and

''(D) with respect to the imposition of traditional command and control measures.

''(4) COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE.—

''(A) IN GENERAL.—The Cooperative State Research, Education, and Extension Service shall, through land-grant colleges and universities, develop a comprehensive national carbon cycle and agricultural best practices research agenda.

''(B) RESEARCH MISSIONS.—The research missions of the Secretary, acting through the Cooperative State Research, Education, and Extension Service, include the provision, through land-grant colleges and universities, of research opportunities to improve the scientific basis for using land management practices to increase soil carbon sequestration needed for producers, including research concerning innovative methods of using biotechnology and nanotechnology.

''(C) ACTIVITIES.—The Secretary, acting through the Cooperative State Research, Education, and Extension Service, shall—

''(i) identify, develop, and evaluate agricultural best practices using partnerships comprised of Federal, State, or private entities and the Department of Agriculture, including the Agricultural Research Service;

''(ii) develop necessary computer models to predict and assess the carbon cycle, as well as other priorities requested by the Secretary and the heads of other Federal agencies;

''(iii) estimate and develop mechanisms to measure changes in carbon levels resulting from voluntary Federal conservation programs, private and Federal forests, and other land uses;

''(iv) develop outreach programs, in coordination with cooperative extension services, to share information on carbon cycles and agricultural best practices that is useful to agricultural producers; and

''(v) research new technologies that may increase carbon cycle effectiveness, such as biotechnology and nanotechnology.

''(c) CONSORTIA.—

''(1) IN GENERAL.—The Secretary may designate not more than 2 carbon cycle and agricultural best practices research consortia to carry out this section.

''(2) SELECTION.—The consortia designated by the Secretary shall be selected in a competitive manner by the Cooperative State Research, Education, and Extension Service.

''(3) CONSORTIA PARTICIPANTS.—The participants in the consortia may include—

''(A) land-grant colleges and universities;

''(B) State geological surveys;

''(C) research centers of the National Aeronautics and Space Administration;

''(D) other Federal agencies;

''(E) representatives of agricultural businesses and organizations; and

''(F) representatives of the private sector.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $5,000,000 for each of fiscal years 2001 through 2005.

''(d) PROMOTION OF AGRICULTURAL BEST PRACTICES.—The Secretary shall promote voluntary agricultural best practices that take into account soil organic matter dynamics, carbon cycle, ecology, and soil organisms that will lead to the more effective use of soil resources to—

''(1) enhance the carbon cycle;

''(2) improve soil quality;

''(3) increase the use of renewable resources; and

''(4) overcome unfavorable physical soil properties.

''(e) ANNUAL REPORT.—The Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate an annual report that describes programs that are or will be conducted by the Secretary, through land-grant colleges and universities, to provide to agricultural producers the results of research conducted on agricultural best practices, including the results of—

''(1) research;

''(2) future research plans;

''(3) consultations with appropriate scientific organizations;

''(4) proposed extension outreach activities; and

''(5) findings of scientific peer review under section 103(d)(1) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7613(d)(1)).

"SEC. 1492. CARBON CYCLE REMOTE SENSING TECHNOLOGY.

''(a) IN GENERAL.—The Secretary, in cooperation with the Administrator of the National Aeronautics and Space Administration, shall develop a carbon cycle remote sensing technology program—

''(1) to provide, on a near-continual basis, a real-time and comprehensive view of vegetation conditions; and

''(2) to assess and model agricultural carbon sequestration.

''(b) USE OF CENTERS.—The Administrator of the National Aeronautics and Space Administration shall use regional earth science application centers to conduct research under this section.

''(c) RESEARCHED AREAS.—The areas that shall be the subjects of research conducted under this section include—

''(1) the mapping of carbon-sequestering land use and land cover;

''(2) the monitoring of changes in land cover and management;

''(3) new systems for the remote sensing of soil carbon; and

''(4) regional-scale carbon sequestration estimation.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2001 through 2005.

"SEC. 1493. RESEARCH INCENTIVE PAYMENTS.

''(a) IN GENERAL.—In addition to payments that are made by the Secretary to producers under conservation programs, the Secretary may, subject to appropriations authorized in subsection (c), offer research incentive payments to producers that are participating in the conservation programs to compensate the producers for allowing researchers to scientifically analyze, and collect information with respect to, agricultural best practices that are carried out by the producers as part of conservation projects and activities that are funded, in whole or in part, by the Federal Government.

''(b) CONFIDENTIALITY.—

''(1) IN GENERAL.—Except as provided in paragraph (2), any information submitted to the Secretary under subsection (a) shall be confidential and may be disclosed only if required under court order.

''(2) RELEASE OF INFORMATION IN AGGREGATE FORM.—The Secretary may release or make public information described in paragraph (1) in an aggregate or summary form that does not directly disclose the identity, business transactions, or trade secrets of any person that submits the information.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2001 through 2005.

"SEC. 1494. ASSISTANCE FOR AGRICULTURAL BEST PRACTICES AND NATURAL RESOURCE MANAGEMENT PLANS UNDER CONSERVATION PROGRAMS.

''(a) IN GENERAL.—In addition to assistance that is provided by the Secretary to producers under conservation programs, the Secretary, on request of the producers, shall provide, subject to appropriations authorized in subsection (c), education through extension activities and technical assistance to producers that are participating in the conservation programs to assist the producers in planning, designing, and installing agricultural best practices and natural resource management plans established under the conservation programs.

''(b) INFORMATION TO DEVELOPING NATIONS.—The Secretary shall disseminate to developing nations information on agricultural best practices and natural resource management plans that—

''(1) provide crucial agricultural benefits for soil and water quality; and

''(2) increase production.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2001 through 2005.

"SEC. 1495. TRACE GAS NETWORK SYSTEM.

''(a) ESTABLISHMENT.—The Secretary, in conjunction with the Administrator of the National Oceanic and Atmospheric Administration, may establish a nationwide trace gas network system to research the flux of carbon between soil, air, and water.

''(b) PURPOSE OF SYSTEM.—The trace gas network system shall focus on locating appropriate research equipment on or near agricultural best practices that are—

''(1) undertaken voluntarily;

''(2) undertaken through a conservation program of the Department of Agriculture;

''(3) implemented as part of a program or activity of the Department of Agriculture; or

''(4) identified by the Administrator of the National Oceanic and Atmospheric Administration.

''(c) MEMORANDUM OF UNDERSTANDING.—The Secretary may enter into a memorandum of understanding with the Administrator of the National Oceanic and Atmospheric Administration to ensure that research goals of programs established by the Federal Government relating to trace gas research are met through the trace gas network system.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000.''.

Mr. COCHRAN. I ask unanimous consent the committee substitute be agreed to, the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1066), as amended, was engrossed for a third reading, read the third time, and passed.

REVISED ORGANIC ACT OF THE VIRGIN ISLANDS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Energy Committee be discharged from further consideration of H.R. 2296, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2296) to amend the Revised Organic Act of the Virgin Islands to provide that the number of members on the legislature of the Virgin Islands and the number of such members constituting a quorum shall be determined by the laws of the Virgin Islands, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 2296) was read the third time and passed.

ORDERS FOR WEDNESDAY, OCTOBER 18, 2000

Mr. COCHRAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until the hour of 10 a.m. on Wednesday, October 18. I further ask unanimous consent that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to the conference report to accompany H.R. 4461, the Agriculture appropriations bill, as under the previous order.

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

PROGRAM

Mr. COCHRAN. Mr. President, for the information of all Senators, the majority leader has asked that it be announced that the Senate will resume consideration of the conference report to accompany the Agriculture appropriations bill at 10 a.m. tomorrow. The vote has been changed to occur at 5:30 p.m. on Wednesday, with the final 2 hours of debate to take place on Wednesday 2 hours prior to the vote. Senators on both sides of the aisle have requested the vote be changed for various reasons, the most important being the request by the congressional delegation that will be attending the memorial service for the U.S. sailors killed aboard the U.S.S. *Cole*. That memorial service is to be held at 11 a.m. in Norfolk, VA, thereby making the previously scheduled vote not feasible.

As for the remainder of the week, it is hoped that the Senate can complete most, if not all, business necessary for sine die adjournment. Senators should expect votes throughout each day and into the evenings at the end of the week.

ORDER FOR RECORD TO REMAIN OPEN

Mr. COCHRAN. Mr. President, I ask unanimous consent that Senators have until 3 p.m. today to submit statements for the RECORD.

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

RECESS UNTIL 10 A.M. TOMORROW

Mr. COCHRAN. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 1:49 p.m., recessed until Wednesday, October 18, 2000, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate October 17, 2000:

BROADCASTING BOARD OF GOVERNORS

TOM C. KOROLOGOS, OF VIRGINIA, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2001. (REAPPOINTMENT)

ROBERT M. LEDBETTER, JR., OF MISSISSIPPI, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2003, VICE BETTE BAO LORD, TERM EXPIRED.

NATIONAL LABOR RELATIONS BOARD

DENNIS P. WALSH, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING DECEMBER 16, 2004, VICE SARAH MC CRACKEN FOX.

NATIONAL COUNCIL ON DISABILITY

EDWARD CORREIA, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2002, VICE MICHAEL B. UNHJEM, TERM EXPIRED.

DEPARTMENT OF ENERGY

MARK J. MAZUR, OF MARYLAND, TO BE ADMINISTRATOR OF THE ENERGY INFORMATION ADMINISTRATION, DEPARTMENT OF ENERGY, VICE JAY E. HAKES, RESIGNED.

DEPARTMENT OF JUSTICE

JAMES LYNWOOD YOUNGER, JR., OF VIRGINIA, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF VIRGINIA FOR THE TERM OF FOUR YEARS, VICE JOHN WILLIAM MARSHALL, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

JOSEPH C. CARTER, 0000
RAYMOND M. MURPHY, 0000

WITHDRAWAL

Executive message transmitted by the President to the Senate on October 17, 2000, withdrawing from further Senate consideration the following nomination:

DEPARTMENT OF JUSTICE

SARAH MC CRACKEN FOX, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR A TERM OF FIVE YEARS EXPIRING DECEMBER 16, 2004, TO WHICH POSITION SHE WAS APPOINTED DURING THE RECESS OF THE SENATE FROM NOVEMBER 19, 1999, TO JANUARY 24, 2000, WHICH WAS SENT TO THE SENATE ON MARCH 2, 2000.

HOUSE OF REPRESENTATIVES—*Tuesday, October 17, 2000*

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Mrs. BIGGERT).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
October 17, 2000.

I hereby appoint the Honorable JUDY BIGGERT to act as Speaker pro tempore on this day.

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

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 Missouri (Mr. SKELTON) for 5 minutes.

THE TRAGIC DEATH OF MISSOURI GOVERNOR MEL CARNAHAN

Mr. SKELTON. Madam Speaker, it is my sad duty to announce to this body the tragic death of Missouri's Governor, Mel Carnahan, who died along with his son Randy and an advisor, Chris Sifford, yesterday evening.

Needless to say, I am heartbroken today. The sudden loss of a friend and Missouri's Governor, Mel Carnahan, pales in comparison to the loss being felt by his wife, Jean, and the rest of the family. Our sympathy and prayers go out to the families of both the Carnahans and the Siffords.

Mel Carnahan was a public servant of the best sort. He was devoted to his family and he unselfishly gave his same devotion to the people of Missouri. All Missourians are fortunate that someone of Mel Carnahan's caliber and stature dedicated his life and career to making our State and our Nation a better place.

Madam Speaker, Mel Carnahan was my friend for many, many years, and I can hardly measure right now how much I will miss him. As a model of friendship and service, however, he will always be with us.

In an interview that was relayed on the radio earlier today, I heard Governor Carnahan say how proud he was of all he had accomplished as an elected official, but that he felt he had more to contribute. This kind of sentiment is an inspiration to those of us in public life today and those who will serve in the future.

My wife, Suzie, joins me and I know all Members of this body join me in expressing deep sympathy to Jean Carnahan, to the Carnahan family, as well as to the Sifford family.

CONGRESS SHOULD ACT TO REDUCE GUN VIOLENCE IN AMERICA

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

Mr. BLUMENAUER. Madam Speaker, my goal in coming to Congress was to help make the Federal Government a better partner in making communities more livable, our families safer, healthier, and more economically secure.

Clearly, safety from the threat of gun violence is one critical element in a livable community. Since I started my public service career, over 1 million Americans have lost their lives to gun violence. That is more than all the United States citizens who have lost their lives in battle from the Civil War through last week to the 17 who were tragically killed in Yemen.

Part of the solution to this epidemic of gun violence is to put a name to those faces, to make them real. One of those faces belongs to a woman named Candice DuBoff Jones, who was a bright, caring 26-year-old attorney who happened to be a law school classmate of mine in Portland, Oregon.

One morning at 10:30, she was having a hearing on a domestic relations matter two floors below where I was working as a county commissioner. Shots rang out. Candice was dead, along with her assailant who was the husband of the woman she was representing.

This impact had a dramatic ripple effect. It was not just the loss of Ms. Jones' life, but it was a loss for her husband, it was a loss for her brother, friends, and colleagues. Certainly, everybody in that courtroom was scarred by that event.

Madam Speaker, it is hard for me to share even today, not because we were that close particularly. In fact, I knew her brother much better, who was a distinguished and respected faculty member at our college, Professor Leonard DuBoff. But what is hard for me, besides the tragic loss of this woman, was that we as a society, we as a government know we can take steps to reduce gun violence, and we do not.

Over the same period of time that we lost those million gun deaths, we as a society cut the rate of auto death in this country in half. There was not any single magic solution, but there was a determination on the part of citizens and government alike to take simple, common sense steps to improve traffic safety, auto design, and law enforcement.

We can do the same thing to reduce gun violence. Luckily, there are now some States where citizens have taken the matters in their own hands, like my own State of Oregon where there is a measure on the ballot in November that will allow people to close the gun show loophole. I am confident that voters will overwhelmingly, when given this chance, vote affirmatively, as they will in Colorado.

It is strange that at a time when leaders in the Mideast are once again taking risks for peace, in fact, putting their own lives at risk by stepping forward, I am sad that the Republican House leadership will not stand up to the gun lobby and take a small but important step for peace in this country to reduce gun violence.

We have not had a meeting of the conference committee on the juvenile crime bill for the last 15 months. It was last August that it met. It has a provision that would enable us to close the gun show loophole that has already passed the Senate.

This is just but one small step, but it would send a signal that we in the House of Representatives care enough about saving lives of families in this country to take modest political risks to do the right thing.

There is still time yet in this session of Congress to do that, to convene the conference committee, to allow the House of Representatives to vote on closing the gun show loophole, to take a small step to make our communities more livable, our families safer, healthier, and more economically secure.

RECESS

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

Accordingly (at 10 o'clock and 39 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. MORELLA) at noon.

PRAYER

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

All praise and honor to You, Lord God. Each day You shower the United States of America with blessings. Enable us to receive Your gifts graciously.

With gratitude for all we have received, may each of us use our gifts in service to one another. Like good stewards dispensing the grace of God in various ways, may our very diversity give You greater glory.

If any of us is to speak out, let us speak with Your Word. If any of us desires to serve, let it be in the strength You supply.

The speaker needs another to listen. The dispenser of good gifts needs another to receive graciously. May true dialogue and the exchange of gifts be the unfolding of Your power in our midst.

In all things, let us so act that the glory and the power be Yours forever and ever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

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

Mr. TRAFICANT 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.

DISPENSING WITH CALL OF PRIVATE CALENDAR ON TODAY

Mr. SENSENBRENNER. Madam Speaker, I ask unanimous consent that the call of the Private Calendar be dispensed with today.

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

There was no objection.

UNITED STATES SENATOR JOE LIEBERMAN MISSES GOLDEN OPPORTUNITY

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

Mr. COMBEST. Madam Speaker, last week, the Democratic candidate for Vice President made a brief stop in Odessa, Texas, in my district. He arrived with an agenda to embarrass our hometown son, Governor George Bush. He tried to cast Odessa in a bad light by making false claims against one of our most ardent businesses, the Huntsman Corporation.

The Huntsman plant is a business anchor to the Permian Basin, employing over 700 hard-working men and women. It is a good corporate citizen and an asset to our community. I am sorely disappointed that their campaign would exploit our town for political gain.

The folks of Odessa and Midland were ready to accommodate their guests. However, the candidate snubbed officials from both cities, including the chambers of commerce, mayors, and even the chairman of the Democratic Party. Our local media was also kept at arms' length. Only the candidate's handpicked media could cover the story, with only biased facts.

We in politics fully understand the staged media events and photo-ops, but the Senator's treatment of these kind folks, whom I am honored to represent, was truly uncalled for and out of line. His visit was a missed opportunity for him to meet the real success story in the Permian Basin, the people.

DRUG CZAR DID NOTHING FOR UNITED STATES BORDERS

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

Mr. TRAFICANT. Madam Speaker, the Drug Czar is retiring to teach national security issues at two colleges. Now, do not get me wrong. I like General McCaffrey. But for years, while truckloads and boatloads of heroin and cocaine were coming across our border, General McCaffrey asked for more money, more cops, more halfway houses, more counselors, and more TV commercials. He did nothing about our borders.

This drug czar lecturing on national security is like Janet Reno teaching a class on treason. Beam me up.

I yield back the fact that, while our soldiers are vaccinating dogs in Haiti, American police departments are training police dogs to sniff out heroin and cocaine in our schools. Think about it.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that she 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.

VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 2000

Mr. STUMP. Madam Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 4850) to provide a cost-of-living adjustment in rates of compensation paid to veterans with service-connected disabilities, to enhance programs providing compensation and life insurance benefits for veterans, and for other purposes.

The Clerk read as follows:

Senate amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Veterans' Compensation Cost-of-Living Adjustment Act of 2000''.

SEC. 2. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) RATE ADJUSTMENT.—The Secretary of Veterans Affairs shall, effective on December 1, 2000, increase the dollar amounts in effect for the payment of disability compensation and dependency and indemnity compensation by the Secretary, as specified in subsection (b).

(b) AMOUNTS TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) COMPENSATION.—Each of the dollar amounts in effect under section 1114 of title 38, United States Code.

(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts in effect under sections 1115(1) of such title.

(3) CLOTHING ALLOWANCE.—The dollar amount in effect under section 1162 of such title.

(4) NEW DIC RATES.—The dollar amounts in effect under paragraphs (1) and (2) of section 1311(a) of such title.

(5) OLD DIC RATES.—Each of the dollar amounts in effect under section 1311(a)(3) of such title.

(6) ADDITIONAL DIC FOR SURVIVING SPOUSES WITH MINOR CHILDREN.—The dollar amount in effect under section 1311(b) of such title.

(7) ADDITIONAL DIC FOR DISABILITY.—The dollar amounts in effect under sections 1311(c) and 1311(d) of such title.

(8) DIC FOR DEPENDENT CHILDREN.—The dollar amounts in effect under sections 1313(a) and 1314 of such title.

(c) DETERMINATION OF INCREASE.—(1) The increase under subsection (a) shall be made in the dollar amounts specified in subsection (b) as in effect on November 30, 2000.

(2) Except as provided in paragraph (3), each such amount shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 2000, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(3) Each dollar amount increased pursuant to paragraph (2) shall, if not a whole dollar amount, be rounded down to the next lower whole dollar amount.

(d) SPECIAL RULE.—The Secretary may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85–857 (72 Stat. 1263) who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

SEC. 3. PUBLICATION OF ADJUSTED RATES.

At the same time as the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 2001, the Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in subsection (b) of section 2, as increased pursuant to that section.

Amend the title so as to read: ''An Act to increase, effective as of December 1, 2000, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.''.

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

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

GENERAL LEAVE

Mr. STUMP. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4850.

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

There was no objection.

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

Madam Speaker, H.R. 4850 is the Veterans' Compensation Cost-of-Living Adjustment Act of 2000.

This is a clean bill providing a cost-of-living adjustment to disabled veterans and their surviving spouses. Current estimates indicate that the increase will be about 3 percent, and veterans will see this increase in their January check.

I urge my colleagues to support the passage of H.R. 4850.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I rise in strong support of H.R. 4850, as amended. I thank the gentleman from Arizona (Mr. STUMP) once again for his leadership on this important legislation and for his continued efforts on behalf of this Nation's veterans.

I also want to thank the gentleman from New York (Mr. QUINN), the chairman of the Subcommittee on Benefits, and the gentleman from California (Mr. FILNER), the ranking Democratic member of the subcommittee for their hard work on this measure.

The importance of this legislation cannot be overstated. It protects the purchasing power of service-connected disability benefits which our Nation's veterans have earned by virtue of their military service, and it affords similar protection for the recipients of dependency and indemnity compensation (DIC).

Under the Veterans' Compensation Cost-of-Living Adjustment Act of 2000, effective December 1, a cost-of-living adjustment will be provided for service-connected disability compensation and DIC benefits. This adjustment will be the same as that provided to Social Security recipients.

I call on every Member of this body to support this important legislation.

Madam Speaker, I reserve the balance of my time.

Mr. NEY. Madam Speaker, I commend the following article to my colleagues:

On behalf of all the Veterans, I stand in support of H.R. 4850, the Veterans Cost of Living Adjustments Act of 2000 and urge all my colleagues to do the same. I thank Chairman STUMP for introducing this piece of legislation and giving the House and Senate the opportunity to vote on such a bill.

H.R. 4850 directs the Secretary of Veterans Affairs to increase the rates of veterans disability compensation, dependency and indemnity compensation, additional compensation for dependents, and the clothing allowance for certain disabled veterans, effective December 1, 2000.

Not only does the bill give veterans a cost of living adjustment, but this legislation includes a provision that will directly benefit veterans in Ohio attending Ohio University in Athens. The Department of Veterans Affairs (VA) decided to reverse itself on a long-standing policy issue and eliminate a December veterans educational benefit payment to approximately 360 eligible veterans who are students at Ohio University (OU).

This problem now exists for veterans because of OU's extended break between the fall and winter quarter which runs from the day prior to Thanksgiving until the day after New Years, which averages about 40 days or six weeks of down time. OU is one of only a few public universities that takes such a lengthy break from classes within its academic year. The VA has a policy which suspends benefits under the Montgomery GI Bill to veterans if they experience a break of more than 30 days between enrollment periods.

In years past, the VA approved an exemption from the policy for OU because the university uses the extended break to conserve energy by closing residence halls and academic buildings. Unfortunately, the VA recently ruled that OU will no longer qualify for an exemption. This means that if veterans are going to be paid for the month of December, they must be enrolled.

In order to remedy this situation, H.R. 4850 includes a provision that will authorize the continued payment of monthly educational assistance benefits to veterans enrolled at educational institutions during periods between semesters or quarters if the interval does not exceed eight weeks. This legislation will also correct this problem for veterans around the country who attend other educational institutions that also have a break between classes of over 30 days.

It is not reasonable to punish veterans by withholding their December benefits when they do not have the option of enrolling in course work between the fall and winter quarters that is appropriate to their academic programs. The Veterans Cost of Living Adjustments Act of 2000 will right this wrong and help veterans who are trying to better their lives by completing college.

I again thank the Chairman and urge my colleagues to support this legislation.

Mr. FILNER. Madam Speaker, I would like to thank Chairman STUMP, Ranking Member EVANS and Mr. QUINN, Chairman of the Subcommittee on Benefits for once again assuring our country's veterans and their survivors that the value of their VA benefits will not be eroded by increases in the cost of living.

This measure is important to the continued financial well-being of our disabled veterans and their survivors. H.R. 4850 will provide a cost-of-living increase comparable to the increase received by Social Security beneficiaries. Our veterans and their families deserve no less.

I urge all members to support this bill.

Mr. GILMAN. Madam Speaker, I rise today in strong support of H.R. 4850, The Veterans' Cost of Living Adjustments Act of 2000.

H.R. 4850 authorizes a cost-of-living adjustment to veterans who receive disability compensation and dependency and indemnity compensation to surviving spouses of prisoners of war who received complete disability at time of death, due to service-related injuries. This will be effective December 1, 2000.

Congress has approved an annual cost-of-living adjustment to these veterans and survivors since 1976.

The bill also directs that strokes and heart attacks suffered by reserve component members in the performing of inactive duty training are to be considered service-connected.

Additionally, the legislation requires that compensation be paid at the "K" rate for the service-connected loss of one or both breasts due to a radical mastectomy, and expands eligibility for service-members group life insurance policies for certain members of the individual ready reserve.

Madam Speaker, I believe this is a worthy piece of legislation and an appropriate response of this legislative body to the sacrifices made by our Nation's veterans and their families.

Mr. STUMP. Madam Speaker, I want to thank the gentleman from Illinois (Mr. EVANS) for his hard work and contribution to this bill.

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

Mr. EVANS. Madam 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 Arizona (Mr. STUMP) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 4850.

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.

VETERANS CLAIMS ASSISTANCE ACT OF 2000

Mr. STUMP. Madam Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 4864) to amend title 38, United States Code, to reaffirm and clarify the duty of the Secretary of Veterans Affairs to assist claimants for benefits under laws administered by the Secretary, and for other purposes.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Veterans Claims Assistance Act of 2000''.

SEC. 2. CLARIFICATION OF DEFINITION OF "CLAIMANT" FOR PURPOSES OF VETERANS CLAIMS.

Chapter 51 of title 38, United States Code, is amended by inserting before section 5101 the following new section:

"§ 5100. Definition of 'claimant'

''For purposes of this chapter, the term 'claimant' means any individual applying for, or submitting a claim for, any benefit under the laws administered by the Secretary.''.

SEC. 3. ASSISTANCE TO CLAIMANTS.

(a) REAFFIRMATION AND CLARIFICATION OF DUTY TO ASSIST.—Chapter 51 of title 38, United States Code, is further amended by striking sections 5102 and 5103 and inserting the following:

"§ 5102. Application forms furnished upon request; notice to claimants of incomplete applications

''(a) FURNISHING FORMS.—Upon request made by any person claiming or applying for, or expressing an intent to claim or apply for, a benefit under the laws administered by the Secretary, the Secretary shall furnish such person, free of all expense, all instructions and forms necessary to apply for that benefit.

''(b) INCOMPLETE APPLICATIONS.—If a claimant's application for a benefit under the laws administered by the Secretary is incomplete, the Secretary shall notify the claimant and the claimant's representative, if any, of the information necessary to complete the application.

"§ 5103. Notice to claimants of required information and evidence

''(a) REQUIRED INFORMATION AND EVIDENCE.—Upon receipt of a complete or substantially complete application, the Secretary shall notify the claimant and the claimant's representative, if any, of any information, and any medical or lay evidence, not previously provided to the Secretary that is necessary to substantiate the claim. As part of that notice, the Secretary shall indicate which portion of that information and evidence, if any, is to be provided by the claimant and which portion, if any, the Secretary, in accordance with section 5103A of this title and any other applicable provisions of law, will attempt to obtain on behalf of the claimant.

''(b) TIME LIMITATION.—(1) In the case of information or evidence that the claimant is notified under subsection (a) is to be provided by the claimant, if such information or evidence is not received by the Secretary within one year from the date of such notification, no benefit may be paid or furnished by reason of the claimant's application.

''(2) This subsection shall not apply to any application or claim for Government life insurance benefits.

"§ 5103A. Duty to assist claimants

''(a) DUTY TO ASSIST.—(1) The Secretary shall make reasonable efforts to assist a claimant in obtaining evidence necessary to substantiate the claimant's claim for a benefit under a law administered by the Secretary.

''(2) The Secretary is not required to provide assistance to a claimant under this section if no reasonable possibility exists that such assistance would aid in substantiating the claim.

''(3) The Secretary may defer providing assistance under this section pending the submission by the claimant of essential information missing from the claimant's application.

''(b) ASSISTANCE IN OBTAINING RECORDS.—(1) As part of the assistance provided under subsection (a), the Secretary shall make reasonable efforts to obtain relevant records (including private records) that the claimant adequately identifies to the Secretary and authorizes the Secretary to obtain.

''(2) Whenever the Secretary, after making such reasonable efforts, is unable to obtain all of the relevant records sought, the Secretary shall notify the claimant that the Secretary is unable to obtain records with respect to the claim. Such a notification shall—

''(A) identify the records the Secretary is unable to obtain;

''(B) briefly explain the efforts that the Secretary made to obtain those records; and

''(C) describe any further action to be taken by the Secretary with respect to the claim.

''(3) Whenever the Secretary attempts to obtain records from a Federal department or agency under this subsection or subsection (c), the efforts to obtain those records shall continue until the records are obtained unless it is reasonably certain that such records do not exist or that further efforts to obtain those records would be futile.

''(c) OBTAINING RECORDS FOR COMPENSATION CLAIMS.—In the case of a claim for disability compensation, the assistance provided by the Secretary under subsection (b) shall include obtaining the following records if relevant to the claim:

''(1) The claimant's service medical records and, if the claimant has furnished the Secretary information sufficient to locate such records, other relevant records pertaining to the claimant's active military, naval, or air service that are held or maintained by a governmental entity.

''(2) Records of relevant medical treatment or examination of the claimant at Department health-care facilities or at the expense of the Department, if the claimant furnishes information sufficient to locate those records.

''(3) Any other relevant records held by any Federal department or agency that the claimant adequately identifies and authorizes the Secretary to obtain.

''(d) MEDICAL EXAMINATIONS FOR COMPENSATION CLAIMS.—(1) In the case of a claim for disability compensation, the assistance provided by the Secretary under subsection (a) shall include providing a medical examination or obtaining a medical opinion when such an examination or opinion is necessary to make a decision on the claim.

''(2) The Secretary shall treat an examination or opinion as being necessary to make a decision on a claim for purposes of paragraph (1) if the evidence of record before the Secretary, taking into consideration all information and lay or medical evidence (including statements of the claimant)—

''(A) contains competent evidence that the claimant has a current disability, or persistent or recurrent symptoms of disability; and

''(B) indicates that the disability or symptoms may be associated with the claimant's active military, naval, or air service; but

''(C) does not contain sufficient medical evidence for the Secretary to make a decision on the claim.

''(e) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section.

''(f) RULE WITH RESPECT TO DISALLOWED CLAIMS.—Nothing in this section shall be construed to require the Secretary to reopen a claim that has been disallowed except when new and material evidence is presented or secured, as described in section 5108 of this title.

''(g) OTHER ASSISTANCE NOT PRECLUDED.—Nothing in this section shall be construed as precluding the Secretary from providing such other assistance under subsection (a) to a claimant in substantiating a claim as the Secretary considers appropriate.''.

(b) REENACTMENT OF RULE FOR CLAIMANT'S LACKING A MAILING ADDRESS.—Chapter 51 of such title is further amended by adding at the end the following new section:

"§ 5126. Benefits not to be denied based on lack of mailing address

''Benefits under laws administered by the Secretary may not be denied a claimant on the basis that the claimant does not have a mailing address.''.

SEC. 4. DECISION ON CLAIM.

Section 5107 of title 38, United States Code, is amended to read as follows:

"§ 5107. Claimant responsibility; benefit of the doubt

''(a) CLAIMANT RESPONSIBILITY.—Except as otherwise provided by law, a claimant has the responsibility to present and support a claim for benefits under laws administered by the Secretary.

''(b) BENEFIT OF THE DOUBT.—The Secretary shall consider all information and lay and medical evidence of record in a case before the Secretary with respect to benefits under laws administered by the Secretary. When there is an approximate balance of positive and negative evidence regarding any issue material to the determination of a matter, the Secretary shall give the benefit of the doubt to the claimant.''.

SEC. 5. PROHIBITION OF CHARGES FOR RECORDS FURNISHED BY OTHER FEDERAL DEPARTMENTS AND AGENCIES.

Section 5106 of title 38, United States Code, is amended by adding at the end the following new sentence: ''The cost of providing information to the Secretary under this section shall be borne by the department or agency providing the information.''.

SEC. 6. CLERICAL AMENDMENTS.

The table of sections at the beginning of chapter 51 of title 38, United States Code, is amended—

(1) by inserting before the item relating to section 5101 the following new item:

''5100. Definition of 'claimant'.'';

(2) by striking the items relating to sections 5102 and 5103 and inserting the following:

''5102. Application forms furnished upon request; notice to claimants of incomplete applications.

''5103. Notice to claimants of required information and evidence.

''5103A. Duty to assist claimants.'';

(3) by striking the item relating to section 5107 and inserting the following:

''5107. Claimant responsibility; benefit of the doubt.'';

and

(4) by adding at the end the following new item:

''5126. Benefits not to be denied based on lack of mailing address.''.

SEC. 7. EFFECTIVE DATE.

(a) IN GENERAL.—Except as specifically provided otherwise, the provisions of section 5107 of title 38, United States Code, as amended by section 4 of this Act, apply to any claim—

(1) filed on or after the date of the enactment of this Act; or

(2) filed before the date of the enactment of this Act and not final as of that date.

(b) RULE FOR CLAIMS THE DENIAL OF WHICH BECAME FINAL AFTER THE COURT OF APPEALS FOR VETERANS CLAIMS DECISION IN THE MORTON CASE.—(1) In the case of a claim for benefits denied or dismissed as described in paragraph (2), the Secretary of Veterans Affairs shall, upon the request of the claimant or on the Secretary's own motion, order the claim readjudicated under chapter 51 of such title, as amended by this Act, as if the denial or dismissal had not been made.

(2) A denial or dismissal described in this paragraph is a denial or dismissal of a claim for a benefit under the laws administered by the Secretary of Veterans Affairs that—

(A) became final during the period beginning on July 14, 1999, and ending on the date of the enactment of this Act; and

(B) was issued by the Secretary of Veterans Affairs or a court because the claim was not well grounded (as that term was used in section 5107(a) of title 38, United States Code, as in effect during that period).

(3) A claim may not be readjudicated under this subsection unless a request for readjudication is filed by the claimant, or a motion is made by the Secretary, not later than two years after the date of the enactment of this Act.

(4) In the absence of a timely request of a claimant under paragraph (3), nothing in this Act shall be construed as establishing a duty on the part of the Secretary of Veterans Affairs to locate and readjudicate a claim described in this subsection.

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

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

GENERAL LEAVE

Mr. STUMP. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4864.

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

There was no objection.

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

Madam Speaker, H.R. 4864 is the Veterans Claims Assistance Act of 2000. The bill addresses the Morton versus West court decision and corrects difficulties veterans have experienced with VA's claims processing. This bill clarifies VA's duty to assist veterans with their claims.

Over the last few months, the Committee on Veterans' Affairs has worked closely with the Veterans Administration, the Senate Committee on Veterans' Affairs, and the veterans service organizations on this bill.

Passage of this bill today will restore the balance in the VA claims system. Although this legislation will require some claims to be redone, it is the right thing to do.

I urge my colleagues to support H.R. 4864.

Madam Speaker, I include an explanatory statement on H.R. 4864, as amended, as follows:

EXPLANATORY STATEMENT ON H.R. 4864, AS AMENDED

H.R. 4864, as amended, reflects a compromise agreement that the House and Senate Committees on Veterans Affairs have reached on H.R. 4864 and section 101 of S. 1810. H.R. 4864, the Veterans Claims Assistance Act of 2000, passed the House on July 25, 2000 (hereinafter referred to in context as the ''House Bill''). On September 21, 2000, the Senate passed S. 1810, the Veterans Programs Enhancement Act of 2000 (hereinafter referred to in context as the ''Senate Bill'').

The House and Senate Committees on Veterans Affairs have prepared the following explanation of H.R. 4864, as amended (hereinafter referred to as the ''Compromise Agreement''). Differences between the provisions contained in the Compromise Agreement and the related provisions of H.R. 4864 and section 101 of S. 1810 are noted in this document, except for clerical corrections, conforming changes made necessary by the Compromise Agreement and minor drafting, technical and clarifying changes.

BACKGROUND

The Department of Veterans Affairs' (VA) system for deciding benefits claims ''is unlike any other adjudicative process. It is specifically designed to be claimant friendly. It is non-adversarial; therefore, the VA must provide a substantial amount of assistance to a veteran seeking benefits.'' H. Rept. No. 105–52, at 2 (1997). Chapter 51 of title 38, United States Code, provides the general administrative provisions relating to processing of claims for veterans benefits. In particular, section 5107 of title 38, United States Code, states that it is a veteran's responsibility to submit evidence of a ''well-grounded'' claim, and the Secretary shall assist a veteran in developing the facts pertinent to the claim. Such assistance historically has included requesting service records, medical records and other documents identified by the veterans.

On July 14, 1999, the U.S. Court of Appeals for Veterans Claims ruled in Morton v. West, 12 Vet. App. 477, remanded on other grounds __F.3d__, 2000 U.S. App. LEXIS 22464 (Fed. Cir., August 17, 2000), that VA has no authority to develop claims that are not ''well-grounded,'' and invalidated VA manual provisions which directed regional offices to undertake full development of all claims. This and previous court decisions construing the meaning of section 5107 of title 38, United States Code, have constructed a significant barrier to veterans who need assistance in obtaining information and evidence in order to receive benefits from the VA.

DEFINITION OF ''CLAIMANT'' FOR PURPOSES OF VETERANS CLAIMS

Current Law

Chapter 51 of title 38, United States Code, refers to an applicant for veterans benefits as a ''claimant,'' but does not provide a definition of the term.

House Bill

Section 2 of H.R. 4864 would amend chapter 51 of title 38, United States Code, by adding a new section at the beginning of the chapter. The new section would define the term ''claimant'' to mean ''any individual applying for, or submitting a claim for, any benefit under the laws administered by the Secretary.''

Senate Bill

Section 101(a) of S. 1810 would add a new section 5101 to title 38, United States Code, to define the term ''claimant'' as ''any individual who submits a claim for benefits under the laws administered by the Secretary.''

Compromise Agreement

Section 2 of the compromise agreement follows the House language.

ASSISTANCE TO CLAIMANTS

APPLICATION FORMS; NOTICES TO CLAIMANTS OF INCOMPLETE APPLICATIONS

Current law

Section 5102 of title 38, United States Code, provides that the Secretary shall furnish, upon request made in person or in writing by any person claiming or applying for benefits, all printed instructions and forms necessary to establish a claim for veterans benefits at no cost to the claimant.

Section 5103 of title 38, United States Code, provides that if a claimant's application for benefits is incomplete, the Secretary shall notify the claimant of the evidence necessary to complete the application. It further provides that in the event that the additional evidence is not received within one year from the date of notification, no benefits may be paid by reason of the incomplete application. Section 5103 does not apply to any application or claim for Government life insurance benefits. Section 5103 also provides that benefits may be not be denied on the basis that the claimant does not have a mailing address.

The Secretary of Veterans Affairs' duty to assist claimants is codified at section 5107(a) of title 38, United States Code. The courts have held that the Secretary's duty to assist claimants does not arise until a claimant has first submitted a ''well-grounded'' claim.

House Bill

Section 3 of H.R. 4864 substantially revises current sections 5102, 5103, and 5107 of title 38, United States Code. The ''duty to assist'' provision would be transferred from section 5107 of title 38 to section 5103. As revised, section 5102 would contain almost all of existing sections 5102 and 5103. Subsection (a) of the proposed section 5102 is identical to existing section 5102. Subsections (c) and (d) of proposed section 5102 are identical to subsections (a) and (b) of existing subsection 5103. Proposed section 5102(b) contains the provisions of subsection (a) of existing section 5103. Proposed subsection 5102(b) clarifies the Secretary's obligation to send notices to the claimant and the claimant's representative, and to advise the claimant and the claimant's representative as to information the claimant must submit to complete the application. It also would require the Secretary to notify the claimant (and the claimant's representative) of any additional information and medical and lay evidence necessary to substantiate the claim, and which portion of such evidence is to be provided by the claimant and which portion, if any, the Secretary will attempt to obtain.

Senate Bill

Section 101(b) of S. 1810 would amend existing section 5103(a) by striking ''evidence''

both places it appears and inserting ''information,'' in order to clarify that claimants will not be obligated to present any evidence upon initial application for benefits.

Subsection (c) of proposed section 5103A (as added by section 101(c)) would require VA to notify the claimant and the claimant's representative of the information and medical or lay evidence needed in order to aid in the establishment of eligibility for benefits, and inform the claimant and his or her representative what information under subsection (c)(1) the Secretary was unable to obtain.

Compromise Agreement

Proposed section 5102(a) would require the Secretary to furnish all instructions and forms necessary when a request is made, or an intent is expressed, by any person applying for veterans benefits. It is the Committees' intent that such a request might be made by using various modes of communication—electronic, telephonic, written, or personal.

The removal of the ''in person or in writing'' requirement from current section 5102 of title 38, United States Code, is not intended to change current VA regulations with respect to the definition of a claim or the requirements concerning what communication is sufficient to treat the communication as an informal claim. By removing the restriction on requests ''in person or in writing,'' the Committees intend to permit veterans and VA to use current and future modes of communication. The Committees expect VA to appropriately document its communications with veterans regardless of the form of communication used.

The compromise version of revised section 5103 of title 38, United States Code, substantially maintains the current provisions of section 5103. However, it renames the title of the section as ''Notice to claimants of required information and evidence'' to more accurately reflect the section's purpose. The compromise agreement enhances the notice that the Secretary is now required to provide to a claimant and the claimant's representative regarding information that is necessary to complete the application. The notice would inform the claimant what information (e.g., Social Security number, address, etc.), and what medical evidence, (e.g., medical diagnoses and opinions on causes or onset of the condition, etc.) and lay evidence (e.g., statements by the veteran, witnesses, family members, etc.) is necessary to substantiate the claim. The notice would also specify which portion of this information and evidence is to be provided by the Secretary or by the claimant.

The compromise agreement also maintains the language in current section 5103 relating to time limits, but expands that language to include ''information or evidence.'' It is not the Committees' purpose to modify the historical application of this provision, nor do the Committees intend that this section be interpreted as a hypertechnical bar to benefits. For example, if the Secretary notices a claimant to submit three pieces of information or evidence, and the claimant submits only two of the specified items, which are sufficient evidence for VA to grant the claim, then VA must act at that point. The failure to submit the additional information would not be grounds for barring payment of benefits of an otherwise established claim.

The Committees have agreed to use the phrase ''information . . . and evidence . . . that is necessary to substantial the claim'' [emphasis added] in appropriate places in revised sections 5103 and 5103A. This wording is used in lieu of phrases such as ''establishment of the eligibility of the claimant'' (S. 1810) or ''establishment of eligibility for the benefits sought'' (H.R. 4864). Although all three phrases convey a similar if not identical purpose, the Committees believe that they have chosen a less ambigioius and more objective test for the types of evidence that could be useful to the Secretary in deciding the claim. If information or evidence has some probative value, there must be an effort made to obtain it or to explain to the claimant how he or she might obtain it.

It is the Committees' intent that the verb ''to substantiate,'' as used in this subsection and throughout the compromise bill (cf., proposed 5103A(a), 5103A(2), 5103A(g)) be construed to mean ''tending to prove'' or ''to support.'' Information or evidence necessary to substantiate a claim need not necessarily prove a claim—although it eventually may do so when a decision on a claim is made—but it needs to support a claim or give form and substance to a claim.

SECRETARY'S DUTY TO ASSIST CLAIMANTS: GENERAL DUTY TO ASSIST

House Bill

Proposed subsection (a) of new section 5103 is a revision of language currently found in section 5107(a), which requires the Secretary to assist claimants who have filed a ''well-grounded'' claim. As revised, the Secretary would be obligated to assist a claimant in obtaining evidence that is necessary to establish eligibility for the benefit sought. The well-grounded claim requirement would be eliminated. However, the Secretary would be able to decide a claim without providing assistance under this subsection when no reasonable possibility exists that such assistance would aid in the establishment of eligibility for the benefit sought.

Senate Bill

Subsection (a) of proposed section 5103A would require the Secretary to make reasonable efforts to assist in the development of information and medical and lay evidence necessary to establish the eligibility of a claimant for benefits. It eliminates the well-grounded claim requirement.

Subsection (b) provides that the Secretary is not required to provide assistance to a claimant under subsection (a) if no reasonable possibility exists that such assistance would aid in the establishment of the eligibility of the claimant for benefits.

Compromise Agreement

Section 3 of the compromise agreement would require the Secretary to make reasonable efforts to assist a claimant in obtaining evidence necessary to substantiate the claimant's claim for the benefit sought. The exact type of assistance, such as obtaining documentary evidence or medical examinations or opinions, is not specified in this section since the type of assistance needed for each claim will vary depending upon the benefit sought. This lack of specificity is not intended to limit the type of assistance required or rendered. However, the Secretary is not required to assist a claimant if no reasonable possibility exists that such assistance would aid in substantiating the claim. Under this section, the Secretary may defer providing assistance pending the submission by the claimant of essential information missing from the claimant's application.

ASSISTANCE IN OBTAINING RECORDS

House Bill

Proposed subsection (b) of the new section 5103 clarifies the Secretary's obligation to assist a claimant in obtaining evidence that is relevant to a particular claim. Under the House bill, the Secretary would be required to make reasonable efforts to obtain relevant records that the claimant adequately identifies and authorizes the Secretary to obtain. Subsection (b) would also require that the Secretary provide notice to the claimant if the effort to obtain records is unsuccessful and briefly explain the Secretary's efforts to obtain such records, describe any further actions to be taken by the Secretary, and allow the claimant a reasonable opportunity to obtain the records before the claim is decided and notify the Secretary of such actions.

Senate Bill

The Senate bill does not specifically provide for general assistance to secure records, but considers that obligation as part of VA's duty to assist claimants in the development of information and evidence necessary to establish entitlement to benefits.

Compromise Agreement

Under section 3, the Secretary would be required to make reasonable efforts to obtain relevant records, including private records, that the claimant adequately identifies and authorizes the Secretary to obtain. In an effort to keep the claimant informed about the status of the development of his or her claim, the Secretary would be required to notify the claimant when the Department is unable to obtain records. The notice would identify the records the Secretary is unable to obtain, provide a brief explanation of the efforts that the Secretary has made to obtain those records, and describe any further action to be taken by the Secretary with respect to the claim. The Secretary would be required to continue attempts to obtain the records from a Federal department or agency until it is reasonably certain that the records do not exist or that further efforts to obtain them would be futile.

OBTAINING RECORDS FOR COMPENSATION CLAIMS

House Bill

Proposed subsection (c) of section 5103 would provide for special rules for obtaining evidence in disability compensation claims. For this type of claim, the Secretary would always be obligated to obtain (1) existing service medical records, and other relevant service records if the claimant has provided sufficient locator information, (2) records of treatment or examination at Department health care facilities, if the claimant has provided information sufficient to locate such records, and (3) records in the possession of other Federal agencies if such records are relevant to the veteran's claim.

Senate Bill

Subsection (d) of the proposed 5103A would specify the assistance to be provided by the Secretary to a claimant applying for disability compensation. The Secretary would be obligated to obtain (1) relevant service and medical records maintained by applicable governmental entities that pertain to the veteran for the period or periods of the veteran's service in the active military, naval, or air service, (2) existing records of relevant medical treatment or examinations provided at Department health care facilities or at the expense of the Department but only if the claimant has furnished information sufficient to locate such records, (3) relevant records from adequately identified governmental entities authorized by the claimant to be released, and (4) relevant records from adequately identified private person or entities authorized by the claimant to be released. Efforts to obtain governmental

records would be required to continue until it is reasonably certain, as determined in accordance with the regulations prescribed under subsection (f) that such records do not exist.

Compromise Agreement

Recognizing that VA has a higher burden in securing records maintained by VA and other governmental agencies, section 3 of the compromise agreement requires the Secretary to obtain the claimant's service medical records and other relevant records pertaining to the claimant's active military, naval, or air service that are maintained by a governmental entity if the claimant provides sufficient information to locate them. By use of the term ''governmental entity,'' it is the Committees' intention that VA also secure relevant records maintained by state national guard and reserve units, as they may provide important information relating to the veteran's service history.

MEDICAL EXAMINATIONS FOR COMPENSATION CLAIMS

House Bill

In the case of a claim for disability compensation, subsection (d) of proposed section 5103 would require the Secretary to provide a medical examination or obtain a medical opinion when the Secretary has established that (1) the claimant has (a) a current disability, (b) current symptoms of a disease that may not be characterized by symptoms for extended periods of time, or (c) persistent or recurrent symptoms of disability following discharge from service, and (2) there was an in-service event, injury, or disease (or combination of events, injuries, or diseases) during the claimant's active military, naval, or air service which could have caused or aggravated the current disability or symptoms, but (3) the evidence ''on hand'' is insufficient to establish service connection.

SENATE BILL

Proposed section 5103A(d) would require VA to provide a medical examination needed for the purpose of determining the existence of a current disability if the claimant submits verifiable evidence, as determined in accordance with the regulations prescribed under subsection (f), establishing that the claimant is unable to afford medical treatment. Proposed subsection (e) provides that, while obtaining or after obtaining information or lay or medical evidence under subsection (d) of proposed 5103A, the Secretary determines that a medical examination or a medical opinion is necessary to substantiate entitlement to a benefit, the Secretary would then provide such medical examination or obtain such medical opinion.

Compromise Agreement

Under section 3 of the compromise agreement, proposed section 5103A(d) provides that in the case of a claim for disability compensation, the Secretary shall provide a medical examination or obtain a medical opinion when such an examination or opinion is necessary to make a decision on the claim. Taking into consideration all information and lay or medical evidence (including statements of the claimant), an examination would be necessary if the evidence of record (a) contains competent evidence that the claimant has a current disability, or persistent or recurrent symptoms of a disability and, (b) indicates that the disability or symptoms may be associated with the claimant's active military, naval, or air service but, (c) does not contain sufficient medical evidence for the Secretary to make a decision on the claim. It is the Committees' intent that the term ''disability'' cover both injuries and diseases, including symptoms of undiagnosed illnesses.

In the revised section 5103A, the Committees have agreed to use the phrase ''if the evidence of record . . . taking into consideration all information and lay or medical evidence (including statements of the claimant) . . . contains competent evidence . . . that the claimant has a current disability, or persistent or recurrent symptoms of disability'' [emphasis added] as the threshold for when VA must obtain a medical examination or opinion for compensation claimants. This wording is used to describe evidence that is ''fit for the purpose for which it is offered.'' U.S. v. DeLucia, 256 F.2d 487, 491 (7th Cir. 1958). Competent evidence would be evidence that is offered by someone capable of attesting to it; it need not be evidence that is credible or sufficient to establish the claim. A veteran (or layperson) can provide competent evidence that he or she has a pain in the knee since that evidence is fit for the purpose for which it is offered. However, VA would not be bound to accept a veteran's assertion that he has a torn ligament, for that would require more sophisticated information, such as the results of a medical examination or special medical testing. The Committees emphasize that medical examinations or medical opinions may be needed in order for the Secretary to fulfill the duty to assist in other situations not mandated by this section under the general duty to assist required in section 3.

REGULATIONS

House Bill

Proposed subsection 5103(e) would require the Secretary to prescribe regulations (1) specifying the evidence needed to establish a claimant's eligibility for a benefit and (2) defining the records that are relevant to a claim.

Senate Bill

Proposed subsection 5103A(f) of S. 1810 would require the Secretary to prescribe regulations for purposes of the administration of new section 5103A.

Compromise Agreement

Section 3 of the compromise agreement would require the Secretary to prescribe regulations in order to carry out this section. It is the Committees' intent that these regulations address the provisions of the language described above under ''House Bill.''

RULE WITH RESPECT TO DISALLOWED CLAIMS

House Bill

Proposed subsection (f) of section 5103 would specify that nothing in section 5103 would be construed to require the Secretary to reopen a claim that had been disallowed except when new and material evidence is presented or secured, as described in section 5108 of title 38, United States Code.

Senate Bill

S. 1810 does not contain a similar provision.

Compromise Agreement

Section 3 of the compromise agreement follows the House language.

OTHER ASSISTANCE NOT PRECLUDED

House Bill

Proposed subsection (g) of section 5103 would clarify that nothing in section 5103 would be construed as precluding the Secretary from providing such other assistance to a claimant as the Secretary considers appropriate.

Senate Bill

Proposed subsection 5103A(d)(1)(F) would provide that the Secretary would provide any other appropriate assistance not specifically listed in section 5103(d).

Compromise Agreement

Section 3 of the compromise agreement follows the House language.

REENACTMENT OF RULE FOR CLAIMANTS LACKING A MAILING ADDRESS

House Bill

Proposed section 3(b) of H.R. 4864 would recodify the language found at section 5103(c) as a new section 5126 of title 38, United States Code.

Senate Bill

S. 1810 does not contain a similar provision.

Compromise Agreement

Section 3 of the compromise agreement follows the House language.

DECISION ON CLAIM

Current Law

Under section 5107(a) of title 38, United States Code, a person who submits a claim for benefits has the burden of submitting evidence sufficient to justify a belief by a fair and impartial individual that the claim is ''well-grounded.'' In order to file a ''well-grounded'' disability compensation claim, the court has ruled that the claimant must present evidence of 1) a current disability, 2) an in-service incidence or aggravation of a disease or injury, and 3) a nexus between the in-service disease or injury and the current disability. Caluza v. Brown, 7 Vet. App. 498 (1995) aff'd 78 F.3d 604 (Fed. Cir. 1996 table). Once that burden had been met, the Secretary must assist the claimant in developing the facts pertinent to the claim.

Under section 5107(b) of title 38, United States Code, the Secretary is required to give claimant the benefit of the doubt in resolving each material issue where there is an approximate balance of positive and negative evidence regarding the merits of the issue. Subsection (b) also provides that nothing in that subsection shall be construed as shifting the burden of establishing a well-grounded claim from the claimant to the Secretary.

House Bill

Section 4 of the House bill would revise section 5107 of title 38, United States Code, to eliminate the requirement that a veteran submit a ''well-grounded'' claim. The proposed revision of section 5103 discussed above sets out the authority for the Secretary to provide assistance to a claimant. Thus, the extent to which the Secretary conducted a separate threshold examination of the evidence provided in support of a claim are addressed in that section. The revised section 5107 would restate, without any substantive change, the requirements in existing law that the claimant has the burden of proving entitlement to benefits and that the Secretary must provide the benefit of the doubt to the claimant when there is an approximate balance of positive and negative evidence regarding a material issue.

Senate Bill

Section 101(e) of S. 1810 would amend section 5107 of title 38, United States Code, to eliminate the requirement that claimants submit evidence sufficient to justify the belief that the claim is ''well-grounded'' before VA will execute its duty to assist. Section 5107(a), as amended, would specify that the burden of proof to establish entitlement to VA benefits remains with the claimant. Section 5107(b), as amended, retains the language in current section 5107(b) requiring that claimants be given the ''benefit of the

doubt'' when there exists an approximate balance of positive and negative evidence.

Compromise Agreement

Proposed section 5107(a) of the compromise agreement provides that a claimant has the responsibility to present and support a claim for the benefit sought. As under current law, the Secretary would be required to consider all information and lay and medical evidence of record, and when there is an approximate balance of positive and negative evidence regarding an issue material to the determination of a matter, the Secretary would be required to give the benefit of the doubt to the claimant.

PROHIBITION OF CHARGES FOR RECORDS FURNISHED BY OTHER FEDERAL DEPARTMENTS AND AGENCIES

Current Law

Section 5106 of title 38, United States Code, provides that in obtaining evidence for the development of a claim for veterans benefits, Federal departments or agencies shall provide information that the Secretary requests to determine eligibility for, or the amount of benefits, or to verify other information necessary to adjudicate a claim.

House Bill

Section 5 of the House bill adds a new sentence to section 5106 to provide that Federal departments or agencies shall furnish the Department of Veterans Affairs with records pertaining to a benefits application without charge.

Senate Bill

Proposed section 5103A(d) provides that the costs of providing VA with information are to be borne by the department or agency supplying the information.

Compromise Agreement

Section 5 of the compromise agreement follows the Senate language.

EFFECTIVE DATE

House Bill

Section 6 of the House bill provides that, in general, the provisions in the bill would apply to claims filed on or after the date of enactment and to claims which are not final as of that date. Subsection (b) of section 6 would establish a special rule providing retroactive relief on claims which were not final or which were dismissed was not ''well-grounded'' beginning on July 14, 1999 (the effective date of the Morton decision). In such cases, the Secretary would order the claim to be readjudicated at the request of the claimant or on the Secretary's own motion. Subsection (b)(2) would provide that a motion to readjudicate the claim would have to be made within two years from the date of enactment, while subsection (b)(3) would relieve the Secretary, in the absence of a motion to readjudicate, of any obligation to locate and readjudicate claims which might be affected by the change in law described in this subsection.

Senate Bill

The Senate provision is virtually identical to the House bill.

Compromise Agreement

Section 7 of the compromise agreement contains this provision.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I rise in strong support of the Veterans Claims Assistance Act of 2000, H.R. 4864, and I thank every individual who helped perfect this measure, particularly the gentleman from Arizona (Chairman STUMP). This has broad-based bipartisan, bicameral support; and it is worthy of the support of every Member of this House.

Last fall, after the Department of Veterans Affairs implemented the Morton versus West decision of the United States Court of Appeals for veterans claims, I introduced H.R. 3193, the Duty to Assist Act. This legislation was introduced to correct erroneous interpretations of the law. Judicial review was intended to continue VA's long-standing obligation to assist all veterans develop their claims. Under this decision, the exact opposite has occurred.

On March 23, 2000, the Subcommittee on Benefits held a hearing on my bill. Following that, a bipartisan compromise, H.R. 4864, was introduced.

I am especially pleased all critical providings of H.R. 3193 have been perfected and incorporated into H.R. 4864's amendment. These include the removal of the well-grounded claim requirement, specific notice requirements, duty to assist all claimants, additional specific requirements for service-connected disability claims.

I strongly believe in judicial review. However, the courts can, and do, make erroneous decisions. When those decisions affect the fundamental rights of veterans, it is Congress' responsibility to correct the problem. I believe this measure will do this.

Madam Speaker, I urge my colleagues to support the Veterans Claims Assistance Act of 2000, H.R. 4864.

Madam Speaker, the Veterans Claims Assistance Act of 2000, H.R. 4864, is the product of hard work of many people. Members of the Veterans' Affairs Committees of both bodies, Democratic and Republican committee staff from both bodies, representatives of veterans service organizations and the administration have all contributed to this measure. I thank each individual who has helped perfect this measure and I particularly thank Chairman STUMP for his leadership in crafting H.R. 4864, which has broad bipartisan, bicameral support.

Last fall, after the Department of Veterans Affairs (VA) implemented the Morton v. West decision of the United States Court of Appeals for Veterans Claims, I introduced H.R. 3193, the Duty to Assist Act. This legislation was introduced to correct erroneous interpretations of law. Judicial review was intended to continue VA's long standing obligation to assist all veterans with the development of their claims. Under the Morton decision, the exact opposite occurred.

On March 23, 2000, the Subcommittee on Benefits held a hearing on my bill and the problems experienced by veterans under the well-grounded claim requirement. A number of suggestions were made during this hearing and in subsequent meetings with representatives of the VA and veterans service organizations. As a result, a bipartisan compromise bill H.R. 4864, was introduced. The other body also addressed this problem in a provision included in S. 1810. The compromise bill we are considering today, H.R. 4864, as amended by the other body, includes elements of bills passed by both houses of Congress.

I am especially pleased that all of the critical provisions from H.R. 3193 have been perfected and incorporated into H.R. 4864. These include:

REMOVAL OF THE WELL-GROUNDED CLAIM REQUIREMENT

First and most importantly, the bill eliminates the requirement that a veteran submit a well-grounded claim before VA is required to offer any help to a veteran in the development of his or her claim.

Unfortunately for veterans and their survivors, the requirement to submit a well-grounded claim gradually increased from the concept of a uniquely low threshold, to a significant barrier, requiring veterans to purchase medical evaluations and opinion before their claims could be considered on their merits. Claims of combat-injured veterans were denied before VA adjudicators even obtained copies of the veterans' service medical records. Veterans who were being discharged from military service because of a disability had their claim for service-connected disability benefits for that disability denied as not well-grounded. In some of these cases, the veteran later supplied copies of their military and other medical records and had benefits awarded after multiple decision concerning the ''well-groundedness'' of various parts of the claim. In other cases, I fear that deserving veterans have just gone away, feeling betrayed by the government they have served so honorably.

By removing the well-grounded claim requirement, I expect that the VA will proceed in a fair and reasonable fair manner to identify and obtain all of the relevant evidence necessary to make an accurate decision on the claim when it is first presented. While some claims may ultimately be denied, by obtaining and reviewing all of the relevant evidence first, veterans will be assured that their claims have been fairly and fully considered.

SPECIFIC NOTICE REQUIREMENTS

I am particularly concerned that the notices sent to veterans often do not contain clear information that enables the veteran to understand what actions VA has taken or will take and what information or evidence the veteran should provide. If VA is requesting the veteran to supply information such as employment information or school records of children, the notice should provide enough information in clearly understandable language for the veteran to understand what is being requested. Following the Morton decision many veterans received virtually indecipherable notices advising them that their claim was ''not well-grounded''. I encourage the VA to continue developing communications using plain English which the majority of beneficiaries can be expected to understand. The compromise bill expands upon the notice requirements specified in H.R. 3193.

DUTY TO ASSIST ALL CLAIMANTS

The compromise bill makes it clear that VA has a duty to make reasonable efforts to assist all claimants in obtaining evidence needed to substantiate their claim. What is reasonable will depend upon the nature of the claim being pursued and the evidence which is needed to establish that claim. If a medical examination

or opinion is needed VA is required to provide it. If private medical records are needed, VA should request the records from the treating source with the consent of the veteran claimant.

ADDITIONAL SPECIFIC REQUIREMENTS FOR SERVICE-CONNECTED DISABILITY CLAIMS

The compromise bill contains specific special requirements for the adjudication of service-connected disability claims. These requirements recognize that certain actions are always necessary to the proper development of claims for service-connected compensation benefits and are therefore mandated.

The Committees have determined that because of special responsibility of the government for claims for service-connected compensation benefits that there are certain circumstances when VA may not proceed to decide a claim without first obtaining a medical examination or opinion. If the record contains competent evidence that the claimant has a current disability or symptoms and indicates that the disability or symptoms may be associated with the claimant's military service, but the medical evidence is insufficient to make a determination on the claim, VA must obtain a medical evaluation or opinion. If the evidence is sufficient to decide the claim, VA may proceed to decide it.

I am particularly concerned with the number of cases reviewed by Committee staff in which VA has evidence of a current disability and an indication of a potential in-service incident or series of events which may have caused or aggravated the disability, but VA has failed to obtain a medical opinion concerning the relationship between the two. For example, under this provision, I expect that if a veteran's military records indicate he served as a paratrooper, making multiple jumps during service in Vietnam and the veteran now has evidence of arthritis of the knees he indicates was due to these jumps, VA will be required to obtain a medical opinion as to whether it is as likely as not that his current arthritis is related to his military service.

I recognize that some concerns have been raised that because the bill mandates certain procedures in some circumstances and not in others, VA will refuse to comply with its general duty to assist contained in the amended section 5103A(a)(1) of title 38. I do not believe that in implementing this law, VA will refuse to comply with its general duty to assist.

The general duty to assist section is intended to provide VA with the flexibility to make whatever reasonable efforts are needed in order to properly adjudicate the particular claim. If a pension applicant needs a medical examination to determine disability, I fully expect VA to provide a medical examination. If a medical evaluation or opinion is needed to resolve conflicts in the medical evidence related to a service-connected claim, I fully expect VA to obtain the requisite examination or opinion. the special provisions mandated for service-connected claims in some circumstances is not, and should not be interpreted by VA, as a license to ignore the general duty to assist provided in the same bill.

I strongly believe in judicial review. However, courts can—and do—make erroneous decisions. When those decisions affect the fundamental rights of veterans, it is Congress' responsibility to correct the problem. H.R. 4864, as amended, will do this.

Veterans seeking to establish their entitlement to benefits they have earned as a result of their service to our country deserve to have their claims decided fairly and fully based upon all relevant and available evidence. Where it is as likely as not that a disability was incurred or aggravated during military service, the benefit of the doubt rule dictates that the disability will be service-connected. Passage of H.R. 4864 will help to assure that their claims are properly considered and fairly decided.

Madam Speaker, I reserve the balance of my time.

Mr. STUMP. Madam Speaker, I yield such time as he may consume to the gentleman from Nevada (Mr. GIBBONS), a member of the committee.

Mr. GIBBONS. Madam Speaker, to the gentleman from Arizona (Mr. STUMP), my friend and colleague, the distinguished chairman of the Committee on Veterans' Affairs, I want to thank him for his leadership, as well as the gentleman from Illinois (Mr. EVANS), the ranking member, for his contributions and leadership to this very important issue.

Madam Speaker, I am pleased to rise today in support of H.R. 4864, as amended, the Veterans Claims Assistance Act of 2000. The members of the Subcommittee on Benefits have worked for the past 7 months on crafting legislation to address the Morton versus West decision by the Court of Appeals for veterans claims. H.R. 4864, as amended, meets that challenge.

This and previous court decisions have construed VA's authority to develop claims that are not what is legally referred to as well grounded, and the results have created a significant barrier to veterans who need assistance in obtaining information and evidence in order to receive benefits from the VA.

Among other things, H.R. 4864, as amended, requires the Secretary to furnish all necessary forms and instructions to file a claim when a request is made and requires the Secretary to make reasonable efforts to assist in the development of information and medical and lay evidence necessary to establish eligibility of a claimant for benefits.

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This bill eliminates the ''well grounded'' requirements.

With regard to compensation claims, this bill requires the Secretary to obtain the claimant's service medical records and other relevant records pertaining to the claimant's active military service, if the claimant provides sufficient information to locate them, and requires the Secretary to provide a medical examination or obtain a medical opinion when such an exam or opinion is necessary to make a decision on that claim.

As the chairman has indicated, we have been working with the VA officials and members of veterans service organizations to develop a bill that addresses the concerns of all interested parties, and I believe we have succeeded in this bill. I want to thank the chairman and the ranking member once again for their leadership, and I urge my colleagues to support H.R. 4864 as amended.

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

Mr. STUMP. Madam Speaker, I yield myself such time as I may consume to thank the ranking member of the committee, the gentleman from Illinois (Mr. EVANS), and express my appreciation for his efforts on behalf of this legislation.

I also want to thank the members of the Subcommittee on Benefits, and the chairman in particular, for all their hard work on H.R. 4864.

I would also like to tell my colleagues about the hard work performed by the chairman of the Subcommittee on Benefits, the gentleman from New York (Mr. QUINN), during the 106th Congress. This Congress has been a very good one for veterans, due in no small part to the extraordinary energy of the gentleman from New York. He has done a commendable job leading a subcommittee that deals with very difficult and sometimes emotional issues, and I thank him very much for all his hard work.

I would also like to thank the gentleman from Nevada (Mr. GIBBONS), a member of the committee, for his contributions to this bill.

Mr. FILNER. Madam Speaker, I thank the Chairman, Mr. STUMP and the Ranking Member of the Full Committee, Mr. EVANS for their hard work in bringing the Veterans Claims Assistance Act of 2000, H.R. 4864 as amended, before us today.

Following the U.S. Court of Appeals for Veterans Claims decision in *Morton* v. *West* thousands of veterans throughout this country received letters from VA telling them that their claims for disability benefits were ''not well-grounded.'' In many cases, the notices were incomprehensible to veterans.

Veterans were told that they had to submit evidence of a ''nexus'' between their military service and current disability before VA would provide them any help at all. Claims of combat injured veterans were denied before records of military service were obtained.

In our subcommittee hearing on Mr. EVAN's bill we heard eloquent testimony about the seriousness of the problem.

Veterans with claims for service-connected disabilities which were noted in their service medical records had those claims rejected as ''not well-grounded.''

Veterans being treated by VA physicians were denied VA medical opinions concerning the relationship between their disability and their military service and were thus unable to provide ''nexus'' statements VA required without purchasing medical opinions at their own expense.

Vietnam veterans with conditions presumed under law to be service-connected as a result of Agent Orange exposure had claims rejected as not well-grounded.

Medal of Honor winners and former Prisoners of War had their claims rejected.

This bill will rectify those errors. In addition, the bill contains very specific notice requirements. Even as a former college professor, I have found notices sent to veterans who contact my office, both here and in San Diego, to be virtually incomprehensible. The compromise bill passed by the Senate requires VA to inform veterans when additional information is needed. If VA is unable to obtain records identified by the claimant, VA is required to notify the claimant that the records were not obtained, describe the efforts made to obtain the records and describe the action to be taken by the Secretary. These provisions were inserted to assure that veterans are able to make informed decisions concerning their claims. I expect VA to provide this information in simple, plain, understandable English.

By passing H.R. 4864, this House agreed that veterans and other claimants have a right to have their claims fully developed and properly evaluated. The Senate has now agreed.

By passing this bill Congress will send a strong message to the VA and our Nation's veterans concerning our government's obligation to care for him who has borne the battle. I urge my colleagues to support this bill.

Mr. GILMAN. Madam Speaker, I rise today in strong support of H.R. 4864, the Veterans' Claims Assistance Act of 2000. I urge my colleagues to join in supporting this worthy legislation.

H.R. 4864, authorizes the Secretary of Veterans Affairs to assist a veteran claimant in obtaining evidence to establish an entitlement to a benefit. The bill achieves this by requiring the Secretary of Veterans Affairs to make reasonable efforts to obtain relevant records that the claimant identifies, unless there is no reasonable possibility that assistance would aid in substantiating the claim. Also, the measure eliminates the requirement that a claimant submit a ''well-grounded'' claim before the Secretary can assist in obtaining evidence.

For service-connected disability compensation claims, H.R. 4864 requires the Secretary to obtain existing service medical records and other relevant records pertaining to the claimant's active military, naval, or air service that are maintained by the Government if the claimant provides sufficient information to locate them, and provide a medical examination or obtain a medical opinion when such an examination (or opinion) is necessary to make a decision on the claim. The bill further requires other Federal agencies to furnish relevant records to the Department at no cost to the claimant.

Under the bill a ''claimant'' is a person who would be eligible to receive assistance from the Veterans Secretary as any person seeking veterans benefits. The Secretary would be required to give the benefit of the doubt to the claimant when there is an approximate balance of positive and negative evidence regarding an issue material to the determination of a matter.

Finally, H.R. 4864 permits veterans who had claims denied or dismissed after the court of appeals for veterans claims decision in Morton v. West to request review of those claims within a 2-year period following enactment.

Madam Speaker, the VA claims process was initially intended to be friendly to the veterans. In recent years, however, the system has been plagued by unacceptably long delays and far too many bureaucratic hurdles. Earlier this year, the House addressed the issue of timeliness. This bill seeks to remove one of the barriers that has recently arisen to block the successful resolution of many claims.

In July 1999, the court of appeals for veterans claims stated in the case of Morton v. West that the Veterans Administration (VA) could help a veteran obtain records relevant to a claim only after the veteran provided enough evidence to prove that the claim is ''well-grounded.''

This decision, not only prevents the VA from providing assistance to veterans, it has also led to confusion concerning the meaning and application of the ''well grounded'' claim requirement. H.R. 4864 clarifies the ''well grounded'' claim requirement and enables the VA to once again provide as much assistance as possible to veterans.

Accordingly, I urge my colleagues to support this important legislation.

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

The SPEAKER pro tempore (Mrs. MORELLA). The question is on the motion offered by the gentleman from Arizona (Mr. STUMP) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 4864.

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.

VETERANS BENEFITS AND HEALTH CARE IMPROVEMENT ACT OF 2000

Mr. STUMP. Madam Speaker, I move to suspend the rules and concur in the Senate amendments to the House amendments to the Senate bill (S. 1402) to amend title 38, United States Code, to enhance programs providing education benefits for veterans, and for other purposes.

The Clerk read as follows:

Senate amendments to house amendments:

In lieu of the matter proposed to be inserted by the House amendment to the text of the bill, insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Veterans Benefits and Health Care Improvement Act of 2000''.

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

Sec. 1. Short title; table of contents.

Sec. 2. References to title 38, United States Code.

TITLE I—EDUCATIONAL ASSISTANCE PROVISIONS

Subtitle A—Montgomery GI Bill Educational Assistance

Sec. 101. Increase in rates of basic educational assistance under Montgomery GI Bill.

Sec. 102. Uniform requirement for high school diploma or equivalency before application for Montgomery GI Bill benefits.

Sec. 103. Repeal of requirement for initial obligated period of active duty as condition of eligibility for Montgomery GI Bill benefits.

Sec. 104. Additional opportunity for certain VEAP participants to enroll in basic educational assistance under Montgomery GI Bill.

Sec. 105. Increased active duty educational assistance benefit for contributing members.

Subtitle B—Survivors' and Dependents' Educational Assistance

Sec. 111. Increase in rates of survivors' and dependents' educational assistance.

Sec. 112. Election of certain recipients of commencement of period of eligibility for survivors' and dependents' educational assistance.

Sec. 113. Adjusted effective date for award of survivors' and dependents' educational assistance.

Sec. 114. Availability under survivors' and dependents' educational assistance of preparatory courses for college and graduate school entrance exams.

Subtitle C—General Educational Assistance

Sec. 121. Revision of educational assistance interval payment requirements.

Sec. 122. Availability of education benefits for payment for licensing or certification tests.

Sec. 123. Increase for fiscal years 2001 and 2002 in aggregate annual amount available for State approving agencies for administrative expenses.

TITLE II—HEALTH PROVISIONS

Subtitle A—Personnel Matters

Sec. 201. Annual national pay comparability adjustment for nurses employed by Department of Veterans Affairs.

Sec. 202. Special pay for dentists.

Sec. 203. Exemption for pharmacists from ceiling on special salary rates.

Sec. 204. Temporary full-time appointments of certain medical personnel.

Sec. 205. Qualifications of social workers.

Sec. 206. Physician assistant adviser to Under Secretary for Health.

Sec. 207. Extension of voluntary separation incentive payments.

Subtitle B—Military Service Issues

Sec. 211. Findings and sense of Congress concerning use of military histories of veterans in Department of Veterans Affairs health care.

Sec. 212. Study of post-traumatic stress disorder in Vietnam veterans.

Subtitle C—Medical Administration

Sec. 221. Department of Veterans Affairs Fisher Houses.

Sec. 222. Exception to recapture rule.

Sec. 223. Sense of Congress concerning cooperation between the Department of Veterans Affairs and the Department of Defense in the procurement of medical items.

Sec. 224. Technical and conforming changes.

Subtitle D—Construction Authorization
Sec. 231. Authorization of major medical facility projects.
Sec. 232. Authorization of appropriations.
Subtitle E—Real Property Matters
Sec. 241. Change to enhanced use lease congressional notification period.
Sec. 242. Release of reversionary interest of the United States in certain real property previously conveyed to the State of Tennessee.
Sec. 243. Demolition, environmental cleanup, and reversion of Department of Veterans Affairs Medical Center, Allen Park, Michigan.
Sec. 244. Conveyance of certain property at the Carl Vinson Department of Veterans Affairs Medical Center, Dublin, Georgia.
Sec. 245. Land conveyance, Miles City Department of Veterans Affairs Medical Center complex, Miles City, Montana.
Sec. 246. Conveyance of Fort Lyon Department of Veterans Affairs Medical Center, Colorado, to the State of Colorado.
Sec. 247. Effect of closure of Fort Lyon Department of Veterans Affairs Medical Center on administration of health care for veterans.
TITLE III—COMPENSATION, INSURANCE, HOUSING, EMPLOYMENT, AND MEMORIAL AFFAIRS PROVISIONS
Subtitle A—Compensation Program Changes
Sec. 301. Strokes and heart attacks incurred or aggravated by members of reserve components in the performance of duty while performing inactive duty training to be considered to be service-connected.
Sec. 302. Special monthly compensation for women veterans who lose a breast as a result of a service-connected disability.
Sec. 303. Benefits for persons disabled by participation in compensated work therapy program.
Sec. 304. Revision to limitation on payments of benefits to incompetent institutionalized veterans.
Sec. 305. Review of dose reconstruction program of the Defense Threat Reduction Agency.
Subtitle B—Life Insurance Matters
Sec. 311. Premiums for term Service Disabled Veterans' Insurance for veterans older than age 70.
Sec. 312. Increase in automatic maximum coverage under Servicemembers' Group Life Insurance and Veterans' Group Life Insurance.
Sec. 313. Eligibility of certain members of the Individual Ready Reserve for Servicemembers' Group Life Insurance.
Subtitle C—Housing and Employment Programs
Sec. 321. Elimination of reduction in assistance for specially adapted housing for disabled veterans for veterans having joint ownership of housing units.
Sec. 322. Veterans employment emphasis under Federal contracts for recently separated veterans.
Sec. 323. Employers required to grant leave of absence for employees to participate in honor guards for funerals of veterans.
Subtitle D—Cemeteries and Memorial Affairs
Sec. 331. Eligibility for interment of certain Filipino veterans of World War II in national cemeteries.
Sec. 332. Payment rate of certain burial benefits for certain Filipino veterans of World War II.
Sec. 333. Plot allowance for burial in State veterans cemeteries.
TITLE IV—OTHER MATTERS
Sec. 401. Benefits for the children of women Vietnam veterans who suffer from certain birth defects.
Sec. 402. Extension of certain expiring authorities.
Sec. 403. Preservation of certain reporting requirements.
Sec. 404. Technical amendments.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—EDUCATIONAL ASSISTANCE PROVISIONS

Subtitle A—Montgomery GI Bill Educational Assistance

SEC. 101. INCREASE IN RATES OF BASIC EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL.

(a) ACTIVE DUTY EDUCATIONAL ASSISTANCE.—Section 3015 is amended—

(1) in subsection (a)(1), by striking ''$528'' and inserting ''$650''; and

(2) in subsection (b)(1), by striking ''$429'' and inserting ''$528''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on November 1, 2000, and shall apply with respect to educational assistance allowances paid under chapter 30 of title 38, United States Code, for months after October 2000.

SEC. 102. UNIFORM REQUIREMENT FOR HIGH SCHOOL DIPLOMA OR EQUIVALENCY BEFORE APPLICATION FOR MONTGOMERY GI BILL BENEFITS.

(a) ACTIVE DUTY PROGRAM.—(1) Section 3011 is amended—

(A) in subsection (a), by striking paragraph (2) and inserting the following new paragraph (2):

''(2) who completes the requirements of a secondary school diploma (or equivalency certificate), or successfully completes (or otherwise receives academic credit for) the equivalent of 12 semester hours in a program of education leading to a standard college degree, before applying for benefits under this section; and''; and

(B) by striking subsection (e).

(2) Section 3017(a)(1)(A)(ii) is amended by striking ''clause (2)(A)'' and inserting ''clause (2)''.

(b) SELECTED RESERVE PROGRAM.—Section 3012 is amended—

(1) in subsection (a), by striking paragraph (2) and inserting the following new paragraph (2):

''(2) who completes the requirements of a secondary school diploma (or equivalency certificate), or successfully completes (or otherwise receives academic credit for) the equivalent of 12 semester hours in a program of education leading to a standard college degree, before applying for benefits under this section; and''; and

(2) by striking subsection (f).

(c) WITHDRAWAL OF ELECTION NOT TO ENROLL.—Paragraph (4) of section 3018(b) is amended to read as follows:

''(4) before applying for benefits under this section—

''(A) completes the requirements of a secondary school diploma (or equivalency certificate); or

''(B) successfully completes (or otherwise receives academic credit for) the equivalent of 12 semester hours in a program of education leading to a standard college degree; and''.

(d) EDUCATIONAL ASSISTANCE PROGRAM FOR MEMBERS OF SELECTED RESERVE.—Paragraph (2) of section 16132(a) of title 10, United States Code, is amended to read as follows:

''(2) before applying for benefits under this section, has completed the requirements of a secondary school diploma (or an equivalency certificate);''.

(e) DELIMITING PERIOD.—(1) In the case of an individual described in paragraph (2), with respect to the time limitation under section 3031 of title 38, United States Code, for use of eligibility and entitlement of basic educational assistance under chapter 30 of such title, the 10-year period applicable under such section shall begin on the later of—

(A) the date of the enactment of this Act; or

(B) the date of the individual's last discharge or release from active duty.

(2) An individual referred to in paragraph (1) is an individual who—

(A) before the date of the enactment of this Act, was not eligible for such basic educational assistance by reason of the requirement of a secondary school diploma (or equivalency certificate) as a condition of eligibility for such assistance as in effect on the date preceding the date of the enactment of this Act; and

(B) becomes entitled to basic educational assistance under section 3011(a)(2), 3012(a)(2), or 3018(b)(4) of title 38, United States Code, by reason of the amendments made by this section.

SEC. 103. REPEAL OF REQUIREMENT FOR INITIAL OBLIGATED PERIOD OF ACTIVE DUTY AS CONDITION OF ELIGIBILITY FOR MONTGOMERY GI BILL BENEFITS.

(a) ACTIVE DUTY PROGRAM.—Section 3011 is amended—

(1) in subsection (a)(1)(A)—

(A) by striking clause (i) and inserting the following new clause (i):

''(i) who serves an obligated period of active duty of at least two years of continuous active duty in the Armed Forces; or''; and

(B) in clause (ii)(II), by striking ''in the case of an individual who completed not less than 20 months'' and all that follows through ''was at least three years'' and inserting ''if, in the case of an individual with an obligated period of service of two years, the individual completes not less than 20 months of continuous active duty under that period of obligated service, or, in the case of an individual with an obligated period of service of at least three years, the individual completes not less than 30 months of continuous active duty under that period of obligated service'';

(2) in subsection (d)(1), by striking ''individual's initial obligated period of active duty'' and inserting ''obligated period of active duty on which an individual's entitlement to assistance under this section is based'';

(3) in subsection (h)(2)(A), by striking ''during an initial period of active duty,'' and inserting ''during the obligated period of active duty on which entitlement to assistance under this section is based,''; and

(4) in subsection (i), by striking ''initial''.

(b) SELECTED RESERVE PROGRAM.—Section 3012 is amended—

(1) in subsection (a)(1)(A)(i), by striking '', as the individual's'' and all that follows through ''Armed Forces'' and inserting ''an obligated period of active duty of at least two years of continuous active duty in the Armed Forces''; and

(2) in subsection (e)(1), by striking ''initial''.

(c) DURATION OF ASSISTANCE.—Section 3013 is amended—

(1) in subsection (a)(2), by striking ''individual's initial obligated period of active duty'' and inserting ''obligated period of active duty on which such entitlement is based''; and

(2) in subsection (b)(1), by striking ''individual's initial obligated period of active duty'' and inserting ''obligated period of active duty on which such entitlement is based''.

(d) AMOUNT OF ASSISTANCE.—Section 3015 is amended—

(1) in the second sentence of subsection (a), by inserting before ''a basic educational assistance allowance'' the following: ''in the case of an individual entitled to an educational assistance allowance under this chapter whose obligated period of active duty on which such entitlement is based is three years,'';

(2) in subsection (b), by striking ''and whose initial obligated period of active duty is two years,'' and inserting ''whose obligated period of active duty on which such entitlement is based is two years,''; and

(3) in subsection (c)(2), by striking subparagraphs (A) and (B) and inserting the following new subparagraphs (A) and (B):

''(A) whose obligated period of active duty on which such entitlement is based is less than three years;

''(B) who, beginning on the date of the commencement of such obligated period of active duty, serves a continuous period of active duty of not less than three years; and''.

(e) DELIMITING PERIOD.—(1) In the case of an individual described in paragraph (2), with respect to the time limitation under section 3031 of title 38, United States Code, for use of eligibility and entitlement of basic educational assistance under chapter 30 of such title, the 10-year period applicable under such section shall begin on the later of—

(A) the date of the enactment of this Act; or

(B) the date of the individual's last discharge or release from active duty.

(2) An individual referred to in paragraph (1) is an individual who—

(A) before the date of the enactment of this Act, was not eligible for basic educational assistance under chapter 30 of such title by reason of the requirement of an initial obligated period of active duty as condition of eligibility for such assistance as in effect on the date preceding the date of the enactment of this Act; and

(B) on or after such date becomes eligible for such assistance by reason of the amendments made by this section.

SEC. 104. ADDITIONAL OPPORTUNITY FOR CERTAIN VEAP PARTICIPANTS TO ENROLL IN BASIC EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL.

(a) SPECIAL ENROLLMENT PERIOD.—Section 3018C is amended by adding at the end the following new subsection:

''(e)(1) A qualified individual (described in paragraph (2)) may make an irrevocable election under this subsection, during the one-year period beginning on the date of the enactment of this subsection, to become entitled to basic educational assistance under this chapter. Such an election shall be made in the same manner as elections made under subsection (a)(5).

''(2) A qualified individual referred to in paragraph (1) is an individual who meets each of the following requirements:

''(A) The individual was a participant in the educational benefits program under chapter 32 of this title on or before October 9, 1996.

''(B) The individual has continuously served on active duty since October 9, 1996 (excluding the periods referred to in section 3202(1)(C) of this title), through at least April, 1, 2000.

''(C) The individual meets the requirements of subsection (a)(3).

''(D) The individual, when discharged or released from active duty, is discharged or released therefrom with an honorable discharge.

''(3)(A) Subject to the succeeding provisions of this paragraph, with respect to a qualified individual who makes an election under paragraph (1) to become entitled to basic education assistance under this chapter—

''(i) the basic pay of the qualified individual shall be reduced (in a manner determined by the Secretary concerned) until the total amount by which such basic pay is reduced is $2,700; and

''(ii) to the extent that basic pay is not so reduced before the qualified individual's discharge or release from active duty as specified in subsection (a)(4), at the election of the qualified individual—

''(I) the Secretary concerned shall collect from the qualified individual; or

''(II) the Secretary concerned shall reduce the retired or retainer pay of the qualified individual by,

an amount equal to the difference between $2,700 and the total amount of reductions under clause (i), which shall be paid into the Treasury of the United States as miscellaneous receipts.

''(B)(i) The Secretary concerned shall provide for an 18-month period, beginning on the date the qualified individual makes an election under paragraph (1), for the qualified individual to pay that Secretary the amount due under subparagraph (A).

''(ii) Nothing in clause (i) shall be construed as modifying the period of eligibility for and entitlement to basic education assistance under this chapter applicable under section 3031 of this title.

''(C) The provisions of subsection (c) shall apply to qualified individuals making elections under this subsection in the same manner as they applied to individuals making elections under subsection (a)(5).

''(4) With respect to qualified individuals referred to in paragraph (3)(A)(ii), no amount of educational assistance allowance under this chapter shall be paid to the qualified individual until the earlier of the date on which—

''(A) the Secretary concerned collects the applicable amount under subclause (I) of such paragraph; or

''(B) the retired or retainer pay of the qualified individual is first reduced under subclause (II) of such paragraph.

''(5) The Secretary, in conjunction with the Secretary of Defense, shall provide for notice to participants in the educational benefits program under chapter 32 of this title of the opportunity under this subsection to elect to become entitled to basic educational assistance under this chapter.''.

(b) CONFORMING AMENDMENT.—Section 3018C(b) is amended by striking ''subsection (a)'' and inserting ''subsection (a) or (e)''.

(c) COORDINATION PROVISIONS.—(1) If this Act is enacted before the provisions of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 are enacted into law, section 1601 of that Act, including the amendments made by that section, shall not take effect. If this Act is enacted after the provisions of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 are enacted into law, then as of the enactment of this Act, the amendments made by section 1601 of that Act shall be deemed for all purposes not to have taken effect and that section shall cease to be in effect.

(2) If the Veterans Claims Assistance Act of 2000 is enacted before the provisions of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 are enacted into law, section 1611 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, including the amendments made by that section, shall not take effect. If the Veterans Claims Assistance Act of 2000 is enacted after the provisions of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 are enacted into law, then as of the enactment of the Veterans Claims Assistance Act of 2000, the amendments made by section 1611 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 shall be deemed for all purposes not to have taken effect and that section shall cease to be in effect.

SEC. 105. INCREASED ACTIVE DUTY EDUCATIONAL ASSISTANCE BENEFIT FOR CONTRIBUTING MEMBERS.

(a) AUTHORITY TO MAKE CONTRIBUTIONS FOR INCREASED ASSISTANCE AMOUNT.—(1) Section 3011, as amended by section 102(a)(1)(B), is amended by inserting after subsection (d) the following new subsection (e):

''(e)(1) Any individual eligible for educational assistance under this section who does not make an election under subsection (c)(1) may contribute amounts for purposes of receiving an increased amount of basic educational assistance as provided for under section 3015(g) of this title. Such contributions shall be in addition to any reductions in the basic pay of such individual under subsection (b).

''(2) An individual covered by paragraph (1) may make the contributions authorized by that paragraph at any time while on active duty.

''(3) The total amount of the contributions made by an individual under paragraph (1) may not exceed $600. Such contributions shall be made in multiples of $4.

''(4) Contributions under this subsection shall be made to the Secretary. The Secretary shall deposit any amounts received by the Secretary as contributions under this subsection into the Treasury as miscellaneous receipts.''.

(2) Section 3012, as amended by section 102(b)(2), is amended by inserting after subsection (e) the following new subsection (f):

''(f)(1) Any individual eligible for educational assistance under this section who does not make an election under subsection (d)(1) may contribute amounts for purposes of receiving an increased amount of basic educational assistance as provided for under section 3015(g) of this title. Such contributions shall be in addition to any reductions in the basic pay of such individual under subsection (c).

''(2) An individual covered by paragraph (1) may make the contributions authorized by that paragraph at any time while on active duty.

''(3) The total amount of the contributions made by an individual under paragraph (1) may not exceed $600. Such contributions shall be made in multiples of $4.

''(4) Contributions under this subsection shall be made to the Secretary. The Secretary shall deposit any amounts received by the Secretary as contributions under this subsection into the Treasury as miscellaneous receipts.''.

(b) INCREASED ASSISTANCE AMOUNT.—Section 3015 is amended—

(1) by striking ''subsection (g)'' each place it appears in subsections (a)(1) and (b)(1) and inserting ''subsection (h)'';

(2) by redesignating subsection (g) as subsection (h); and

(3) by inserting after subsection (f) the following new subsection (g):

''(g) In the case of an individual who has made contributions authorized by section 3011(e) or 3012(f) of this title, the monthly amount of basic educational assistance allowance applicable to such individual under subsection (a), (b), or (c) shall be the monthly rate otherwise provided for under the applicable subsection increased by—

''(1) an amount equal to $1 for each $4 contributed by such individual under section 3011(e) or 3012(f), as the case may be, for an approved program of education pursued on a full-time basis; or

''(2) an appropriately reduced amount based on the amount so contributed, as determined under regulations which the Secretary shall prescribe, for an approved program of education pursued on less than a full-time basis.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on May 1, 2001.

(d) TRANSITIONAL PROVISION FOR INDIVIDUALS DISCHARGED BETWEEN ENACTMENT AND EFFECTIVE DATE.—(1) During the period beginning on May 1, 2001, and ending on July 31, 2001, an individual described in paragraph (2) may make contributions under section 3011(e) or 3012(f) of title 38, United States Code (as added by subsection (a)), whichever is applicable to that individual, without regard to paragraph (2) of that section and otherwise in the same manner as an individual eligible for educational assistance under chapter 30 of such title who is on active duty.

(2) Paragraph (1) applies in the case of an individual who—

(A) is discharged or released from active duty during the period beginning on the date of the enactment of this Act and ending on April 30, 2001; and

(B) is eligible for educational assistance under chapter 30 of title 38, United States Code.

Subtitle B—Survivors' and Dependents' Educational Assistance

SEC. 111. INCREASE IN RATES OF SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE.

(a) SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE.—Section 3532 is amended—

(1) in subsection (a)(1)—

(A) by striking ''$485'' and inserting ''$588'';

(B) by striking ''$365'' and inserting ''$441''; and

(C) by striking ''$242'' and inserting ''$294'';

(2) in subsection (a)(2), by striking ''$485'' and inserting ''$588'';

(3) in subsection (b), by striking ''$485'' and inserting ''$588''; and

(4) in subsection (c)(2)—

(A) by striking ''$392'' and inserting ''$475'';

(B) by striking ''$294'' and inserting ''$356''; and

(C) by striking ''$196'' and inserting ''$238''.

(b) CORRESPONDENCE COURSE.—Section 3534(b) is amended by striking ''$485'' and inserting ''$588''.

(c) SPECIAL RESTORATIVE TRAINING.—Section 3542(a) is amended—

(1) by striking ''$485'' and inserting ''$588'';

(2) by striking ''$152'' each place it appears and inserting ''$184''; and

(3) by striking ''$16.16'' and all that follows and inserting ''such increased amount of allowance that is equal to one-thirtieth of the full-time basic monthly rate of special training allowance.''.

(d) APPRENTICESHIP TRAINING.—Section 3687(b)(2) is amended—

(1) by striking ''$353'' and inserting ''$428'';

(2) by striking ''$264'' and inserting ''$320'';

(3) by striking ''$175'' and inserting ''$212''; and

(4) by striking ''$88'' and inserting ''$107''.

(e) EFFECTIVE DATE.—The amendments made by subsections (a) through (d) shall take effect on November 1, 2000, and shall apply with respect to educational assistance allowances paid under chapter 35 of title 38, United States Code, for months after October 2000.

(f) ANNUAL ADJUSTMENTS TO AMOUNTS OF ASSISTANCE.—

(1) CHAPTER 35.—(A) Subchapter VI of chapter 35 is amended by adding at the end the following new section:

''§ 3564. Annual adjustment of amounts of educational assistance

''With respect to any fiscal year, the Secretary shall provide a percentage increase (rounded to the nearest dollar) in the rates payable under sections 3532, 3534(b), and 3542(a) of this title equal to the percentage by which—

''(1) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

''(2) such Consumer Price Index for the 12-month period preceding the 12-month period described in paragraph (1).''.

(B) The table of sections at the beginning of chapter 35 is amended by inserting after the item relating to section 3563 the following new item:

''3564. Annual adjustment of amounts of educational assistance.''.

(2) CHAPTER 36.—Section 3687 is amended by adding at the end the following new subsection:

''(d) With respect to any fiscal year, the Secretary shall provide a percentage increase (rounded to the nearest dollar) in the rates payable under subsection (b)(2) equal to the percentage by which—

''(1) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

''(2) such Consumer Price Index for the 12-month period preceding the 12-month period described in paragraph (1).''.

(3) EFFECTIVE DATE.—Sections 3654 and 3687(d) of title 38, United States Code, as added by this subsection, shall take effect on October 1, 2001.

SEC. 112. ELECTION OF CERTAIN RECIPIENTS OF COMMENCEMENT OF PERIOD OF ELIGIBILITY FOR SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE.

Section 3512(a)(3) is amended by striking ''8 years after,'' and all that follows through the end and inserting ''8 years after the date that is elected by that person to be the beginning date of entitlement under section 3511 of this title or subchapter V of this chapter if—

''(A) the Secretary approves that beginning date;

''(B) the eligible person makes that election after the person's eighteenth birthday but before the person's twenty-sixth birthday; and

''(C) that beginning date—

''(i) in the case of a person whose eligibility is based on a parent who has a service-connected total disability permanent in nature, is between the dates described in subsection (d); and

''(ii) in the case of a person whose eligibility is based on the death of a parent, is between—

''(I) the date of the parent's death; and

''(II) the date of the Secretary's decision that the death was service-connected;''.

SEC. 113. ADJUSTED EFFECTIVE DATE FOR AWARD OF SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE.

(a) IN GENERAL.—Section 5113 is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) in subsection (a), by striking ''subsection (b) of this section'' and inserting ''subsections (b) and (c)''; and

(3) by inserting after subsection (a) the following new subsection:

''(b)(1) When determining the effective date of an award under chapter 35 of this title for an individual described in paragraph (2) based on an original claim, the Secretary may consider the individual's application as having been filed on the eligibility date of the individual if that eligibility date is more than one year before the date of the initial rating decision.

''(2) An individual referred to in paragraph (1) is an eligible person who—

''(A) submits to the Secretary an original application for educational assistance under chapter 35 of this title within one year of the date that the Secretary makes the rating decision;

''(B) claims such educational assistance for pursuit of an approved program of education during a period preceding the one-year period ending on the date on which the application was received by the Secretary; and

''(C) would have been entitled to such educational assistance for such course pursuit if the individual had submitted such an application on the individual's eligibility date.

''(3) In this subsection:

''(A) The term 'eligibility date' means the date on which an individual becomes an eligible person.

''(B) The term 'eligible person' has the meaning given that term under section 3501(a)(1) of this title under subparagraph (A)(i), (A)(ii), (B), or (D) of such section by reason of either (i) the service-connected death or (ii) service-connected total disability permanent in nature of the veteran from whom such eligibility is derived.

''(C) The term 'initial rating decision' means with respect to an eligible person a decision made by the Secretary that establishes (i) service connection for such veteran's death or (ii) the existence of such veteran's service-connected total disability permanent in nature, as the case may be.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to applications first made under section 3513 of title 38, United States Code, that—

(1) are received on or after the date of the enactment of this Act; or

(2) on the date of the enactment of this Act, are pending (A) with the Secretary of Veterans Affairs, or (B) exhaustion of available administrative and judicial remedies.

SEC. 114. AVAILABILITY UNDER SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE OF PREPARATORY COURSES FOR COLLEGE AND GRADUATE SCHOOL ENTRANCE EXAMS.

(a) IN GENERAL.—Section 3501(a)(5) is amended by adding at the end the following new sentence: ''Such term also includes any preparatory course described in section 3002(3)(B) of this title.''.

(b) SCOPE OF AVAILABILITY.—Section 3512(a) is amended—

(1) by striking ''and'' at the end of clause (5);

(2) by striking the period at the end of clause (6) and inserting ''; and''; and

(3) by adding at the end the following:

''(7) if the person is pursuing a preparatory course described in section 3002(3)(B) of this title, such period may begin on the date that is the first day of such course pursuit, notwithstanding that such date may be before the person's eighteenth birthday, except that in no case may such person be afforded educational assistance under this chapter for pursuit of secondary schooling unless such course pursuit would otherwise be authorized under this subsection.''.

Subtitle C—General Educational Assistance

SEC. 121. REVISION OF EDUCATIONAL ASSISTANCE INTERVAL PAYMENT REQUIREMENTS.

(a) IN GENERAL.—Subclause (C) of the third sentence of section 3680(a) is amended to read as follows:

''(C) during periods between school terms where the educational institution certifies the enrollment of the eligible veteran or eligible person on an individual term basis if (i) the period between those terms does not exceed eight weeks, and (ii) both the terms preceding and following the period are not shorter in length than the period.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to payments of educational assistance under title 38, United States Code, for months beginning on or after the date of the enactment of this Act.

SEC. 122. AVAILABILITY OF EDUCATION BENEFITS FOR PAYMENT FOR LICENSING OR CERTIFICATION TESTS.

(a) IN GENERAL.—Sections 3452(b) and 3501(a)(5) (as amended by section 114(a)) are

each amended by adding at the end the following new sentence: ''Such term also includes licensing or certification tests, the successful completion of which demonstrates an individual's possession of the knowledge or skill required to enter into, maintain, or advance in employment in a predetermined and identified vocation or profession, provided such tests and the licensing or credentialing organizations or entities that offer such tests are approved by the Secretary in accordance with section 3689 of this title.''.

(b) AMOUNT OF PAYMENT.—

(1) CHAPTER 30.—Section 3032 is amended by adding at the end the following new subsection:

''(f)(1) Subject to paragraph (3), the amount of educational assistance payable under this chapter for a licensing or certification test described in section 3452(b) of this title is the lesser of $2,000 or the fee charged for the test.

''(2) The number of months of entitlement charged in the case of any individual for such licensing or certification test is equal to the number (including any fraction) determined by dividing the total amount of educational assistance paid such individual for such test by the full-time monthly institutional rate of educational assistance which, except for paragraph (1), such individual would otherwise be paid under subsection (a)(1), (b)(1), (d), or (e)(1) of section 3015 of this title, as the case may be.

''(3) In no event shall payment of educational assistance under this subsection for such a test exceed the amount of the individual's available entitlement under this chapter.''.

(2) CHAPTER 32.—Section 3232 is amended by adding at the end the following new subsection:

''(c)(1) Subject to paragraph (3), the amount of educational assistance payable under this chapter for a licensing or certification test described in section 3452(b) of this title is the lesser of $2,000 or the fee charged for the test.

''(2) The number of months of entitlement charged in the case of any individual for such licensing or certification test is equal to the number (including any fraction) determined by dividing the total amount paid to such individual for such test by the full-time monthly institutional rate of the educational assistance allowance which, except for paragraph (1), such individual would otherwise be paid under this chapter.

''(3) In no event shall payment of educational assistance under this subsection for such a test exceed the amount of the individual's available entitlement under this chapter.''.

(3) CHAPTER 34.—Section 3482 is amended by adding at the end the following new subsection:

''(h)(1) Subject to paragraph (3), the amount of educational assistance payable under this chapter for a licensing or certification test described in section 3452(b) of this title is the lesser of $2,000 or the fee charged for the test.

''(2) The number of months of entitlement charged in the case of any individual for such licensing or certification test is equal to the number (including any fraction) determined by dividing the total amount paid to such individual for such test by the full-time monthly institutional rate of the educational assistance allowance which, except for paragraph (1), such individual would otherwise be paid under this chapter.

''(3) In no event shall payment of educational assistance under this subsection for such a test exceed the amount of the individual's available entitlement under this chapter.''.

(4) CHAPTER 35.—Section 3532 is amended by adding at the end the following new subsection:

''(f)(1) Subject to paragraph (3), the amount of educational assistance payable under this chapter for a licensing or certification test described in section 3501(a)(5) of this title is the lesser of $2,000 or the fee charged for the test.

''(2) The number of months of entitlement charged in the case of any individual for such licensing or certification test is equal to the number (including any fraction) determined by dividing the total amount paid to such individual for such test by the full-time monthly institutional rate of the educational assistance allowance which, except for paragraph (1), such individual would otherwise be paid under this chapter.

''(3) In no event shall payment of educational assistance under this subsection for such a test exceed the amount of the individual's available entitlement under this chapter.''.

(c) REQUIREMENTS FOR LICENSING AND CREDENTIALING TESTING.—(1) Chapter 36 is amended by inserting after section 3688 the following new section:

''§3689. Approval requirements for licensing and certification testing

''(a) IN GENERAL.—(1) No payment may be made for a licensing or certification test described in section 3452(b) or 3501(a)(5) of this title unless the Secretary determines that the requirements of this section have been met with respect to such test and the organization or entity offering the test. The requirements of approval for tests and organizations or entities offering tests shall be in accordance with the provisions of this chapter and chapters 30, 32, 34, and 35 of this title and with regulations prescribed by the Secretary to carry out this section.

''(2) To the extent that the Secretary determines practicable, State approving agencies may, in lieu of the Secretary, approve licensing and certification tests, and organizations and entities offering such tests, under this section.

''(b) REQUIREMENTS FOR TESTS.—(1) Subject to paragraph (2), a licensing or certification test is approved for purposes of this section only if—

''(A) the test is required under Federal, State, or local law or regulation for an individual to enter into, maintain, or advance in employment in a predetermined and identified vocation or profession; or

''(B) the Secretary determines that the test is generally accepted, in accordance with relevant government, business, or industry standards, employment policies, or hiring practices, as attesting to a level of knowledge or skill required to qualify to enter into, maintain, or advance in employment in a predetermined and identified vocation or profession.

''(2) A licensing or certification test offered by a State, or a political subdivision of a State, is deemed approved by the Secretary for purposes of this section.

''(c) REQUIREMENTS FOR ORGANIZATIONS OR ENTITIES OFFERING TESTS.—(1) Each organization or entity that is not an entity of the United States, a State, or political subdivision of a State, that offers a licensing or certification test for which payment may be made under chapter 30, 32, 34, or 35 of this title and that meets the following requirements, shall be approved by the Secretary to offer such test:

''(A) The organization or entity certifies to the Secretary that the licensing or certification test offered by the organization or entity is generally accepted, in accordance with relevant government, business, or industry standards, employment policies, or hiring practices, as attesting to a level of knowledge or skill required to qualify to enter into, maintain, or advance in employment in a predetermined and identified vocation or profession.

''(B) The organization or entity is licensed, chartered, or incorporated in a State and has offered the test for a minimum of two years before the date on which the organization or entity first submits to the Secretary an application for approval under this section.

''(C) The organization or entity employs, or consults with, individuals with expertise or substantial experience with respect to all areas of knowledge or skill that are measured by the test and that are required for the license or certificate issued.

''(D) The organization or entity has no direct financial interest in—

''(i) the outcome of the test; or

''(ii) organizations that provide the education or training of candidates for licenses or certificates required for vocations or professions.

''(E) The organization or entity maintains appropriate records with respect to all candidates who take the test for a period prescribed by the Secretary, but in no case for a period of less than three years.

''(F)(i) The organization or entity promptly issues notice of the results of the test to the candidate for the license or certificate.

''(ii) The organization or entity has in place a process to review complaints submitted against the organization or entity with respect to the test or the process for obtaining a license or certificate required for vocations or professions.

''(G) The organization or entity furnishes to the Secretary such information with respect to the test as the Secretary requires to determine whether payment may be made for the test under chapter 30, 32, 34, or 35 of this title, including personal identifying information, fee payment, and test results. Such information shall be furnished in the form prescribed by the Secretary.

''(H) The organization or entity furnishes to the Secretary the following information:

''(i) A description of the licensing or certification test offered by the organization or entity, including the purpose of the test, the vocational, professional, governmental, and other entities that recognize the test, and the license of certificate issued upon successful completion of the test.

''(ii) The requirements to take the test, including the amount of the fee charged for the test and any prerequisite education, training, skills, or other certification.

''(iii) The period for which the license or certificate awarded upon successful completion of the test is valid, and the requirements for maintaining or renewing the license or certificate.

''(I) Upon request of the Secretary, the organization or entity furnishes such information to the Secretary that the Secretary determines necessary to perform an assessment of—

''(i) the test conducted by the organization or entity as compared to the level of knowledge or skills that a license or certificate attests; and

''(ii) the applicability of the test over such periods of time as the Secretary determines appropriate.

''(2) With respect to each organization or entity that is an entity of the United States, a State, or political subdivision of a State, that offers a licensing or certification test for which payment may be made under 30, 32, 34, or 35 of this title, the following provisions of paragraph (1) shall apply to the entity: subparagraphs (E), (F), (G), and (H).

''(d) ADMINISTRATION.—Except as otherwise specifically provided in this section or chapter 30, 32, 34, or 35 of this title, in implementing this section and making payment under any such chapter for a licensing or certification test, the test is deemed to be a 'course' and the organization or entity that offers such test is deemed to be an 'institution' or 'educational institution', respectively, as those terms are applied under and for purposes of sections 3671, 3673, 3674, 3678, 3679, 3681, 3682, 3683, 3685, 3690, and 3696 of this title.

''(e) PROFESSIONAL CERTIFICATION AND LICENSURE ADVISORY COMMITTEE.—(1) There is established within the Department a committee to be known as the Professional Certification and Licensure Advisory Committee (hereinafter in this section referred to as the 'Committee').

''(2) The Committee shall advise the Secretary with respect to the requirements of organizations or entities offering licensing and certification tests to individuals for which payment for such tests may be made under chapter 30, 32, 34, or 35 of this title, and such other related issues as the Committee determines to be appropriate.

''(3)(A) The Secretary shall appoint seven individuals with expertise in matters relating to licensing and certification tests to serve as members of the Committee.

''(B) The Secretary of Labor and the Secretary of Defense shall serve as ex officio members of the Committee.

''(C) A vacancy in the Committee shall be filled in the manner in which the original appointment was made.

''(4)(A) The Secretary shall appoint the chairman of the Committee.

''(B) The Committee shall meet at the call of the chairman.

''(5) The Committee shall terminate December 31, 2006.''.

(2) The table of sections at the beginning of chapter 36 is amended by inserting after the item relating to section 3688 the following new item:

''3689. Approval requirements for licensing and certification testing.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on March 1, 2001, and shall apply with respect to licensing and certification tests approved by the Secretary on Veterans Affairs on or after such date.

(e) STARTUP FUNDING.—From amounts appropriated to the Department of Veterans Affairs for fiscal year 2001 for readjustment benefits, the Secretary of Veterans Affairs shall use an amount not to exceed $3,000,000 to develop the systems and procedures required to make payments under chapters 30, 32, 34, and 35 of title 38, United States Code, for licensing and certification tests.

SEC. 123. INCREASE FOR FISCAL YEARS 2001 AND 2002 IN AGGREGATE ANNUAL AMOUNT AVAILABLE FOR STATE APPROVING AGENCIES FOR ADMINISTRATIVE EXPENSES.

Section 3674(a)(4) is amended—

(1) in the first sentence, by inserting ''or, for each of fiscal years 2001 and 2002, $14,000,000'' after ''$13,000,000''; and

(2) in the second sentence, by striking ''$13,000,000'' both places it appears and inserting ''the amount applicable to that fiscal year under the preceding sentence''.

TITLE II—HEALTH PROVISIONS

Subtitle A—Personnel Matters

SEC. 201. ANNUAL NATIONAL PAY COMPARABILITY ADJUSTMENT FOR NURSES EMPLOYED BY DEPARTMENT OF VETERANS AFFAIRS.

(a) REVISED PAY ADJUSTMENT PROCEDURES.—(1) Subsection (d) of section 7451 is amended—

(A) in paragraph (1)—

(i) by striking ''The rates'' and inserting ''Subject to subsection (e), the rates''; and

(ii) in subparagraph (A)—

(I) by striking ''section 5305'' and inserting ''section 5303''; and

(II) by inserting ''and to be by the same percentage'' after ''to have the same effective date'';

(B) in paragraph (2), by striking ''Such'' in the second sentence and inserting ''Except as provided in paragraph (1)(A), such'';

(C) in paragraph (3)(B)—

(i) by inserting after the first sentence the following new sentence: ''To the extent practicable, the director shall use third-party industry wage surveys to meet the requirements of the preceding sentence.'';

(ii) by inserting before the penultimate sentence the following new sentence: ''To the extent practicable, all surveys conducted pursuant to this subparagraph or subparagraph (A) shall include the collection of salary midpoints, actual salaries, lowest and highest salaries, average salaries, bonuses, incentive pays, differential pays, actual beginning rates of pay, and such other information needed to meet the purpose of this section.''; and

(iii) in the penultimate sentence, by inserting ''or published'' after ''completed''; and

(D) by striking clause (iii) of paragraph (3)(C).

(2) Subsection (e) of such section is amended to read as follows:

''(e)(1) An adjustment in a rate of basic pay under subsection (d) may not reduce the rate of basic pay applicable to any grade of a covered position.

''(2) The director of a Department health-care facility, in determining whether to carry out a wage survey under subsection (d)(3) with respect to rates of basic pay for a grade of a covered position, may not consider as a factor in such determination the absence of a current recruitment or retention problem for personnel in that grade of that position. The director shall make such a determination based upon whether, in accordance with criteria established by the Secretary, there is a significant pay-related staffing problem at that facility in any grade for a position. If the director determines that there is such a problem, or that such a problem is likely to exist in the near future, the Director shall provide for a wage survey in accordance with subsection (d)(3).

''(3) The Under Secretary for Health may, to the extent necessary to carry out the purposes of subsection (d), modify any determination made by the director of a Department health-care facility with respect to adjusting the rates of basic pay applicable to covered positions. If the determination of the director would result in an adjustment in rates of basic pay applicable to covered positions, any action by the Under Secretary under the preceding sentence shall be made before the effective date of such pay adjustment. Upon such action by the Under Secretary, any adjustment shall take effect on the first day of the first pay period beginning after such action. The Secretary shall ensure that the Under Secretary establishes a mechanism for the timely exercise of the authority in this paragraph.

''(4) Each director of a Department health-care facility shall provide to the Secretary, not later than July 31 each year, a report on staffing for covered positions at that facility. The report shall include the following:

''(A) Information on turnover rates and vacancy rates for each grade in a covered position, including a comparison of those rates with the rates for the preceding three years.

''(B) The director's findings concerning the review and evaluation of the facility's staffing situation, including whether there is, or is likely to be, in accordance with criteria established by the Secretary, a significant pay-related staffing problem at that facility for any grade of a covered position and, if so, whether a wage survey was conducted, or will be conducted with respect to that grade.

''(C) In any case in which the director conducts such a wage survey during the period covered by the report, information describing the survey and any actions taken or not taken based on the survey, and the reasons for taking (or not taking) such actions.

''(D) In any case in which the director, after finding that there is, or is likely to be, in accordance with criteria established by the Secretary, a significant pay-related staffing problem at that facility for any grade of a covered position, determines not to conduct a wage survey with respect to that position, a statement of the reasons why the director did not conduct such a survey.

''(5) Not later than September 30 of each year, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on staffing for covered positions at Department health care facilities. Each such report shall include the following:

''(A) A summary and analysis of the information contained in the most recent reports submitted by facility directors under paragraph (4).

''(B) The information for each such facility specified in paragraph (4).''.

(3) Subsection (f) of such section is amended—

(A) by striking ''February 1 of 1991, 1992, and 1993'' and inserting ''March 1 of each year''; and

(B) by striking ''subsection (d)(1)(A)'' and inserting ''subsection (d)''.

(4) Such section is further amended by striking subsection (g) and redesignating subsection (h) as subsection (g).

(b) REQUIRED CONSULTATIONS WITH NURSES.—(1) Subchapter II of chapter 73 is further amended by adding at the end the following new section:

''§ 7323. Required consultations with nurses

''The Under Secretary for Health shall ensure that—

''(1) the director of a geographic service area, in formulating policy relating to the provision of patient care, shall consult regularly with a senior nurse executive or senior nurse executives; and

''(2) the director of a medical center shall include a registered nurse as a member of any committee used at that medical center to provide recommendations or decisions on medical center operations or policy affecting clinical services, clinical outcomes, budget, or resources.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7322 the following new item:

''7323. Required consultations with nurses.''.

SEC. 202. SPECIAL PAY FOR DENTISTS.

(a) FULL-TIME STATUS PAY.—Paragraph (1) of section 7435(b) is amended by striking ''$3,500'' and inserting ''$9,000''.

(b) TENURE PAY.—The table in paragraph (2)(A) of that section is amended to read as follows:

''Length of Service	Rate	
	Minimum	Maximum
1 year but less than 2 years	$1,000	$2,000
2 years but less than 4 years	4,000	5,000
4 years but less than 8 years	5,000	8,000
8 years but less than 12 years	8,000	12,000
12 years but less than 20 years	12,000	15,000
20 years or more	15,000	18,000.''.

(c) SCARCE SPECIALTY PAY.—Paragraph (3)(A) of that section is amended by striking ''$20,000'' and inserting ''$30,000''.

(d) RESPONSIBILITY PAY.—(1) The table in paragraph (4)(A) of that section is amended to read as follows:

''Position	Rate	
	Minimum	Maximum
Chief of Staff or in an Executive Grade	$14,500	$25,000
Director Grade	0	25,000
Service Chief (or in a comparable position as determined by the Secretary)	4,500	15,000.''.

(2) The table in paragraph (4)(B) of that section is amended to read as follows:

''Position	Rate
Deputy Service Director	$20,000

''Position	Rate
Service Director	25,000
Deputy Assistant Under Secretary for Health	27,500
Assistant Under Secretary for Health (or in a comparable position as determined by the Secretary)	30,000.''.

(e) GEOGRAPHIC PAY.—Paragraph (6) of that section is amended by striking ''$5,000'' and inserting ''$12,000''.

(f) SPECIAL PAY FOR POST-GRADUATE TRAINING.—Such section is further amended by adding at the end the following new paragraph:

''(8) For a dentist who has successfully completed a post-graduate year of hospital-based training in a program accredited by the American Dental Association, an annual rate of $2,000 for each of the first two years of service after successful completion of that training.''.

(g) CREDITING OF INCREASED TENURE PAY FOR CIVIL SERVICE RETIREMENT.—Section 7438(b) is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following new paragraph (5):

''(5) Notwithstanding paragraphs (1) and (2), a dentist employed as a dentist in the Veterans Health Administration on the date of the enactment of the Veterans Benefits and Health Care Improvement Act of 2000 shall be entitled to have special pay paid to the dentist under section 7435(b)(2)(A) of this title (referred to as 'tenure pay') considered basic pay for the purposes of chapter 83 or 84, as appropriate, of title 5 only as follows:

''(A) In an amount equal to the amount that would have been so considered under such section on the day before such date based on the rates of special pay the dentist was entitled to receive under that section on the day before such date.

''(B) With respect to any amount of special pay received under that section in excess of the amount such dentist was entitled to receive under such section on the day before such date, in an amount equal to 25 percent of such excess amount for each two years that the physician or dentist has completed as a physician or dentist in the Veterans Health Administration after such date.''.

(h) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to agreements entered into by dentists under subchapter III of chapter 74 of title 38, United States Code, on or after the date of the enactment of this Act.

(i) TRANSITION.—In the case of an agreement entered into by a dentist under subchapter III of chapter 74 of title 38, United States Code, before the date of the enactment of this Act that expires after that date, the Secretary of Veterans Affairs and the dentist concerned may agree to terminate that agreement as of the date of the enactment of this Act in order to permit a new agreement in accordance with section 7435 of such title, as amended by this section, to take effect as of that date.

SEC. 203. EXEMPTION FOR PHARMACISTS FROM CEILING ON SPECIAL SALARY RATES.

Section 7455(c)(1) is amended by inserting '', pharmacists,'' after ''anesthetists''.

SEC. 204. TEMPORARY FULL-TIME APPOINTMENTS OF CERTAIN MEDICAL PERSONNEL.

(a) PHYSICIAN ASSISTANTS AWAITING CERTIFICATION OR LICENSURE.—Paragraph (2) of section 7405(c) is amended to read as follows:

''(2) A temporary full-time appointment may not be made for a period in excess of two years in the case of a person who—

''(A) has successfully completed—

''(i) a full course of nursing in a recognized school of nursing, approved by the Secretary; or

''(ii) a full course of training for any category of personnel described in paragraph (3) of section 7401 of this title, or as a physician assistant, in a recognized education or training institution approved by the Secretary; and

''(B) is pending registration or licensure in a State or certification by a national board recognized by the Secretary.''.

(b) MEDICAL SUPPORT PERSONNEL.—That section is further amended—

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

(2) by inserting after paragraph (2) the following new paragraph (3):

''(3)(A) Temporary full-time appointments of persons in positions referred to in subsection (a)(1)(D) shall not exceed three years.

''(B) Temporary full-time appointments under this paragraph may be renewed for one or more additional periods not in excess of three years each.''.

SEC. 205. QUALIFICATIONS OF SOCIAL WORKERS.

Section 7402(b)(9) is amended by striking ''a person must'' and all that follows and inserting ''a person must—

''(A) hold a master's degree in social work from a college or university approved by the Secretary; and

''(B) be licensed or certified to independently practice social work in a State, except that the Secretary may waive the requirement of licensure or certification for an individual social worker for a reasonable period of time recommended by the Under Secretary for Health.''.

SEC. 206. PHYSICIAN ASSISTANT ADVISER TO UNDER SECRETARY FOR HEALTH.

Section 7306(a) is amended—

(1) by redesignating paragraph (9) as paragraph (10); and

(2) by inserting after paragraph (8) the following new paragraph (9):

''(9) The Advisor on Physician Assistants, who shall be a physician assistant with appropriate experience and who shall advise the Under Secretary for Health on all matters relating to the utilization and employment of physician assistants in the Administration.''.

SEC. 207. EXTENSION OF VOLUNTARY SEPARATION INCENTIVE PAYMENTS.

The Department of Veterans Affairs Employment Reduction Assistance Act of 1999 (title XI of Public Law 106–117; 5 U.S.C. 5597 note) is amended as follows:

(1) Section 1102(c) is amended to read as follows:

''(c) LIMITATION.—The plan under subsection (a) shall be limited to a total of 7,734 positions within the Department, allocated among the elements of the Department as follows:

''(1) The Veterans Health Administration, 6,800 positions.

''(2) The Veterans Benefits Administration, 740 positions.

''(3) Department of Veterans Affairs Staff Offices, 156 positions.

''(4) The National Cemetery Administration, 38 positions.''.

(2) Section 1105(a) is amended by striking ''26 percent'' and inserting ''15 percent''.

(3) Section 1109(a) is amended by striking ''December 31, 2000'' and inserting ''December 31, 2002''.

Subtitle B—Military Service Issues

SEC. 211. FINDINGS AND SENSE OF CONGRESS CONCERNING USE OF MILITARY HISTORIES OF VETERANS IN DEPARTMENT OF VETERANS AFFAIRS HEALTH CARE.

(a) FINDINGS.—Congress makes the following findings:

(1) Pertinent military experiences and exposures may affect the health status of Department of Veterans Affairs patients who are veterans.

(2) The Department of Veterans Affairs has begun to implement a Veterans Health Initiative to develop systems to ensure that both patient care and medical education in the Veterans Health Administration are specific to the special needs of veterans and should be encouraged to continue these efforts.

(3) Protocols eliciting pertinent information relating to the military history of veterans may be beneficial to understanding certain conditions for which veterans may be at risk and thereby facilitate the treatment of veterans for those conditions.

(4) The Department of Veterans Affairs is in the process of developing a Computerized Patient Record System that offers the potential to aid in the care and monitoring of such conditions.

(b) SENSE OF CONGRESS.—Congress—

(1) urges the Secretary of Veterans Affairs to assess the feasibility and desirability of using a computer-based system to conduct clinical evaluations relevant to military experiences and exposures; and

(2) recommends that the Secretary accelerate efforts within the Department of Veterans Affairs to ensure that relevant military histories of veterans are included in Department medical records.

SEC. 212. STUDY OF POST-TRAUMATIC STRESS DISORDER IN VIETNAM VETERANS.

(a) STUDY ON POST-TRAUMATIC STRESS DISORDER.—Not later than 10 months after the date of the enactment of this Act, the Secretary of Veterans Affairs shall enter into a contract with an appropriate entity to carry out a study on post-traumatic stress disorder.

(b) FOLLOW-UP STUDY.—The contract under subsection (a) shall provide for a follow-up study to the study conducted in accordance with section 102 of the Veterans Health Care Amendments of 1983 (Public Law 98–160). Such follow-up study shall use the data base and sample of the previous study.

(c) INFORMATION TO BE INCLUDED.—The study conducted pursuant to this section shall be designed to yield information on—

(1) the long-term course of post-traumatic stress disorder;

(2) any long-term medical consequences of post-traumatic stress disorder;

(3) whether particular subgroups of veterans are at greater risk of chronic or more severe problems with such disorder; and

(4) the services used by veterans who have post-traumatic stress disorder and the effect of those services on the course of the disorder.

(d) REPORT.—The Secretary shall submit to the Committees of Veterans' Affairs of the Senate and House of Representatives a report on the results of the study under this section. The report shall be submitted no later than October 1, 2004.

Subtitle C—Medical Administration

SEC. 221. DEPARTMENT OF VETERANS AFFAIRS FISHER HOUSES.

(a) AUTHORITY.—Subchapter I of chapter 17 is amended by adding at the end the following new section:

''§ 1708. Temporary lodging

''(a) The Secretary may furnish persons described in subsection (b) with temporary lodging in a Fisher house or other appropriate facility in connection with the examination, treatment, or care of a veteran under this chapter or, as provided for under subsection (e)(5), in connection with benefits administered under this title.

''(b) Persons to whom the Secretary may provide lodging under subsection (a) are the following:

''(1) A veteran who must travel a significant distance to receive care or services under this title.

''(2) A member of the family of a veteran and others who accompany a veteran and provide

the equivalent of familial support for such veteran.

''(c) In this section, the term 'Fisher house' means a housing facility that—

''(1) is located at, or in proximity to, a Department medical facility;

''(2) is available for residential use on a temporary basis by patients of that facility and others described in subsection (b)(2); and

''(3) is constructed by, and donated to the Secretary by, the Zachary and Elizabeth M. Fisher Armed Services Foundation.

''(d) The Secretary may establish charges for providing lodging under this section. The proceeds from such charges shall be credited to the medical care account and shall be available until expended for the purposes of providing such lodging.

''(e) The Secretary shall prescribe regulations to carry out this section. Such regulations shall include provisions—

''(1) limiting the duration of lodging provided under this section;

''(2) establishing standards and criteria under which charges are established for such lodging under subsection (d);

''(3) establishing criteria for persons considered to be accompanying a veteran under subsection (b)(2);

''(4) establishing criteria for the use of the premises of temporary lodging facilities under this section; and

''(5) establishing any other limitations, conditions, and priorities that the Secretary considers appropriate with respect to lodging under this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1707 the following new item:

''1708. Temporary lodging.''.

SEC. 222. EXCEPTION TO RECAPTURE RULE.

Section 8136 is amended—

(1) by inserting ''(a)'' at the beginning of the text of the section; and

(2) by adding at the end the following new subsection:

''(b) The establishment and operation by the Secretary of an outpatient clinic in facilities described in subsection (a) shall not constitute grounds entitling the United States to any recovery under that subsection.''.

SEC. 223. SENSE OF CONGRESS CONCERNING COOPERATION BETWEEN THE DEPARTMENT OF VETERANS AFFAIRS AND THE DEPARTMENT OF DEFENSE IN THE PROCUREMENT OF MEDICAL ITEMS.

(a) FINDINGS.—Congress makes the following findings:

(1) The procurement and distribution of medical items, including prescription drugs, is a multibillion-dollar annual business for both the Department of Defense and the Department of Veterans Affairs.

(2) Those departments prescribe common high-use drugs to many of their 12,000,000 patients who have similar medical profiles.

(3) The health care systems of those departments should have management systems that can share and communicate clinical and management information useful for both systems.

(4) The institutional barriers separating the two departments have begun to be overcome in the area of medical supplies, in part as a response to recommendations by the General Accounting Office and the Commission on Servicemembers and Veterans Transition Assistance.

(5) There is significant potential for improved savings and services by improving cooperation between the two departments in the procurement and management of prescription drugs, while remaining mindful that the two departments have different missions.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Department of Defense and the Department of Veterans Affairs should increase, to the maximum extent consistent with their respective missions, their level of cooperation in the procurement and management of prescription drugs.

SEC. 224. TECHNICAL AND CONFORMING CHANGES.

(a) REQUIREMENT TO PROVIDE CARE.—Section 1710A(a) is amended by inserting ''(subject to section 1710(a)(4) of this title)'' after ''Secretary'' the first place it appears.

(b) CONFORMING AMENDMENTS.—Section 1710(a)(4) is amended—

(1) by inserting ''the requirement in section 1710A(a) of this title that the Secretary provide nursing home care,'' after ''medical services,''; and

(2) by striking the comma after ''extended care services''.

(c) OUTPATIENT TREATMENT.—Section 201 of the Veterans Millennium Health Care and Benefits Act (Public Law 106–117; 113 Stat. 1561) is amended by adding at the end the following new subsection:

''(c) EFFECTIVE DATE.—The amendments made by subsection (b) shall apply with respect to medical services furnished under section 1710(a) of title 38, United States Code, on or after the effective date of the regulations prescribed by the Secretary of Veterans Affairs to establish the amounts required to be established under paragraphs (1) and (2) of section 1710(g) of that title, as amended by subsection (b).''.

(d) RATIFICATION.—Any action taken by the Secretary of Veterans Affairs under section 1710(g) of title 38, United States Code, during the period beginning on November 30, 1999, and ending on the date of the enactment of this Act is hereby ratified.

Subtitle D—Construction Authorization

SEC. 231. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECTS.

(a) FISCAL YEAR 2001 PROJECTS.—The Secretary of Veterans Affairs may carry out the following major medical facility projects, with each project to be carried out in an amount not to exceed the amount specified for that project:

(1) Construction of a 120-bed gero-psychiatric facility at the Department of Veterans Affairs Palo Alto Health Care System, Menlo Park Division, California, $26,600,000.

(2) Construction of a nursing home at the Department of Veterans Affairs Medical Center, Beckley, West Virginia, $9,500,000.

(3) Seismic corrections, clinical consolidation, and other improvements at the Department of Veterans Affairs Medical Center, Long Beach, California, $51,700,000.

(4) Construction of a utility plant and electrical vault at the Department of Veterans Affairs Medical Center, Miami, Florida, $23,600,000.

(b) ADDITIONAL FISCAL YEAR 2000 PROJECT.—The Secretary is authorized to carry out a project for the renovation of psychiatric nursing units at the Department of Veterans Affairs Medical Center, Murfreesboro, Tennessee, in an amount not to exceed $14,000,000.

SEC. 232. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Veterans Affairs for the Construction, Major Projects, account—

(1) for fiscal years 2001 and 2002, a total of $87,800,000 for the projects authorized in paragraphs (1), (2), and (3) of section 231(a);

(2) for fiscal year 2001, an additional amount of $23,600,000 for the project authorized in paragraph (4) of that section; and

(3) for fiscal year 2002, an additional amount of $14,500,000 for the project authorized in section 401(1) of the Veterans Millennium Health Care and Benefits Act (Public Law 106–117; 113 Stat. 1572).

(b) LIMITATION.—The projects authorized in section 231(a) may only be carried out using—

(1) funds appropriated for fiscal year 2001 or fiscal year 2002 (or, in the case of the project authorized in section 231(a)(4), for fiscal year 2001) pursuant to the authorization of appropriations in subsection (a);

(2) funds appropriated for Construction, Major Projects, for a fiscal year before fiscal year 2001 that remain available for obligation; and

(3) funds appropriated for Construction, Major Projects, for fiscal year 2001 or fiscal year 2002 (or, in the case of the project authorized in section 231(a)(4), for fiscal year 2001) for a category of activity not specific to a project.

(c) REVISION TO PRIOR LIMITATION.—Notwithstanding the limitation in section 403(b) of the Veterans Millennium Health Care and Benefits Act (Public Law 106–117; 113 Stat. 1573), the project referred to in subsection (a)(3) may be carried out using—

(1) funds appropriated for fiscal year 2002 pursuant to the authorization of appropriations in subsection (a)(3);

(2) funds appropriated for Construction, Major Projects, for fiscal year 2001 that remain available for obligation; and

(3) funds appropriated for Construction, Major Projects, for fiscal year 2001 or fiscal year 2002 for a category of activity not specific to a project.

Subtitle E—Real Property Matters

SEC. 241. CHANGE TO ENHANCED USE LEASE CONGRESSIONAL NOTIFICATION PERIOD.

Paragraph (2) of section 8163(c) is amended to read as follows:

''(2) The Secretary may not enter into an enhanced use lease until the end of the 90-day period beginning on the date of the submission of notice under paragraph (1).''.

SEC. 242. RELEASE OF REVERSIONARY INTEREST OF THE UNITED STATES IN CERTAIN REAL PROPERTY PREVIOUSLY CONVEYED TO THE STATE OF TENNESSEE.

(a) RELEASE OF INTEREST.—The Secretary of Veterans Affairs shall execute such legal instruments as necessary to release the reversionary interest of the United States described in subsection (b) in a certain parcel of real property conveyed to the State of Tennessee pursuant to the Act entitled ''An Act authorizing the transfer of certain property of the Veterans' Administration (in Johnson City, Tennessee) to the State of Tennessee'', approved June 6, 1953 (67 Stat. 54).

(b) SPECIFIED REVERSIONARY INTEREST.—Subsection (a) applies to the reversionary interest of the United States required under section 2 of the Act referred to in subsection (a), requiring use of the property conveyed pursuant to that Act to be primarily for training of the National Guard and for other military purposes.

(c) CONFORMING AMENDMENT.—Section 2 of such Act is repealed.

SEC. 243. DEMOLITION, ENVIRONMENTAL CLEANUP, AND REVERSION OF DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, ALLEN PARK, MICHIGAN.

(a) AUTHORITY.—(1) The Secretary of Veterans Affairs shall enter into a multiyear contract with the Ford Motor Land Development Corporation (hereinafter in this section referred to as the ''Corporation'') to undertake project management responsibility to—

(A) demolish the buildings and auxiliary structures comprising the Department of Veterans Affairs Medical Center, Allen Park, Michigan; and

(B) remediate the site of all hazardous material and environmental contaminants found on the site.

(2) The contract under paragraph (1) may be entered into notwithstanding sections 303 and 304 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253, 254). The contract shall be for a period specified in the contract not to exceed seven years.

(b) CONTRACT COST AND SOURCE OF FUNDING.—(1) The Secretary may expend no more than $14,000,000 for the contract required by subsection (a). The contract shall provide that all costs for the demolition and site remediation under the contract in excess of $14,000,000 shall be borne by the Corporation.

(2) Payments by the Secretary under the contract shall be made in annual increments of no more than $2,000,000, beginning with fiscal year 2001, for the duration of the contract. Such payments shall be made from the nonrecurring maintenance portion of the annual Department of Veterans Affairs medical care appropriation.

(3) Notwithstanding any other provision of law, the amount obligated upon the award of the contract may not exceed $2,000,000 and the amount obligated with respect to any succeeding fiscal year may not exceed $2,000,000. Any funds obligated for the contact shall be subject to the availability of appropriated funds.

(c) REVERSION OF PROPERTY.—Upon completion of the demolition and remediation project under the contract to the satisfaction of the Secretary, the Secretary shall, on behalf of the United States, formally abandon the Allen Park property (title to which will then revert in accordance with the terms of the 1937 deed conveying such property to the United States).

(d) FLAGPOLE AND MEMORIAL.—The contract under subsection (a) shall require that the Corporation shall erect and maintain on the property abandoned by the United States under subsection (c) a flagpole and suitable memorial identifying the property as the location of the former Allen Park Medical Center. The Secretary and the Corporation shall jointly determine the placement of the memorial and flagpole and the form of, and appropriate inscription on, the memorial.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions with regard to the contract with the Corporation under subsection (a) and with the reversion of the property under subsection (c) as the Secretary considers appropriate to protect the interest of the United States.

SEC. 244. CONVEYANCE OF CERTAIN PROPERTY AT THE CARL VINSON DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, DUBLIN, GEORGIA.

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

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

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

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

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

SEC. 245. LAND CONVEYANCE, MILES CITY DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER COMPLEX, MILES CITY, MONTANA.

(a) CONVEYANCE REQUIRED.—The Secretary of Veterans Affairs shall convey, without consideration, to Custer County, Montana (in this section referred to as the ''County''), all right, title, and interest of the United States in and to the parcels of real property consisting of the Miles City Department of Veterans Affairs Medical Center complex, which has served as a medical and support complex for the Department of Veterans Affairs in Miles City, Montana.

(b) TIMING OF CONVEYANCE.—The conveyance required by subsection (a) shall be made as soon as practicable after the date of the enactment of this Act.

(c) CONDITIONS OF CONVEYANCE.—The conveyance required by subsection (a) shall be subject to the condition that the County—

(1) use the parcels conveyed, whether directly or through an agreement with a public or private entity, for veterans activities, community and economic development, or such other public purposes as the County considers appropriate; or

(2) convey the parcels to an appropriate public or private entity for use for the purposes specified in paragraph (1).

(d) CONVEYANCE OF IMPROVEMENTS.—(1) As part of the conveyance required by subsection (a), the Secretary may also convey to the County any improvements, equipment, fixtures, and other personal property located on the parcels conveyed under that subsection that are not required by the Secretary.

(2) Any conveyance under this subsection shall be without consideration.

(e) USE PENDING CONVEYANCE.—Until such time as the real property to be conveyed under subsection (a) is conveyed by deed under this section, the Secretary may continue to lease the real property, together with any improvements thereon, under the terms and conditions of the current lease of the real property.

(f) MAINTENANCE PENDING CONVEYANCE.—The Secretary shall be responsible for maintaining the real property to be conveyed under subsection (a), and any improvements, equipment, fixtures, and other personal property to be conveyed under subsection (d), in its condition as of the date of the enactment of this Act until such time as the real property, and such improvements, equipment, fixtures, and other personal property are conveyed by deed under this section.

(g) LEGAL DESCRIPTION.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

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

SEC. 246. CONVEYANCE OF FORT LYON DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, COLORADO, TO THE STATE OF COLORADO.

(a) CONVEYANCE AUTHORIZED.—The Secretary of Veterans Affairs may convey, without consideration, to the State of Colorado all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 512 acres and comprising the Fort Lyon Department of Veterans Affairs Medical Center. The purpose of the conveyance is to permit the State of Colorado to use the property for purposes of a correctional facility.

(b) PUBLIC ACCESS.—(1) The Secretary may not make the conveyance of real property authorized by subsection (a) unless the State of Colorado agrees to provide appropriate public access to Kit Carson Chapel (located on that real property) and the cemetery located adjacent to that real property.

(2) The State of Colorado may satisfy the condition specified in paragraph (1) with respect to Kit Carson Chapel by relocating the chapel to Fort Lyon National Cemetery, Colorado, or another appropriate location approved by the Secretary.

(c) PLAN REGARDING CONVEYANCE.—(1) The Secretary may not make the conveyance authorized by subsection (a) before the date on which the Secretary implements a plan providing the following:

(A) Notwithstanding sections 1720(a)(3) and 1741 of title 38, United States Code, that veterans who are receiving inpatient or institutional long-term care at Fort Lyon Department of Veterans Affairs Medical Center as of the date of the enactment of this Act are provided appropriate inpatient or institutional long-term care under the same terms and conditions as such veterans are receiving inpatient or institutional long-term care as of that date.

(B) That the conveyance of the Fort Lyon Department of Veterans Affairs Medical Center does not result in a reduction of health care services available to veterans in the catchment area of the Medical Center.

(C) Improvements in veterans' overall access to health care in the catchment area through, for example, the opening of additional outpatient clinics.

(2) The Secretary shall prepare the plan referred to in paragraph (1) in consultation with appropriate representatives of veterans service organizations and other appropriate organizations.

(3) The Secretary shall publish a copy of the plan referred to in paragraph (1) before implementation of the plan.

(d) ENVIRONMENTAL RESTORATION.—The Secretary may not make the conveyance authorized by subsection (a) until the Secretary completes the evaluation and performance of any environmental restoration activities required by the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), and by any other provision of law.

(e) PERSONAL PROPERTY.—As part of the conveyance authorized by subsection (a), the Secretary may convey, without consideration, to the State of Colorado any furniture, fixtures, equipment, and other personal property associated with the property conveyed under that subsection that the Secretary determines is not required for purposes of the Department of Veterans Affairs health care facilities to be established by the Secretary in southern Colorado or for purposes of Fort Lyon National Cemetery.

(f) LEGAL DESCRIPTION.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. Any costs associated with the survey shall be borne by the State of Colorado.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such other terms and conditions in connection with the conveyances authorized by subsections (a) and (e) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 247. EFFECT OF CLOSURE OF FORT LYON DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER ON ADMINISTRATION OF HEALTH CARE FOR VETERANS.

(a) PAYMENT FOR NURSING HOME CARE.—Notwithstanding any limitation under section 1720 or 1741 of title 38, United States Code, the Secretary of Veterans Affairs may pay the State of Colorado, or any private nursing home care facility, for costs incurred in providing nursing home care to any veteran who is relocated from the Fort Lyon Department of Veterans Affairs Medical Center, Colorado, to a facility of the State of Colorado or such private facility, as the case may be, as a result of the closure of the Fort Lyon Department of Veterans Affairs Medical Center.

(b) OBLIGATION TO PROVIDE EXTENDED CARE SERVICES.—Nothing in section 246 or this section may be construed to alter or otherwise affect the obligation of the Secretary to meet the requirements of section 1710B(b) of title 38, United States Code, relating to staffing and levels of extended care services in fiscal years after fiscal year 1998.

(c) REPORT ON VETERANS HEALTH CARE IN SOUTHERN COLORADO.—Not later than one year after the conveyance, if any, authorized by section 246, the Under Secretary for Health of the Department of Veterans Affairs, acting through the Director of Veterans Integrated Service Network (VISN) 19, shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the status of the health care system for veterans under that Network in southern Colorado. The report shall describe any improvements to the system in southern Colorado that have been put into effect in the period beginning on the date of the conveyance and ending on the date of the report.

TITLE III—COMPENSATION, INSURANCE, HOUSING, EMPLOYMENT, AND MEMORIAL AFFAIRS PROVISIONS

Subtitle A—Compensation Program Changes

SEC. 301. STROKES AND HEART ATTACKS INCURRED OR AGGRAVATED BY MEMBERS OF RESERVE COMPONENTS IN THE PERFORMANCE OF DUTY WHILE PERFORMING INACTIVE DUTY TRAINING TO BE CONSIDERED TO BE SERVICE-CONNECTED.

(a) SCOPE OF TERM ''ACTIVE MILITARY, NAVAL, OR AIR SERVICE''.—Section 101(24) is amended to read as follows:

''(24) The term 'active military, naval, or air service' includes—

''(A) active duty;

''(B) any period of active duty for training during which the individual concerned was disabled or died from a disease or injury incurred or aggravated in line of duty; and

''(C) any period of inactive duty training during which the individual concerned was disabled or died—

''(i) from an injury incurred or aggravated in line of duty; or

''(ii) from an acute myocardial infarction, a cardiac arrest, or a cerebrovascular accident occurring during such training.''.

(b) TRAVEL TO OR FROM TRAINING DUTY.—Section 106(d) is amended—

(1) by inserting ''(1)'' after ''(d)'';

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(3) by inserting ''or covered disease'' after ''injury'' each place it appears;

(4) by designating the second sentence as paragraph (2);

(5) by designating the third sentence as paragraph (3); and

(6) by adding at the end the following new paragraph:

''(4) For purposes of this subsection, the term 'covered disease' means any of the following:

''(A) Acute myocardial infarction.

''(B) A cardiac arrest.

''(C) A cerebrovascular accident.''.

SEC. 302. SPECIAL MONTHLY COMPENSATION FOR WOMEN VETERANS WHO LOSE A BREAST AS A RESULT OF A SERVICE-CONNECTED DISABILITY.

Section 1114(k) is amended—

(1) by striking ''or has suffered'' and inserting ''has suffered''; and

(2) by inserting after ''air and bone conduction,'' the following: ''or, in the case of a woman veteran, has suffered the anatomical loss of one or both breasts (including loss by mastectomy),''.

SEC. 303. BENEFITS FOR PERSONS DISABLED BY PARTICIPATION IN COMPENSATED WORK THERAPY PROGRAM.

Section 1151(a)(2) is amended—

(1) by inserting ''(A)'' after ''proximately caused''; and

(2) by inserting before the period at the end the following: '', or (B) by participation in a program (known as a 'compensated work therapy program') under section 1718 of this title''.

SEC. 304. REVISION TO LIMITATION ON PAYMENTS OF BENEFITS TO INCOMPETENT INSTITUTIONALIZED VETERANS.

Section 5503(b)(1) is amended—

(1) in subparagraph (A)—

(A) by striking ''$1,500'' and inserting ''the amount equal to five times the section 1114(j) rate''; and

(B) by striking ''$500'' and inserting ''one-half that amount''; and

(2) by adding at the end the following new subparagraph:

''(D) For purposes of this paragraph, the term 'section 1114(j) rate' means the monthly rate of compensation in effect under section 1114(j) of this title for a veteran with a service-connected disability rated as total.''.

SEC. 305. REVIEW OF DOSE RECONSTRUCTION PROGRAM OF THE DEFENSE THREAT REDUCTION AGENCY.

(a) REVIEW BY NATIONAL ACADEMY OF SCIENCES.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with the National Academy of Sciences to carry out periodic reviews of the program of the Defense Threat Reduction Agency of the Department of Defense known as the ''dose reconstruction program''.

(b) REVIEW ACTIVITIES.—The periodic reviews of the dose reconstruction program under the contract under subsection (a) shall consist of the periodic selection of random samples of doses reconstructed by the Defense Threat Reduction Agency in order to determine—

(1) whether or not the reconstruction of the sampled doses is accurate;

(2) whether or not the reconstructed dosage number is accurately reported;

(3) whether or not the assumptions made regarding radiation exposure based upon the sampled doses are credible; and

(4) whether or not the data from nuclear tests used by the Defense Threat Reduction Agency as part of the reconstruction of the sampled doses is accurate.

(c) DURATION OF REVIEW.—The periodic reviews under the contract under subsection (a) shall occur over a period of 24 months.

(d) REPORT.—(1) Not later than 60 days after the conclusion of the period referred to in subsection (c), the National Academy of Sciences shall submit to Congress a report on its activities under the contract under this section.

(2) The report shall include the following:

(A) A detailed description of the activities of the National Academy of Sciences under the contract.

(B) Any recommendations that the National Academy of Sciences considers appropriate regarding a permanent system of review of the dose reconstruction program of the Defense Threat Reduction Agency.

Subtitle B—Life Insurance Matters

SEC. 311. PREMIUMS FOR TERM SERVICE DISABLED VETERANS' INSURANCE FOR VETERANS OLDER THAN AGE 70.

(a) CAP ON PREMIUMS.—Section 1922 is amended by adding at the end the following new subsection:

''(c) The premium rate of any term insurance issued under this section shall not exceed the renewal age 70 premium rate.''.

(b) REPORT.—Not later than September 30, 2001, the Secretary of Veterans Affairs shall submit to Congress a report setting forth a plan to liquidate the unfunded liability under the life insurance program under section 1922 of title 38, United States Code, not later than October 1, 2011.

SEC. 312. INCREASE IN AUTOMATIC MAXIMUM COVERAGE UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE AND VETERANS' GROUP LIFE INSURANCE.

(a) MAXIMUM UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE.—Section 1967 is amended in subsections (a), (c), and (d) by striking ''$200,000'' each place it appears and inserting ''$250,000''.

(b) MAXIMUM UNDER VETERANS' GROUP LIFE INSURANCE.—Section 1977(a) is amended by striking ''$200,000'' each place it appears and inserting ''$250,000''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first month that begins more than 120 days after the date of the enactment of this Act.

SEC. 313. ELIGIBILITY OF CERTAIN MEMBERS OF THE INDIVIDUAL READY RESERVE FOR SERVICEMEMBERS' GROUP LIFE INSURANCE.

(a) ELIGIBILITY.—Section 1965(5) is amended—

(1) by striking ''and'' at the end of subparagraph (B);

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B) the following new subparagraph (C):

''(C) a person who volunteers for assignment to a mobilization category in the Individual Ready Reserve, as defined in section 12304(i)(1) of title 10; and''.

(b) CONFORMING AMENDMENTS.—Sections 1967(a), 1968(a), and 1969(a)(2)(A) are amended by striking ''section 1965(5)(B) of this title'' each place it appears and inserting ''subparagraph (B) or (C) of section 1965(5) of this title''.

Subtitle C—Housing and Employment Programs

SEC. 321. ELIMINATION OF REDUCTION IN ASSISTANCE FOR SPECIALLY ADAPTED HOUSING FOR DISABLED VETERANS FOR VETERANS HAVING JOINT OWNERSHIP OF HOUSING UNITS.

Section 2102 is amended by adding at the end the following new subsection:

''(c) The amount of assistance afforded under subsection (a) for a veteran authorized assistance by section 2101(a) of this title shall not be reduced by reason that title to the housing unit, which is vested in the veteran, is also vested in any other person, if the veteran resides in the housing unit.''.

SEC. 322. VETERANS EMPLOYMENT EMPHASIS UNDER FEDERAL CONTRACTS FOR RECENTLY SEPARATED VETERANS.

(a) EMPLOYMENT EMPHASIS.—Subsection (a) of section 4212 is amended in the first sentence

by inserting ''recently separated veterans,'' after ''veterans of the Vietnam era,''.

(b) CONFORMING AMENDMENTS.—Subsection (d)(1) of that section is amended by inserting ''recently separated veterans,'' after ''veterans of the Vietnam era,'' each place it appears in subparagraphs (A) and (B).

(c) RECENTLY SEPARATED VETERAN DEFINED.—Section 4211 is amended by adding at the end the following new paragraph:

''(6) The term 'recently separated veteran' means any veteran during the one-year period beginning on the date of such veteran's discharge or release from active duty.''.

SEC. 323. EMPLOYERS REQUIRED TO GRANT LEAVE OF ABSENCE FOR EMPLOYEES TO PARTICIPATE IN HONOR GUARDS FOR FUNERALS OF VETERANS.

(a) DEFINITION OF SERVICE IN THE UNIFORMED SERVICES.—Section 4303(13) is amended—

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

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

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

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

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

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

Subtitle D—Cemeteries and Memorial Affairs

SEC. 331. ELIGIBILITY FOR INTERMENT OF CERTAIN FILIPINO VETERANS OF WORLD WAR II IN NATIONAL CEMETERIES.

(a) ELIGIBILITY OF CERTAIN COMMONWEALTH ARMY VETERANS.—Section 2402 is amended by adding at the end the following new paragraph:

''(8) Any individual whose service is described in section 107(a) of this title if such individual at the time of death—

''(A) was a citizen of the United States or an alien lawfully admitted for permanent residence in the United States; and

''(B) resided in the United States.''.

(b) CONFORMING AMENDMENT.—Section 107(a)(3) is amended to read as follows:

''(3) chapters 11, 13 (except section 1312(a)), 23, and 24 (to the extent provided for in section 2402(8)) of this title.''.

(c) APPLICABILITY.—The amendments made by this section shall apply with respect to deaths occurring on or after the date of the enactment of this Act.

SEC. 332. PAYMENT RATE OF CERTAIN BURIAL BENEFITS FOR CERTAIN FILIPINO VETERANS OF WORLD WAR II.

(a) PAYMENT RATE.—Section 107 is amended—

(1) in subsection (a), by striking ''Payments'' and inserting ''Subject to subsection (c), payments''; and

(2) by adding at the end the following new section:

''(c)(1) In the case of an individual described in paragraph (2), the second sentence of subsection (a) shall not apply.

''(2) Paragraph (1) applies to any individual whose service is described in subsection (a) and who dies after the date of the enactment of this subsection if the individual, on the individual's date of death—

''(A) is a citizen of, or an alien lawfully admitted for permanent residence in, the United States;

''(B) is residing in the United States; and

''(C) either—

''(i) is receiving compensation under chapter 11 of this title; or

''(ii) if the individual's service had been deemed to be active military, naval, or air service, would have been paid pension under section 1521 of this title without denial or discontinuance by reason of section 1522 of this title.''.

(b) APPLICABILITY.—No benefits shall accrue to any person for any period before the date of the enactment of this Act by reason of the amendments made by subsection (a).

SEC. 333. PLOT ALLOWANCE FOR BURIAL IN STATE VETERANS CEMETERIES.

(a) IN GENERAL.—Section 2303(b)(1)(A) is amended to read as follows: ''(A) is used solely for the interment of persons who are (i) eligible for burial in a national cemetery, and (ii) members of a reserve component of the Armed Forces not otherwise eligible for such burial or former members of such a reserve component not otherwise eligible for such burial who are discharged or released from service under conditions other than dishonorable, and''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to the burial of persons dying on or after the date of the enactment of this Act.

TITLE IV—OTHER MATTERS

SEC. 401. BENEFITS FOR THE CHILDREN OF WOMEN VIETNAM VETERANS WHO SUFFER FROM CERTAIN BIRTH DEFECTS.

(a) IN GENERAL.—Chapter 18 is amended by adding at the end the following new subchapter:

''SUBCHAPTER II—CHILDREN OF WOMEN VIETNAM VETERANS BORN WITH CERTAIN BIRTH DEFECTS

''§ 1811. Definitions

''In this subchapter:

''(1) The term 'eligible child' means an individual who—

''(A) is the child (as defined in section 1821(1) of this title) of a woman Vietnam veteran; and

''(B) was born with one or more covered birth defects.

''(2) The term 'covered birth defect' means a birth defect identified by the Secretary under section 1812 of this title.

''§ 1812. Covered birth defects

''(a) IDENTIFICATION.—The Secretary shall identify the birth defects of children of women Vietnam veterans that—

''(1) are associated with the service of those veterans in the Republic of Vietnam during the Vietnam era; and

''(2) result in permanent physical or mental disability.

''(b) LIMITATIONS.—(1) The birth defects identified under subsection (a) may not include birth defects resulting from the following:

''(A) A familial disorder.

''(B) A birth-related injury.

''(C) A fetal or neonatal infirmity with well-established causes.

''(2) In any case where affirmative evidence establishes that a covered birth defect of a child of a woman Vietnam veteran results from a cause other than the active military, naval, or air service of that veteran in the Republic of Vietnam during the Vietnam era, no benefits or assistance may be provided the child under this subchapter.

''§ 1813. Health care

''(a) NEEDED CARE.—The Secretary shall provide an eligible child such health care as the Secretary determines is needed by the child for that child's covered birth defects or any disability that is associated with those birth defects.

''(b) AUTHORITY FOR CARE TO BE PROVIDED DIRECTLY OR BY CONTRACT.—The Secretary may provide health care under this section directly or by contract or other arrangement with a health care provider.

''(c) DEFINITIONS.—For purposes of this section, the definitions in section 1803(c) of this title shall apply with respect to the provision of health care under this section, except that for such purposes—

''(1) the reference to 'specialized spina bifida clinic' in paragraph (2) of that section shall be treated as a reference to a specialized clinic treating the birth defect concerned under this section; and

''(2) the reference to 'vocational training under section 1804 of this title' in paragraph (8) of that section shall be treated as a reference to vocational training under section 1814 of this title.

''§ 1814. Vocational training

''(a) AUTHORITY.—The Secretary may provide a program of vocational training to an eligible child if the Secretary determines that the achievement of a vocational goal by the child is reasonably feasible.

''(b) APPLICABLE PROVISIONS.—Subsections (b) through (e) of section 1804 of this title shall apply with respect to any program of vocational training provided under subsection (a).

''§ 1815. Monetary allowance

''(a) MONETARY ALLOWANCE.—The Secretary shall pay a monthly allowance to any eligible child for any disability resulting from the covered birth defects of that child.

''(b) SCHEDULE FOR RATING DISABILITIES.—(1) The amount of the monthly allowance paid under this section shall be based on the degree of disability suffered by the child concerned, as determined in accordance with a schedule for rating disabilities resulting from covered birth defects that is prescribed by the Secretary.

''(2) In prescribing a schedule for rating disabilities for the purposes of this section, the Secretary shall establish four levels of disability upon which the amount of the allowance provided by this section shall be based. The levels of disability established may take into account functional limitations, including limitations on cognition, communication, motor abilities, activities of daily living, and employability.

''(c) AMOUNT OF MONTHLY ALLOWANCE.—The amount of the monthly allowance paid under this section shall be as follows:

''(1) In the case of a child suffering from the lowest level of disability prescribed in the schedule for rating disabilities under subsection (b), $100.

''(2) In the case of a child suffering from the lower intermediate level of disability prescribed in the schedule for rating disabilities under subsection (b), the greater of—

''(A) $214; or

''(B) the monthly amount payable under section 1805(b)(3) of this title for the lowest level of disability prescribed for purposes of that section.

''(3) In the case of a child suffering from the higher intermediate level of disability prescribed in the schedule for rating disabilities under subsection (b), the greater of—

''(A) $743; or

''(B) the monthly amount payable under section 1805(b)(3) of this title for the intermediate level of disability prescribed for purposes of that section.

''(4) In the case of a child suffering from the highest level of disability prescribed in the schedule for rating disabilities under subsection (b), the greater of—

''(A) $1,272; or

''(B) the monthly amount payable under section 1805(b)(3) of this title for the highest level

of disability prescribed for purposes of that section.

''(d) INDEXING TO SOCIAL SECURITY BENEFIT INCREASES.—Amounts under paragraphs (1), (2)(A), (3)(A), and (4)(A) of subsection (c) shall be subject to adjustment from time to time under section 5312 of this title.

''§ 1816. Regulations

''The Secretary shall prescribe regulations for purposes of the administration of this subchapter.''.

(b) CONSOLIDATION OF PROVISIONS APPLICABLE TO BOTH SUBCHAPTERS.—Chapter 18 is further amended by adding after subchapter II, as added by subsection (a), the following new subchapter:

''SUBCHAPTER III—GENERAL PROVISIONS

''§ 1821. Definitions

''In this chapter:

''(1) The term 'child' means an individual, regardless of age or marital status, who—

''(A) is the natural child of a Vietnam veteran; and

''(B) was conceived after the date on which that veteran first entered the Republic of Vietnam during the Vietnam era.

''(2) The term 'Vietnam veteran' means an individual who performed active military, naval, or air service in the Republic of Vietnam during the Vietnam era, without regard to the characterization of that individual's service.

''(3) The term 'Vietnam era' with respect to—

''(A) subchapter I of this chapter, means the period beginning on January 9, 1962, and ending on May 7, 1975; and

''(B) subchapter II of this chapter, means the period beginning on February 28, 1961, and ending on May 7, 1975.

''§ 1822. Applicability of certain administrative provisions

''(a) APPLICABILITY OF CERTAIN PROVISIONS RELATING TO COMPENSATION.—The provisions of this title specified in subsection (b) apply with respect to benefits and assistance under this chapter in the same manner as those provisions apply to compensation paid under chapter 11 of this title.

''(b) SPECIFIED PROVISIONS.—The provisions of this title referred to in subsection (a) are the following:

''(1) Section 5101(c).

''(2) Subsections (a), (b)(2), (g), and (i) of section 5110.

''(3) Section 5111.

''(4) Subsection (a) and paragraphs (1), (6), (9), and (10) of subsection (b) of section 5112.

''§ 1823. Treatment of receipt of monetary allowance and other benefits

''(a) COORDINATION WITH OTHER BENEFITS PAID TO THE RECIPIENT.—Notwithstanding any other provision of law, receipt by an individual of a monetary allowance under this chapter shall not impair, infringe, or otherwise affect the right of the individual to receive any other benefit to which the individual is otherwise entitled under any law administered by the Secretary.

''(b) COORDINATION WITH BENEFITS BASED ON RELATIONSHIP OF RECIPIENTS.—Notwithstanding any other provision of law, receipt by an individual of a monetary allowance under this chapter shall not impair, infringe, or otherwise affect the right of any other individual to receive any benefit to which such other individual is entitled under any law administered by the Secretary based on the relationship of such other individual to the individual who receives such monetary allowance.

''(c) MONETARY ALLOWANCE NOT TO BE CONSIDERED AS INCOME OR RESOURCES FOR CERTAIN PURPOSES.—Notwithstanding any other provision of law, a monetary allowance paid an individual under this chapter shall not be considered as income or resources in determining eligibility for, or the amount of benefits under, any Federal or federally assisted program.

''§ 1824. Nonduplication of benefits

''(a) MONETARY ALLOWANCE.—In the case of an eligible child under subchapter II of this chapter whose only covered birth defect is spina bifida, a monetary allowance shall be paid under subchapter I of this chapter. In the case of an eligible child under subchapter II of this chapter who has spina bifida and one or more additional covered birth defects, a monetary allowance shall be paid under subchapter II of this chapter.

''(b) VOCATIONAL REHABILITATION.—An individual may only be provided one program of vocational training under this chapter.''.

(c) REPEAL OF RECODIFIED PROVISIONS.—The following provisions are repealed:

(1) Section 1801.

(2) Subsections (c) and (d) of section 1805.

(3) Section 1806.

(d) DESIGNATION OF SUBCHAPTER I.—Chapter 18 is further amended by inserting before section 1802 the following:

''SUBCHAPTER I—CHILDREN OF VIETNAM VETERANS BORN WITH SPINA BIFIDA''.

(e) CONFORMING AMENDMENTS.—(1) Section 1802 is amended by striking ''this chapter'' and inserting ''this subchapter''.

(2) Section 1805(a) is amended by striking ''this chapter'' and inserting ''this section''.

(f) CLERICAL AMENDMENTS.—(1) The chapter heading of chapter 18 is amended to read as follows:

''CHAPTER 18—BENEFITS FOR CHILDREN OF VIETNAM VETERANS''.

(2) The tables of chapters before part I, and at the beginning of part II, are each amended by striking the item relating to chapter 18 and inserting the following new item:

''18. Benefits for Children of Vietnam Veterans ..... 1802''.

(3) The table of sections at the beginning of chapter 18 is amended—

(A) by inserting at the beginning the following:

''SUBCHAPTER I—CHILDREN OF VIETNAM VETERANS BORN WITH SPINA BIFIDA'';

(B) by striking the items relating to sections 1801 and 1806; and

(C) by adding at the end the following:

''SUBCHAPTER II—CHILDREN OF WOMEN VIETNAM VETERANS BORN WITH CERTAIN BIRTH DEFECTS

''1811. Definitions.
''1812. Covered birth defects.
''1813. Health care.
''1814. Vocational training.
''1815. Monetary allowance.
''1816. Regulations.

''SUBCHAPTER III—GENERAL PROVISIONS

''1821. Definitions.
''1822. Applicability of certain administrative provisions.
''1823. Treatment of receipt of monetary allowance and other benefits.
''1824. Nonduplication of benefits.''.

(g) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), the amendments made by this section shall take effect on the first day of the first month beginning more than one year after the date of the enactment of this Act.

(2) The Secretary of Veterans Affairs shall identify birth defects under section 1812 of title 38, United States Code (as added by subsection (a) of this section), and shall prescribe the regulations required by subchapter II of chapter 18 of that title (as so added), not later than the effective date specified in paragraph (1).

SEC. 402. EXTENSION OF CERTAIN EXPIRING AUTHORITIES.

(a) ENHANCED LOAN ASSET SALE AUTHORITY.—Section 3720(h)(2) is amended by striking ''December 31, 2002'' and inserting ''December 31, 2008''.

(b) HOME LOAN FEES.—Section 3729 is amended by striking everything after the section heading and inserting the following:

''(a) REQUIREMENT OF FEE.—(1) Except as provided in subsection (c), a fee shall be collected from each person obtaining a housing loan guaranteed, insured, or made under this chapter, and each person assuming a loan to which section 3714 of this title applies. No such loan may be guaranteed, insured, made, or assumed until the fee payable under this section has been remitted to the Secretary.

''(2) The fee may be included in the loan and paid from the proceeds thereof.

''(b) DETERMINATION OF FEE.—(1) The amount of the fee shall be determined from the loan fee table in paragraph (2). The fee is expressed as a percentage of the total amount of the loan guaranteed, insured, or made, or, in the case of a loan assumption, the unpaid principal balance of the loan on the date of the transfer of the property.

''(2) The loan fee table referred to in paragraph (1) is as follows:

''LOAN FEE TABLE

Type of loan	*Active duty veteran*	*Reservist*	*Other obligor*
(A)(i) Initial loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other initial loan described in section 3710(a) other than with 5-down or 10-down (closed before October 1, 2008)	*2.00*	*2.75*	*NA*

''LOAN FEE TABLE—Continued

Type of loan	Active duty veteran	Reservist	Other obligor
(A)(ii) Initial loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other initial loan described in section 3710(a) other than with 5-down or 10-down (closed on or after October 1, 2008)	1.25	2.00	NA
(B)(i) Subsequent loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other subsequent loan described in section 3710(a) (closed before October 1, 2008)	3.00	3.00	NA

''LOAN FEE TABLE—Continued

Type of loan	Active duty veteran	Reservist	Other obligor
(B)(ii) Subsequent loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other subsequent loan described in section 3710(a) (closed on or after October 1, 2008)	1.25	2.00	NA
(C)(i) Loan described in section 3710(a) to purchase or construct a dwelling with 5-down (closed before October 1, 2008)	1.50	2.25	NA
(C)(ii) Loan described in section 3710(a) to purchase or construct a dwelling with 5-down (closed on or after October 1, 2008)	.75	1.50	NA

''LOAN FEE TABLE—Continued

Type of loan	Active duty veteran	Reservist	Other obligor
(D)(i) Initial loan described in section 3710(a) to purchase or construct a dwelling with 10-down (closed before October 1, 2008)	1.25	2.00	NA
(D)(ii) Initial loan described in section 3710(a) to purchase or construct a dwelling with 10-down (closed on or after October 1, 2008)	.50	1.25	NA
(E) Interest rate reduction refinancing loan	0.50	0.50	NA
(F) Direct loan under section 3711	1.00	1.00	NA
(G) Manufactured home loan under section 3712 (other than an interest rate reduction refinancing loan)	1.00	1.00	NA

''LOAN FEE TABLE—Continued

Type of loan	Active duty veteran	Reservist	Other obligor
(H) Loan to Native American veteran under section 3762 (other than an interest rate reduction refinancing loan)	1.25	1.25	NA
(I) Loan assumption under section 3714	0.50	0.50	0.50
(J) Loan under section 3733(a) ..	2.25	2.25	2.25''.

''(3) Any reference to a section in the 'Type of loan' column in the loan fee table in paragraph (2) refers to a section of this title.

''(4) For the purposes of paragraph (2):

''(A) The term 'active duty veteran' means any veteran eligible for the benefits of this chapter other than a Reservist.

''(B) The term 'Reservist' means a veteran described in section 3701(b)(5)(A) of this title.

''(C) The term 'other obligor' means a person who is not a veteran, as defined in section 101 of this title or other provision of this chapter.

''(D) The term 'initial loan' means a loan to a veteran guaranteed under section 3710 or made under section 3711 of this title if the veteran has never obtained a loan guaranteed under section 3710 or made under section 3711 of this title.

''(E) The term 'subsequent loan' means a loan to a veteran, other than an interest rate reduction refinancing loan, guaranteed under section 3710 or made under section 3711 of this title if the veteran has previously obtained a loan guaranteed under section 3710 or made under section 3711 of this title.

''(F) The term 'interest rate reduction refinancing loan' means a loan described in section 3710(a)(8), 3710(a)(9)(B)(i), 3710(a)(11), 3712(a)(1)(F), or 3762(h) of this title.

''(G) The term '0-down' means a downpayment, if any, of less than 5 percent of the total purchase price or construction cost of the dwelling.

''(H) The term '5-down' means a downpayment of at least 5 percent or more, but less than 10 percent, of the total purchase price or construction cost of the dwelling.

''(I) The term '10-down' means a downpayment of 10 percent or more of the total purchase price or construction cost of the dwelling.

''(c) WAIVER OF FEE.—A fee may not be collected under this section from a veteran who is receiving compensation (or who, but for the receipt of retirement pay, would be entitled to receive compensation) or from a surviving spouse of any veteran (including a person who died in the active military, naval, or air service) who died from a service-connected disability.''.

(c) PROCEDURES APPLICABLE TO LIQUIDATION SALES ON DEFAULTED HOME LOANS GUARANTEED BY THE DEPARTMENT OF VETERANS AFFAIRS.—Section 3732(c)(11) is amended by striking ''October 1, 2002'' and inserting ''October 1, 2008''.

(d) INCOME VERIFICATION AUTHORITY.—Section 5317(g) is amended by striking ''September 30, 2002'' and inserting ''September 30, 2008''.

(e) LIMITATION ON PENSION FOR CERTAIN RECIPIENTS OF MEDICAID-COVERED NURSING HOME CARE.—Section 5503(f)(7) is amended by striking ''September 30, 2002'' and inserting ''September 30, 2008''.

(f) ANNUAL REPORT OF COMMITTEE ON MENTALLY ILL VETERANS.—Section 7321(d)(2) is amended by striking ''three'' and inserting ''six''.

(g) AUTHORITY TO ESTABLISH RESEARCH AND EDUCATION CORPORATIONS.—Section 7368 is amended by striking ''December 31, 2000'' and inserting ''December 31, 2003''.

SEC. 403. PRESERVATION OF CERTAIN REPORTING REQUIREMENTS.

(a) INAPPLICABILITY OF PRIOR REPORTS TERMINATION PROVISION TO CERTAIN REPORTS OF THE DEPARTMENT OF VETERANS AFFAIRS.—Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) does not apply to any report required to be submitted under any of the following: sections 503(c), 529, 541(c), 542(c), 3036, and 7312(d) of title 38, United States Code.

(b) REPEAL OF REPORTING REQUIREMENTS TERMINATED BY PRIOR LAW.—Sections 8111A(f) and 8201(h) are repealed.

(c) SUNSET OF CERTAIN REPORTING REQUIREMENTS.—

(1) ANNUAL REPORT ON EQUITABLE RELIEF CASES.—Section 503(c) is amended by adding at the end the following new sentence: ''No report shall be required under this subsection after December 31, 2004.''.

(2) BIENNIAL REPORT OF ADVISORY COMMITTEE ON FORMER PRISONERS OF WAR.—Section 541(c)(1) is amended by inserting ''through 2003'' after ''each odd-numbered year''.

(3) BIENNIAL REPORT OF ADVISORY COMMITTEE ON WOMEN VETERANS.—Section 542(c)(1) is amended by inserting ''through 2004'' after ''each even-numbered year''.

(4) BIENNIAL REPORTS ON MONTGOMERY GI BILL.—Subsection (d) of section 3036 is amended to read as follows:

''(d) No report shall be required under this section after January 1, 2005.''.

(5) ANNUAL REPORT OF SPECIAL MEDICAL ADVISORY GROUP.—Section 7312(d) is amended by adding at the end the following new sentence: ''No report shall be required under this subsection after December 31, 2004.''.

(d) COST INFORMATION TO BE PROVIDED WITH EACH REPORT REQUIRED BY CONGRESS.—(1)(A) Chapter 1 is amended by adding at the end the following new section:

''§ 116. Reports to Congress: cost information

''Whenever the Secretary submits to Congress, or any committee of Congress, a report that is required by law or by a joint explanatory statement of a committee of conference of the Congress, the Secretary shall include with the report—

''(1) a statement of the cost of preparing the report; and

''(2) a brief explanation of the methodology used in preparing that cost statement.''.

(B) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''116. Reports to Congress: cost information.''.

(2) Section 116 of title 38, United States Code, as added by paragraph (1) of this subsection, shall apply with respect to any report submitted by the Secretary of Veterans Affairs after the end of the 90–day period beginning on the date of the enactment of this Act.

SEC. 404. TECHNICAL AMENDMENTS.

(a) TITLE 38.—Title 38, United States Code, is amended as follows:

(1) Section 1116(a)(2)(F) is amended by inserting ''of disability'' after ''to a degree''

(2) Section 1318(b)(3) is amended by striking ''not later than'' and inserting ''not less than''.

(3) Section 1712(a)(4)(A) is amended by striking ''subsection (a) of this section (other than paragraphs (3)(B) and (3)(C) of that subsection)'' and inserting ''this subsection''.

(4) Section 1720A(c)(1) is amended by striking ''for such disability'' and all that follows through ''to such member'' and inserting ''for such disability. Care and services provided to a member so transferred''.

(5) Section 2402(7) is amended by striking ''chapter 67 of title 10'' and inserting ''chapter 1223 of title 10''.

(6) Section 3012(g)(2) is amended by striking ''subparagraphs'' both places it appears and inserting ''subparagraph''.

(7) Section 3684(c) is amended by striking ''calender'' and inserting ''calendar''.

(8) The table of sections at the beginning of chapter 41 is amended by inserting after the item relating to section 4110A the following new item:

''4110B. Coordination and nonduplication.''.

(9) The text of section 4213 is amended to read as follows:

''(a) Amounts and periods of time specified in subsection (b) shall be disregarded in determining eligibility under any of the following:

''(1) Any public service employment program.

''(2) Any emergency employment program.

''(3) Any job training program assisted under the Economic Opportunity Act of 1964.

''(4) Any employment or training program carried out under title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.).

''(5) Any other employment or training (or related) program financed in whole or in part with Federal funds.

''(b) Subsection (a) applies with respect to the following amounts and periods of time:

''(1) Any amount received as pay or allowances by any person while serving on active duty.

''(2) Any period of time during which such person served on active duty.

''(3) Any amount received under chapters 11, 13, 30, 31, 32, and 36 of this title by an eligible veteran.

''(4) Any amount received by an eligible person under chapters 13 and 35 of this title.

''(5) Any amount received by an eligible member under chapter 106 of title 10.''.

(10) Section 7603(a)(1) is amended by striking ''subsection'' and inserting ''subchapter''.

(b) OTHER LAWS.—

(1) Effective November 30, 1999, and as if included therein as originally enacted, section 208(c)(2) of the Veterans Millennium Health Care and Benefits Act (Public Law 106–117; 113 Stat. 1568) is amended by striking ''subsection (c)(1)'' and inserting ''subsection (c)(3)''.

(2) Effective November 21, 1977, and as if included therein as originally enacted, section 402(e) of the Veterans' Benefits Act of 1997 (Public Law 105–114; 111 Stat. 2294) is amended by striking ''second sentence'' and inserting ''third sentence''.

Amend the amendment of the House to the title so as to read: ''An Act to amend title 38, United States Code, to increase the rates of educational assistance under the Montgomery GI Bill, to improve procedures for the adjustment of rates of pay for nurses employed by the Department of Veterans Affairs, to make other improvements in veterans educational assistance, health care, and benefits programs, and for other purposes.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. STUMP) and the gentleman

from Illinois (Mr. EVANS) each will control 20 minutes.

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

GENERAL LEAVE

Mr. STUMP. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on S. 1402, the legislation now under consideration.

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

There was no objection.

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

Madam Speaker, this bill represents an agreement we have reached before the Senate Committee on Veterans' Affairs on issues brought before the House and Senate in this session of the 106th Congress. It improves many of the benefits and health care programs serving veterans today.

Let me touch on just a few of the major provisions. This bill makes a number of improvements to the Montgomery GI Bill, the veterans' education assistance program named for our former colleague, the gentleman from Mississippi, Sonny Montgomery. I saw him here on the floor earlier, and I would like to welcome him back. It raises the monthly benefit rate from $552 to $650, and permits GIs to earn an additional $150 a month by contributing $600 to their account while they are in service.

Since 1998, we have raised the GI bill monthly allowance by some 48 percent. This bill also increases the educational benefit payable each month to a student who is a child or a spouse of a veteran who is totally disabled or who died of a service-connected cause.

Additionally, the bill authorizes the VA to provide an annual pay increase to some 35,000 VA nurses as well as the VA dentists.

There are a good many provisions in this bill, and at this time I would like to commend the chairman of our Subcommittee on Health, the gentleman from Florida (Mr. STEARNS) for the outstanding job he has done. Overseeing the VA health care system is a very challenging task at times, and the gentleman from Florida has done a magnificent job of doing just that.

Madam Speaker, I submit for the RECORD an explanatory statement on the Senate amendments to the House amendments to S. 1402.

The Senate amendments to the House amendments to S. 1402, as amended, reflect a compromise agreement that the House and Senate Committees on Veterans' Affairs have reached on H.R. 284, H.R. 4268, H.R. 4850, H.R. 5109, H.R. 5139, H.R. 5346, H. Con. Res. 413, S. 1076, S. 1402, and S. 1810. On May 23, 2000, the House passed S. 1402 with an amendment consisting of the text of H.R. 4268 as reported. H.R. 4850 passed the House on July 25, 2000. H.R. 5109 passed the House on September 21, 2000. H.R. 284 passed the House on October 3, 2000. S. 1076 passed the Senate on September 8, 1999, and S. 1810 passed the Senate on September 21, 2000. S. 1402 passed the Senate on July 26, 1999. H. Con. Res. 413 was introduced on September 28, 2000. H.R. 5346 was introduced on September 29, 2000. H.R. 5139 passed the House on October 3, 2000.

The House and Senate Committees on Veterans' Affairs have prepared the following explanation of S. 1402, as amended (hereinafter referred to as the ''Compromise Agreement''). Differences between the provisions contained in the Compromise Agreement and the related provisions of H.R. 284, H.R. 4268, H.R. 4850, H.R. 5109, S. 1076, S. 1402, and S. 1810 are noted in this document, except for clerical corrections, conforming changes made necessary by the Compromise Agreement and minor drafting, technical and clarifying changes.

TITLE I—EDUCATIONAL ASSISTANCE PROVISIONS

Subtitle A—Montgomery GI Bill Educational Assistance

INCREASE IN RATES ON BASIC EDUCATIONAL ASSISTANCE UNDER THE MONTGOMERY GI BILL

Current Law

Section 3011 of title 38, United States Code, establishes basic educational assistance entitlement under the All-Volunteer Force Educational Assistance Program (commonly referred to as the ''Montgomery GI Bill'' or ''MGIB'') Active Duty program. Section 3015 establishes the base amount of such educational assistance at the monthly rate of $528 for a 3-year period of service and $429 for a 2-year period of service. These amounts increased to $552 per month and $449 per month, respectively, on October 1, 2000.

House Bill

Section 2 of the House amendments to S. 1402 would increase the current monthly rate of basic education benefits to $600 per month effective October 1, 2000, and to $720 per month on October 1, 2002, for full-time students. The monthly rate for 2-year enlistees would increase to $487 per month effective October 1, 2000, and to $585 per month on October 1, 2002. This section provides parallel increases for part-time students and similar adjustments to the rates paid for correspondence and other types of training. No cost-of-living increases would be made in fiscal years 2001 and 2003.

Senate Bill

Section 4 of S. 1402 would increase the monthly rate of basic education benefits to $600 per month for 3-year enlistees and $488 per month for 2-year enlistees.

Compromise Agreement

Under section 101 of the compromise agreement, effective November 1, 2000, the basic education benefit would be increased from $552 per month (effective October 1, 2000) to $650 per month for a 3-year period of service, and $528 per month for a 2-year period of service.

UNIFORM REQUIREMENT FOR HIGH SCHOOL DIPLOMA OR EQUIVALENCY BEFORE APPLICATION FOR MONTGOMERY GI BILL BENEFITS

Current Law

To be eligible to receive educational assistance, section 3011(a)(2) of title 38, United States Code, requires that a servicemember complete the requirements of a secondary school diploma (or equivalent certificate) before the end of the individual's initial obligation period of active duty. Section 3012(a)(2) contains a similar requirement for servicemembers who serve 2 years of active duty as part of a 6-year Selected Reserve commitment.

Senate Bill

Section 111 of S. 1810 would create a single, uniform secondary school diploma requirement as a prerequisite for eligibility for education benefits—a requirement that, prior to applying for benefits, the applicant will have received a high school diploma or equivalency certificate, or will have completed the equivalent of 12 semester hours in a program of education leading to a standard college degree.

House Bill

The House bills contain no comparable provisions.

Compromise Agreement

Section 102 of the compromise agreement follows the Senate language, modified to reflect a new 10-year eligibility period for individuals affected by this provision, which would begin tolling on such individual's last discharge (or release from active duty) or the effective date of this Act, whichever is later.

REPEAL OF REQUIREMENT FOR INITIAL OBLIGATED PERIOD OF ACTIVE DUTY AS CONDITION OF ELIGIBILITY FOR MONTGOMERY GI BILL BENEFITS

Current Law

Sections 3011(a)(1)(A)(i) and 3012(a)(1)(A)(i) of title 38, United States Code, set forth initial-period-of-active-duty requirements to earn basic educational assistance entitlement under the Montgomery GI Bill. The period within which a servicemember's eligibility for educational assistance can be established is currently restricted to the initial period of active duty service.

Senate Bill

Section 112 of S. 1810 would strike the requirement that MGIB benefit entitlement be predicated on serving an ''initial'' period of obligated service and substitute in its place a requirement that an obligated period of active duty be served.

House Bill

The House bills contain no comparable provision.

Compromise Agreement

Section 103 of the compromise agreement follows the Senate language with a clarifying amendment that for an obligated period of service of at least 3 years, the servicemember would have to complete at least 30 months of continuous active duty under that period of obligated service. In addition, the compromise agreement contains a modification to reflect a new 10-year eligibility period for individuals affected by this provision, which would begin tolling on such individual's last discharge (or release from active duty) or the effective date of this Act, whichever is later.

ADDITIONAL OPPORTUNITY FOR CERTAIN VEAP PARTICIPANTS TO ENROLL IN BASIC EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL

Current Law

Section 3018C of title 38, United States Code, furnishes an opportunity for certain post-Vietnam-era Veterans' Educational Assistance Program (VEAP) participants to convert to the Montgomery GI Bill (MGIB) if the individual was a participant in VEAP on October 9, 1996, was serving on active duty on that date, meets high school diploma or equivalency requirements before applying for MGIB benefits, is discharged from active duty after the individual makes the election to convert, and during the 1-year period beginning on October 9, 1996, makes an irrevocable election to receive benefits under the

MGIB in lieu of VEAP, and also elects a $1,200 pay reduction.

House Bill

Section 3 of the House amendments to S. 1402 would furnish individuals who have served continuously on active duty since October 9, 1996, through at least April 1, 2000, and who either turned down a previous opportunity to convert to the MBIB or had a zero balance in their VEAP account, the option to pay $2,700 to convert to the MGIB program; individuals would have 12 months to elect to convert and 18 months to make payment.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 104 of the compromise agreement contains the House language.

INCREASED ACTIVE DUTY EDUCATIONAL ASSISTANCE BENEFIT FOR CONTRIBUTING MEMBERS

Current Law

Section 3011(b) of title 38, United States Code, requires servicemembers who elect to participate in the Montgomery GI Bill program to participate in a voluntary pay reduction of $100 per month for the first 12 months of active service to establish entitlement to basic educational assistance.

Senate Bill

Section 6 of S. 1810 would allow servicemembers who have not opted out of MGIB participation to increase the monthly rate of educational benefits they will receive after service by making contributions, at any time prior to leaving service, over and above the $1,200 basic pay reduction necessary to establish MGIB eligibility. Under section 6, a servicemember could contribute up to an additional $600 in multiple of $4. The monthly rate of basic educational assistance would be increased by $1 per month for each $4 so contributed. Thus, MGIB participants who ''use up'' their full 36 months of MGIB benefits would receive a 9-to-1 return on their additional contribution investment. A maximum in-service contribution of $600 would yield an additional $5,400 of entitlement to the 36-month MGIB benefit.

House Bill

The House bills contain no comparable provision.

Compromise Agreement

Section 105 of the compromise agreement follows the Senate language with amendments to make this provision effective May 1, 2001, and to make eligible any servicemember who was on active duty on the date of enactment and subsequently discharged between date of enactment and May 1, 2001 to have until July 31, 2001. These individuals would have until July 31, 2001, to make an election to ''buy up'' additional benefits.

Subtitle B—Survivors' and Dependents' Educational Assistance

INCREASE IN RATES OF SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE

Current Law

Section 3532 of title 38, United States Code, provides survivors' and dependents' educational assistance (DEA) allowances of $485 per month for full-time school attendance, with lesser amounts for part-time training. Generally, eligible survivors and dependents include unremarried spouses of veterans who died or are permanently or totally disabled or servicemembers who are missing in action or captured for more than 90 days by a hostile force or detained or interned for more than 90 days by a foreign government. Under section 3534, such benefits are also available for correspondence courses, special restorative training, and apprenticeship training.

House Bill

Section 4 of the House amendments to S. 1402 would increase DEA benefits for full-time classroom training students to $600 per month effective October 1, 2000, and $720 per month effective October 1, 2002, with parallel increases for part-time students and similar adjustments to the rates paid for correspondence and other types of training. Apprenticeship training would increase from $353 to $437 per month effective October 1, 2000, and $524 per month effective October 1, 2002. This provision also requires annual cost-of-living allowances for DEA benefits.

Senate Bill

Section 5 of S. 1402 would increase the full-time rate of DEA benefits by 13.6 percent to $550 per month, and make parallel increases in the benefit rates afforded to three-quarter time and half-time students. Increases of 13.6 percent in the amounts for correspondence courses, special restorative training, and apprenticeship training would also be afforded.

Compromise Agreement

Under section 111 of the compromise agreement, effective November 1, 2000, the basic education benefit for survivors and dependents would increase from $485 per month to $588 per month, with future annual cost-of-living increases effective October 1, 2001.

ELECTION OF CERTAIN RECIPIENTS OF COMMENCEMENT PERIOD OF ELIGIBILITY FOR SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE

Current Law

Section 3512(a)(3) of title 38, United States Code, provides that if the Secretary first finds that the parent from whom eligibility for DEA benefits is derived has a total and permanent service-connected disability, or if the death of the parent from whom eligibility is derived occurs between an eligible child's 18th and 26th birthdays, then such eligibility period shall end 8 years after whichever date last occurs: 1) the date on which the Secretary first finds that the parent from whom eligibility is derived has a total and permanent service-connected disability, or 2) the date of death of the parent from whom eligibility is derived. ''First finds'' is defined in this section as either the date the Secretary notifies an eligible parent of total and permanent service-connected disability or the effective date of such disability award.

Senate Bill

Section 114 of S. 1810 would allow a child to elect the beginning date of eligibility for DEA benefits that is between 1) in the case of a child whose eligibility is based on a parent who has a total and permanent service-connected disability, the effective date of the rating determination and the date of notification by the Secretary for such disability, 2) in the case of a child whose eligibility is based on the death of a parent, the date of the parent's death and the date of the Secretary's decision that the death was service-connected.

House Bill

The House bills contain no comparable provision.

Compromise Agreement

Section 112 of the compromise agreement contains the Senate language.

ADJUSTED EFFECTIVE DATE FOR AWARD OF SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE

Current Law

Section 5113 of title 38, United States Code, states that except for the effective date of adjusted benefits, dates relating to awards under chapters 30, 31, 32, 34, and 35, or chapter 1606 of title 10 shall, to the extent feasible, correspond to effective dates relating to awards of disability compensation.

House Bill

Section 4 of the House amendments to S. 1402 would permit the award of DEA benefits to be retroactive to the date of the entitling event, that is, service-connected death or award of a total and permanent service-connected disability. This provision would be limited to eligible person who submit an original claim for DEA benefits within 1 year after the date of the rating decision first establishing the person's entitlement.

Senate Bill

Section 115 of S. 1810 would tie the effective date of award for DEA benefits to the date of the entitling event, i.e., the date of a veteran's service-connected death or award of a permanent and total disability rating. This provision would be limited to eligible persons who submit an original claim for DEA benefits within 1 year after the date of the rating decision first establishing the person's entitlement.

Compromise Agreement

Section 113 of the compromise agreement contains the Senate language.

AVAILABILITY UNDER SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE OF PREPARATORY COURSES FOR COLLEGE AND GRADUATE SCHOOL REQUIREMENTS

Current Law

Sections 3002(3) and 3501(a)(5) of title 38, United States Code, define the ''program of education'' for which veterans and surviving spouses and children, receive educational assistance benefits. Section 701 of Public Law 106–118 modified section 3002(3) of title 38, United States Code, to permit a veteran to use benefits for preparatory courses. Examples of preparatory courses include courses for standardized tests used for admission to college or graduate school.

Senate Bill

Section 113 of S. 1810 would allow survivors' and dependents' educational assistance benefits to be provided for use on preparatory courses.

House Bill

The House bills contain no comparable provision.

Compromise Agreement

Section 114 of the compromise agreement follows the Senate language with an amendment clarifying that qualifying persons may pursue preparatory courses prior to the person's 18th birthday.

Subtitle C—General Educational Assistance

REVISION OF EDUCATIONAL ASSISTANCE INTERVAL PAYMENT REQUIREMENTS

Current Law

Section 3680(a)(C) of title 38, United States Code, allows VA to pay educational assistance for periods between a term, semester, or quarter if the interval between these periods does not exceed one calendar month.

House Bill

Section 6 of the House amendments to S. 1402 would allow monthly educational assistance benefits to be paid between term, quarter, or semester intervals of up to 8 weeks.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 121 of the compromise agreement contains the House language.

AVAILABILITY OF EDUCATION BENEFITS FOR PAYMENT FOR LICENSING OR CERTIFICATION TESTS

Current Law

Chapters 30, 31, 32, 34, 35, and 36 of title 38, United States Code, do not currently authorize use of VA educational assistance benefits for occupational licensing or certification tests.

House Bill

Section 7 of the House amendments to S. 1402 would allow veterans' and DEA benefits to be used for up to $2,000 in fees for civilian occupational licensing or certification examinations that are necessary to enter, maintain, or advance into employment in a vocation or profession. This section would establish various requirements regarding the use of such entitlement and requirements for organizations or entities offering licensing or certification tests. This section also establishes minimum approval requirements of a licensing or certification body, requirements for tests, requirements for organizations or entities offering these tests, VA administrative authority (including a requirement to develop the computer systems and procedures to make payments to beneficiaries for these tests), and a seven-member, organization-specific VA Professional Certification and Licensing Advisory Committee.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 122 of the compromise agreement follows the House language with an amendment that the Secretary shall name seven individuals to the VA professional Certification and Licensing Advisory Committee, an amendment that deletes specific names of organizations from which members shall be named, and an amendment that deletes the requirement that members shall service without compensation.

INCREASE FOR FISCAL YEARS 2001 AND 2002 IN AGGREGATE ANNUAL AMOUNT AVAILABLE FOR STATE APPROVING AGENCIES FOR ADMINISTRATIVE EXPENSES

Current Law

Section 3674(a)(4) of title 38, United States Code, makes available amounts not exceeding $13 million in each fiscal year for duties carried out by State Approving Agencies

House Bill

The House bills contain no comparable provision.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 123 of the compromise agreement amends the amount available for State Approving Agencies to $14 million for fiscal year 2001 and fiscal year 2002.

TITLE II—HEALTH PROVISIONS

Subtitle A—Personnel Matters

ANNUAL NATIONAL PAY COMPARABILITY ADJUSTMENT FOR NURSES EMPLOYED BY THE DEPARTMENT OF VETERANS AFFAIRS

Current Law

The rate of pay for VA nurses is determined using a mechanism contained in Subchapter IV of Chapter 74, title 38, United States Code. The law links changes in total pay to nurse compensation trends in local health care labor markets. This locality pay feature has not always produced the results envisioned by Congress. For example, even though many VA nurses received very substantial one-time increases as a consequence of the 1900 restructuring of basic pay, some VA nurses have not received any additional pay raises since that time.

House Bill

Section 101 of H.R. 5109 would reform the local labor market survey process and replace it with a discretionary survey technique. The bill would provide more flexibility to VA medical center directors to obtain the data needed to complete necessary surveys and also restrict their authority to withhold indicated rate increases. Directors would be prohibited from reducing nurse pay. In addition, the House bill would also guarantee VA nurses a national comparability increase equivalent to the amount provided to other federal employees. The bill also would require Veterans Health Administration network directors to consult with nurses on questions of policy affecting the work of VA nurses, and would provide for registered nurses' participation on medical center committees considering clinical care, budget matters, or resource allocation involving the care and treatment of veteran patients.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 201 of the compromise agreement contains the House language.

SPECIAL PAY FOR DENTISTS

Current Law

Subchapter III of Chapter 74, title 38, United States Code, authorizes special pay to physicians and dentists employed in the Veterans Health Administration. This authority is intended to improve recruitment and retention of dentists and physicians.

House Bill

Section 102 of H.R. 5109 would revise and increase the rates of special pay for VA dentists. This is the first proposed change in these rates since 1991.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 202 of the compromise agreement contains the House language. The Committees urge medical center directors to utilize the full range of pay increases authorized, including increases in the higher range, to optimize dentist recruitment and retention efforts.

EXEMPTION FOR PHARMACISTS FROM CEILING ON SPECIAL SALARY RATES

Current Law

Under section 7455 of title 38, United States Code, VA has authority to increase rates of basic pay for certain health care personnel—either nationally, locally or on another geographic basis—when deemed necessary for successful recruiting and retention. Special rates may be granted in response to salaries in local labor market, but may not enable VA to be a pay leader. With limited exceptions, the law restricts such ''special salary rates'' to a maximum pay rate, but exempts two categories of health care personnel from that statutory ceiling: nurse anesthetists and physical therapists.

House Bill

Section 103 of H.R. 5109 adds VA pharmacists to the existing categories of VA personnel exempted from such statutory pay ceilings. This amendment would enable VA to improve retention of the most senior members of the current pharmacy workforce and would improve its competitiveness in recruiting new pharmacists.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 203 of the compromise agreement contains the Housing language.

TEMPORARY FULL-TIME APPOINTMENTS OF CERTAIN MEDICAL PERSONNEL

Current Law

Section 7405 of title 38, United States Code, authorizes VA to provide temporary appointments of individuals in certain professions, including nursing, pharmacy, and respiratory, physical, and occupational therapy, who have successfully completed a full course of study but who are pending registration, licensure, or certification. Upon obtaining the required credentials, these professionals may be converted to career appointments. This temporary appointment authority provides VA a means of recruiting new health professionals still in the process of meeting the technical qualification standards pertinent to their fields.

However, VA must now limit physician assistants (PAs) waiting to take the PA certification examination to a general 1 year, nonrenewable appointment. Since the national certification examination is only offered once a year, this 1-year appointment limits VA's efforts to provide a smooth transition from a training appointment to a permanent appointment for such graduates.

House Bill

Section 105 of H.R. 5109 would amend section 7405(c)(2) of title 38, United States Code, to add the position of physician assistant to the existing of professional and technical occupations for which VA may make temporary graduate technician appointments, provided these individuals have completed training programs acceptable to the Secretary. Under this appointment authority, graduate physician assistants would have up to 2 years to obtain professionals certification or licensure.

Senate Bill

Section 203 of S. 1810 would accomplish the same ends as the above-described language with respect to physician assistant temporary graduate technician appointments.

Compromise Agreement

Section 204(a) of the compromise agreement contains the House language.

MEDICAL SUPPORT PERSONNEL

Current Law

Section 7405 of title 38 United States Code, permits the temporary appointment of certain medical support personnel who work primarily in the laboratories and other facilities of VA principal investigators who have been awarded VA research and development funds through VA's scientific merit review process. These technicians are appointed for a maximum term of 2 years. The normal VA cycle of 3-year research awards conflicts with the 2-year maximum term for appointments of these key personnel in VA's research and development program.

House Bill

Section 105 of H.R. 5109 would amend section 7405(c)(3) of title 38, United States Code,

to authorize the Secretary to make and to renew temporary full time appointments for periods not to exceed 3 years.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 204(b) of the compromise agreement contains the House language.

QUALIFICATIONS OF SOCIAL WORKERS

Current Law

Section 7402(b)(9) of title 38, United States Code, requires that a VA social worker become licensed, certified, or registered in the state in which he or she works within 3 years of initial appointments in this capacity by the VA. Certain states, such as California, impose prerequisites to the licensure examination that routinely require more than 3 years to satisfy. Many states do not provide reciprocity in social work licensure, and thus will not grant a license in the absence of a new state licensing examination. At present, VA social workers are the only VA health care practitioners who cannot use their states licenses to gain credentials in other states' VA medical centers.

House Bill

Section 106 of H.R. 5109 would allow the Secretary, on the recommendation of the Under Secretary for Health, to waive the 3-year requirement in order to provide sufficient time to newly graduated or transferred VA social workers to prepare for their state licensure examinations.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 205 of the compromise agreement contains the House language.

PHYSICIAN ASSISTANT ADVISOR TO THE UNDER SECRETARY FOR HEALTH

Current Law

Section 7306 of title 38, United States Code, establishes the Office of the Under Secretary for Health and requires that the office include representatives of certain health care professions. VA is the nation's largest single employer of physician assistants (PAs), with over 1,100 physician assistants on VA's employment rolls. Nevertheless, PAs are not represented by a number of their field in the office of the Under Secretary for Health.

House Bill

Section 104 of H.R. 5109 would establish a PA consultant position which would be filled by a VHA physician assistant designated by the Under Secretary for Health. This individual could be assigned to the field with occasional official visits as needed to VHA headquarters or elsewhere as required to fulfill assigned duties of the position. The PA consultant would advise the Under Secretary on all matters relating to the utilization and employment of physician assistants in the Veterans Health Administration.

Senate Bill

Section 202 of S. 1810 would add an Advisor on Physician Assistants to the immediate Office of the Under Secretary for Health, would require this individual to serve in an advisory capacity and would require that the PA advisor shall advise the Under Secretary on matters regarding general and expanded utilization, clinical privileges, and employment (including various specific matters associated therewith) of physician assistants in the Veterans health Administration.

Compromise Agreement

Section 206 of the compromise agreement incorporates portions of both the House and Senate language. The Committees call upon VA to provide the individual selected as Advisor on Physician Assistants with necessary support and resources to enable this consultant to fulfill the assigned responsibilities of the position.

EXTENSION OF VOLUNTARY SEPARATION INCENTIVE PAYMENTS

Current Law

Public Law 106–117, the Veterans Millennium Health Care and Benefits Act of 1999, authorized a temporary program of voluntary separation incentive payments to assist VA in restructuring its workforce. This program limited VA to a 15-month authorization period for such ''buyouts'' of VA employees, limited to 4,700 the number of staff who could participate, and required VA to make a contribution of 26 percent of the average salary of participating employees to the Civil Service Retirement and Disability Fund. This provision also requires a one-for-one employee replacement for each such buyout approved under this policy.

House Bill

Section 107 of H.R. 5109 would amend title XI of Public Law 106–117 to increase the number of VA positions subject to buyouts to 8,110. The House measure would also adjust the contribution made by VA to the retirement fund to 15 percent, an amount equivalent to the amount that most other Federal agencies must contribute to the fund for their buyout participants. The measure extends VA's buyout authority from December 31, 2000 to December 31, 2002.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 207 of the compromise agreement follows the House language, but limits the number of VA positions subject to buyouts to 7,734 and allocates the position for activities of the Veterans Health Administration, Veterans Benefits Administration, National Cemetery Administration, and VA staff offices.

Subtitle B—Military Service Issues

MILITARY SERVICE HISTORY

Current Law

No provision.

House Bill

Section 301 of H.R. 5109 would require VA to take and maintain a thorough history of each veteran's health, including a military medical history. Ascertaining that a veteran was a prisoner of war, participated directly in combat, or was exposed to sustained subfreezing conditions, toxic substances, environmental hazards, or nuclear ionizing radiation often facilitates diagnosis and treatment of veterans. The House bill would provide veterans assurance that such a policy becomes a matter of routine clinical practice in VA.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 211 of the compromise agreement adopts the intent of the House proposal, but in the form of a Sense of the Congress Resolution to express the sense of Congress that VA proceed to implement a system of record keeping to record veterans' military history.

STUDY OF POST-TRAUMATIC STRESS DISORDER (PTSD) IN VIETNAM VETERANS

Current Law

Public Law 98–160 directed VA to conduct a large-scale survey on the prevalence and incidence of PTSD and other psychological problems in Vietnam veterans. The study found that 15 percent of male and 8.5 percent of female Vietnam veterans suffered from PTSD. Among those exposed to high levels of war zone stress, however, PTSD rates were dramatically higher. Also, the study found that nearly one-third of Vietnam veterans had suffered from PTSD at some point after military service.

House Bill

Section 302 of HR 5109 would direct the VA to enter into a contract with an ''appropriate entity'' to carry out a follow-up study to the study conducted under Public Law 98–160.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 212 of the compromise agreement contains the House language. The Committees agree the new study should be kept distinct and independent from VA, as in the original. The compromise agreement is not intended to pre-judge the entity that will win this award.

Subtitle C—Medical Administration

DEPARTMENT OF VETERANS AFFAIRS FISHER HOUSES

Current Law

Current law does not explicitly provide VA with authority to house veterans overnight to expedite outpatient care or next-day hospital admissions. Nor does current law provide explicit authority for VA to accept, maintain, or operate facilities for housing families or others who accompany veterans to VA facilities. However, most VA medical centers offer veterans who live some distance from a medical facility from which they are receiving care or services help with some form of lodging to facilitate scheduled visits or admissions. Indeed, more than 115 facilities offer lodging of some kind on VA grounds, and services are available in non-VA facilities at a number of other locations. Also, over the years, many VA medical centers have converted unused wards and other available space to establish temporary lodging facilities for use by patients. The Under Secretary for Health has encouraged medical centers to establish such facilities to avert the need for hospitalizing patients when outpatient treatment is more appropriate. This guidance to VA facilities suggested that facilities could provide lodging without charge to outpatients and their family members and others accompanying veterans when ''medically necessary.'' The guidance also sanctioned the use of a revocable license for family members under which an individual could be required to pay VA a fee equal to the fair-market value of the services being furnished.

House Bill

Section 404 of H.R. 5109 would clarify VA's authority to provide temporary overnight accommodations in ''Fisher Houses,'' built with funds donated by the Zachary and Elizabeth M. Fisher Foundation. Four such facilities are now being operated in conjunction with VA medical centers and other similar facilities located at or near a VA facility. These accommodations are available to veterans who have business at a VA medical facility and must travel a significant distance

to receive Department services, and to other individuals accompany veterans. Section 404 would also give VA clear authority to charge veterans (and those accompanying them) for overnight accommodations and apply fees collected to support continuation of these services. The measure would require VA to promulgate regulations to address matters such as the appropriate limitations on the use of the facilities and the length of time individuals may stay in the facilities.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 221 of the compromise agreement contains the House language.

EXCEPTION TO THE RECAPTURE RULE

Current Law

Section 8136 of title 38, United States Code, requires VA to ''recapture'' the amount of a grant to a state home for purposes of building or renovating a state veterans home, if, within 20 years, the state home ceases to be used for providing domiciliary, nursing home, or hospital care for veterans. This provision could be interpreted to require recapture of the grant if the state home allows VA to establish an outpatient clinic in the home.

House Bill

Section 406 of H.R. 5109 would clarify that establishment of an outpatient clinic in a state home would not constitute grounds entitling the United States to recover its grant.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 222 of the compromise agreement contains the House language.

SENSE OF CONGRESS CONCERNING COOPERATION BETWEEN THE DEPARTMENT OF VETERANS AFFAIRS AND THE DEPARTMENT OF DEFENSE IN THE PROCUREMENT OF MEDICAL ITEMS

Current Law

Under the Department of Veterans Affairs (VA) and Department of Defense (DOD) Health Resources Sharing and Emergency Operations Act, Public Law 97–174, VA and DOD have the authority to share medical resources. In 1999, VA and DOD entered into sharing agreements amounting to $60 million out of combined budgets of approximately $35 billion. This is resource sharing of less than two-tenths of one percent. On May 25, 2000, the General Accounting Office reported that greater joint pharmaceutical procurements alone could lead to as much as $345 million in annual recurring savings.

House Bill

H. Con. Res. 413 would encourage expanded joint procurement of medical items, to include prescription drugs.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 223 of the compromise agreement contains the House language.

SUBTITLE D—CONSTRUCTION AUTHORIZATION

AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECTS

Current Law

Section 8104 of title 38, United States Code, provides that no funds may be appropriated for any fiscal year, and VA may not obligate or expend funds (other than for planning and design) for any medical construction project involving a total expenditure of more than $4 million unless funds for that project have been specifically authorized by law.

House Bill

Section 201 of H.R. 5109 would authorize the construction of a gero-psychiatric care building at the Department of Veterans Affairs Medical Center, Palo Alto, California ($26.6 million); the construction of a utility plant and electrical vault at the Department of Veterans Affairs Medical Center, Miami, Florida ($23.6 million); and, seismic corrections, clinical consolidation and other improvements at the Department of Veterans Affairs Medical Center, Long Beach, California ($51.7 million). Also, the House bill would authorize the renovation of psychiatric nursing units at the Department of Veterans Affairs Medical Center, Murfreesboro, Tennessee, using funds previously appropriated for this specific purpose ($14 million).

Senate Bill

Section 301 of S. 1810 would authorize construction of a 120-bed gero-psychiatric facility at the Department of Veterans Affairs Palo Alto Health Care System, Menlo Park Division, California ($26.6 million); and, construction of a nursing home at the Department of Veterans Affairs Medical Center, Beckley, West Virginia ($9.5 million). In section 302 of S. 1810, the Senate would amend section 401 of the Veterans Millennium Health Care and Benefits Act of 1999, Public Law 106–117, to add as a seventh project authorized by that act for fiscal year 2000–2001 the Murfreesboro construction project ($14 million).

Compromise Agreement

Section 231 of the compromise agreement incorporates each of the projects authorized by either body and includes specific authorization for the Murfreesboro project. Also, the compromise agreement provides that the authorizations for Palo Alto, Long Beach, and Beckley will be for 2 years, covering fiscal years 2001 and 2002, while the authorization for the Miami project will be only for fiscal year 2001. The compromise agreement also renews and extends the prior authorization of a project at the Lebanon, Pennsylvania VA Medical Center through the end of fiscal year 2002.

The Miami electrical plant and utility vault project is authorized only for fiscal year 2001. While the compromise agreement authorizes the project to proceed, we note that the current estimate to replace these facilities is $32 million. Given this level of anticipated expenditure, the Committees urge the Secretary to examine innovative ways to reduce VA's outlay, at least on an initial basis. For example, the Committees note that the Miami facility is located in the midst of a very densely developed community of health and public safety-related institutions, including the Jackson Memorial Hospital and Metro-Dade police headquarters, among others. Given the need for such crucial institutions, including the VA medical center, to have dependable, stable, weather-proof and even fail-safe electrical sources, the Committees urge the Secretary to consider a ''performance-based contract'' for these services through the local utility (Florida Power and Light), or by consortium with multiple partners in need of similar improvements, assurances and security of utilities. At a minimum, the Secretary must carefully examine the reported cost of this project to ensure that it is being planned to meet known needs, rather than planned for the ''highest possible use.''

AUTHORIZATION OF APPROPRIATIONS

House

The House bill (H.R. 5109, section 202) would authorize appropriations for fiscal years 2001 and 2002 of $101.9 million for construction of the facilities authorized in section 201 thereof.

Senate Bill

S. 1810, section 303, would authorize appropriations for fiscal years 2001 and 2002 of $36.1 million for construction for the facilities authorized in section 301. Also, section 303 alters the authorization funding level of projects authorized in Public Law 106–117 by including the Murfreesboro project discussed above.

Compromise Agreement

Section 232 of the compromise agreement authorizes appropriations for the amounts indicated in each measure for these projects, affecting both fiscal year 2001 and fiscal 2002, as follows:

Authorizations	Amount authorized (in millions)
Beckley	$9.5
Lebanon*	14.5
Long Beach	51.7
Miami**	23.6
Murfreesboro	14.0
Palo Alto	26.6

*Indicates authorization of appropriation in fiscal year 2002 only.
**Indicates authorization of appropriation in fiscal year 2001 only.

EXTENSION OF CONSTRUCTION AUTHORIZATION AT THE LEBANON, PENNSYLVANIA VA MEDICAL CENTER

Current Law

Section 401 of Public Law 106–117 (113 Stat. 1572) authorized a major construction project at the Lebanon, Pennsylvania, VA Medical Center. The project was authorized for fiscal year 2002 and fiscal year 2001.

House

The House bills contain no comparable provision.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 232(a)(3) of the compromise agreement extends through fiscal year 2002 the prior authorization for construction of a long-term care facility at the Department of Veterans Affairs Medical Center, Lebanon, Pennsylvania, in an amount not to exceed $14.5 million.

Subtitle E—Real Property Matters

CHANGE TO ENHANCED USE LEASE CONGRESSIONAL NOTIFICATION PERIOD

Current Law

Section 8163(a) of title 38, United States Code, requires the Secretary to notify Congress of VA's intention to pursue an enhanced-use lease of unused VA property, then wait a period of ''60 legislative days'' prior to proceeding with the specific lease objective(s). In the Veterans' Millennium Health care Act, Public Law 106–117, Congress eased limits in law on leasing underused VA property based on a finding that long-term leasing could be used more extensively to enhance health care delivery to veterans.

House

Section 407 of H.R. 5109 would amend the waiting period for VA notifications to Congress from 60 ''legislative'' days to 90 ''calendar'' days. This change would shorten the

length of time VA must wait before entering into an enhanced-use lease.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 241 of the compromise agreement contains the House language.

RELEASE OF REVERSIONARY INTEREST OF THE UNITED STATES IN CERTAIN REAL PROPERTY PREVIOUSLY CONVEYED TO THE STATE OF TENNESSEE

Current Law

In 1953, by Act of congress (67 Stat. 54), the federal government transferred certain property of the Veterans Administration (now Department of Veterans Affairs) in Johnson City (now Mountain Home), Tennessee, to the State of Tennessee, for use by the Army National Guard of the State of Tennessee. The act of transfer retained a reversionary interest in the land on the part of the government in the event that the State of Tennessee ceased to use the land as a training area for the guard and for ''other military purposes.'' The land is no longer being used by the Tennessee National Guard and has no practical use by the government. Local municipal officials desire the land as a site for a public park and recreation area, and the State of Tennessee has made a commitment to transfer the land for these purposes but may not do so absent a recision of the federal government's reversionary interest in the property.

House Bill

Section 407 of H.R. 5109 would rescind the government's reversionary interest in the Tennessee property.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 242 of the compromise agreement contains the House language.

TRANSFER OF THE ALLEN PARK, MICHIGAN, VA MEDICAL CENTER TO FORD MOTOR LAND DEVELOPMENT CORPORATION

Current Law

In 1937, the Henry Ford family donated a 39-acre plot to VA expressly for the establishment of the Allen Park, Michigan VA Hospital. The conveyance provided that VA must return the land, in the same condition as it was received, if VA ceased to utilize it for veterans' health care. In 1996, VA activated a new VA Medical Center in Detroit.

House Bill

H.R. 5346 would transfer the land, the site of the former Allen Park, Michigan VA Medical Center, and all improvements thereon, to the Ford Motor Land Development Corporation, a subsidiary of Ford Motor Company. Having been replaced in 1996 by a new VA Medical Center in Detroit, the facility now is in disrepair. The bill would require up to 7 years of cooperation between VA and Ford in demolition, environmental cleanup (including remediation of hazardous material and environmental contaminants found on the site), and restoration of the property to its prior state. VA contributions would be limited to $2 million per year over the period, and Ford would be responsible for any amount over VA's total contribution ($14 million) required to complete the restoration. At the conclusion of restorative work, the Secretary would formally abandon the property, which would then revert to Ford Motor Land Development Corporation, in accordance with the reversionary clause contained in the original 1937 gift.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 243 of the compromise agreement contains the House language.

TRANSFER OF LAND AT THE CARL VINSON VA MEDICAL CENTER, DUBLIN, GEORGIA

Current Law

No provision.

House Bill

H.R. 5139 would convey to the Board of Regents of the State of Georgia two tracts of real property, including improvements, consisting of 39 acres at the Carl Vinson Department of Veterans Affairs Medical Center, Dublin, Georgia. The bill also conveys to the Community Service Board of Middle Georgia three tracts of property consisting of 58 acres, including improvements, at the Carl Vinson facility. The bill requires these properties be used in perpetuity for education or health care.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 244 of the compromise agreement contains the House language.

LAND CONVEYANCE OF MILES CITY, MONTANA VETERANS AFFAIRS MEDICAL CENTER TO CUSTER COUNTY, MONTANA

Current Law

No provision.

Senate Bill

Section 312 of S. 1810 would transfer VA medical center facilities in Miles City, Montana, to Custer County, Montana, while authorizing VA to lease space in which VA would operate an outpatient clinic. Custer County would devote the transferred land to assisted living apartments for the elderly and to a number of other economic enhancement and community activity uses, including education and training courses through Miles Community College, a technology center, local fire department training, and use by the Montana Area Food Bank. VA, in turn, is relieved of the requirement to spend over $500,000 per year maintaining a facility that is poorly suited to provide health care to the veterans of eastern Montana. VA would devote the saved funds to expanding Montana veterans' access to care by activating additional community based outpatient clinics in Montana.

House Bill

The House bills contain no comparable provision.

Compromise Agreement

Section 245 of the compromise agreement follows the Senate language. The compromise agreement anticipates that VA will work with the civic leadership of Custer County, Montana in order to identify potential improvements that may be reasonably necessary to effectuate the transfer of the Miles City property to Custer County. Also, the compromise agreement calls for the Secretary to determine to what extent it may be necessary to stipulate any conditions about the transfer, or conditions for VA's future use of this property, prior to the transfer of ownership of this property to Custer County. The compromise agreement further envisions funds appropriated to VA for non-recurring maintenance may be used, as authorized by law, to facilitate the transfer of VA's interest in the Miles City VA Medical Center to Custer County.

TRANSFER OF THE FORT LYON, COLORADO, VA MEDICAL CENTER TO THE STATE OF COLORADO

Current Law

No provision.

Senate Bill

Sections 313 and 314 of S. 1810 would transfer the VA Medical Center, Ft. Lyon, Colorado to the State of Colorado for use by the State as a corrections facility. Under the terms of the bill, the conveyance would take place only when arrangements are made to protect the interests of affected patients and employees of the facility. With respect to patients, the bill would require VA to make alternate arrangements to ensure that appropriate medical care and nursing home care services continue to be provided, on the same basis that care had been provided at Ft. Lyon, to all veterans receiving such services at the medical center. Under the bill, the VA would be authorized to provide care in community facilities at VA expense, notwithstanding other statutory limitations—e.g., title 38, United States Code, section 1720, which limits to 6 months the duration for which such care might be provided to veterans for nonservice-connected disabilities—or by state homes where VA would pay full costs and reimburse the veterans' share of copayments. Further, VA would be authorized to offer voluntary separation incentive payments to eligible employees of the Ft. Lyon VA medical center. In addition, the State would be required to allow public access to the Kit Carson Chapel located on the grounds of the VA medical center. And, finally, the VA would report on the status of the VA health care system in southern Colorado, not later than 1 year after the conveyance.

House Bill

The House bills contain no comparabale provision.

Compromise Agreement

Sections 246 and 247 of the compromise agreement follow the Senate language, except for the provision extending VA's authority to offer voluntary separation incentive payments [subsection (c) of section 314 of S. 1810].

The inclusion of this language in this legislation should not be misconstrued as an erosion of, or acquiescence in, the requirement enacted in Public Law 106–117, the Veterans Millennium Health Care and Benefits Act of 1999, for VA to maintain VA-provided long-term care capacity at the 1998 level. VA continues to be obligated by law to ensure that the cumulative effect of its actions does not result in a reduction in VA's ability to provide institutional long-term care.

It should be noted that section 207 of this bill provides a 2-year extension of VA-wide authority to offer voluntary separation incentive payments to VA employees. The Committees find that the provision specifically granting the Fort Lyon facility a 1-year authority to offer voluntary separation incentive payments is redundant. Further, the Committees were concerned that retaining the Fort Lyon-specific provision in final legislation could have the unintended effect of limiting the 2-year, VA-wide buyout authority, granted in section 207, to 1 year when applied in the case of Fort Lyon. The Committees expect VA to use the authority granted in section 207, as an important human resources management tool, in its conveyance of the Fort Lyon facility.

TITLE III—COMPENSATION, INSURANCE, HOUSING, EMPLOYMENT, AND MEMORIAL AFFAIRS PROVISIONS

Subtitle A—Compensation Programs Changes

PRESUMPTION OF SERVICE CONNECTION FOR HEART ATTACK OR STROKE SUFFERED BY A MEMBER OF A RESERVE COMPONENT IN THE PERFORMANCE OF DUTY WHILE PERFORMING IN ACTIVE DUTY TRAINING

Current Law

Under section 101(24) of title 38, United States Code, guardsmen and reservists who sustain an ''injury'' during inactive duty training are eligible for certain veterans' benefits, but are not eligible to receive disability compensation for a condition characterized as a ''disease'' that is incurred or aggravated during such training.

House Bill

Section 201(a) of H.R. 4850 would amend section 101(24) to include an acute myocardial infarction, a cardiac arrest, or a cerebrovascular accident resulting in disability or death and occurring during any period of inactive duty training for the purposes of service-connected benefits administered by VA.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 301 of the compromise agreement contains the House provision.

SPECIAL MONTHLY COMPENSATION FOR WOMEN VETERANS WHO LOSE A BREAST AS A RESULT OF A SERVICE-CONNECTED DISABILITY

Current Law

Section 1114(k) of title 38, United States Code, authorizes a special rate of compensation if a veteran, as the result of a service-connected disability, has suffered the anatomical loss or loss of use of one or more creative organs, or one foot, or one hand, or both buttocks, or blindness of one eye, having only light perception, or has suffered complete loss of the ability to speak, or deafness of both ears. The special monthly compensation is payable in addition to the compensation payable by reason of ratings assigned under the rating schedule.

House Bill

Section 202 of H.R. 4850 would amend section 1114(k) by making veterans eligible for special monthly compensation due to the service-connected loss of one or both breasts due to a radical mastectomy or modified radical mastectomy.

Senate Bill

Section 103 of S. 1810 would amend section 1114(k) by making female veterans eligible for special monthly compensation due to the loss of one or both breasts, including loss by mastectomy.

Compromise Agreement

Section 302 of the compromise agreement contains the Senate provision.

BENEFITS FOR PERSONS DISABLED BY PARTICIPATION IN COMPENSATED WORK THERAPY PROGRAM

Current Law

Section 1151 of title 38, United States Code, provides compensation, under certain circumstances, to veterans who are injured as a result of VA health care or participation in VA vocational rehabilitation. Section 1718 of title 38, United States Code, authorizes the ''Compensated Work Therapy Program (CWT),'' which pays veterans to work in a variety of positions on contracts with governmental and industrial entities. CWT work is intended to be therapeutic by helping veterans re-enter the work force, enabling them to increase self-confidence and by improving their ability to adjust to the work setting. However, current law provides no mechanism to compensate CWT participants who may be injured as a result of participation.

House Bill

Section 402 of H.R. 5109 would allow VA to provide disability benefits under section 1151 to CWT participants injured while participating in this program.

Senate Bill

The Senate bills contains no comparable provision.

Compromise Agreement

Section 303 of the compromise agreement contains the House language.

REVISION TO LIMITATION ON PAYMENTS OF BENEFITS TO INCOMPETENT INSTITUTIONALIZED VETERANS

Current Law

Under section 5503 of title 38, United States Code, VA is prohibited from paying compensation and pension benefits to an incompetent veteran who has assets of $1,500 or more if the veteran is being provided institutional care with or without charge by VA (or another governmental provider) and he or she has no dependents. Such payments are restored if the veteran's assets drop to $500 in value. If VA later determines that the veteran is competent for at least 6 months, the withheld payments are made in a lump sum.

Senate Bill

Section 205 of S. 1076 would repeal the limitation on benefit payments imposed by section 5503 of title 38, United States Code.

House Bill

The House bills contain no comparable provision.

Compromise Agreement

Under section 304 of the compromise agreement, the amount of resources that an incompetent veteran may retain and still qualify for payments is increased from $1,500 to five times the benefit amount payable to a service-connected disabled veteran rated at 100 percent. If payments are withheld, they may be restored if the veteran's assets drop to one-half of that amount. The Committees expect that in notifying veterans and fiduciaries of the applicability of this requirement, VA will briefly indicate the assets that are counted or excluded in determining net worth. (See 38 C.F.R. §13.109)

REVIEW OF DOSE RECONSTRUCTION PROGRAM OF THE DEFENSE THREAT REDUCTION AGENCY

Current Law

VA provides service-connected compensation benefits to veterans who were exposed to ionizing radiation in service (due to participation in the occupation forces of Hiroshima or Nagasaki immediately after World War II, or in nuclear testing activities during the Cold War era) and who, subsequently, are diagnosed with the presumptive diseases listed in section 1112(c)(2) of title 38, United States Code. VA may also compensate radiation-exposed veterans with diseases not presumed to be service-connected if it determines that it is as likely as not that the disease is the result of exposure, taking into account the amount of exposure and the radiogenic properties of the disease; but VA utilizes dose reconstruction analysis provided by the Department of Defense to determine the estimated exposure.

Senate Bill

Section 171 of S. 1810 specifies that the Department of Defense (DOD) shall contract with the National Academy of Sciences (NAS) to carry out periodic reviews of the dose reconstruction program. NAS would review whether DOD's reconstruction of sampled doses is accurate, whether DOD assumptions regarding exposure based upon sampled doses are credible, and whether data from nuclear testing used by DOD in its reconstructions are accurate. The review would last 24 months and culminate in a report detailing NAS' findings and recommendations, if any, for a permanent review program.

House Bill

The House bills contain no comparable provision.

Compromise Agreement

Section 305 of the compromise agreement follows the Senate language.

Subtitle B—Life Insurance Matters

PREMIUMS FOR TERM SERVICE DISABLED VETERANS' INSURANCE FOR VETERANS OLDER THAN AGE 70

Current Law

VA Administers the Service-Disabled Veterans Insurance (SDVI) program under chapter 19 of title 38, United States Code. SDVI term policy premiums increase every 5 years to reflect the increased risk of death as individuals age.

Senate Bill

Section 131 of S. 1810 would cap premiums for SDVI term policies at the age 70 renewal rate.

House Bill

The House bills contain no comparable provision.

Compromise Agreement

Section 311 of the compromise agreement follows the Senate language with an amendment requiring VA to report to Congress, not later than September 30, 2001, on plans to liquidate the unfunded liability in the SDVI program not later than October 1, 2011.

INCREASE IN AUTOMATIC MAXIMUM COVERAGE UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE AND VETERANS' GROUP LIFE INSURANCE

Current Law

The Servicemembers' Group Life Insurance (SGLI) program provides up to $200,000 in coverage to individuals on active duty in the Armed Forces, members of the Ready Reserves, the Commissioned Corps of the National Oceanic and Atmospheric Administration, the Public Health Service, cadets and midshipmen of the four service academies, and members of the Reserve Officer Training Corps. The maximum coverage of $200,000 is automatically provided unless the servicemember declines coverage are elects coverage at a reduced amount.

Senate Bill

Section 132 of S. 1810 would increase the maximum amount of coverage available through the SGLI program from $200,000 to $250,000.

House Bill

The House bills contain no comparable provision.

Compromise Agreement

Section 312 of the compromise agreement contains the Senate language.

ELIGIBILITY OF CERTAIN MEMBERS OF THE INDIVIDUAL READY RESERVE FOR SERVICEMEMBERS' GROUP LIFE INSURANCE

Current Law

Members of the Selected Reserve are eligible for enrollment in the Servicemembers' Group Life Insurance (SGLI) program. Members of the Individual Ready Reserve (IRR)

are eligible for SGLI only when called to active duty. Members of the IRR are currently eligible for Veterans Group Life Insurance, but only a small percentage participates.

House Bill

Section 301 of H.R. 4850 would provide those members of the IRR who are subject to involuntary call-up authority to enroll in the Serivcemembers' Group Life Insurance program.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 313 of the compromise agreement contains the House language.

Subtitle C—Housing and Employment Programs

ELIMINATION OF REDUCTION IN ASSISTANCE FOR SPECIALLY ADAPTED HOUSING FOR DISABLED VETERANS HAVING JOINT OWNERSHIP OF HOUSING UNITS

Current Law

Under chapter 21 of title 38, United States Code, veterans with severe disabilities such as loss of ambulatory function are eligible for specially adapted housing grants of up to $43,000 to finance the purchase or remodeling of housing units with special adaptions necessary to accommodate their disabilities. No particular form of ownership is specified in current law. Under regulations promulgated by the Secretary of Veterans Affairs, co-ownership of the property by the veteran and another person is not relevant to the amount of the grant if the co-owner is the veteran's spouse. If, however, the co-owner is a person other than the veteran's spouse, the maximum grant amount is reduced by regulation to reflect the veteran's partial ownership of the property interest, e.g., if the veteran jointly owns the property with one other person such as a sibling, the maximum grant is $21,500. (See 38 CFR §36.4402)

Senate Bill

Section 121 of S. 1810 would amend section 2102 of chapter 21 of title 38, United States Code, to allow VA to make non-reduced grants for specially adapted housing in cases where title to the housing unit is not vested solely in the veteran, if the veteran resides in the housing unit.

House Bill

The House bills contain no comparable provision.

Compromise Agreement

Section 321 of the compromise agreement contains the Senate language.

VETERAN'S EMPLOYMENT EMPHASIS UNDER FEDERAL CONTRACTS FOR RECENTLY SEPARATED VETERANS

Current Law

Section 4212 of title 38, United States Code, requires that certain Federal contractors and subcontractors take affirmative action to employ and advance ''special disabled veterans'' (generally, veterans with serious employment handicaps or disability ratings of 30 percent or higher), Vietnam-era veterans, and other veterans who are ''preference eligible'' (generally, veterans who have served during wartime or in a campaign or expedition for which a campaign badge has been authorized).

Senate Bill

Section 151 of S. 1810 would add recently separated veterans (veterans who have been discharged or released from active duty within a 1-year period) to the definition of veterans to whom Federal contractors and subcontractors must extend affirmative action to employ and advance in employment.

House Bill

The House bills contain no comparable provision.

Compromise Agreement

Section 322 of the compromise agreement contains the Senate language.

EMPLOYERS REQUIRED TO GRANT LEAVE OF ABSENCE FOR EMPLOYEES TO PARTICIPATE AS HONOR GUARDS FOR FUNERALS OF VETERANS

Current Law

Section 4303(13) of title 38, United States Code, defines ''service in the uniformed services,'' as the performance of duty on a voluntary or involuntary basis. Section 4316 defines the rights, benefits, and obligations of persons absent from employment for service in a uniformed service.

House Bill

H.R. 284 would add to the definition of ''service in the uniformed services'' a period for which a person is absent from employment for the purpose of performing funeral honors authorized duty under section 12503 of title 10, United States Code, or section 115 of title 32, United States Code. An employer would be required to grant an employee who is a member of a reserve component an authorized leave of absence from a position of employment to allow the employee to perform funeral duties. For purposes of intent to return to a position of employment with an employer, H.R. 284 would stipulate that an employee who takes an authorized leave of absence to perform funeral honors duty would be deemed to have notified the employer of the employee's intent to return to such position of employment.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 323 of the compromise agreement contains the House language.

Subtitle D—Cemeteries and Memorial Affairs

ELIGIBILITY OF CERTAIN FILIPINO VETERANS OF WORLD WAR II FOR INTERMENT IN NATIONAL CEMETERIES

Current Law

Section 2402(4) of title 38, United States Code, provides that eligibility for burial in any open VA national cemetery include any citizen of the United States who, during any war in which the United States is or has been engaged, served in the armed forces of any government allied with the United States during that war, and whose last such service terminated honorably.

Senate Bill

Section 141 of S. 1810 would amend section 2402(4) of title 38, United States Code, to provide for the eligibility of a Philippine Commonwealth Army veteran for burial in a national cemetery if, at the time of death, the Commonwealth Army veteran is a naturalized citizen of the United States, and he is a resident of the United States.

House Bill

The House bills contain no comparable provision.

Compromise Agreement

Section 331 of the compromise agreement follows the Senate language with an amendment requiring that the veteran be a citizen of, or lawfully admitted for permanent residence in, the United States, and be receiving compensation or be determined to have been eligible for pension had the veteran's service been deemed to be active military, naval, or air service.

PAYMENT RATE OF BURIAL BENEFITS FOR CERTAIN FILIPINO VETERANS OF WORLD WAR II

Current Law

Former members of the Philippine Commonwealth Army may qualify for VA disability compensation, burial benefits, and National Service Life Insurance benefits, and their survivors may qualify for dependency and indemnity compensation. These benefits are paid at one-half the rate they are provided to U.S. veterans. (See 38 U.S.C. §107).

Senate Bill

Section 201 of S. 1076 would authorize payment of the full-rate funeral expense and plot allowance to survivors of Philippine Commonwealth Army veterans who, at the time of death, a) are citizens of the United States residing in the U.S. and b) are receiving compensation for a service-connected disability or would have been eligible for VA pension benefits had their service been deemed to have been active military, naval, or air service.

House Bill

The House bills contain no comparable provision.

Compromise Agreement

Section 332 of the compromise agreement follows the Senate language with an amendment that as an alternate requirement to citizenship, permanent resident status would suffice for purposes of establishing eligibility.

PLOT ALLOWANCE FOR BURIAL IN STATE VETERANS' CEMETERIES

Current Law

Section 2303(b)(1) provides a plot allowance of $150 for each veteran buried in a State-owned veterans' cemetery, provided that only persons eligible for burial in a national cemetery are buried in that cemetery.

House Bill

The House bills contain no comparable provision.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 333 of the compromise agreement would allow a State to bury in a State veterans' cemetery members of the Armed Forces or former members discharged or released from service under conditions other than dishonorable—who are not otherwise eligible for burial in a national cemetery—without the State losing its eligibility for a plot allowance.

TITLE IV—OTHER MATTERS

BENEFITS FOR THE CHILDREN OF WOMEN VIETNAM VETERANS WHO SUFFER FROM CERTAIN BIRTH DEFECTS

Current Law

VA has authority to compensate veterans (including additional amounts of compensation for dependents) for service-connected disease or injury. VA may, pursuant to Public Law 104–204, provides benefits to children of Vietnam veterans born with ''all forms and manifestations'' of spina bifida except spina bifida occulta. Children with spina bifida born of Vietnam veterans currently are eligible for (1) a monthly allowance, varying by degree of disability of the person with spina bifida, (2) health care for any disability associated with that person's spina

bifida, and 930 vocational training, job placement, and post-job placement services.

Senate Bill

Section 162 of S. 1810 would extend (with a single variation) to the children born with birth defects to women Vietnam veterans the same benefits as those now afforded to Vietnam veterans' children born with spina bifida under chapter 18 of title 38, United States Code.

House Bill

The House bills contains no comparable provision.

Compromise Agreement

Section 401 of the compromise agreement generally follows the Senate language. The former chapter 18 has been redesignated as subchapter I, the compromise agreement from section 401 of S. 1810 has been designated as subchapter II of chapter 18 and certain general definitional and administrative provisions applicable to both subchapters I and II of chapter 18 have been placed in a new subchapter III.

The definition of ''child'' in the Senate bill has been moved to a general definitions section (new section 1821) contained in subchapter III. A separate definition of ''eligible child'' (for purposes of subchapter II) has been provided in a new section 1811. The definition of ''female Vietnam veteran'' contained in S. 1810 has been removed from subchapter II and replaced by general definitions of Vietnam veteran and Vietnam era in new section 1821.

S. 1810 would have excluded spina bifida from the definition of a covered birth defect in subchapter II. Thus, the Senate bill could have been interpreted so as to require a child to choose to receive a monthly monetary allowance and health care based only on spina bifida or based only on non-spina bifida disabilities, but not both. Because the Committees wish to include spina bifida with all other covered disabilities for purposes of rating the disabilities from which an eligible child may suffer, the prohibition in proposed section 1812(b)(2) has been deleted from the compromise bill. The compromise agreement is intended to ensure that children of women Vietnam veterans who suffer both from spina bifida and any other covered birth defect will have all of their disabilities considered in determining the appropriate disability rating and the amount of monetary benefits to be paid under subchapter II of chapter 18. If the only covered birth defect present is spina bifida, the eligible child would be compensated under the spina bifida provisions of subchapter I of chapter 18.

The requirement in S. 1810 that birth defects identified by the Secretary be listed in regulations has been omitted. In drafting this legislation, the Committees considered the report of the Department of Veterans Affairs, Veterans Health Administration, Environmental Epidemiology Service, entitled ''Women Vietnam Veterans Reproductive Outcomes Health Study'' (October, 1998). Because this report identifies a wide variety of birth defects identified in the children of women Vietnam veterans, the Committees concluded that it was not necessary to provide a rating for each separate defect. Thus, the Committees intend that, in addition to whatever specific defects the Secretary may identify, the Secretary may also describe defects in generic terms, such as ''a congenial muscular impairment resulting in the inability to stand or walk without assistive devices.'' Language authorizing the Secretary to take into account functional limitations when formulating a schedule for rating disabilities under the new subchapter was added to specifically allow for ratings based upon generic descriptions of functional limitations imposed by the disabilities.

The limitation contained in the Senate bill which barred assistance under the new authority to an individual who qualified for spina bifida benefits has been deleted to assure that children who suffer from spina bifida and any other covered defect may receive a monetary allowance under subchapter II and health care which takes into account the disabilities imposed by spina bifida and any other condition.

EXTENSION OF CERTAIN EXPIRING AUTHORITIES

Current Law

The following authorities expire on September 30, 2002: 1) VA's authority to verify the eligibility of recipients, of, or applicants for, VA needs-based benefits and VA means-tested medical care by gaining access to income records of the Department of Health and Human Services/Social Security Administration and the Internal Revenue Service, 2) the reduction to $90 per month for VA pension and death pension benefits to veterans or other beneficiaries without dependents who are receiving Medicaid-covered nursing home care, 3) the Secretary's authority to charge borrowers who obtain VA-guaranteed, insured or direct home loans a ''home loan'' fee, and 4) procedures applicable to liquidation sales of defaulted home loans guaranteed by VA. The Secretary's (enhanced loan asset) authority to issue and guarantee securities representing an interest in home loans expires on December 31, 2002.

House Bill

Section 8 of H.R. 4268 would extend temporary authorities to 2008 that would otherwise expire on September 30, 2002, including: 1) VA income verification authority through which VA verifies the eligibility for VA needs-based benefits and VA means-tested medical care, by gaining access to income records of the Department of Health and Human Services/Social Security Administration and the Internal Revenue Service, 2) limitation on VA pension and death pension payments to beneficiaries without dependents receiving Medicaid-covered nursing home care, 3) VA-enhanced loan asset authority guaranteeing the payment of principal and interest on VA-issued certificates or other securities, VA home loan fees of ¾ of one percent of the total loan amount, and 4) procedures applicable to liquidation sales on defaulted home loans guaranteed by VA.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 402 of the compromise agreement contains the House language.

PRESERVATION OF CERTAIN REPORTING REQUIREMENTS

Current Law

The Federal Reports Elimination and Sunset Act of 1995 repealed a number of agency report requirements that Congress had imposed during the 20th century. The effect of that law, which otherwise would have taken effect last year, was temporarily suspended until May 15, 2000, by a provision in last year's omnibus appropriations act, Public Law 106-113.

House Bill

Section 10 of H.R. 4268 would reinstate the requirements that the Secretary provide periodic reports concerning equitable relief granted by the Secretary to an individual beneficiary (expires December 31, 2004); work and activities of the Department; programs and activities examined by the Advisory Committees on a) former prisoners of war (expires December 31, 2003) and b) women veterans (expires after biennial reports submitted in 2004); operation of the Montgomery GI Bill educational assistance program (expires December 31, 2004); and activities of the Secretary's special medical advisory group (expires December 31, 2004). It also requires the Secretary to include with any report that is required by law or by a joint explanatory statement of a Congressional conference committee an estimate of the cost of preparing the report.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 403 of the compromise agreement contains the House language.

LEGISLATIVE PROVISIONS NOT ADOPTED

EXPANSION OF LIST OF DISEASES PRESUMED TO BE SERVICE-CONNECTED FOR RADIATION-EXPOSED VETERANS

Current Law

Section 1112(c)(2) of title 38, United States Code, lists 16 diseases which, if they become manifest in a radiation-exposed veteran at any time in his or her lifetime, would be considered to have been incurred in or aggravated during active service.

Senate Bill

Section 102 of S. 1810 would amend section 1112(c)(2) by adding lung cancer, tumors of the brain and central nervous system, and ovarian cancer to the list of diseases presumed to be service-connected if they are contracted by radiation-exposed veterans.

House Bill

The House bills contain no comparable provision.

INCREASE IN MAXIMUM AMOUNT OF HOUSING LOAN GUARANTEE

Current Law

Under section 3703(a)(1)(A)(IV) of title 38, United States Code, VA guarantees 25 percent of a home loan amount for loans of more than $144,000, with a maximum guaranty of $50,750. Under current mortgage loan industry practices, a loan guaranty of $50,750 is sufficient to allow a veteran to borrow up to $203,000 toward the purchase of a home with no down payment.

Senate Bill

Section 122 of S. 1810 would amend section 3703(a)(1) to increase the maximum amount of the VA guaranty from $50,750 to $63,175.

House Bill

The House bills contain no comparable provision.

TERMINATION OF COLLECTION OF LOAN FEES FROM VETERANS RATED ELIGIBLE FOR COMPENSATION AT PRE-DISCHARGE RATING EXAMINATIONS

Current Law

Section 3729(c) of title 38, United States Code, provides that a loan fee may not be collected from a veteran who is receiving disability compensation (or who, but for the receipt of retirement pay, would be entitled to receive compensation) or from a surviving spouse of any veteran who died from a service-connected disability (including a person who died in the active military, naval, or air service).

Senate Bill

Section 123 of S. 1810 would amend section 3729 to add an additional category of fee-exempt borrower; persons who have been evaluated by VA prior to discharge from military service and who are expected to qualify for a compensable service-connected disability upon discharge, but who are not yet receiving disability compensation because they are still on active duty.

House Bill

The House bills contain no comparable provision.

FAMILY COVERAGE UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE

Current Law

Spouses and dependent children are not eligible for any VA-administered insurance program.

Senate Bill

Section 133 of S. 1810 would create a new section 1967A within chapter 19 of title 38, United States Code. This section would provide to SGLI-insured servicemembers an opportunity to provide for coverage of their spouses and children. The amount of coverage for a spouse would be equal to the coverage of the insured servicemember, up to a maximum of $50,000. The lives of an insured servicemembers' dependent children would be insured for $5,000.

House Bill

The House bills contain no comparable provision.

COMPTROLLER GENERAL AUDIT OF VETERANS' EMPLOYMENT AND TRAINING SERVICE OF THE DEPARTMENT OF LABOR

Current Law

Not applicable.

Senate Bill

Section 152 of S. 1810 would require the Comptroller General of the United States to carry out a comprehensive audit of the Veterans' Employment and Training Service of the Department of Labor. The audit would commence not earlier than January 1, 2001, and would be completed not later than 1 year after enactment of this provision. Its purpose would be to provide a basis for future evaluations of the effectiveness of the Service in meeting its mission. The audit would review the requirements applicable to the Service under law, evaluate the organizational structure of the Service, and any other matters related to the Service that the Comptroller General considers appropriate.

House Bill

The House bills contain no comparable provision.

ACCELERATED PAYMENTS OF BASIC EDUCATIONAL ASSISTANCE

Current Law

Current law does not provide for accelerated educational assistance payments tin VA-administered education programs.

Senate Bill

Section 9 of S. 1402 would authorize VA to make accelerated payments under the terms of regulations that VA would promulgate to allow MGIB participants to receive a semester's, a quarter's, or a term's worth of benefits at the beginning of the semester, quarter, or term. For courses not so organized, VA could make an accelerated payment up to a limit established by VA regulation, not to exceed the cost of the course.

House Bill

The House bills contain no comparable provision.

ELIGIBILITY OF MEMBERS OF THE ARMED FORCES TO WITHDRAW ELECTIONS NOT TO RECEIVE MONTGOMERY GI BILL BASIC EDUCATIONAL ASSISTANCE

Current Law

Sections 3011(c)(1) (for active duty service of at least 3 years) and 3012(d)(1) (for active duty service of 2 years and 4 continuous years in the Selected Reserve) of title 38, United States Code, provide that any servicemember may make an election not to receive educational assistance under chapter 30 of title 38, United States Code. Any such election shall be made at the time the individual initially enters active duty. For servicemembers who elect to sign up for the Montgomery GI Bill, section 3011(b) requires a pay reduction of $100 per month for the first 12 months of active service.

Senate Bill

Section 8 of S. 1402 would authorize servicemembers who had ''opted out'' of MGIB participation (by electing not to receive MGIB benefits and whose basic pay during the first 12 months of service, therefore, had not been reduced by $100 per month for 12 months) to regain eligibility for MGIB benefits by making a $1,500 lump sum payment.

House Bill

The House bills contain no comparable provision.

CODIFICATION OF RECURRING PROVISIONS IN ANNUAL DEPARTMENT OF VETERANS AFFAIRS APPROPRIATIONS ACTS

Current Law

Each year the Congress appropriates funds to the Department of Veterans Affairs as part of the Departments of Veterans Affair and Housing and Urban Development, Independent Agencies Appropriations Act (VA–HUD) appropriations bill). Although the amount of the appropriations varies from year to year, the purposes for which appropriations are made are generally fixed, and change little, if any, from year to year. Because the style of appropriations language discourages normal punctuation or sentence structure, some of the ''sentences'' making appropriations exceed a page in length. This approach appears to make the appropriations language difficult for the average person to read.

House Bill

Section 9 of H.R. 4268 would codify recurring provisions in annual Department of Veterans Affairs Appropriations Acts.

Senate Bill

The Senate bills contain no comparable provision.

MAJOR CONSTRUCTION PROJECT AT THE BOSTON, MASSACHUSETTS HEALTH CARE SYSTEM: INTEGRATION OF THE BOSTON, WEST ROXBURY, AND BROCKTON VA MEDICAL CENTERS

Current Law

No provision.

House Bill

The House bills contain no comparable provision.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

The Committees take note of concerns registered by Members of both Houses over the pace and poor planning associated with an important project in the greater Boston VA environment. The most recent information on the Boston integration indicates that a new review—by the Capital Assets Restructuring For Enhanced Services (CARES) contractor for New England—will begin soon. The Committees expect VA to complete the Boston integration plan in an expedited manner. Further, the Committees expect the VA to submit a proposal, or a major construction authorization request, to address these infrastructure needs following completion of the CARES validation of bed need in the area. The Committees support this process and look forward to the results of the analysis and any proposal VA consequently may make.

PILOT PROGRAM FOR COORDINATION OF HOSPITAL BENEFITS

Current Law

No provision.

House Bill

Section 401 of H.R. 5109 would authorize a four-site VA pilot program. Under the program, veterans with Medicare or private health coverage (and a number of indigent veterans), who rely on a VA community-based clinic, could voluntarily choose nearby community hospital care for brief episodes of medical-surgical inpatient care. The VA clinic would coordinate care and cover required copayments.

Senate Bill

The Senate bills contain no comparable provision.

UNIFICATION OF MEDICATION COPAYMENTS

Current Law

Under Section 1710(a)(2)(G) of title 38, United States Code, VA provides medical care, without imposing an obligation to make copayments for such care, to veterans who are ''unable to defray the expenses of necessary care. . . .'' This is determined by comparing the veteran's annual income against an income threshold that is adjusted annually. A separate provision of law, section 1722A of title 38, United States Code, mandates that VA charge a copayment for each 30-day supply of prescription medications provided to a veteran on an outpatient basis if that medication is for the treatment of a nonservice-connected condition.

Two categories of veterans are exempt from the copayment obligation: veterans who have service-connected disability ratings of 50 percent or higher, and veterans whose annual income does not exceed the maximum amount of ''means tested'' VA pension that would be payable if such veterans were to qualify for pension. Eligibility for pension is also determined by calculating countable income against an income threshold. This pension level is lower than the health care eligibility income threshold. As a consequence, veterans who are given priority access to VA health care and are exempted from making copayments for that health care under one measurement of their means are required to make copayments for medications under a different measurement of their means.

Senate Bill

Section 201 of S. 1810 would unify the copayment exemption thresholds at the health care eligibility income threshold.

House Bill

The House bills contain no comparable provision.

EXTENSION OF MAXIMUM TERM OF VA LEASES TO PROVIDERS OF HOMELESS VETERANS SERVICES

Current Law

VA's Home Loan Guaranty Program assists veterans by facilitating their purchase,

construction, and improvement of homes. VA does so by encouraging private lenders to extend favorable credit terms to veterans by guaranteeing repayment of a portion of the lender-provided home loan.

In some circumstances, veterans default on mortgage loans guaranteed by VA. In such cases, the lender will foreclose, and VA, as a guarantor, may come into possession of the property. Such properties, typically, are sold to the public by VA. VA, however, has the option of leasing such properties to public and nonprofit private providers of services to homeless veterans so that such service-providers may offer shelter and other services to homeless veterans and their families. However, such leases to the providers of services to homeless veterans may not exceed 3 years in term.

Senate Bill

Section 311 of S. 1810 would extend the maximum term of VA leases to providers of services to homeless veterans from 3 to 20 years.

House Bill

The House bills contain no comparable provision.

Madam Speaker, I reserve the balance of my time.

Mr. EVANS. Madam Speaker, I yield myself such time as I may consume, and I rise in strong support of this bill's amendment. This legislation contains many important provisions, a few of which I will highlight at this time.

Among the most important is an increase in the Montgomery GI Bill basic benefit of $650 a month. This will provide qualifying veterans more than $23,000 to pursue their higher education goals. We are very pleased that the former chairman, the gentleman from Mississippi, Sonny Montgomery, is in the Chamber with us today. He deserves the credit for the initiation of this program and its continued support.

This is an increase of $4200, or more than 23 percent, than the benefit available when this year began. For VA nurses, an annual pay adjustment is provided. At long last, VA nurses will now receive an annual pay adjustment like other VA employees.

I am very pleased that the measure also requires the VA to carry out a new study on Vietnam veterans and post-traumatic stress disorder. Importantly, this provision also recognizes the increased occurrence of birth defects in children born to women veterans who served in Vietnam during that war.

Madam Speaker, I particularly want to thank the chairman of the committee, the gentleman from Arizona (Mr. STUMP) not only for his leadership on this issue and the other veterans' issues being considered here today, but for his stewardship of the House Committee on Veterans' Affairs during the past 6 years. It has been a good run, and we appreciate the gentleman's strong support for the veterans of our country. We know he will be a continued fighter for their benefits and compensation.

Madam Speaker, I rise in strong support of S. 1402, the Veterans Benefits and Health Care Improvement Act of 2000. This legislation will benefit our nation's veterans, their dependents and survivors, and strongly deserves overwhelming approval by this House.

This legislation contains many noteworthy education provisions which will benefit not only those who serve in uniform, but our nation as a whole. As the author of this legislation, with my good friend, Congressman JOHN DINGELL, to provide a meaningful increase in veterans' education benefits. I strongly believe this measure is an important first step toward revitalizing one of the most successful and important programs in modern history. Under this measure, effective November 1, 2000, the Montgomery GI Bill (MGIB) basic education benefit for veterans will increase to $650 per month for those who serve three years in the Armed Forces and to $528 per month for a two-year period of service. For those serving three years, this increase will provide qualifying veterans more than $23,000 to pursue their higher education goals. This is an increase of $4200, or 23%, over the benefit available when this year began. It is a needed step in restoring the purchasing power of the Montgomery GI Bill benefit.

In addition, an increase in MGIB education benefits for eligible survivors and dependents is provided. For the first time, an annual cost-of-living increase will also be provided for educational benefits being received by eligible survivors and dependents. Under this legislation survivors' and dependents' education benefits would be increased from $485 per month to $588 per month for full-time students, and by lesser amounts for part-time and other types of training.

For the first time, servicemembers on active duty who are particularly determined to achieve their educational goals are provided the option to elect an enhanced MGIB. Under this provision, eligible servicemembers could elect to make voluntary contributions while still on active duty, up to a maximum additional contribution of $600. This contribution would be in addition to the $1,200 reduction in pay that is required of every servicemember who elects to participate in the MGIB. In return for a maximum additional contribution of $600, the servicemember would be eligible for up to $5,400 in additional education assistance benefits under the MGIB program.

Other important provisions provide for a uniform requirement for a high school diploma or GED before applying for MGIB benefits and the repeal of the requirement for initial obligated period of active duty as a condition of eligibility for MGIB benefits. Further, the legislation provides that up to $2,000 in MGIB education benefits which may be used for civilian occupational licensing or certification examination fees that are necessary to enter, maintain or advance in employment. In addition, survivors and dependents who are eligible for MGIB benefits are authorized to use those benefits for preparatory courses including standardized college entrance examinations.

Veterans are not using the MGIB benefits they have earned through honorable military service. High-ability, college-bound young Americans are choosing not to serve in the Armed Forces. The significant changes in the MGIB readjustment program embodied in this compromise agreement should help to increase program usage and enable the military service to recruit the higher ability young people they need.

Several important changes regarding burial benefits are also included in this legislation. Eligibility for burial in a VA national cemetery is provided to Filipino veterans of World War II if, at the time of death, the veteran was legally residing in the United States. In addition, full-rate funeral expenses and plot allowances to survivors of eligible Filipino veterans of World War II are authorized.

With the aging of our World War II population, an estimated 1,000 veteran burials occur each day and by the year 2008, it has been estimated that 1,700 veterans' funerals will take place each day. Importantly, this legislation includes a provision that would amend the Uniformed Services Employment and Reemployment Rights Act (USERRA) to expressly require employers to grant reservists an authorized leave of absence for performing funeral honors duty. This provision would ensure that civilian employers support both reserve component servicemembers and America's veterans to whom we all owe our gratitude and final respect.

Another significant provision of this legislation regards veterans' employment. This provision would add recently-separated servicemembers as veterans to whom affirmative action must be extended, for purposes of employment and advancement in employment, by Federal contractors and subcontractors.

For VA nurses, an annual pay adjustment is provided. At long last, a serious pay inequity affecting the largest group of employees in the VA—its nurses—is addressed and VA nurses will now receive a annual pay adjustment like other VA employees. Most experts agree that we have entered or are on the threshold of another critical nurse shortage. The current nurse workforce is aging and many nurses will retire within the next five years. At the same time, the American Nurses Association indicates that enrollment in nursing schools has dropped precipitously just as we will be attempting to address the needs of an increasingly large elderly population. Older people use far more health care services than younger people do.

In addition, nurses have had to shoulder even more responsibility as health care delivery is transformed. Nurses are continually asked to work more independently, work additional shifts, and change the manner in which they have practiced medicine to reflect current health care delivery practices, which often means updating or learning new skills. This very important nurse pay provision will correct a problem that has been demoralizing our VA nurse workforce and I thank my colleagues for supporting this provision.

Over the last five years, VA's dental workforce has literally been decimated while VA has enrolled more veterans who require their services. I want to commend the Ranking Member of our Benefits Subcommittee, BOB FILNER for recognizing this problem and for authoring legislation that served as the framework for a provision contained in this legislation. This measure will allow VA to shore up its dental staff by providing VA with the authority to extend ranges of pay for dentists who work full-time in the VA, who have special

hospital-based training, and who have dedicated their careers to VA. It will help VA recruit and retain its dentists who have unique skills in working with veterans who are often medically indigent or have experienced traumatic service-incurred injuries. These valuable personnel have learned from working with veterans, and VA should take dramatic steps to revise the damage that has been done to this workforce over the last few years.

Further, this legislation also provides VA physicians assistants long-sought representation within VA Headquarters along with better training opportunities. It will also help VA retain social workers, pharmacists and medical support personnel. These measures are crucial to sustaining a highly skilled health care staff.

This year marked the 25th anniversary of the end of the Vietnam war. I am very pleased this measure requires VA to carry out a new study on Vietnam veterans and Post-Traumatic Stress Disorder.

This legislation recognizes the increased occurrence of birth defects in children born to women veterans who served in Vietnam during the Vietnam war. Appropriately this measure provides health care, vocational rehabilitation and monetary benefits for children with birth defects attributable to the service of their mother in Vietnam. Earlier this year I introduced H.R. 4488 to provide these benefits. I am pleased S. 1402, as amended, authorizes these benefits.

Further, this measure also provides eligibility for special monthly compensation for women veterans for service-connected loss of one or both breasts.

This legislation also calls for a new focus on ''military service'' in assessing factors that may affect veterans' health. This ''Veterans Health Initiative'' is supported by many of the members of the Vietnam Veterans in Congress Caucus as well as by the Vietnam Veterans of America. Earlier this year we asked Secretary West to promote this orientation within the Department. This initiative will promote this activity by allowing VA to live up to its promise to be a system focused on the specific needs of veterans—a true veterans' health care system.

Veterans are often required to travel some distance to the nearest VA facility and are often accompanied by family or friends. For many years, VA has attempted to accommodate veterans who are not sick enough to stay in the hospital, but who may be unable to meet early appointment times with their physicians unless they stay nearby. If the veteran travels with family, the family member usually must find other accommodations. Fisher Houses are a source of lodging that have been available to servicemembers for some time. There are some Fisher Houses already accommodating veterans and their families. I am pleased this provision will authorize a regularized approach to operating them in concert with veterans' health care.

I am pleased that we are allowing VA to extend its buyout authority for two additional years. This authority will allow VA to restructure its workforce to bring in health care professionals and others with an appropriate mix of skills to contribute to the changing needs of the system. This authority is not without strings. In the health care system, VA has had to replace each worker with another professional. This has enabled VA to move appropriately skilled workers into areas where they are needed. Buyouts are greatly preferable to employees than the reductions-in-force that VA might otherwise have to employ. They are also tailored to allow VA flexibility in updating the skills within its workforce.

Mr. Speaker, the Veterans Benefits and Health Care Improvement Act of 2000 which deserves the strong support of every member of the house, is the product of the hard work of many people. In particular I want to thank the Chairman and Ranking Democratic member of our three Veterans' Affairs Subcommittees—CLIFF STEARNS and LUIS GUITERREZ, JACK QUINN and BOB FILNER, and TERRY EVERETT and CORRINE BROWN—for their important contributions.

I also applaud the significant contributions by our colleagues BART STUPAK and DAVID MINGE. BART STUPAK authored legislation authorizing service-connected disability for diseases manifest during inactive duty for training. A provision based on his proposal is included in this legislation.

DAVID MINGE proposed legislation to increase the amount of resources an incompetent veteran with no dependents, may retain and still qualify for payment of benefits while being provided institutional care at VA's expense.

Contributions made by members of the other body, by veterans, veteran service organizations, representatives of the Administration, our House Legislative Counsel, particularly Bob Cover, and the members of our Committee staffs are also acknowledged and certainly appreciated.

Mr. Speaker, I particularly thank the Chairman of the Committee, BOB STUMP, not only for his leadership of this measure and the other veterans measures being considered today, but also for his stewardship of the Veterans Affairs Committee during the past six years.

A member of the Committee since 1979, BOB STUMP assumed the Chairmanship of our Committee at the beginning of the 104th Congress. Under current House rules, having served as Chairman during the 104th, 105th and 106th sessions of Congress, BOB is precluded from serving as Chairman of Veterans Affairs during the 107th Congress.

For the last four years I have served as the Ranking Democratic Member of the Committee. I am indebted and grateful to BOB for the courtesy and cooperation that he has extended to me and to other Democratic members of the Committee.

We have not always agreed on public policy, but our disagreements have never prevented us from working together on behalf of veterans. It has been my privilege to work with BOB to develop legislation to address the most important needs of our veterans, their dependents and survivors.

During his six-year tenure as Chairman, our Committee has enacted significant legislation. We have accomplished much and assisted and benefited many. A man of few words, BOB STUMP would rather solve problems than talk about them. Thank you, BOB. I salute you for a job well done.

Madam Speaker, I reserve the balance of my time.

Mr. STUMP. Madam Speaker, I yield such time as he may consume to the gentleman from Nevada (Mr. GIBBONS), a member of the committee.

Mr. GIBBONS. Madam Speaker, I thank the gentleman for yielding me this time, and I also want to thank him for allowing me the opportunity to speak on this worthwhile bill. I would like to give great credit to the gentleman from Arizona (Mr. STUMP), the chairman of the committee, for his introduction of HCR–419, which is a bill that mirrors this bill and was introduced on the House side and became a very important part of our consideration in the deliberations of this bill.

Madam Speaker, I am pleased to rise in support of S. 1402, as amended, and I encourage all of my colleagues to support it as well. I wanted to highlight just a few of the benefit provisions of the bill, however, first I would like to also recognize one of our former colleagues, a great friend of America, a great friend of all veterans, the former representative from Mississippi, G. V. Sonny Montgomery, one of the distinguished gentlemen who was responsible for the GI Bill. And, of course, the bill carries his name, and rightfully so. It is a great honor for me to have the privilege to have made friends with Sonny Montgomery, and I treasure his work with veterans over all these years.

Madam Speaker, effective on November 1, this bill increases the Montgomery GI Bill benefit from $552 per month to $650 per month, thus helping 309,000 veterans and students immediately. Since October of 1997, Congress has increased the Montgomery GI Bill by 48 percent from $439 to $650 per month, and we still have more to go.

With the new buy-up provisions in this bill, current and future service members can contribute up to an additional $600 and increase their monthly benefit over 4 years of schooling from $650 per month to $800 per month.

Second, effective November 1, the bill increases educational benefits for 48,000 survivors and dependents from $485 to $588 per month, with guaranteed COLAs in years ahead.

Third, the bill is welcome news for about 137,000 active duty service members who either previously turned down an opportunity to convert from the post-Vietnam era veterans' educational assistance program, known as VEAP, to the Montgomery GI Bill or had a zero balance in their VEAP account. For a $2700 buy-in, these individuals will receive full Montgomery GI Bill benefits that will be valued at $23,400 with passage of today's legislation.

Fourth, the bill will help about 25,000 service members who are discharged from military service each year who need a civilian license or certification to practice their vocation or profession. Now they will be able to use their Montgomery GI Bill benefits to pay for

such examinations, which average about $150 each. The subcommittee has been very active on this issue, and I am pleased we were able to include this provision in our final package.

Fifth, the bill provides special monthly compensation for women veterans who lose a breast as a result of service-connected disability.

Sixth, the bill makes eligible for burial in VA national cemeteries, and for a burial plot allowance in other cemeteries, certain Philippine commonwealth army veterans of World War II.

Madam Speaker, in closing, I would like to pay tribute to the gentleman from Arizona (Mr. STUMP), chairman of the Committee on Veterans' Affairs. The gentleman from Arizona enlisted in the Navy at the age of 16 in 1943, and as a teenager and Navy corpsman, participated with the Marines in the invasion of Iwo Jima and Okinawa and the liberation of the Philippines.

The gentleman from Arizona has served on this committee for more than 17 years, and in the last 6 years was teamed first with Sonny Montgomery then with the gentleman from Illinois (Mr. EVANS) to provide the bipartisan leadership needed to get things done.

He has now completed his 6-year term as chairman using the simple credo of doing right by America's sons and daughters who have protected our priceless freedoms. We do not see BOB on the talk shows or doing media interviews, nor do we hear him trumpeting his legislative accomplishments. I suspect, Madam Speaker, that is because he would say, ''That's our duty.''

The gentleman from Arizona is an individual who provided selfless leadership, the kind of leadership that seems so common to his generation, a generation that repeatedly demonstrates that they are ordinary people doing extraordinary things.

I want the gentleman to know that he has my thanks and friendship, my admiration and deep respect, as well as all America's respect, especially our veterans in this country.

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

Mr. STUMP. Madam Speaker, I yield such time as he may consume to the gentleman from California (Mr. KUYKENDALL).

Mr. KUYKENDALL. Madam Speaker, I would like to associate myself with the remarks of the gentleman from Nevada (Mr. GIBBONS). Very eloquently done.

Having spent some time in the Marines Corps myself and then having to transition to the civilian world after an injury, I found out what it was like to use the GI Bill to get a new education. I got a master's degree in business with it. I found out what it was like to have a disability associated with the military and how one gets taken care of by the VA.

We make a promise to veterans. In many cases we promise them a very hard life and after their 3 or 4 years service, we send them back into society. The veterans that came back from World War II and Korea, with the use of the GI Bill that we had in place then, changed the world. That education program allowed hundreds of thousands of men and women to get an education and, in turn, make this Nation's economy grow into what it is today. They laid the foundation for the economic prosperity we have today. They are now retirees in many cases and are moving on, but this was possible due to the education those veterans received.

This bill continues that process. It continues it for veterans that are currently serving and it continues it for those who are on benefits today. Education, I believe, is part of the promise we owe them. Increasing the education benefits is well deserved, and I do not think we can ever do quite enough for these young men and women.

Finally, the health care portion. We have always had veterans, but we do not always take care of them as well as we should. This goes a long way towards improving this situation. It helps us improve some of the specialists pay who are treating veterans; it helps us with our facilities, as in the case of one in my area, by making it seismically safe, so that when we have earthquakes in California, that hospital will still be able to function helping veterans.

The bill also helps veterans by helping their families, when they have passed away, to bury them where they can be with their comrades. We have created several new cemeteries in this legislation.

All of these things, I think, go down the road of continuing our promise to people who are willing to serve our Nation, whether it be for a career or only for a short time, that we will look after them after they have left that service.

□ 1230

I commend S. 1402, urge its passage, and hope we implement it with the utmost speed.

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

Madam Speaker, let me once again thank the gentleman from Florida (Mr. STEARNS), the chairman of our Subcommittee on Health, who could not be here today because of a previous commitment in Florida. He has done a great job in steering this committee for the last 4 years.

I want to thank the gentleman from Nevada (Mr. GIBBONS) for his input on this bill that we are dealing with right now and thank him for his very kind remarks.

This is probably the last bill that we will bring to the floor under suspensions this year, Madam Speaker, and I would like to thank each and every member of the Committee on Veterans' Affairs on both sides of the aisle.

I especially would like to thank the gentleman from Illinois (Mr. EVANS) and his staff for the great job they have done for veterans, which just shows when we put partisan politics aside and work in the best interest of the veterans that we can accomplish many good things. I thank him very much.

I also would like to thank Senator SPECTER, the chairman of the VA on the Senate side, as well as the ranking member, Senator ROCKEFELLER, for their work and accomplishments on this measure. This is a good bill. Our veterans deserve it.

Mr. MINGE. Madam Speaker, I rise today to support S. 1402, the Veterans and Dependents Millennium Education Act. Specifically, I would like to commend the conferees for including a modified version of my legislation, H.R. 4935.

Section 304 of the Veterans and Dependents Millennium Education Act will be a great benefit to our nation's most vulnerable veterans. Current law concerning mentally ill veterans actually discourages them from seeking the mental health services they so desperately need. If a single, mentally ill veteran is institutionalized with an estate over $1,500, his or her estate is essentially reduced to below $500. Upon discharge, he or she would basically have no money for housing or other needs.

Today's legislation will modernize the estate levels for institutionalized mentally ill veterans. By tying the estate levels to the service connected disability ratings, we will ensure that they will be adequate and continue to adjust with the cost of inflation. I am proud that Congress is acting to ensure that those who served our country are not forgotten in their time of need.

There are many people who worked to make this effort possible. In the tradition of veterans helping veterans, the Minnesota Veterans of Foreign Wars visited my office last Spring to inform me of this discriminatory treatment of mentally ill veterans. Former State Commander of the VFW Dave Adams and Claims Director Tom Hanson are to be especially commended for their work on this initiative. I would also like to thank Representative LANE EVANS, the Ranking Democrat on the House Veterans' Affairs Committee, for all his help in securing inclusion of this legislation. He and the Democratic staff have been incredibly helpful throughout the whole process.

I urge my colleagues to join me in supporting S. 1402.

Mr. BUYER. Madam Speaker, I rise in strong support of S. 1402, the Veterans Benefits and Health Care Improvement Act of 2000. This bill is a comprehensive package of education, health, and compensation benefits that passed the House as separate bills earlier this year. Clearly, this is another monumental step in fulfilling America's promise to its veterans and their families.

As agreed to by House and Senate negotiators, the bill will improve Montgomery GI Bill

(MGIB) benefits in order to compete with the rising costs of a college education. Specifically, the bill will increase the monthly education benefit to $650 for a total of $23,400 in assistance to a full-time student pursuing a four-year degree. This is a tremendous boon to veterans and their families that will help in their transition back to the civilian work force after honorably and unselfishly serving their country in uniform. Veterans' survivors and dependents will receive an education stipend increase by raising the monthly benefit to $588 per month.

In addition, the bill will provide active duty service members another chance to convert their Post-Vietnam Educational Assistance Program (VEAP) benefits to the MGIB if they previously declined to do so or withdrew all funds from their VEAP accounts. Other provisions allow payment of education benefits during intervals lasting as long as eight weeks between academic terms and the use of up to $2,000 of VA education benefits toward the fee for civilian licensing or certification examination.

The measure would also give annual pay raises to VA nurses and increase special pay to dentists and other VA medical personnel. This important provision will help VA to hire and retain the skilled, caring health personnel that it must have in order to serve an aging veterans' population. Last year, the Marion VA chapter, the American Federation of Government Employees Local 1020, contacted my office seeking pay parity for VA nurses. Specifically, Local 1020 asked me to help them better address manning and staffing levels that were creating patient and employee safety issues due to the lack of adequate nursing staff. It was evident that to ensure the highest quality of care for our veterans, an effort to meet these shortfalls would be required. Earlier this year, the VA Committee reported a similar nurse's pay provision to the House floor, and Local 1020 indicated their full support for the measure, and reiterated the need for nurse pay parity. Like the previously passed bill, this measure addresses their concerns.

Another provision would allow VA disability benefits for a heart attack or stroke of a reservist if incurred or aggravated while in a drilling status, as well as make women eligible for special monthly compensation for the loss of one or both breasts. It would also increase the maximum amount of coverage available through the Service Members Group Life Insurance program to $250,000. Other provisions of the bill will require federal contractors and subcontractors to extend affirmative action regarding employment and promotions to recently discharged veterans, require employers to grant leaves of absence to employees who participate in honor guards for the funerals of veterans and provide benefits to children of women Vietnam veterans who suffer from specified birth defects.

This is great news for the veterans community, to include VA employees, especially VA nurses and VA dentists. As in the past, Congress has worked hard to ensure the United States government remains steadfast in its moral, legal and ethical obligation to provide veterans and their families the benefits and services they so richly deserve. This bill is good for veterans, it is good for their families, and it is good for America.

Finally, I would like to thank Chairman STUMP and Ranking Member EVANS for their hard work and diligence in ensuring passage of this bill. Their efforts were truly bipartisan and deserve recognition.

I urge my colleagues to support this bill.

Mr. STUPAK. Madam Speaker, I would like to commend the Chairman and Ranking Member of both the House and the Senate Veterans Affairs committees and the staff for their excellent work on S. 1402, which incorporates several very worthy bills, including mine, H.R. 3816.

My bill closes an exceptionally problematic loophole brought to my attention by the Pearce family of Traverse City, Michigan. Master Sergeant Ron Pearce was a full time employee of the National Guard who suffered a heart attack while performing the required physical fitness test, a part of Inactive Duty Training requirements. Master Sergeant Pearce had a history of heart trouble, and in the past had been exempted from the from the fitness test on recommendation of his doctor. He was ordered to take this test as a condition of his continued employment with the National Guard.

He passed away as a direct result of this fitness test, leaving behind a wife and family with no means of support. The VA first approved and then denied his family benefits. My bill would consider heart attacks and strokes suffered by Guard and Reserve personnel while on ''inactive duty for training,'' to be service-connected for the purpose of VA benefits.

Madam Speaker, I strongly support this legislation and I am happy that the loophole will be closed and more families will not have to suffer as the Pearce family has suffered. I strongly urge members to vote yes on this bill. I thank the distinguished gentleman from Arizona, the Chairman of the Veterans Committee, and the distinguished gentleman from Illinois, the Ranking Member, for their inclusion of my legislation in this bill, as well as the distinguished Chair and Ranking Member from the other body.

Mr. FILNER. Madam Speaker, as the Senior Democrat on the Benefits Subcommittee of the House Committee on Veterans Affairs, I want to express my strong support for the legislation before the House today. S. 1402 as amended by the Senate, presents an agreement that every Member of the House can support. It is a strong reaffirmation of our commitment to the men and women who have stood in our defense. Our nation's veterans would benefit greatly from this well-crafted and meaningful legislation. I urge my fellow colleagues to join me in my support for this legislation and to vote in favor of its final passage.

I want to take a moment to thank the Chairman of the Benefits Subcommittee, JACK QUINN; the Chairman of the Veterans Affairs Committee, BOB STUMP, and the Ranking Democratic Member of the Committee, LANE EVANS, for their collective leadership on the many important issues affecting our men and women in uniform. I have enjoyed working with each of them on the bill that is before the House today, and also with the other members of the Committee. I also want to thank our colleagues in the Senate for their significant efforts in this area. Senator ARLEN SPECTER and Senator JAY ROCKEFELLER, Chairman and Ranking Member of the Senate Committee on Veterans Affairs, have put forth the cooperative effort that is essential to reaching a good agreement.

Madam Speaker, I am pleased that the agreement we are considering makes some significant improvements to veterans' education benefits. Education benefits are a prime focus of this legislation. I have always been a strong believer that higher education is a positive agent of change. I came to Congress from the higher education community, and I have witnessed first hand the great things a higher education can do for our veterans. From that experience, and from my years on the Veterans Affairs Committee, I have concluded there is no better way to empower the men and women who have served in America's defense. Educating these brave men and women is undoubtedly the best way for us to ensure they join the ranks of a thriving civilian workforce.

Under the agreement, the basic educational benefit for veterans will increase under the MGIB program from $552 per month to $650 per month for a three-year term of enlistment and $528 per month for a two-year term of enlistment. This represents an 18 percent increase in the basic MGIB education readjustment benefit for veterans. As my colleagues know, I believe the MGIB benefit should be increased more than has been proposed in this agreement. The increase it does provide, however, is a strong and positive step toward achieving the goal of providing a more meaningful education benefit for our nation's veterans than is currently available.

The agreement also provides for an increase to MGIB education benefits for eligible survivors and dependents. These benefits would be increased from $485 per month to $588 per month for full-time students. These increases would be effective as of November 1, 2000, with future annual cost-of-living increases effective October 1, 2001. I am very pleased that the agreement provides for a cost-of-living increase for survivors and dependents. Moreover, the election period and effective date for the award of survivors' and dependents' benefits under MGIB have been corrected under this agreement, allowing for retroactive payments for benefits that should have been awarded but were not, due to long waiting times for VA adjudication. Also in the agreement is a provision that would allow those veteran students whose academic calendars include long intervals between terms, semesters or quarters to continue to receive their educational assistance benefits during such periods in order to prevent financial hardship.

Of immediate concern to the Benefits Subcommittee has been the ineffectiveness of the MGIB as a readjustment benefit for servicemembers making the transition from military service to a civilian society and workforce. While costs of higher education have soared, nearly doubling since 1980, GI Bill benefits have not kept pace. One of the most noteworthy provisions in this agreement would allow for an increased MGIB education assistance for particularly determined active duty

servicemembers. Under the agreement, servicemembers who have elected to participate in the MGIB program by contributing their initial $1,200 pay reduction would be afforded the opportunity to take advantage of enhanced MGIB benefits by making an additional contribution of up to $600. In return, that servicemember would be eligible for up to $5,400 in additional MGIB education assistance.

Thanks in large part to the leadership of my friend JACK QUINN, the Chairman of the Benefits Subcommittee, there is a provision in this legislation that would make available MGIB education benefits to be used for up to $2,000 in fees for civilian occupational licensing or certification examinations. The Subcommittee has held extensive hearings on this complex topic and I am glad to see that the agreement includes this important provision. It will make an immediate, positive impact on thousands of servicemembers who return to the civilian workforce every year. The agreement also allows survivors and dependents to use their MGIB benefits for preparatory courses.

The brave men and women who serve in America's Armed Forces deserve, and have indeed earned, far better than the inadequate educational assistant program now available to them. I am very pleased that the agreement includes such momentum toward getting veterans' education benefits back to the stature and effectiveness they were meant to have all along.

Another significant accomplishment coming out of this agreement would be to finally allow for more equitable burial benefits for our Filipino veterans of World War II. Today, an estimated 17,000 Filipino veterans are citizens of the United States. Most of these are veterans of World War II, over 1,200 of who receive VA compensation for service-connected disabilities.

Under current federal law, certain Filipino veterans of World War II are not eligible for burial in VA national cemeteries. Moreover, survivors of eligible Filipino veterans currently receive funeral expenses and burial plot allowances at one-half the rates paid to survivors of U.S. veterans.

The agreement would provide for the eligibility of certain Filipino veterans of World War II for burial in a VA national cemetery if, at the time of death, that veteran is a naturalized citizen and resident of the United States. In addition, the agreement would authorize payment of full-rate funeral expenses and plot allowances to survivors of eligible Filipino veterans of World War II.

An aging World War II veteran population has caused an unprecedented demand for military funeral honors over recent years, and this demand will continue. As the military seeks to meet these demands through its use of reservists, increasing numbers of civilian employees will be called away from their jobs temporarily to perform funeral honors duty. Importantly, the agreement includes a provision that would amend the Uniformed Services Employment and Reemployment Rights Act (USERRA) to expressly require employers to give reservists an authorized leave of absence for performing funeral honors duty.

Finally, I want to stress the importance of the agreement's provision regarding equity in pay for VA dentists. I introduced last fall H.R. 2660, which I entitled, ''Put Your Money Where Your Mouth Is, the VA Dentist Equity Act,'' in response to a variety of concerns of VA dentists. Almost 70 percent of VA dentists will be eligible for retirement in the next three years. On top of this troubling fact, VA dentists are paid less than their DOD counterparts, dentists in academia or dentists in private practice. In fact, they make almost one-third less than dentists working in these settings. So I am very glad that the agreement includes a provision to enable VA to recruit and retain new dentists into the system now and in the future.

As amended, S. 1402 represents good public policy for America's veterans. I believe strongly that every one of my colleagues here today would do well by their veterans at home by voting in favor of this bill.

Mr. STEARNS. Madam Speaker, first, to my colleagues, I want to recognize our superb Chairman, Mr. STUMP of Arizona, who leads us today as Chairman of the full Committee on Veterans' Affairs. Mr. STUMP is a senior Member of this House and a man of honor, Madam Speaker. BOB STUMP served his country faithfully—and with distinction—in war, and has served with care and vigor as a Member and Chairman of the Veterans Committee. I am privileged to serve with him; BOB STUMP is one of the secret treasures of this House. I salute him for his leadership on this bill, and for his dedicated service over the past six years as Chairman of our Committee on Veterans' Affairs.

Madam Speaker, the bills before us today, S. 1402, H.R. 4864, and H.R. 4850, are good bills for veterans, and they are good reflections of this House. They contain provisions that are innovative, useful, necessary, and workable—a winning combination for the veterans we serve and for the Department of Veterans Affairs that we are charged to oversee.

Madam Speaker, I want to address specifically one of our measures today, S. 1402, final passage of the Senate amendments to the House amendments to S. 1402, the ''Veterans Benefits and Health Care Improvement Act of 200.'' After a number of hearings, Subcommittee meetings, site visits and other data collection, I introduced, with bipartisan cosponsors, one of the predecessor bills incorporated in this measure, H.R. 5109, the ''Department of Veterans Affairs Health Care Personnel Act of 2000.'' My Subcommittee endorsed this bill on a bipartisan basis, and our full Committee, under my Chairman's leadership, ordered the bill reported to the House on September 13, 2000. The House unanimously passed H.R. 5109 on September 21, 2000.

Let me review some of the key provisions of our health bill, H.R. 5109, that were successfully negotiated with our Senate colleagues, and are incorporated in S. 1402:

NURSES

Madam Speaker, about ten years ago, Congress created an innovative pay system for VA nurses, with a locality-based mechanism to produce pay rates that were intended to address labor market needs to keep VA competitive. The idea was that each VA hospital could act in its own self-interest, and remain competitive locally. It was intended to be a good reform, and this system initially gave VA nurses a big pay raise. VA's recruitment and retention problem for nurses effectively disappeared for awhile. But the old saying, ''that was then, and this is now,'' comes to mind.

My subcommittee gave a special focus during this Congress to the pay situation of VA nurses. What we found was disappointing—we have learned that many VA nurses hadn't received any increases in their pay since the initial ones from our 1990 legislation.

While those first pay increases were in many cases substantial, in the course of time, other Federal employee groups had caught up because of the annual comparability pay raises available to every other Federal employee—except VA nurses. So once again VA finds itself in a competitive disadvantage, and some VA nurses are looking for other employment options. In my judgment, as Chairman of our Health Subcommittee, it is a loss that veterans cannot afford. Therefore, our bill guarantees VA nurses the statutory national comparability pay raise given to all other Federal employees.

My colleagues, these changes do not mean that Congress is declaring reform to be our enemy. We want to make certain that the earlier legislation works as the 101st Congress intended it. Therefore, in addition to the guaranteed national pay raise for nurses, the bill crafts necessary adjustments to the locality survey mechanism to ensure that data are available when needed, and to specify that certain steps be taken, when they are necessary, that lead to appropriate salary rates for VA nurses. This is the right solution for VA nurses; it is a bipartisan compromise, and I compliment my colleague, the gentleman from Illinois, Mr. EVANS, and also another gentleman from Illinois, my good friend, Mr. GUTIERREZ, for their cooperation in getting this important matter resolved for VA nurses and for the veterans they serve.

DENTISTS

Madam Speaker, this bill addresses recommendations of VA's Quadrennial Pay Report concerning VA dentists, bringing their pay into better balance with average compensation of hospital-based dentists in the private sector. This is the first change in almost 10 years in VA dentists' special pay. I want to recognize my colleague from the State of California, Dr. BOB FILNER, for bringing his voice to this important issue for VA dentists.

CONSTRUCTION

Our bill authorizes major medical facility construction projects in Beckley, West Virginia, Palo Alto and Long Beach, California, and Miami, Florida, with a commensurate authorization of appropriations of $120.9 million for this necessary construction. Also, we are extending a prior authorization for a long-term care project in Lebanon, Pennsylvania, and approving an authorization for a previously appropriated project for the Murfreesboro, Tennessee VA facility. These are excellent projects that have been carefully reviewed by Members of both Bodies and warrant our approval in this legislation.

PTSD

My friend, Mr. EVANS of Illinois, the Ranking Member of the full VA Committee, recently raised the profile of the need for Congress to reauthorize the landmark 1988 study of post

traumatic stress disorder in Vietnam veterans. Madam Speaker, our bill reauthorizes this important study.

MILITARY SERVICE

The bill also urges, in a Sense of Congress Resolution, that VA record military service history when VA physicians and other caregivers initially take a veteran's general health history. This will aid any veteran who files a VA claim for disability, especially given our new appreciation that military and combat exposure may be associated with onset of disease in later life. I want to commend the Vietnam Veterans of America organization for bringing this proposal to the Subcommittee on Health—it is a valuable contribution to this bill.

PROPERTY MATTERS

In addition to these items, Madam Speaker, we are making some important changes in VA properties. We are transferring a number of parcels of land at VA medical centers in Georgia, Michigan, Montana, and Tennessee to state and local governments, and the private sector, for good uses. Also, we are authorizing the Secretary of Veterans Affairs to close the VA Medical Center in Ft. Lyon, Colorado, on the condition that the Secretary ensure that the veterans this facility serves now are properly treated in other facilities in the private and public sectors. Also, I want the Secretary to know that my subcommittee, on a bipartisan basis, will be carefully monitoring VA's actions in the case of Ft. Lyon. We are particularly interested in how VA will meet its statutory requirement to maintain capacity to provide long-term care, and how southern Colorado will contribute to this obligation, following closure of the Ft. Lyon facility. In all likelihood, the Subcommittee on Health will hold hearings on this matter next year. Thus, VA needs to be aware that its actions in respect to Ft. Lyon will be closely scrutinized. Also, VA needs to ensure that employees of the Ft. Lyon facility are offered all the personnel options available to the VA for ''early out'' and ''buy out'' benefits. It is through no fault of these employees that this facility is being closed, and all our Members believe that they should be held harmless by the Government's decision to close this facility. These VA employees have served their country honorably and with dedication. This service should be recognized and treated with the respect it deserves by the Secretary as the VA moves closer to closing this longstanding institution.

Madam Speaker, our bill is endorsed by a number of organizations, including the American Legion, Veterans of Foreign Wars of the United States, Vietnam Veterans of America, Disabled American Veterans, AMVETS, PVA, BVA, the Nursing Organization of Veterans Affairs, the American Dental Association, and the largest federal union, the American Federation of Government Employees (AFGE), among others. I hope that each of my colleagues will vote for passage of this measure today, and that we can send it on to the President prior to adjournment sine die of the 106th Congress.

I want to add one personal note today. I have served as Chairman of the Subcommittee on Health for the past 4 years. It has been both an honor and an education for me, and I appreciate having been afforded an opportunity to serve in a leadership position on this Committee. I thank my Chairman, Mr. STUMP, and the Ranking Members of the full Committee, Mr. EVANS, as well as Mr. GUTIERREZ, our Ranking Member of the Subcommittee on Health, as well as other Members for supporting me as Chairman. It is important to note that these Members also exhibited the best of our traditions on the Committee on Veterans' Affairs—the traditions of Sonny Montgomery, Tiger Teague and BOB STUMP—of working together in a bipartisan manner, to honor and to help veterans. So, Madam Speaker, my chairmanship of the subcommittee has been a rewarding experience for me, and I look forward to continuing these good bipartisan relations in the new Congress in January 2001.

In conclusion, veterans of our Armed Forces need these bills, Madam Speaker. They are good bills, with effective provisions, that help veterans, and I urge my colleagues to support them so that we can continue to keep our promise to America's veterans.

Mr. EVERETT. Madam Speaker, as Chairman of the Veterans' Affairs Subcommittee on Oversight and Investigations, I rise in strong support of S. 1402 as amended, the Veterans Benefits and Health Care Improvement Act of 2000. Section 223 of this bill is derived from H. Con. Res. 413, which I introduced along with my colleague and Subcommittee Ranking Democratic Member, Ms. CORRINE BROWN. Section 223 states the Sense of the Congress that the Departments of Veterans Affairs and Defense should increase their cooperation in the procurement of medical items, including pharmaceuticals.

Ms. BROWN has taken an active role in working for increased VA/DoD sharing, and I thank her for her cooperation. I want to express my appreciation to our full Committee Chairman, BOB STUMP, and our Ranking Democratic Member, LANE EVANS, for their leadership on this issue as well. I also want to thank Chairman ARLEN SPECTER and Senator JAY ROCKEFELLER of the Senate Veterans' Affairs Committee for agreeing to include this section in the final bill.

Under the Veterans' Administration and Department of Defense Health Resources Sharing and Emergency Operations Act, P.L. 97–174, VA and DoD have had the authority to share medical resources since 1982. In 1999, VA and DoD entered into sharing agreements amounting to $60 million out of total combined healthcare budgets of approximately $35 billion. This amounts to less than two-tenths of one percent of sharing. At our May 25, 2000 hearing, GAO stated that greater joint pharmaceutical procurements could lead to annual recurring savings of up to $345 million. These savings could be reinvested in improved healthcare for veterans, military retirees, service members and their families.

I urge the VA and the Department of Defense to heed this Sense of the Congress and quickly improve their joint procurement practices to obtain the best possible prices in the pharmaceutical market. Otherwise, huge amounts of healthcare dollars will continue to be wasted as VA and DoD pay too much money for pharmaceuticals.

Madam Speaker, I strongly encourage all of my colleagues to join in bipartisan support of this important legislation to improve healthcare, education and other benefits for our Nation's veterans.

Mr. REYES. Madam Speaker, I rise in strong support of the three veterans bills that we are addressing today. As many of you know, we recently lost several service members as a result of a despicable terrorist act in Yemen. Those sailors, our service members, gave their lives . . . made the ultimate sacrifice for their country. Unfortunately, as we get caught up in our day-to-day lives we often forget that there are men and women in distant lands and dangerous situations doing a lot of heavy lifting for us and this country. Its important that we pause occasionally and remember that our freedom, our wealth and our peace of mind is the direct result of service members such as the sailors on the USS Cole. This year, there has been considerable debate and discussion about keeping promises to our veterans and their families. I think that these bills help to put an end to any doubt about our commitment to our veterans. In my district of El Paso, Texas, I represent almost seventy thousand veterans and family members. I've seen some of the procedural difficulties that veterans and their family members must endure. And, I can talk to you in great detail about how these bills will help to improve the quality of life for our veterans. In my view, this legislation is not about keeping promises or mending fences. I think of it simply as an imperative for the nation. This is legislation that this body must pass because it is the right thing to do for those who have committed so much of themselves to our country. I sincerely appreciate the work that my colleagues on both sides of the aisle put into these bills. Because of their hard work, we have three meaningful veterans bills. The Veterans Benefit Act, the Claims Assistance Act and the Veterans and Health Care Improvement Act each provide important improvements or enhancements to the existing veterans programs. I urge each of you to support passage of each of these veterans bills.

Mr. GILMAN. Madam Speaker, I rise today in strong support of S. 1402, the Veterans and Dependents Millennium Education Act. I urge my colleagues to join in supporting this worthwhile legislation.

S. 1402 incorporates a number of important bills which were addressed and passed by the house earlier this year. These include increasing the monthly benefit in the Montgomery G.I. bill, increasing the monthly amount of the basic education allowance for survivors and dependents, specific improvements in the pay and benefits for nurses and pharmacists at V.A. health care facilities, and a number of extensions of reauthorizations for various programs relating to V.A. loans through 2008.

S. 1402 also contains a provision extending burial benefits to those Filipino World War II veterans, who either reside in the United States, or who have become citizens or applied for permanent residence. As a long-time champion of the Filipino World War II veterans, I was pleased to see that provision included in this measure.

Madam Speaker, I urge my colleagues to support this timely, appropriate legislation.

Mr. WATTS of Oklahoma. Madam Speaker, I rise today in support of The Veterans Benefits and Health Care Improvement Act of 2000.

This legislation increases the rates of educational assistance under the Montgomery GI Bill and improves the pay rates for many health care professionals employed by the Department of Veterans Affairs. Also, it makes other needed improvements in veterans educational assistance, health care, and benefits programs. This act is a major effort by Congress to assist our veterans and to keep faith with those who have served.

Under the provisions of this bill the basic benefit by the Montgomery GI Bill will increase to $650 per month for a three-year period of military service and $528 per month for a two-year period of service. It will increase the basic educational allowance for survivors and dependents of eligible veterans to $588 per month, and will significantly increase the flexibility for survivors and dependents in taking advantage of their educational benefits.

Particularly important in this bill is the effort to address the looming nurse shortage within the Veteran Administration. A number of steps have been taken to insure VA nurses are paid adequately and competitive with their counterparts in the private sector. Also, provisions addressing paid and professional status for dentists, pharmacists, physician assistants and social workers have been included.

Other important items in S. 1402 include the authorization of $120.9 million in fiscal year 2001 or 2002 for major construction and increasing the maximum amount of coverage available through the Servicemembers' Group Life Insurance program and the Veterans' Group Life Insurance program for $200,000 to $250,000. There are improvements in Housing and Employment Programs, Cemeteries and Memorial Affairs Program, and in the VA Compensation Program.

I fully support this important bill because our nation's treatment of it's veterans will impact upon our ability to attract Americans to military service. Our veterans must receive fair treatment in a timely manner. If we do not keep faith with our veterans—we will jeopardize the national security of the nation.

Mr. DINGELL. Madam Speaker, I rise in support of the measure before us, S. 1402, the Veterans Benefits and Health Care Improvement Act. I would like to thank the work of Chairman BOB STUMP, Representative LANE EVANS, as well as their staffs for bringing this legislation to the floor. I'd also like to thank Chairman SPECTER and Senator ROCKEFELLER for their assistance.

In addition to many of the beneficial provisions in this bill, such as a badly needed increase in the basic Montgomery G.I. Bill benefit, S. 1402 includes language of considerable importance to the citizens and veterans of Southeast Michigan.

For sixty years, the veterans' hospital in Allen Park, Michigan provided quality health care to those who answered our nation's call to arms. In the 1930's, this 39-acre property was given to the VA as a gift from the Henry Ford family. The deed that turned the property over to the VA, however, included a reversionary clause that spelled out that if the VA no longer used the property, the land would revert back to the Ford family.

The VA operated a fully functional hospital on the Allen Park site until 1996, at which time a new VA hospital was opened in nearly Detroit. This new state-of-the-art hospital, which I am deeply honored is named the John D. Dingell VA Hospital, provides quality health care for the veterans of Southeast Michigan despite recent budgetary shortfalls which required the hospital to make unspecified efficiency cuts, usually resulting in staff cuts.

At the time the decision was made to build a new hospital in Southeast Michigan in 1986, the VA envisioned converting the old Allen Park facility into a long-term care facility, creating a dual campus arrangement with Detroit. The dual campus plan, however, was abandoned because the Allen Park facility was no longer needed to meet veterans' needs in the area. Just to be certain, at the request of myself and my colleague Representative JOE KNOLLENBERG, the VA conducted a study to determine whether the Allen Park facility, or the campus, was needed to meet area veterans' health care needs today or in the future. The VA found that not only was Allen Park no longer needed, but that two floors at the new hospital were currently vacant. The General Accounting Office verified the accuracy of the VA study.

Currently, the Allen Park campus consists of perhaps 15 buildings, and is closed with the exception of a small corner of the old main hospital building, which is used as a part-time outpatient care clinic. Few veterans use Allen Park except to catch the VA bus to the Detroit facility. The VA operates this clinic only to keep an official VA presence on the campus, because if it failed to have a presence, the land would revert to the Ford family and the VA would immediately be responsible for paying enormous cleanup costs before the reversion could occur. These costs would have to be absorbed by the VA, and no doubt would eat up a significant chunk of the annual VA budget.

Today, it costs the VA between $500,000 to $1,000,000, probably more, just to maintain the Allen Park clinic and campus, which fails to offer most health services, is in shabby condition and filled with asbestos. This money comes out of the budget intended specifically for VA health care in VISN 11. It is money poorly spent, which undermines the already cash strapped regional VA health care budget. It makes the veterans' health care system in Southeast Michigan worse.

Given that the VA's Allen Park facility is no longer needed, the Ford Land Management Company would like to develop the Allen Park property. The VA would like to abandon it. Additionally, the City of Allen Park has long sought to see the VA campus developed and have the land placed on city tax rolls.

This summer the VA conducted an environmental impact study and estimated cleanup costs. VA and Ford officials concluded that it would cost at least $21.3 million to clean up the site. Ford officials have offered to pay for all cleanup costs after $14 million, saving taxpayers at least $7.3 million. Ford will also save taxpayers' money because it will store the demolished materials in a nearby storage facility. No appropriation earmark will be required now or in the future. The VA will be spared having to fund a one-time, $21.3 million major construction project simply to demolish an obsolete building. Additionally, the VA will be able to use the $500,000 to $1,000,000 spent each year at Allen Park to better the veterans' health care system in Southeast Michigan. Finally, I am pleased that the Allen Park agreement also requires a flagpole and a plaque be maintained at the site in honor of the service of our veterans.

Madam Speaker, the Allen Park provision of this bill is a good deal for veterans, a good deal for taxpayers, and a good deal for Allen Park. I urge my colleagues to pass this bill.

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

The SPEAKER pro tempore (Mrs. MORELLA). The question is on the motion offered by the gentleman from Arizona (Mr. STUMP) that the House suspend the rules and concur in the Senate amendments to the House amendments to the Senate bill, S. 1402.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments to the House amendments to the Senate bill were concurred in.

A motion to reconsider was laid on the table.

TECHNOLOGY TRANSFER COMMERCIALIZATION ACT

Mr. SENSENBRENNER. Madam Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 209) to improve the ability of Federal agencies to license federally owned inventions.

The Clerk read as follows:

Senate amendment:

Page 21, after line 2, insert:

SEC. 11. TECHNOLOGY PARTNERSHIPS OMBUDSMAN.

(a) APPOINTMENT OF OMBUDSMAN.—The Secretary of Energy shall direct the director of each national laboratory of the Department of Energy, and may direct the director of each facility under the jurisdiction of the Department of Energy, to appoint a technology partnership ombudsman to hear and help resolve complaints from outside organizations regarding the policies and actions of each such laboratory or facility with respect to technology partnerships (including cooperative research and development agreements), patents, and technology licensing.

(b) QUALIFICATIONS.—An ombudsman appointed under subsection (a) shall be a senior official of the national laboratory or facility who is not involved in day-to-day technology partnerships, patents, or technology licensing, or, if appointed from outside the laboratory or facility, function as such a senior official.

(c) DUTIES.—Each ombudsman appointed under subsection (a) shall—

(1) serve as the focal point for assisting the public and industry in resolving complaints and disputes with the national laboratory or facility regarding technology partnerships, patents, and technology licensing;

(2) promote the use of collaborative alternative dispute resolution techniques such as mediation to facilitate the speedy and low-cost resolution of complaints and disputes, when appropriate; and

(3) report quarterly on the number and nature of complaints and disputes raised, along with the ombudsman's assessment of their resolution, consistent with the protection of confidential and sensitive information, to—

(A) the Secretary;

(B) the Administrator for Nuclear Security;

(C) the Director of the Office of Dispute Resolution of the Department of Energy; and

(D) the employees of the Department responsible for the administration of the contract for the operation of each national laboratory or facility that is a subject of the report, for consideration in the administration and review of that contract.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Tennessee (Mr. GORDON) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 209.

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

There was no objection.

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

Madam Speaker, H.R. 209 continues the Committee on Science's long and rich history of advancing technology transfer to help boost United States international competitiveness.

Through the enactment of the Stevenson-Wydler Technology Innovation Act of 1980, the Federal Technology Transfer Act of 1988, and the National Technology Transfer and Advancement Act of 1995, Congress, by the direction of the Committee on Science, has created the framework to promote the government-to-industry transfer of technology that has enhanced our Nation's ability to compete in the global marketplace.

H.R. 209, which originally passed the House in May of last year, continues this tradition.

Last week, the Senate agreed to H.R. 209 and added a new section to the bill that directs the director of each Department of Energy laboratory to appoint an ombudsman to hear and help resolve industry partner concerns regarding laboratory policies or actions.

The ombudsman's primary duty is to facilitate the speedy and low-cost resolution of complaints and disputes with industry partners.

In its consideration, the Senate made clear that, to ensure fairness and objectivity, the ombudsman should promote the use of collaborative alternative dispute resolution techniques, such as mediation, but that the amendment should not be interpreted to empower the ombudsman to act as a mediator or arbitrator in the process.

After its passage today, H.R. 209 will be sent to the President for his signature into law.

I congratulate the Chair of the Subcommittee on Technology of the Committee on Science, the gentlewoman from Maryland (Mrs. MORELLA), for introducing this bill and for her tireless efforts to work cooperatively with the gentleman from Tennessee (Mr. GORDON) and other Members of the minority, the administration, and the other body in crafting this important bill.

I urge adoption of the Technology Transfer Commercialization Act, and I look forward to its signature by the President.

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

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

Mr. Speaker, I rise in support of H.R. 209, the Technology Transfer Commercialization Act of 1999, and urge its passage.

This is a bill but important piece of legislation that will make it much easier to transfer Federal technology to the businesses that can extract economic value from that technology.

It has been about a year and a half since this legislation was last on the floor of the House of Representatives. It was a good bill in March of 1999, and it is a good bill now.

The only changes which the Senate made to the legislation was to add a section that creates mediators or ombudsmen at each of the Department's national laboratories and makes sure that the appropriate people in the Department's headquarters are kept informed quarterly of the mediators' progress in resolving disputes.

This provision is a good idea because some small businesses have been caught up for years in attempting to resolve intellectual property disputes with DOE laboratories. Having mediators in each lab should help small businesses by resolving those disputes much more quickly and inexpensively.

The Senate did not change a word in the provisions we sent to them last year. The bill still makes important changes in the law regarding federally owned patents. It will now be easier for small businesses to license these inventions and more likely that taxpayers will get their money's worth from them.

I urge my colleagues to think about these businesses, many of which are small and with limited resources, who are risking much to commercialize Federal inventions. This bill will make their lives easier, and it is worthy of our vote.

I want to extend my thanks and compliments to my colleagues who worked on this legislation, the gentleman from Wisconsin (Mr. SENSENBRENNER), the gentlewoman from Maryland (Mrs. MORELLA), and the gentleman from Michigan (Mr. BARCIA). I urge all Members to support this passage.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I thank the gentleman for yielding me the time, and I thank him for his outstanding leadership as Chair of the Committee on Science. I am pleased to be here.

Each day in our Nation's over 700 government laboratories, Mr. Speaker, new innovations are created by our hard-working Federal scientists to meet the mission of that laboratory.

There are instances, however, when these government-owned innovations have commercial applications beyond just the Federal mission and have been brought into the marketplace, resulting in consumer products that have improved our quality of life while also enhancing our international competitiveness.

Successful technology transfer commercialization from our government laboratories is fighting our deadliest diseases, creating safer and more fuel-efficient methods of transportation, protecting the food that we eat, assisting the disabled, and making our environment cleaner.

I will just list a few of the current examples of technology transfer success stories:

An infrared heat-seeking digital sensor, developed with Department of Defense funding, designed to search for distant galaxies and spot missile launches as part of the Star Wars program that is being used to probe for the first signs of cancer in the human body;

A NASA satellite device used to locate hotspots during fires and monitor volcanoes that has applications in recognizing tumors and abnormalities in women's breasts;

Department of Energy research that developed gas-paneled, energy-efficient superwindows has been transformed to develop an inexpensive, advanced insulating material for use as a thermal packaging to ship perishable cargo such as seafood, meat, fruit, prepared foods and pharmaceuticals; and

Eye-tracking technology; food irradiation research that has an application in the commercial sector.

But it should be clear by now that the importance of technology transfer to our economy and our society cannot be underscored enough; certainly, if we include some of the more storied success stories, such as the Internet, the AIDS home testing kit, and Global Positioning System.

So by permitting effective collaboration between our Federal laboratories and private industry, new technologies are being rapidly commercialized.

Federal technology transfer stimulates the American economy, enhances the competitive position of United States industry internationally, and promotes the development and use of new technologies developed under taxpayer-funded research so those innovations are incorporated quickly, effectively, and efficiently into practice to the benefit of the American public.

One of the most successful legislative frameworks for advancing this has been the Bayh-Dole Act. The Bayh-Dole Act, which was enacted in 1980, permits universities, not-for-profit organizations, and small businesses to obtain title to scientific inventions developed with Federal Government support. It also allows Federal agencies to license government-owned patented scientific inventions even nonexclusively, partially exclusively, or exclusively, depending upon which license is determined, to be the most effective means for achieving commercialization.

Prior to the enactment of the Bayh-Dole Act, many discoveries resulting from federally funded scientific research were not commercialized to help the American public. Since the Federal Government lacked the resources to market new inventions and private industry was reluctant to make high-risk investments without the protection of patent rights, many valuable innovations were left unused on the shelf of Federal laboratories.

With its success licensing Federal inventions, the Bayh-Dole Act is widely used as an effective framework for Federal technology transfer. So the process for licensing of government-owned patents should continue to be refined, we believe, by refining the procedures and by removing the uncertainties associated with the licensing process.

So if we can by reducing that and the uncertainty created by existing procedural barriers and by lowering the transactional costs associated with licensing Federal technologies from the government, we could greatly increase participation by the private sector in its technology transfer programs. This approach would expedite the commercialization of government-owned inventions and through royalties could reduce the cost to the American taxpayer for the production of new technology-based products created in our labs.

That is the intention of this bill before us. The goal of H.R. 209 is to remove the procedural obstacles and, to the greatest extent possible within the public interest, the uncertainty involved in the licensing of Federal-patented inventions created in a government-owned, government-operated laboratory by applying the successful Bayh-Dole Act provision to a GOGO.

Under the bill, its agencies would be provided with two important new tools for effectively commercializing on-the-shelf, federally owned technologies, either licensing them as stand-alone inventions under the bill's revised authorities of section 209 of the Bayh-Dole Act, or by including them as part of a larger package under the Cooperative Research and Development Agreement.

In doing so, this will make both mechanisms much more attractive to U.S. companies that are striving to form partnerships with Federal laboratories.

Let me just close by noting that the bill before us represents a bipartisan and bicameral consensus. I am pleased to have worked very closely with Members of the minority, the administration, and the Senate in helping to perfect the bill since it was originally introduced.

I am especially pleased that the administration has issued a Statement of Administration Policy which states that the administration supports passage of H.R. 209, which will significantly facilitate the licensing of government-owned inventions by Federal agencies.

I want to thank the chairman of the full committee, the Committee on Science, the gentleman from Wisconsin (Mr. SENSENBRENNER), for his leadership; the ranking member of the Committee on Science, the gentleman from Texas (Mr. HALL), as well as the ranking member of the Subcommittee on Technology of the Committee on Science, the gentleman from Michigan (Mr. BARCIA).

I certainly want to commend the ranking member on the committee. I also want to commend some members of the other body, Senators ROCKEFELLER, FRIST, HATCH, and LEAHY for their input and for their support in helping to refine the legislation.

I look forward to the President's signature of this important bill into law.

I want to point out that staff also helped enormously. Barry Berringer, Jim Turner, Jeff Grove, and Ben Wu especially worked very hard on this.

The Federal laboratories are eager to receive the new authorities contained in this bill, and I urge all of my colleagues to support H.R. 209.

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

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

The SPEAKER pro tempore (Mr. GIBBONS). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 209.

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.

COMMERCIAL SPACE TRANSPORTATION COMPETITIVENESS ACT OF 2000

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill, (H.R. 2607) to promote the development of the commercial space transportation industry, to authorize appropriations for the Office of the Associate Administrator for Commercial Space Transportation, to authorize appropriations for the Office of Space Commercialization, and for other purposes.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Commercial Space Transportation Competitiveness Act of 2000''.

SEC. 2. FINDINGS.

The Congress finds that—

(1) a robust United States space transportation industry is vital to the Nation's economic well-being and national security;

(2) enactment of a 5-year extension of the excess third party claims payment provision of chapter 701 of title 49, United States Code (Commercial Space Launch Activities), will have a beneficial impact on the international competitiveness of the United States space transportation industry;

(3) space transportation may evolve into airplane-style operations;

(4) during the next 3 years the Federal Government and the private sector should analyze the liability risk-sharing regime to determine its appropriateness and effectiveness, and, if needed, develop and propose a new regime to Congress at least 2 years prior to the expiration of the extension contained in this Act;

(5) the areas of responsibility of the Office of the Associate Administrator for Commercial Space Transportation have significantly increased as a result of—

(A) the rapidly expanding commercial space transportation industry and associated government licensing requirements;

(B) regulatory activity as a result of the emerging commercial reusable launch vehicle industry; and

(C) the increased regulatory activity associated with commercial operation of launch and reentry sites; and

(6) the Office of the Associate Administrator for Commercial Space Transportation should continue to limit its promotional activities to those which support its regulatory mission.

SEC. 3. OFFICE OF COMMERCIAL SPACE TRANSPORTATION.

(a) AMENDMENT.—Section 70119 of title 49, United States Code, is amended to read as follows:

"§ 70119. Office of Commercial Space Transportation

''There are authorized to be appropriated to the Secretary of Transportation for the activities of the Office of the Associate Administrator for Commercial Space Transportation—

''(1) $12,607,000 for fiscal year 2001; and

''(2) $16,478,000 for fiscal year 2002.''.

(b) TABLE OF SECTIONS AMENDMENT.—The item relating to section 70119 in the table of sections of chapter 701 of title 49, United States Code, is amended to read as follows:

''70119. Office of Commercial Space Transportation.''.

SEC. 4. OFFICE OF SPACE COMMERCIALIZATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce for the activities of the Office of Space Commercialization—

(1) $590,000 for fiscal year 2001;

(2) $608,000 for fiscal year 2002; and

(3) $626,000 for fiscal year 2003.

(b) REPORT TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act,

the Secretary of Commerce shall transmit to the Congress a report on the Office of Space Commercialization detailing the activities of the Office, the materials produced by the Office, the extent to which the Office has fulfilled the functions established for it by the Congress, and the extent to which the Office has participated in interagency efforts.

SEC. 5. COMMERCIAL SPACE TRANSPORTATION INDEMNIFICATION EXTENSION.

(a) IN GENERAL.—If, on the date of enactment of this Act, section 70113(f) of title 49, United States Code, has not been amended by the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001, then that section is amended by striking ''December 31, 2000'' and inserting ''December 31, 2004''.

(b) AMENDMENT OF MODIFIED SECTION.—If, on the date of enactment of this Act, section 70113(f) of title 49, United States Code, has been amended by the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001, then that section is amended by striking ''December 31, 2001'' and inserting ''December 31, 2004''.

SEC. 6. TECHNICAL AMENDMENT TO SECTION 70113 OF TITLE 49.

(a) Section 70113 of title 49, United States Code, is amended by striking ''———, 19——.','' in subsection (e)(1)(A) and inserting ''———, 20——.',''.

(b) The amendment made by subsection (a) takes effect on January 1, 2000.

SEC. 7. LIABILITY REGIME FOR COMMERCIAL SPACE TRANSPORTATION.

(a) REPORT REQUIREMENT.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Transportation shall transmit to the Congress a report on the liability risk-sharing regime in the United States for commercial space transportation.

(b) CONTENTS.—The report required by this section shall—

(1) analyze the adequacy, propriety, and effectiveness of, and the need for, the current liability risk-sharing regime in the United States for commercial space transportation;

(2) examine the current liability and liability risk-sharing regimes in other countries with space transportation capabilities;

(3) examine the appropriateness of deeming all space transportation activities to be ''ultrahazardous activities'' for which a strict liability standard may be applied and which liability regime should attach to space transportation activities, whether ultrahazardous activities or not;

(4) examine the effect of relevant international treaties on the Federal Government's liability for commercial space launches and how the current domestic liability risk-sharing regime meets or exceeds the requirements of those treaties;

(5) examine the appropriateness, as commercial reusable launch vehicles enter service and demonstrate improved safety and reliability, of evolving the commercial space transportation liability regime towards the approach of the airline liability regime;

(6) examine the need for changes to the Federal Government's indemnification policy to accommodate the risks associated with commercial spaceport operations; and

(7) recommend appropriate modifications to the commercial space transportation liability regime and the actions required to accomplish those modifications.

(c) SECTIONS.—The report required by this section shall contain sections expressing the views and recommendations of—

(1) interested Federal agencies, including—

(A) the Office of the Associate Administrator for Commercial Space Transportation;

(B) the National Aeronautics and Space Administration;

(C) the Department of Defense; and

(D) the Office of Space Commercialization; and

(2) the public, received as a result of notice in Commerce Business Daily, the Federal Register, and appropriate Federal agency Internet websites.

SEC. 8. AUTHORIZATION OF INTERAGENCY SUPPORT FOR GLOBAL POSITIONING SYSTEM.

The use of interagency funding and other forms of support is hereby authorized by Congress for the functions and activities of the Interagency Global Positioning System Executive Board, including an Executive Secretariat to be housed at the Department of Commerce.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Tennessee (Mr. GORDON) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. 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. 2607.

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

There was no objection.

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

Mr. Speaker, this bill extends launch indemnification to the U.S. commercial launch industry through the end of the year 2004, and authorizes funding for the Offices of Advanced Space Transportation and Space Commerce in the Departments of Transportation and Commerce. This is a bipartisan bill jointly sponsored by the Subcommittee on Space and Aeronautics; the gentleman from California (Mr. ROHRABACHER); the gentleman from Florida (Mr. WELDON); and the ranking minority member, the gentleman from Tennessee (Mr. GORDON).

The Federal Government first decided to indemnify commercial launch companies against catastrophic losses in 1990 as a means of rebuilding a launch industry which was critical for national security. Congress has traditionally reviewed indemnification in 5-year increments. At no cost to the government, the act successfully created a stable business environment that encouraged private firms to invest in improving U.S. space launch capabilities and maintaining their competitiveness with launchers from Europe, Russia, the Ukraine and China. By extending indemnification through 2004, we will eliminate the uncertainty created by 1-year renewals and restore a business environment that helps U.S. launch firms retain their competitiveness.

The House passed this bill last year by an overwhelming margin on suspension of the rules and should do so again now that the Senate has acted. The Senate has made only minor modifications. I urge all my colleagues to support this important measure.

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

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

Mr. Speaker, I would like to make a few brief comments in support of H.R. 2607. H.R. 2607, the Commercial Space Competitiveness Act of 2000, is a bill that does a number of important things to advance the competitiveness of the Nation's commercial space transportation industry. First and foremost, the bill extends the commercial space transportation indemnification provisions through 2004. Those indemnification provisions were first enacted in 1988 as part of the Commercial Space Launch Act amendments. They have provided a sensible and highly cost-effective risk-sharing regime that has helped our launch industry compete in world markets. And since their enactment, these provisions have not cost American taxpayers a single dollar in claims.

H.R. 2607 does a number of important things, including authorizing funding for the Department of Transportation's Office of Commercial Space Transportation and the Department of Commerce's Office of Space Commercialization. The Office of Commercial Space Transportation in particular has been responsible for licensing U.S. commercial launches and launch facilities, and this legislation recognizes the need to provide the resources needed to carry out its duties.

Before I close, I would like to just express my thanks to my colleagues, the gentleman from Wisconsin (Mr. SENSENBRENNER), the gentleman from California (Mr. ROHRABACHER), the gentleman from Texas (Mr. Hall), Senators MCCAIN, HOLLINGS, FRIST and BREAUX. Without their collective efforts, we would not be considering this bill today.

Mr. Speaker, the House originally passed H.R. 2607 more than a year ago. The version before us today reflects the incorporation of some minor but constructive changes requested by the Senate. I believe this bill is a useful piece of legislation and I urge my colleagues to vote to suspend the rules and pass this bill.

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

Mr. SENSENBRENNER. 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 Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 2607.

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.

PROTECTING OUR CHILDREN FROM DRUGS ACT OF 2000

Mr. CANADY of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5312) to amend the Controlled Substances Act to protect children from drug traffickers.

The Clerk read as follows:

H.R. 5312

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 ''Protecting Our Children From Drugs Act of 2000''.

SEC. 2. INCREASED MANDATORY MINIMUM PENALTIES FOR USING MINORS TO DISTRIBUTE DRUGS.

Section 420 of the Controlled Substances Act (21 U.S.C. 861) is amended—

(1) in subsection (b), by striking ''one year'' and inserting ''3 years''; and

(2) in subsection (c), by striking ''one year'' and inserting ''5 years''.

SEC. 3. INCREASED MANDATORY MINIMUM PENALTIES FOR DISTRIBUTING DRUGS TO MINORS.

Section 418 of the Controlled Substances Act (21 U.S.C. 859) is amended—

(1) in subsection (a), by striking ''one year'' and inserting ''3 years''; and

(2) in subsection (b), by striking ''one year'' and inserting ''5 years''.

SEC. 4. INCREASED MANDATORY MINIMUM PENALTIES FOR DRUG TRAFFICKING IN OR NEAR A SCHOOL OR OTHER PROTECTED LOCATION.

Section 419 of the Controlled Substances Act (21 U.S.C. 860) is amended—

(1) in subsection (a), by striking ''one year'' and inserting ''3 years''; and

(2) in subsection (b), by striking ''three years'' each place that term appears and inserting ''5 years''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. CANADY) and the gentleman from Tennessee (Mr. GORDON) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. CANADY).

GENERAL LEAVE

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 5312.

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

There was no objection.

Mr. CANADY of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there are few responsibilities that we have as Members of Congress that are more important than seeking to leave our children a better future. This legislation seeks to accomplish that goal by protecting children from illegal drugs, drug trafficking and the violence associated with the drug trade through increased prison sentences for Federal drug felonies involving or affecting children.

H.R. 5312 increases the mandatory minimum prison sentences from 1 year to 3 years in three important areas. First, it raises the sentence to 3 years for those who use children to distribute drugs. Second, it raises the sentence to 3 years for those who traffic drugs to children. And third, it raises the sentence to 3 years for those who traffic drugs in or near a school or other protected location, including colleges, playgrounds, public housing facilities, youth centers, public swimming pools or video arcade facilities.

In each of these circumstances, it raises the mandatory minimum sentence for a second time offender to 5 years.

Mr. Speaker, protecting children should be a top priority for our society. Crime is down in America but we must remain vigilant. This bill sends an important and unmistakable message, do not involve our kids in your drug trade. By passing and enacting this legislation, we are doing more to make sure our children realize the promising future to which they are entitled. I urge my colleagues to support the Protecting Our Children From Drugs Act of 2000. I want to express my gratitude to the chairman of the Subcommittee on Crime, the gentleman from Florida (Mr. MCCOLLUM), who is the sponsor of this legislation, for his leadership in moving forward with this proposal.

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

Mr. SCOTT. Mr. Speaker, I rise in opposition to H.R. 5312, the ''Protecting Our Children From Drugs Act of 2000,'' which would increase mandatory minimums for certain drug offenses involving minors. While I certainly support any legislative action which would keep drugs out of the hands of our kids, this bill will not do that.

Unfortunately, we are here again with Congress' favorite solution to crime—mandatory minimum sentencing. This despite the fact that scientific studies have found no empirical evidence linking mandatory minimum sentences to reductions in crime. Instead, what the studies have shown is that mandatory minimum sentences distort the sentencing process, discriminate against minorities in their application and waste money.

In a study report entitled ''Mandatory Minimum Drug Sentences: Throwing Away the Key or the Tax Payers Money?,'' the Rand Commission concluded that mandatory minimum sentences were significantly less effective than discretionary sentencing, and substantially less effective than drug treatment in reducing drug related crime, and far more costly than either.

Further, both the Judicial Center in its study report entitled ''The General Effects of Mandatory Minimum Prison Terms: A longitudinal Study of Federal Sentences Imposed,'' and the United States Sentencing Commission in its study report entitled ''Mandatory Minimum Penalties in the Federal Criminal Justice System,'' found that minorities were substantially more likely than whites under comparable circumstances to receive mandatory minimum sentences.

Perhaps the problem with mandatory minimums is best stated in a March 17, 2000 letter from the Judicial Conference of the United States to Chairman HYDE, and which provided as follows:

> The reason for our opposition is manifest: Mandatory minimums severely distort and damage the federal sentencing system. Mandatories undermine the Sentencing Guidelines regimen Congress so carefully established under the Sentencing Reform Act of 1984 by preventing the rational development of guidelines that reduce unwarranted disparity and provide proportionality and fairness. Mandatory minimums also destroy honesty in sentencing by encouraging charge and fact plea bargains to avoid mandatory minimums. In fact, the U.S. Sentencing Commission has documented that mandatory minimum sentences have the opposite of their intended effect. Far from fostering certainty in punishment, mandatory minimums result in unwarranted sentencing disparity. Mandatories also treat dissimilar offenders in a similar manner—offenders who can be quite different with respect to the seriousness of their conduct or their danger to society. Mandatories require the sentencing court to impose the same sentence on offenders when sound policy and common sense call for reasonable differences in punishment.

The fact is, we know how to reduce drug abuse—its with prevention and drug rehabilitation programs. One study of a program in California has shown drug rehabilitation to be so effective that for every dollar the state spends on its drug abuse program, it saves seven dollars in reduced costs in health care, welfare, and crime.

In addition, late last year several of us worked on the bipartisan task force on juvenile crime. We heard from experts from across the country, and all the testimony we heard pointed to prevention and early intervention as appropriate strategies to deal with juvenile crime. We did not hear a single witness suggest we enact mandatory minimum sentencing schemes.

Mr. Speaker, H.R. 5312 was introduced just two weeks ago by Representative MCCOLLUM, and comes to the floor today without the benefit of hearings or the opportunity to amend the bill. Thus, it is no surprise that it reflects an old approach which has been proven to be ineffective and discriminatory in its impact. For those reasons, I must oppose H.R. 5312, and urge my colleagues to vote against the bill.

Mr. GILMAN. Mr. Speaker, I rise today in strong support of H.R. 5312, the Protecting Our Children From Drugs Act of 2000. I urge my colleagues to join in supporting this worthy legislation.

H.R. 5312 amends the Controlled Substances Act to increase penalties for: (1) using persons under the age of 18 to distribute drugs, (2) distributing drugs to minors, (3) drug trafficking near a school or other protected location, such as a youth center, playground, or public housing facility.

In all of these cases, the penalty for a first time offense increases from a minimum of one to three years in prison. The penalty for subsequent offenses is increased to a minimum of five years in prison.

Mr. Speaker, the threat posed by illegal drugs is one of the greatest national security threats facing our nation. This is the cold truth.

While opponents have argued that we spend too much on combating drugs, they are

ignoring the true cost of drug use on our society. In addition to costs associated with supply and demand reduction, drug use costs billions each year in health care expenses and lost productivity. Moreover, it also has intangible costs in terms of broken families and destroyed lives.

Our children are on the front lines of this drug war. They are the primary target of both the drug producers and the sellers. This legislation is a small step designed to make selling drugs to minors, a less attractive option. I urge my colleagues to lend it their full support.

Mr. LARSON. Mr. Speaker, I rise today to support legislation sponsored by my colleague from Florida (Mr. MCCOLLUM). The Protecting Our Children From Drugs Act will give this country a much needed additional source of ammunition in our war against drugs. This legislation will send a forceful message to drug dealers that our children and our schools are not going to be participants in the drug trade. In addition, by taking increased measures to protect our children from the dangers of illegal drugs, we are ensuring that one day they will be readily equipped to continue the fight for a drug free America.

As statistics show that the rate of teen drug use in this country has doubled since 1992, it is clear that the time for this legislation is now. I, unfortunately, know all too well about the constant challenges of protecting innocent children from being corrupted by the drug trade. In June of 1999, the ONDCP designated my district a High Intensity Drug Trafficking Area. A month before, an arrest in the suburban town of Newington, Connecticut, that netted 60 bags of heroin, took place 1500 feet from a day care center. In November of that same year, a man was arrested in Hartford for using a 15 year old to sell over a hundred bags of heroin. These examples highlight the disturbing reality that our children and our schools are not ignored by drug dealers, but that they are often targeted. As both a legislator and a father of three young children, it is painfully obvious that drug trafficking is everywhere. We must send a message to drug dealers that their crimes will be punished with significantly harsher penalties if they invade our schools, and infiltrate among our children.

In his long and continuing effort to protect our country and our children from illegal drugs, my colleague notes that intervention is the first step necessary to winning the drug war. However, intervention is not always the goal we strive for. Perhaps it is because we often see exposure to drugs as an inevitable part of our children's lives. It doesn't have to be. We must intervene and prevent exposure at the source, and let dealers know that our kids are off limits. Further action, such as this legislation, will protect our children and give them the opportunity to lead this country into the 21st century. I rise in support of this legislation today and I urge our colleagues to join us.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. CANADY) that the House suspend the rules and pass the bill, H.R. 5312.

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.

PROSECUTION DRUG TREATMENT ALTERNATIVE TO PRISON ACT OF 2000

Mr. CANADY of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4493) to establish grants for drug treatment alternative to prison programs administered by State or local prosecutors.

The Clerk read as follows:

H.R. 4493

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 ''Prosecution Drug Treatment Alternative to Prison Act of 2000''.

SEC. 2. DRUG TREATMENT ALTERNATIVE TO PRISON PROGRAMS ADMINISTERED BY STATE OR LOCAL PROSECUTORS.

(a) PROSECUTION DRUG TREATMENT ALTERNATIVE TO PRISON PROGRAMS.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding at the end the following new part:

''PART AA—PROSECUTION DRUG TREATMENT ALTERNATIVE TO PRISON PROGRAMS

''SEC. 2701. PROGRAM AUTHORIZED.

''(a) IN GENERAL.—The Attorney General may make grants to State or local prosecutors for the purpose of developing, implementing, or expanding drug treatment alternative to prison programs that comply with the requirements of this part.

''(b) USE OF FUNDS.—A State or local prosecutor who receives a grant under this part shall use amounts provided under the grant to develop, implement, or expand the drug treatment alternative to prison program for which the grant was made, which may include payment of the following expenses:

''(1) Salaries, personnel costs, equipment costs, and other costs directly related to the operation of the program, including the enforcement unit.

''(2) Payments to licensed substance abuse treatment providers for providing treatment to offenders participating in the program for which the grant was made, including aftercare supervision, vocational training, education, and job placement.

''(3) Payments to public and nonprofit private entities for providing treatment to offenders participating in the program for which the grant was made.

''(c) FEDERAL SHARE.—The Federal share of a grant under this part shall not exceed 75 percent of the cost of the program.

''(d) SUPPLEMENT AND NOT SUPPLANT.—Grant amounts received under this part shall be used to supplement, and not supplant, non-Federal funds that would otherwise be available for activities funded under this part.

''SEC. 2702. PROGRAM REQUIREMENTS.

''A drug treatment alternative to prison program with respect to which a grant is made under this part shall comply with the following requirements:

''(1) A State or local prosecutor shall administer the program.

''(2) An eligible offender may participate in the program only with the consent of the State or local prosecutor.

''(3) Each eligible offender who participates in the program shall, as an alternative to incarceration, be sentenced to or placed with a long term, drug free residential substance abuse treatment provider that is licensed under State or local law.

''(4) Each eligible offender who participates in the program shall serve a sentence of imprisonment with respect to the underlying crime if that offender does not successfully complete treatment with the residential substance abuse provider.

''(5) Each residential substance abuse provider treating an offender under the program shall—

''(A) make periodic reports of the progress of treatment of that offender to the State or local prosecutor carrying out the program and to the appropriate court in which the defendant was convicted; and

''(B) notify that prosecutor and that court if that offender absconds from the facility of the treatment provider or otherwise violates the terms and conditions of the program.

''(6) The program shall have an enforcement unit comprised of law enforcement officers under the supervision of the State or local prosecutor carrying out the program, the duties of which shall include verifying an offender's addresses and other contacts, and, if necessary, locating, apprehending, and arresting an offender who has absconded from the facility of a residential substance abuse treatment provider or otherwise violated the terms and conditions of the program, and returning such offender to court for sentence on the underlying crime.

''SEC. 2703. APPLICATIONS.

''(a) IN GENERAL.—To request a grant under this part, a State or local prosecutor shall submit an application to the Attorney General in such form and containing such information as the Attorney General may reasonably require.

''(b) CERTIFICATIONS.—Each such application shall contain the certification of the State or local prosecutor that the program for which the grant is requested shall meet each of the requirements of this part.

''SEC. 2704. GEOGRAPHIC DISTRIBUTION.

''The Attorney General shall ensure that, to the extent practicable, the distribution of grant awards is equitable and includes State or local prosecutors—

''(1) in each State; and

''(2) in rural, suburban, and urban jurisdictions.

''SEC. 2705. REPORTS AND EVALUATIONS.

''For each fiscal year, each recipient of a grant under this part during that fiscal year shall submit to the Attorney General a report regarding the effectiveness of activities carried out using that grant. Each report shall include an evaluation in such form and containing such information as the Attorney General may reasonably require. The Attorney General shall specify the dates on which such reports shall be submitted.

''SEC. 2706. DEFINITIONS.

''In this part:

''(1) The term 'State or local prosecutor' means any district attorney, State attorney general, county attorney, or corporation counsel who has authority to prosecute criminal offenses under State or local law.

''(2) The term 'eligible offender' means an individual who—

''(A) has been convicted of, or pled guilty to, or admitted guilt with respect to a crime for which a sentence of imprisonment is required and has not completed such sentence;

''(B) has never been convicted of, or pled guilty to, or admitted guilt with respect to, and is not presently charged with, a felony crime of violence or a major drug offense or a crime that is considered a violent felony under State or local law; and

''(C) has been found by a professional substance abuse screener to be in need of substance abuse treatment because that offender has a history of substance abuse that is a significant contributing factor to that offender's criminal conduct.

''(3) The term 'felony crime of violence' has the meaning given such term in section 924(c)(3) of title 18, United States Code.

''(4) The term 'major drug offense' has the meaning given such term in section 36(a) of title 18, United States Code.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Street Act of 1968 (42 U.S.C. 3793(a)) is amended by adding at the end the following new paragraph:

''(24) There are authorized to be appropriated to carry out part AA—

''(A) $75,000,000 for fiscal year 2000;

''(B) $85,000,000 for fiscal year 2001;

''(C) $95,000,000 for fiscal year 2002;

''(D) $105,000,000 for fiscal year 2003; and

''(E) $125,000,000 for fiscal year 2004.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. CANADY) and the gentleman from Tennessee (Mr. GORDON) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. CANADY).

GENERAL LEAVE

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4493.

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

There was no objection.

Mr. CANADY of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4493, the Prosecution Drug Treatment Alternative to Prison Act of 2000 would authorize grants for drug treatment alternative to prison programs administered by State or local prosecutors. This legislation represents a responsible approach to drug treatment because it holds the individual receiving treatment accountable and it allows local prosecutors to exercise discretion regarding those for whom drug treatment is appropriate.

I want to thank the gentleman from Florida (Mr. MICA), the sponsor of this legislation, for his leadership on this innovative legislation.

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

Mr. OSE. Mr. Speaker, I thank the gentleman from Florida (Mr. CANADY) for yielding me this time.

Mr. Speaker, in addition to the gentleman from Florida (Mr. MICA), I would like to enter into the record the other original cosponsors of this bill, those being, the gentleman from North Carolina (Mr. BALLENGER); the gentleman from New York (Mr. GILMAN); the gentleman from Florida (Mr. GOSS); the gentlewoman from Texas (Ms. GRANGER); the gentleman from Arkansas (Mr. HUTCHINSON); the gentleman from Georgia (Mr. KINGSTON); the gentleman from Iowa (Mr. LATHAM); the gentleman from Florida (Mr. MCCOLLUM); the gentleman from Ohio (Mr. PORTMAN); the gentleman from Tennessee (Mr. WAMP); and the gentleman from Virginia (Mr. WOLF).

The reason I do that is I want to evidence the broad geographic interest in providing some means of relief for folks who are suffering from the malaise of drugs. I wish to thank also the dozens of cosponsors of this legislation from both sides of the aisle. It is my expectation that the bill soon will be introduced and receive bipartisan support in the United States Senate as well.

This legislation will provide much needed resources to State and local governments for new prosecutor-managed drug treatment options for eligible nonviolent offenders. The program is designed for offenders who need and seek an opportunity to break the terrible chains of drug addiction and take back control of their lives.

In fact, such a program has been administered successfully for more than a decade in Brooklyn, New York. It has been rigorously evaluated and found to have resulted in higher treatment success, low recidivism rates and substantial tax dollar savings. This legislation will be an important new addition to our Nation's drug demand reduction efforts.

Mr. Speaker, most State and local criminal prosecutions are resolved through guilty pleas and plea bargains. Plea agreements prevent our criminal justice system from coming to a screeching halt and, as such, they are a valuable tool. This particular legislation represents another option for offenders who plead guilty to nonviolent offenses such as personal drug use. Just to be clear, violent drug offenders and serious drug traffickers will not be eligible under this legislation. The legislation also authorizes new Federal funding for programs designed and managed by State and local prosecutors who prosecute nonviolent offenders who are in desperate need of treatment. It allows prosecutors to select only eligible nonviolent offenders for a rigorous program of mandatory drug treatment and strict rules and conditions. Prosecutors have total discretion to select participants. Participants must be identified as being in need of treatment but they must also not have been convicted of a felony crime of violence or a major drug offense as defined under Federal law.

An important benefit of this option is that a prosecutor retains the leverage of a substantial prison sentence to be used if an offender violates program or treatment requirements. That is called accountability.

This accountability provides prosecutors with a common sense cost-effective alternative for offenders who really want to reform their lives. A successful model program of this type is the drug treatment alternative to prison program, as I mentioned, established in 1990 by the Office of the District Attorney for Kings County, which is Brooklyn, New York.

Evaluation results of the New York program indicate high treatment retention rates, low recidivism and significant cost savings. The 1-year retention rate in drug treatment is 66 percent. The recidivism rate for participants is less than a half for comparable offenders, 23 percent compared to 47 percent. Nearly all employable program graduates, that is 92 percent, are now working or are in vocational programs compared with only 26 percent who were employed prior to entering the program.

This particular program in Brooklyn, New York, reportedly has saved the city and the State more than $15 million over the past 10 years. The program holds great promise for communities across America. It is designed to combat drugs and address the treatment needs of eligible nonviolent offenders who desire to forsake crime and drugs and regain control of their lives. Experience has shown that this approach breaks addiction, protects lives, assists families, promotes gainful employment and saves substantial tax dollars. The legislation itself will provide funds up to 75 percent of program costs directly to State and local governments. The total authorized under this bill is almost a half a billion dollars. The program grants will be administered by the United States Department of Justice. State and local government recipients must match by at least 25 percent the Federal grant award amount.

□ 1300

Evaluations will be required and funded.

Each program is required to maintain an enforcement unit of sworn officers to monitor and apprehend any offenders who violate program requirements and attempt to abscond from their responsibilities.

There are requirements for ensuring a fair geographic distribution of funds, so that people in Maine or people in California or people in Washington or Iowa get a fair shot at getting the funding for their treatment. Grant awards are to be made, to the extent practicable, to each State and to rural suburban and urban jurisdictions.

Madam Speaker, I do not have to remind you or other Members of the need for us to do everything possible to help

State and local governments respond to their continuing drug challenges. Even the White House's Office of National Drug Control Policy indicates that overall drug use has increased from 6.4 percent of our population in 1997 to 7 percent in 1999. That is a 10 percent increase in 2 years.

While marijuana and crack use has decreased among youth, Ecstasy, methamphetamine and ''designer drug'' use has shot through the roof among youth and adults. We are seeing overdoses and deaths as we have never seen them before. Drug-induced deaths number about 17,000 annually and are rising. In total, drug-related deaths, that is, where someone dies as a result of drug use, now exceed 50,000 each year. That is more than the number of murders in this country on an annual basis.

We need to take this important step as outlined in this legislation in a national effort to turn this situation around, to make our communities safer and to improve the quality of life for everybody in America. This initiative will make a substantial contribution to this effort.

Madam Speaker, I want to highlight in particular how this program, on a point-by-point comparison, will help in California because, as always, I go home every weekend, and that is kind of where my heart is.

California has an initiative on the ballot this year called Prop 36, and it is being marketed to the voters as a drug treatment initiative to try and give people assistance. In fact, the initiative itself is around 4,500 words; and interestingly enough, of those 4,500 words, about 3,600 talk about sentencing and incarceration and doing time in prison.

You would think that an initiative that is supposed to address drug treatment would talk about drug treatment instead of about sentencing and the like. In fact, this initiative spends about 390 words out of 4,500 talking about treatment, and then it only talks about funding.

Prop 36 in California is a sham, and I would hope that the other Members of this body would take the time to read it and share it with their people, because, if it is successful in California, it is coming to your State soon. It is kind of like a bad movie.

We need to defeat Prop 36. The legislation that is on the floor today addresses actual treatment opportunities for people, compared to Prop 36, which offers no treatment whatsoever.

In fact, the single most effective means of helping people suffering from drug addiction, which is blood testing and urinalysis, under Prop 36 is forbidden. Think about that. Prop 36 says it is a drug treatment, but it removes the single most effective tool that professionals in the field use to hold folks accountable for getting rid of this scourge.

I want to close, if I can, Madam Speaker. This legislation put forward by the gentleman from Florida (Mr. MICA) is about fighting drugs harder and smarter. It can make a real difference in promoting demand reduction and breaking the link between drugs and crime for many eligible nonviolent offenders who are at great risk of pursuing criminal careers.

Both sides of the aisle support this legislation. So do criminal justice professionals. Treatment experts and providers, such as Phoenix House and the Therapeutic Communities of America, have endorsed this legislation. So have Pennsylvania and New York District Attorney Associations. We have worked very closely with the DA from Brooklyn, New York, to develop this legislation based upon his proven experience.

The chairman of the committee, the gentleman from Florida (Mr. MICA), has personally visited the program and discussed it with the offenders going through it. Respected researchers and evaluators have documented the program's successes. If properly designed and administered as outlined in this legislation, I am convinced that we have the opportunity to save lives and save money in this country.

Madam Speaker, H.R. 4493 is a good bill, and it is much needed. It is important to States, communities, and families across this country. In combatting drug use, we must identify programs that work and support them. We cannot afford any longer to squander tax dollars on unnecessary bureaucracies and ineffective approaches.

Accordingly, I urge all Members to vote for H.R. 4493. I appreciate the opportunity to speak on this very important issue this afternoon.

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

Madam Speaker, the gentleman from Michigan (Mr. CONYERS), the ranking member of the Committee on the Judiciary, could not be here today; but I will submit his statement.

If I could take a brief moment, Madam Speaker, my friend, the gentleman from Florida (Mr. CANADY), this is his last or soon to be last presentation, I suspect, before this body; and I just want to say that over the years he has been here, there may be some that have disagreed with him on occasion, but hopefully no one would ever disagree that he is a man of integrity. I appreciate his friendship. I know he is going to enjoy going back and spending more time with his family, and I want to wish him well in his endeavors in Florida.

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

Mr. CANADY of Florida. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I appreciate the kind remarks of the gentleman from Tennessee (Mr. GORDON).

Mr. CONYERS. Madam Speaker, as we passed the threshold of two million incarcerated, It has become apparent that our nation's war on drugs has taken its toll on communities across the nation. With the support of the federal government, many states are implementing innovative programs to address the problems of incarceration and drug addiction. H.R. 4493 does not advance the best efforts to stem this tide.

The best programs currently under consideration return discretion to the judges for an assessment of the best methods for rehabilitation. Programs, like those in H.R. 4493, that vest prosecutors with the discretion to grant alternative sentence are not new and suffer from a clear flaw that has limited their effectiveness.

As a general matter, prosecutors are concerned with conviction rates, not rehabilitation. Consequently, these kinds of programs have been used as bargaining chips to obtain evidence and convictions, rather than tools for reducing recidivism. Moreover, these programs contain no long tern ''after care'' services which have proven critical to addressing the continuing problems faced by addicts after incarceration.

This session, during a markup of methamphetamine legislation, an amendments that provide a good starting point for reforming our national drug policy was approved by the full Judiciary Committee.

This legislation established federal drug courts that would allow the federal government to vigorously pursue sentencing and treatment alternatives to break the cycle and control the costs of drug-offense incarceration. This would allow us to join alternative sentencing and treatment programs that have been adopted in states such as Arizona, California, and New York that have been credited with significant declines in their prison population.

The stakes could hardly be higher in our efforts for policy reform. It is a sad fact of life that more people were imprisoned during the 1990s than any other period on record, with nearly one-in-four prisoners incarcerated for drug offenses, many carrying mandatory minimum sentences.

In raw numbers, today, there are almost as many inmates imprisoned for drug offense as the entire U.S. prison population in 1980. It will cost counties, states and the federal government over $9 billion to incarcerate our 458,131 drug offenders this year.

We should continue to look for and support successful strategies like those offered in the Judiciary Committee.

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

The SPEAKER pro tempore (Mrs. MORELLA). The question is on the motion offered by the gentleman from Florida (Mr. CANADY) that the House suspend the rules and pass the bill, H.R. 4493.

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.

AUTHORIZING AN INTERPRETIVE CENTER NEAR DIAMOND VALLEY LAKE, CALIFORNIA

Mr. CALVERT. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4187) 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:

H.R. 4187

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) ASSISTANCE 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 California (Mr. CALVERT) and the gentleman from New Jersey (Mr. HOLT) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. CALVERT).

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

Madam Speaker, I am pleased to have introduced H.R. 4187, along with the gentlewoman from California (Mrs. BONO), the gentleman from California (Mr. PACKARD), the gentlewoman from California (Mrs. NAPOLITANO), the gentleman from California (Mr. LEWIS), the gentleman from California (Mr. GARY MILLER), the gentleman from California (Mr. HUNTER), and the gentleman from California (Mr. BACA).

Madam Speaker, this legislation will assist in establishing the Western Archeology and Paleontology Center in the vicinity of Diamond Valley Lake in Southern California. This center will preserve, protect and make available the extraordinary discoveries that were uncovered during the construction of Diamond Valley Lake to all citizens of the United States. The University of California, Riverside, has been instrumental in developing this center; and I look forward to their continued leadership in the establishment and operation of the center. House report language calls for the Secretary of Interior to work with UCR, metropolitan water districts, and local shareholders in this effort.

During the past 10 years, the construction of Diamond Valley Lake outside of Hemet, California, has been the largest private earth-moving construction project in the United States. The reservoir is now the largest man-made lake in Southern California. It covers 4,500 acres, is 4½ miles long, 2 miles wide, and 250 feet deep. The cost of this was $2.1 million for construction, was totally borne by the residents of Southern California. The reservoir will provide a desperately needed emergency supply of water for the City of Los Angeles and the surrounding area.

During the construction and excavation of this massive project, extraordinary paleontology and archeology discoveries were uncovered. Unearthed were 365 prehistoric sites, pictographs, stone tools, bone tools and arrowheads. Also discovered were a preserved mastodon skeleton, a mammoth skeleton, a 7-foot tusk and bones from the extinct animals previously unknown to have resided in the area, including the giant long-horned bison and an enormous North American Lion.

The construction of Diamond Valley Lake unearthed the largest known accumulation of late Ice Age fossils known in California. The scientific importance of this collection may now rival California's other famed site, the La Brea Tar Pits.

The State of California is an active participant in this endeavor, having already contributed $6 million to the Western Center. Another $10.5 million has been included in this year's State budget for construction and maintenance of the center.

As for the Federal Government's role in this endeavor, first, 12,000 acres of land totaling about $40 million, have been bought and set aside by the Metropolitan Water District to comply with the Endangered Species Act, a Federal requirement.

Moreover, there is legislative precedent for Federal assistance to States for preservation. The National Historic Preservation Act set the stage for Federal, State and local partnerships. This act provides that the Federal government shall contribute to the preservation of non-federally owned prehistoric and historic resources and give maximum encouragement to organizations and individuals undertaking preservation by private means.

In addition, the Army Corps of Engineers, the Department of Defense, the Department of Interior, and the Department of Agriculture have uncovered prehistoric and historic artifacts and are being forced to store these artifacts and records in storage units, offices, basements or in substandard museums, which is unacceptable. I am pleased that we can use this unique opportunity to work together in a partnership with local, State and Federal interests to protect and preserve these assets for all Americans.

I would like to thank the gentleman from Alaska (Chairman YOUNG) and the gentleman from Utah (Chairman HANSEN) for their work on this bill.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, H.R. 4187 authorizes the Federal Government to pay up to one-quarter of the cost of a $40 million visitors facility to be constructed as part of a vast recreational complex being developed around a new locally owned water project in California. The complex is reported to include golf courses, restaurants, and concert areas centered around this new reservoir.

While we of the minority do not intend to oppose this legislation, H.R. 4187 does raise some serious concerns. The bill authorizes this Federal expenditure, despite the fact that there is no substantive Federal connection to this project. None of the facilities, nor any of the land, are federally owned or operated.

We are told that during the construction, important archeological artifacts were discovered and therefore the Federal Government should pay for a visitors center. However, if these artifacts are truly important, funding for them is available through existing grant programs, and earmarked funding for a visitors center is therefore unnecessary.

I guess I should point out that there is a certain irony that some on the majority side are asking for Federal funding for this. But it has been argued also that because the local water district was required to set aside a nature preserve as a species mitigation measure, the use of Federal funds for this visitors center is justified. However, the set-aside was required by law and does not entitle this project to a taxpayer-funded visitors center.

In the view of the minority members of the Committee on Resources, Congress should allocate Federal resources to address the multibillion dollar

maintenance and construction backlogs on Federal lands, and non-Federal projects such as this one should receive the bulk of their funding from the States and localities who own and operate them.

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While the minority will not oppose H.R. 4187, we would caution against similar authorization in cases with such limited Federal interests.

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

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

The SPEAKER pro tempore (Mrs. MORELLA). The question is on the motion offered by the gentleman from California (Mr. CALVERT) that the House suspend the rules and pass the bill, H.R. 4187.

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.

SENSE OF CONGRESS ON NEED FOR WORLD WAR II MEMORIAL ON THE MALL

Mr. CALVERT. Madam Speaker, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 145) expressing the sense of Congress on the propriety and need for expeditious construction of the National World War II Memorial at the Rainbow Pool on the National Mall in the Nation's Capitol.

The Clerk read as follows:

S. CON. RES. 145

Whereas World War II is the defining event of the twentieth century for the United States and its wartime allies;

Whereas in World War II, more than 16,000,000 American men and women served in uniform in the Armed Forces, more than 400,000 of them gave their lives, and more than 670,000 of them were wounded;

Whereas many millions more on the home front in the United States organized and sacrificed to give unwavering support to those in uniform;

Whereas fewer than 6,000,000 World War II veterans are surviving at the end of the twentieth century, and the Nation mourns the passing of more than 1,200 veterans each day;

Whereas Congress, in Public Law 103–422 (108 Stat. 4356) enacted in 1994, approved the location of a memorial to this epic era in an area of the National Mall that includes the Rainbow Pool;

Whereas since 1995, the National World War II Memorial site and design have been the subject of 19 public hearings that have resulted in an endorsement from the State Historic Preservation Officer of the District of Columbia, three endorsements from the District of Columbia Historic Preservation Review Board, the endorsement of many Members of Congress, and, most significantly, four approvals from the Commission of Fine Arts and four approvals from the National Capital Planning Commission (including the approvals of those Commissions for the final architectural design);

Whereas on Veterans Day 1995, the President dedicated the approved site at the Rainbow Pool on the National Mall as the site for the National World War II Memorial; and

Whereas fundraising for the National World War II Memorial has been enormously successful, garnering enthusiastic support from half a million individual Americans, hundreds of corporations and foundations, dozens of civic, fraternal, and professional organizations, state legislatures, students in 1,100 schools, and more than 450 veterans groups representing 11,000,000 veterans: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) it is appropriate for the United States to memorialize in the Nation's Capitol the triumph of democracy over tyranny in World War II, the most important event of the twentieth century;

(2) the will of the American people to memorialize that triumph and all who labored to achieve it, and the decisions made on that memorialization by the appointed bodies charged by law with protecting the public's interests in the design, location, and construction of memorials on the National Mall in the Nation's Capitol, should be fulfilled by the construction of the National World War II Memorial, as designed, at the approved and dedicated Rainbow Pool site on the National Mall; and

(3) it is imperative that expeditious action be taken to commence and complete the construction of the National World War II Memorial so that the completed memorial will be dedicated while Americans of the World War II generation are alive to receive the national tribute embodied in that memorial, which they earned with their sacrifice and achievement during the largest and most devastating war the world has known.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. CALVERT) and the gentleman from New Jersey (Mr. HOLT) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. CALVERT).

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

Madam Speaker, S. Con. Res. 145 expresses the sense of Congress on the propriety and need for expeditious construction of the National World War II Memorial at the Rainbow Pool on the National Mall on the Nation's capitol. In short, this gives the congressional approval to construct this memorial to the brave men and women who served and gave their lives during World War II at the Rainbow Pool location in the Mall and will, I hope, put this issue to rest.

Madam Speaker, there are two indisputable facts dealing with this memorial. One is the fact that no one can possibly think that memorial does not deserve to be in a place of the utmost prominence in the Mall. World War II was the most important event in this century and over 1 million Americans were either killed or wounded.

The other fact is that all approvals from various commissions have been granted to proceed with the construction of this memorial at this site. However, it is apparent that construction is still mired down, now with misguided lawsuits by a few people who apparently do not believe that this event and the 16 million brave men and women who proudly wore the American uniform deserve recognition.

Enough is enough, Madam Speaker. The process of constructing this memorial has gone on far and long enough, and it is high time we got down to the business and build this deserved memorial which means so much to so many people. Madam Speaker, I strongly urge my colleagues to support S. Con. Res. 145.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, no one can argue with the substance of this concurrent resolution. The Second World War is recognized as the most significant event of the 20th Century. Millions of American men and women served with distinction and honor in that conflict and more than 400,000 made the ultimate sacrifice as part of their service to their Nation. The core principles of this legislation, that it is the sense of Congress that a memorial commemorating the World War II activities should be built within area 1 on the Mall and that it should be built as expeditiously as possible, that is incontrovertible. Of course, we are all aware that there is some remaining controversy, but that controversy has moved to the courts, and Congress really has no further role in resolving that issue.

As the process moves towards what we hope will be a rapid resolution, it is appropriate that Congress re-assert its support for this important project, and as a result, the minority side fully supports the passage of this measure.

Madam Speaker, I reserve the balance of my time.

Mr. CALVERT. Madam Speaker, I yield as much time as he may consume to the gentleman from Arizona (Mr. STUMP), the champion for all veterans in our country.

Mr. STUMP. Madam Speaker, I thank the gentleman from California for yielding me this time.

Madam Speaker, the gentlewoman from Ohio (Ms. KAPTUR) first introduced this resolution to create the memorial in 1987 but it was not enacted until 1993.

Since its authorization, this memorial has been through 19 public hearings. It has been completely redesigned in response to concerns raised in this public process. It has been approved by the National Park Service, the Department of Interior and the President, as well as the D.C. Historic Preservation Review Board, the National Capital Planning Commission and the Commission of Fine Arts.

The World War II Memorial is supported by virtually every veterans' organization in this country representing over 10 million veterans. Ground breaking is scheduled for this coming Veterans Day, which is November 11. Unfortunately, Madam Speaker, it has taken three times as long to get from bill introduction to groundbreaking as it did to win the war in the first place.

Yet there are still opponents of this memorial continuing to challenge the design and location on the Mall. They would delay the groundbreaking of this already long overdue tribute to our Nation's triumph over tyranny. Every day that we wait to begin construction, over a thousand more World War II veterans pass on and join their fallen comrades.

Madam Speaker, this World War II memorial will not encroach on other monuments to America's founders and heroes. As Ray Smith, the Commander of the American Legion eloquently stated, and I quote, ''This memorial will whisper poignantly of the blood shed and loss that preserved that which the Mall represents, the establishment and endurance of American democracy.''

S. Con. Res. 145 was introduced on October 6 by the Chairman of the Senate Committee on Armed Services, Senator WARNER. I introduced the same measure on the same day in the House, along with my colleagues, the gentleman from Illinois (Mr. HYDE), the gentlewoman from Ohio (Ms. KAPTUR), the gentleman from Texas (Mr. HALL), and others.

It simply reaffirms congressional support for expeditious construction of the World War II memorial at the Rainbow Pool on the National Mall of the Nation's Capitol. I strongly urge my colleagues to support this resolution.

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

Madam Speaker, the gentleman from Arizona has given an eloquent and articulate statement of the need for this memorial tribute, and I thank him for that.

Madam Speaker, I yield 4 minutes to the gentleman from Mississippi (Mr. SHOWS).

Mr. SHOWS. Madam Speaker, I thank the gentleman from New Jersey (Mr. HOLT) for yielding me the time.

Madam Speaker, today we are considering legislation to expedite the construction of the National World War II Memorial at the Rainbow Pool on the National Mall in the Nation's Capitol. More than 16 million American men and women served in uniform in the Armed Forces in World War II. More than 400,000 of them gave their lives, and more than 670,000 were wounded.

These Americans, like all of our veterans, knew the meaning of sacrifice, honor, duty, courage under fire and, yes, patriotism. They fought because they were asked to fight. They fought to keep America free and to extend freedom and democracy and liberty outside our Nation's borders so that the future of Americans would not be threatened. They fought because they had the will to stand up to the forces that threaten and destroy freedom and democracy. They fought and they made that ultimate sacrifice.

We have seen the photo of the six American Marines who raised the flags over Iwo Jima. I do not think there is a person alive today who knows about World War II who can look at that photo and not have tears in their eyes. The battle of Iwo Jima was considered vital to the war effort. Following intense air campaign, this ground battle began. It was the largest Marine force ever sent into battle. Casualties were high. It was a very bloody battle, but our Marines did not give up the American spirit.

The bravery shown by the men who fought that battle and who raised that flag at the end is an example of courage under fire. Just as the photo of the brave men at Iwo Jima is in every history book and in the minds of every American during Veterans and Memorial Day, the National World War II Memorial will serve as the same tribute and reminder of the sacrifices made by the members of the greatest generation.

My father, Clifford Shows, was a prisoner of war during World War II. He was captured during the Battle of the Bulge. I grew up hearing stories of those who survived and those who did not. My father is 75 years old and was 69 years old when this was passed in Congress in 1994 and first approved for this location on the National Mall, so that is when we must begin, when these men and women are still alive.

Madam Speaker, I want people like my dad to be able to enjoy the National World War II Memorial and tell their grandchildren and great-grandchildren about it.

Finally, I want to applaud the efforts of another World War II veteran, Senator Bob Dole. Senator Dole is one of the leaders in the effort to raise funding and in bringing the importance of the construction of the National World War II Memorial to legislators and the public alike. He is to be commended for his efforts.

Madam Speaker, I urge my colleagues to join me in supporting the resolution before us today.

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

Madam Speaker, I would just add that the gentleman from Mississippi has spoken eloquently on behalf of those who served, those who supported them and those of us who have followed them.

Mr. GILMAN. Madam Speaker, I rise today in strong support of S. Con. Res. 145. I urge my colleagues to join in supporting this timely legislation.

S. Con. Res. 145 expresses the sense of the Congress on the propriety and need for the expeditious construction on the national World War II memorial at the Rainbow Pool on the National Mall here in Washington.

As a World War II veteran, I have been a strong supporter of the memorial since the inception of this project several years ago. Now that final approval for the design and site has been given, we hope to see the memorial constructed in as expeditious a manner as possible.

Along with many of my fellow World War II veterans, we are looking forward to the groundbreaking ceremony of this memorial on November 11th, and I speak for many of my fellow World War II veterans who wish to be able to visit a completed World War II memorial in Washington in their lifetime.

I accordingly urge my colleagues to support this resolution.

Ms. NORTON. Madam Speaker, I regret that when Senate Concurrent Resolution 145, Expressing a Sense of the Congress on the Propriety and Need for Construction of the National World War II Memorial on the National Mall, came to the floor today I was giving the keynote speech to BusinessLINC, a national group that develops mentoring relationships between large and small businesses. Most members are out of town because there are no votes today, and there was apparently no one present who could give the true story of why there has been opposition to the World War II Memorial here in the District an throughout the country. Instead there were some comments that apparently disparaged the opposition and insulted their motives by indicating that they oppose a memorial to World War II veterans or feel less passionately about it than those who support the memorial. There are real differences, but let the record be clear that there are no differences on the belated honor that should have been made to World War II veterans long ago. The ''greatest generation'' of veterans, alone among our veterans, have not been honored, perhaps reflecting the extraordinary selflessness with which they have approached the entirety of their generous lives, from saving our country during the Great Depression to saving the free world itself during World War II, and thereafter the rebuilding of our economy in the post-war years.

The controversy surrounding the memorial has nothing to do with the veterans. The controversy has nothing to do with a memorial to the veterans on the Mall. All agree that the memorial to these veterans belongs on the Mall. The controversy arose because of the memorial's placement, obstructing one of the great American vistas. Its placement is largely the work of one man, J. Carter Brown, Chair of the Commission on Fine Arts. The veterans did not choose the particular place on the Mall and had nothing to do with the selection of that site. Another site has been chosen. Brown, however, decided to do what had always been understood to be a violation of virtually sacred national ground, the space between the Washington Monument and the Lincoln Memorial. This space between the memorials to our greatest presidents is the last expansive space left on the Mall and has been left that way for obvious reasons. This breathtaking space calls to mind the sweep of our

extraordinary history and the unique role played by Washington and Lincoln in particular. The view that this pristine space should not be interrupted is not held by a few disgruntled Washingtonians or people who look to bring lawsuits when they do not get their way. Some of the opponents are World War II veterans. Some are historic preservationists and others with a deep appreciation of the McMillan Plan for the Mall and the present Mall legacy of green space created by Charles McKim and Frederick Olmstead, Jr. Many others have voiced opposition, and they are as diverse as editorials from the Wall Street Journal to the Los Angeles Times expressing opposition indicate.

Until the end, I had hoped and worked for a compromise, even one that left a memorial at the Rainbow Pool site between the Lincoln Memorial and the Washington Monument—a compromise would have avoided many issues. The memorial, as proposed, has not only been criticized for its size and artistry. It also threatens to do irreparable damage to traffic and congestion. It will take huge areas out of other sections of the Mall to make way for buses and crowds that will destroy the ambiance of the Mall as it has been known for decades.

World War II veterans deserve a national festival to celebrate a memorial in their honor, not lawsuits that have become inevitable. Perhaps citizens would have been willing to join the celebration and forego their lawsuits had a compromise been reached. However, the memorial was put on a track that avoided the usual safeguards, procedures, and public comment, and the necessary disposition toward compromise never emerged.

Although no resolution is necessary for the memorial to proceed, if Congress wishes to go on record supporting the memorial, it should do so without impugning the motives of those who believed that two noble purposes could be served at once: a long overdue memorial on the Mall to the men and women who served our country during the greatest wartime crisis of the 20th century and the preservation of the historic and irreplaceable space between the memorials to our greatest presidents. The failure to serve worthy purposes is a failure for which our generation will have to pay. It is certainly no failure of the veterans of the "greatest generation."

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. CALVERT) that the House suspend the rules and concur in the Senate concurrent resolution, S. Con. Res. 145.

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.

ALASKA NATIVE AND AMERICAN INDIAN DIRECT REIMBURSEMENT ACT OF 1999

Mr. CALVERT. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 406) to amend the Indian Health Care Improvement Act to make permanent the demonstration program that allows for direct billing of medicare, medicaid, and other third party payers, and to expand the eligibility under such program to other tribes and tribal organizations.

The Clerk read as follows:

S. 406

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 "Alaska Native and American Indian Direct Reimbursement Act of 1999".

SEC. 2. FINDINGS.

Congress finds the following:

(1) In 1988, Congress enacted section 405 of the Indian Health Care Improvement Act (25 U.S.C. 1645) that established a demonstration program to authorize 4 tribally-operated Indian Health Service hospitals or clinics to test methods for direct billing and receipt of payment for health services provided to patients eligible for reimbursement under the medicare or medicaid programs under titles XVIII and XIX of the Social Security Act (42 U.S.C. 1395 et seq.; 1396 et seq.), and other third-party payors.

(2) The 4 participants selected by the Indian Health Service for the demonstration program began the direct billing and collection program in fiscal year 1989 and unanimously expressed success and satisfaction with the program. Benefits of the program include dramatically increased collections for services provided under the medicare and medicaid programs, a significant reduction in the turn-around time between billing and receipt of payments for services provided to eligible patients, and increased efficiency of participants being able to track their own billings and collections.

(3) The success of the demonstration program confirms that the direct involvement of tribes and tribal organizations in the direct billing of, and collection of payments from, the medicare and medicaid programs, and other third payor reimbursements, is more beneficial to Indian tribes than the current system of Indian Health Service-managed collections.

(4) Allowing tribes and tribal organizations to directly manage their medicare and medicaid billings and collections, rather than channeling all activities through the Indian Health Service, will enable the Indian Health Service to reduce its administrative costs, is consistent with the provisions of the Indian Self-Determination Act, and furthers the commitment of the Secretary to enable tribes and tribal organizations to manage and operate their health care programs.

(5) The demonstration program was originally to expire on September 30, 1996, but was extended by Congress, so that the current participants would not experience an interruption in the program while Congress awaited a recommendation from the Secretary of Health and Human Services on whether to make the program permanent.

(6) It would be beneficial to the Indian Health Service and to Indian tribes, tribal organizations, and Alaska Native organizations to provide permanent status to the demonstration program and to extend participation in the program to other Indian tribes, tribal organizations, and Alaska Native health organizations who operate a facility of the Indian Health Service.

SEC. 3. DIRECT BILLING OF MEDICARE, MEDICAID, AND OTHER THIRD PARTY PAYORS.

(a) PERMANENT AUTHORIZATION.—Section 405 of the Indian Health Care Improvement Act (25 U.S.C. 1645) is amended to read as follows:

"(a) ESTABLISHMENT OF DIRECT BILLING PROGRAM.—

"(1) IN GENERAL.—The Secretary shall establish a program under which Indian tribes, tribal organizations, and Alaska Native health organizations that contract or compact for the operation of a hospital or clinic of the Service under the Indian Self-Determination and Education Assistance Act may elect to directly bill for, and receive payment for, health care services provided by such hospital or clinic for which payment is made under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) (in this section referred to as the 'medicare program'), under a State plan for medical assistance approved under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) (in this section referred to as the 'medicaid program'), or from any other third party payor.

"(2) APPLICATION OF 100 PERCENT FMAP.—The third sentence of section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) shall apply for purposes of reimbursement under the medicaid program for health care services directly billed under the program established under this section.

"(b) DIRECT REIMBURSEMENT.—

"(1) USE OF FUNDS.—Each hospital or clinic participating in the program described in subsection (a) of this section shall be reimbursed directly under the medicare and medicaid programs for services furnished, without regard to the provisions of section 1880(c) of the Social Security Act (42 U.S.C. 1395qq(c)) and sections 402(a) and 813(b)(2)(A), but all funds so reimbursed shall first be used by the hospital or clinic for the purpose of making any improvements in the hospital or clinic that may be necessary to achieve or maintain compliance with the conditions and requirements applicable generally to facilities of such type under the medicare or medicaid programs. Any funds so reimbursed which are in excess of the amount necessary to achieve or maintain such conditions shall be used—

"(A) solely for improving the health resources deficiency level of the Indian tribe; and

"(B) in accordance with the regulations of the Service applicable to funds provided by the Service under any contract entered into under the Indian Self-Determination Act (25 U.S.C. 450f et seq.).

"(2) AUDITS.—The amounts paid to the hospitals and clinics participating in the program established under this section shall be subject to all auditing requirements applicable to programs administered directly by the Service and to facilities participating in the medicare and medicaid programs.

"(3) SECRETARIAL OVERSIGHT.—The Secretary shall monitor the performance of hospitals and clinics participating in the program established under this section, and shall require such hospitals and clinics to submit reports on the program to the Secretary on an annual basis.

"(4) NO PAYMENTS FROM SPECIAL FUNDS.—Notwithstanding section 1880(c) of the Social

Security Act (42 U.S.C. 1395qq(c)) or section 402(a), no payment may be made out of the special funds described in such sections for the benefit of any hospital or clinic during the period that the hospital or clinic participates in the program established under this section.

''(c) REQUIREMENTS FOR PARTICIPATION.—

''(1) APPLICATION.—Except as provided in paragraph (2)(B), in order to be eligible for participation in the program established under this section, an Indian tribe, tribal organization, or Alaska Native health organization shall submit an application to the Secretary that establishes to the satisfaction of the Secretary that—

''(A) the Indian tribe, tribal organization, or Alaska Native health organization contracts or compacts for the operation of a facility of the Service;

''(B) the facility is eligible to participate in the medicare or medicaid programs under section 1880 or 1911 of the Social Security Act (42 U.S.C. 1395qq; 1396j);

''(C) the facility meets the requirements that apply to programs operated directly by the Service; and

''(D) the facility—

''(i) is accredited by an accrediting body as eligible for reimbursement under the medicare or medicaid programs; or

''(ii) has submitted a plan, which has been approved by the Secretary, for achieving such accreditation.

''(2) APPROVAL.—

''(A) IN GENERAL.—The Secretary shall review and approve a qualified application not later than 90 days after the date the application is submitted to the Secretary unless the Secretary determines that any of the criteria set forth in paragraph (1) are not met.

''(B) GRANDFATHER OF DEMONSTRATION PROGRAM PARTICIPANTS.—Any participant in the demonstration program authorized under this section as in effect on the day before the date of enactment of the Alaska Native and American Indian Direct Reimbursement Act of 1999 shall be deemed approved for participation in the program established under this section and shall not be required to submit an application in order to participate in the program.

''(C) DURATION.—An approval by the Secretary of a qualified application under subparagraph (A), or a deemed approval of a demonstration program under subparagraph (B), shall continue in effect as long as the approved applicant or the deemed approved demonstration program meets the requirements of this section.

''(d) EXAMINATION AND IMPLEMENTATION OF CHANGES.—

''(1) IN GENERAL.—The Secretary, acting through the Service, and with the assistance of the Administrator of the Health Care Financing Administration, shall examine on an ongoing basis and implement—

''(A) any administrative changes that may be necessary to facilitate direct billing and reimbursement under the program established under this section, including any agreements with States that may be necessary to provide for direct billing under the medicaid program; and

''(B) any changes that may be necessary to enable participants in the program established under this section to provide to the Service medical records information on patients served under the program that is consistent with the medical records information system of the Service.

''(2) ACCOUNTING INFORMATION.—The accounting information that a participant in the program established under this section shall be required to report shall be the same as the information required to be reported by participants in the demonstration program authorized under this section as in effect on the day before the date of enactment of the Alaska Native and American Indian Direct Reimbursement Act of 1999. The Secretary may from time to time, after consultation with the program participants, change the accounting information submission requirements.

''(e) WITHDRAWAL FROM PROGRAM.—A participant in the program established under this section may withdraw from participation in the same manner and under the same conditions that a tribe or tribal organization may retrocede a contracted program to the Secretary under authority of the Indian Self-Determination Act (25 U.S.C. 450 et seq.). All cost accounting and billing authority under the program established under this section shall be returned to the Secretary upon the Secretary's acceptance of the withdrawal of participation in this program.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1880 of the Social Security Act (42 U.S.C. 1395qq) is amended by adding at the end the following:

''(e) For provisions relating to the authority of certain Indian tribes, tribal organizations, and Alaska Native health organizations to elect to directly bill for, and receive payment for, health care services provided by a hospital or clinic of such tribes or organizations and for which payment may be made under this title, see section 405 of the Indian Health Care Improvement Act (25 U.S.C. 1645).''.

(2) Section 1911 of the Social Security Act (42 U.S.C. 1396j) is amended by adding at the end the following:

''(d) For provisions relating to the authority of certain Indian tribes, tribal organizations, and Alaska Native health organizations to elect to directly bill for, and receive payment for, health care services provided by a hospital or clinic of such tribes or organizations and for which payment may be made under this title, see section 405 of the Indian Health Care Improvement Act (25 U.S.C. 1645).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2000.

SEC. 4. TECHNICAL AMENDMENT.

(a) IN GENERAL.—Effective November 9, 1998, section 405 of the Indian Health Care Improvement Act (25 U.S.C. 1645(e)) is reenacted as in effect on that date.

(b) REPORTS.—Effective November 10, 1998, section 405 of the Indian Health Care Improvement Act is amended by striking subsection (e).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. CALVERT) and the gentleman from New Jersey (Mr. HOLT) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. CALVERT).

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

Madam Speaker, S. 406 amends Section 405 of the Indian Health Care Improvement Act to make permanent the demonstration program at four tribally operated Indian Health Service hospitals that allows for direct billing of Medicare, Medicaid and other third-party payers. It will also extend the direct billing option to other tribes and tribal organizations.

This demonstration program dramatically increases collections for Medicare and Medicaid services, and significantly reduces the turnaround time between billings and receipt of payment for Medicaid and Medicare services. Additionally, it increased the administrative efficiency of the participating health care providers. All the participants, two of which are in Alaska, as well as the Department of Health and Human Services and the Indian Health Service, report that the program is a great success.

S. 406 will make permanent the demonstration program and will end much of the bureaucracy for Indian Health Care Service facilities involved with Medicare and Medicaid reimbursement. The bottom line is that it will mean more Medicaid and Medicare dollars to Indian facilities to use for improving health care for their members.

Madam Speaker, I urge an aye vote on this important bill for American Indians and Alaskan Natives.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, in 1988, a dozen years ago, Congress authorized the Indian Health Service to select up to four tribally controlled IHS hospitals to participate in a demonstration project whereby the hospitals could conduct direct billing and receipt of payment for health services to Medicare and Medicaid eligible patients.

Under the current practice, Medicare and Medicaid billings and collections are first sent through the IHS and then redirected to health care providers. Since 1991, the Bristol Bay Health Corporation, the Southeast Alaska Regional Health Corporation, Mississippi Choctaw Health Center, and the Choctaw Tribe of Oklahoma have taken part in the demonstration project.

The participants established in-house administrative operations to perform Medicare and Medicaid billing and collection and have been extremely satisfied with the results. Reports have shown dramatically increased collections which have been turned into additional health services. The demonstration program has resulted in a much shorter turnaround time between billing and receipt of payment, as well as improved accreditation, ratings and an overall higher level of health care quality for patients.

Madam Speaker, S. 406 would make permanent the demonstration program and would authorize additional tribes and tribal organizations to participate in the direct billing. This legislation is supported by the administration. It is good policy, and I urge my colleagues to support its passage.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. CALVERT) that the House suspend the rules and pass the Senate bill, S. 406.

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.

□ 1330

AUTHORIZING REPAYMENT OF MEDICAL BILLS FOR U.S. PARK POLICE

Mr. CALVERT. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4404) to permit the payment of medical expenses incurred by the United States Park Police in the performance of duty to be made directly by the National Park Service, to allow for waiver and indemnification in mutual law enforcement agreements between the National Park Service and a State or political subdivision when required by State law, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4404

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

SECTION 1. MEDICAL PAYMENTS.

(a) IN GENERAL.—Subsection (e) of the Policemen and Firemen's Retirement and Disability Act (39 Stat. 718, as amended by 71 Stat. 394) is amended by adding at the end the following new sentence: ''Notwithstanding the previous sentence, in the case of any member of the United States Park Police, payment shall be made by the National Park Service upon a certificate of the Chief, United States Park Police, setting forth the necessity for such services or treatment and the nature of the injury or disease which rendered the same necessary.''.

(b) NATIONAL PARK SERVICE REIMBURSEMENT.—Section 6 of the Policemen and Firemen's Retirement and Disability Act Amendments of 1957 (71 Stat. 399) is amended by inserting after the first sentence the following new sentence: ''Such sums are authorized to be appropriated to reimburse the National Park Service, on a monthly basis, for medical benefit payments made from funds appropriated to the National Park Service in the case of any member of the United States Park Police.''.

SEC. 2. INDEMNIFICATION.

(a) IN GENERAL.—Section 10(c) of the Act of August 18, 1970 (Public Law 91–383; 16 U.S.C. 1a–6(c)), is amended—

(1) by striking ''and'' at the end of paragraph (2);

(2) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

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

''(3) mutually waive, in any agreement pursuant to paragraphs (1) and (2) of this subsection or pursuant to subsection (b)(1) with any State or political subdivision thereof where State law requires such waiver and indemnification, any and all civil claims against all the other parties thereto and, subject to available appropriations, indemnify and save harmless the other parties to such agreement from all claims by third parties for property damage or personal injury, which may arise out of the parties' activities outside their respective jurisdictions under such agreement; and''.

(b) TECHNICAL AMENDMENT.—Paragraph (5) of section 10(c) the Act of August 18, 1970 (Public Law 91–383; 16 U.S.C. 1a–6(c)) (as redesignated by subsection (a)(2)), is further amended—

(1) by striking ''(5) the'' and inserting ''The''; and

(2) by moving the text flush and 2 ems to the left.

The SPEAKER pro tempore (Mrs. MORELLA). Pursuant to the rule, the gentleman from California (Mr. CALVERT) and the gentleman from New Jersey (Mr. HOLT) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. CALVERT).

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

Madam Speaker, H.R. 4404 is a bill that would allow the payment of medical expenses incurred by the United States Park Police to be paid directly by the National Park Service. This bill would also allow the Park Service to enter into mutual aid agreements with adjacent law enforcement agencies in order that Park Police are indemnified from third party civil claims.

Currently, payments are made through the District of Columbia, a process which is very slow. As a result, reimbursement payments to the Park Police have been a hardship to the officers, staff, and their families. This bill would direct the NPS to make direct payments to the Park Police.

The bill would also allow the Park Service to enter into a mutual aid agreement with adjacent law enforcement agencies in order that the Park Police are indemnified from third party claims.

Madam Speaker, this legislation is ready to move forward. I urge my colleagues to support H.R. 4404, as amended.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, H.R. 4404, which was introduced at the request of the administration, addresses the payment of medical expenses for the United States Park Police and the indemnification needed for mutual law enforcement agreements.

Evidently, there have been a number of instances where there have been problems with timely medical payments being made to the Park Police officers injured in the performance of their duties. This has resulted in a hardship to some officers, staff, and their families.

Further, the lack of indemnification is a potential barrier to cooperative law enforcement agreements between the Park Police and other police agencies. Such indemnification is needed to hold the assisting agency harmless from claims by third parties dealing with property damage or personal injury.

H.R. 4404 provides the U.S. Park Police with the authority to address these two issues. The Committee on Resources did amend the bill to reflect technical changes to the legislation requested by the National Park Service.

We on the minority side support passage of the bill, as amended.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. CALVERT) that the House suspend the rules and pass the bill, H.R. 4404, 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.

IVANPAH VALLEY AIRPORT PUBLIC LANDS TRANSFER ACT

Mr. GIBBONS. Madam Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 1695) to provide for the conveyance of certain Federal public lands in the Ivanpah Valley, Nevada, to Clark County, Nevada, for the development of an airport facility, and for other purposes.

The Clerk read as follows:

Senate amendments:

Page 2, lines 24 and 25, strike out ''assessment'' and insert ''assessment, using the airspace management plan required by section 4(a)''.

Page 3, strike out lines 15 through 22 and insert:

(2) DEPOSIT IN SPECIAL ACCOUNT.—(A) The Secretary shall deposit the payments received under paragraph (1) into the special account described in section 4(e)(1)(C) of the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2345). Such funds may be expended only for the acquisition of private inholdings in the Mojave National Preserve and for the protection and management of the petroglyph resources in Clark County, Nevada. The second sentence of section 4(f) of such Act (112 Stat. 2346) shall not apply to interest earned on amounts deposited under this paragraph.

(B) The Secretary may not expend funds pursuant to this section until—

(i) the provisions of section 5 of this Act have been completed; and

(ii) a final Record of Decision pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) has been issued which permits development of an airport at the Ivanpah site.

Page 3, strike out all after line 22 over to and including line 2 on page 4 and insert:

(d) REVERSION AND REENTRY.—If, following completion of compliance with section 5 of this Act and in accordance with the findings made by the actions taken in compliance with such section, the Federal Aviation Administration and the County determine that an airport should not be constructed on the conveyed lands—

Page 4, line 23, strike out ''Secretary,'' and insert ''Secretary, prior to the conveyance of the land referred to in section 2(a),''.

Page 5, line 18, after ''agencies.'' insert Any actions conducted in accordance with this section shall specifically address any impacts on the purposes for which the Mojave National Preserve was created.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentleman from New Jersey (Mr. HOLT) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

GENERAL LEAVE

Mr. GIBBONS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the legislation under consideration.

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

There was no objection.

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

Madam Speaker, first I would like to thank the chairman of the Committee on Resources, the gentleman from Alaska (Mr. YOUNG), and the ranking member, the gentleman from California (Mr. MILLER), as well as the chairman of the subcommittee, the gentleman from Utah (Mr. HANSEN), for their help and guidance on this very important piece of legislation for the State of Nevada.

I would also like to thank the House Members and our colleagues for their previous vote of 420 to 1 in support of H.R. 1695 for Nevada and its future.

The Las Vegas metropolitan area is the fastest growing metropolitan area in the country, growing by over 60,000 people in 1998. McCarran Airport, which currently serves the Las Vegas area, has seen its passenger traffic grow by over 64 percent in the last 10 years.

Because the Bureau of Land Management owns over 90 percent of the land in Clark County, any new airport to serve southern Nevada must be located on land purchased from the Federal government. Realizing that McCarran Airport would reach its full capacity in 2008, the Clark County Aviation Department completed an extensive review of options available for meeting the growing needs of air traffic in southern Nevada.

Because of the restricted airspace of Las Vegas due to military uses, and the existing full precision instrument landing requirements of McCarran Airport, the committee concluded that the Ivanpah Airport site is the only viable option that can accommodate the growing air traffic needs of the region.

H.R. 1695, the Ivanpah Valley Public Land Transfer Act, is of vital importance to the future health of the tourism economy of southern Nevada. Therefore, it authorizes the Secretary of the Interior to convey lands in the Ivanpah Valley to Clark County, Nevada for a second airport.

The legislation also requires that the land be returned to the Department of the Interior should the airport development prove to be infeasible after abiding by all Federal, State, and local environmental rules and regulations.

Passage of H.R. 1695, with the inclusion of Senate amendments, will allow Clark County to proceed with the NEPA analysis and the proposed development of a new airport.

There are those who feared that commercial jets will fly over the Mojave Preserve. To address this very concern, the Federal Aviation Administration will undertake an airspace study to develop an airspace management plan that prohibits flights over the Mohave Preserve in California unless there is a safety reason for doing so.

Clark County will also be required to pay fair market value for the land, and the airport will be publicly owned and operated. The revenues collected by the government for sale will be available for use by the BLM for acquiring inholdings in the Mojave Preserve and to protect archeological sites in Clark County.

H.R. 1695 is supported by the entire bipartisan Nevada congressional delegation, and has been endorsed by business and labor interests from Nevada. The House supports this bill with inclusion of the Senate amendment, and we would be grateful for a concurring vote by this body.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, H.R. 1695 directs the conveyance of a substantial tract of public lands located near the Mojave National Preserve for development of a large commercial airport and related facilities for the Las Vegas area.

As the gentleman from Nevada (Mr. GIBBONS) has presented, this is a rapidly growing area, and adjustments do need to be made for air traffic.

The bill originally passed the House on March 9 of this year. The Senate passed the bill on October 5, and has returned the measure to the House with amendments.

Prior to House consideration in March, H.R. 1695 was a very controversial measure. The bill was opposed by the administration, the environmental community, and many Members because the legislation failed to address adequately the potential environmental impacts, land use conflicts, and administrative problems associated with this large-scale land conveyance.

Fortunately, changes were made by the House to address most of these concerns. A significant improvement was made to the bill by providing joint lead agency status for the Department of the Interior on the environmental impact statement necessary for the planning and construction of the airport facility on the conveyed lands.

The potential environmental impacts of such an airport involve the Mojave National Preserve and other resource responsibilities of the Department of the Interior, so it is only proper that the Department be closely involved.

The Senate amendments are good in that they clarify the requirements of the airspace assessment and the environmental protection analysis, as well as the timing and the use of the proceeds derived from the sale of public lands for airport purposes.

Of particular note, the Senate amendments specifically require the NEPA analysis to address any impacts on the purposes for which the Mojave National Preserve was established, and allow sale proceeds to be used to acquire inholdings in the Mojave National Preserve.

I also want to take this opportunity especially to commend my colleague, the gentlewoman from Nevada (Ms. BERKLEY), who represents Las Vegas, on this and other issues. The gentlewoman from Nevada (Ms. BERKLEY) has shown herself to be a strong advocate for her community and for the environment. She has been a persistent advocate for this legislation.

Madam Speaker, even with the changes made by the Senate the bill is not perfect, but it certainly is an improvement from where the legislation started, and the minority will support this bill.

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

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

Madam Speaker, let me say that I agree with my colleague, the gentleman from New Jersey (Mr. HOLT), on the improvements to this bill. I suggest that this much needed piece of legislation will greatly improve the State of Nevada's economy, and help all of us with that.

Madam 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 Nevada (Mr. GIBBONS) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 1695.

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.

LINCOLN HIGHWAY STUDY ACT OF 1999

Mr. CALVERT. Madam Speaker, I move to suspend the rules and pass the

bill (H.R. 2570) to require the Secretary of the Interior to undertake a study regarding methods to commemorate the national significance of the United States roadways that comprise the Lincoln Highway, and for other purposes.

The Clerk read as follows:

H.R. 2570

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 ''Lincoln Highway Study Act of 1999''.

SEC. 2. NATIONAL PARK SERVICE STUDY AND REPORT REGARDING THE LINCOLN HIGHWAY.

(a) FINDINGS.—The Congress finds the following:

(1) The Lincoln Highway, established in 1913, comprises more than 3,000 miles of roadways from New York, New York, to San Francisco, California, and encompasses United States Routes 1, 20, 30 (including 30N and 30S), 40, 50, and 530 and Interstate Route 80.

(2) The Lincoln Highway played a historically significant role as the first United States transcontinental highway, providing motorists a paved route and allowing vast portions of the country to be accessible by automobile.

(3) The Lincoln Highway transverses the States of New York, New Jersey, Pennsylvania, West Virginia, Ohio, Indiana, Illinois, Iowa, Nebraska, Wyoming, Utah, Nevada, and California.

(4) Although some parts of the Lincoln Highway have disappeared or have been realigned, the many historic, cultural, and engineering features and characteristics of the route still remain.

(5) Given the interest by organized groups and State governments in the preservation of features associated with the Lincoln Highway, the route's history, and its role in American popular culture, a coordinated evaluation of preservation options should be undertaken.

(b) STUDY REQUIRED.—The Secretary of the Interior, acting through the Director of the National Park Service, shall coordinate a comprehensive study of routes comprising the Lincoln Highway. The study shall include an evaluation of the significance of the Lincoln Highway in American history, options for preservation and use of remaining segments of the Lincoln Highway, and options for the preservation and interpretation of significant features associated with the Lincoln Highway. The study shall also consider private sector preservation alternatives.

(c) COOPERATIVE EFFORT.—The study under subsection (b) shall provide for the participation of representatives from each State traversed by the Lincoln Highway, State historic preservation offices, representatives of associations interested in the preservation of the Lincoln Highway and its features, and persons knowledgeable in American history, historic preservation, and popular culture.

(d) REPORT.—Not later than 1 year after the date on which funds are first made available for the study under subsection (b), the Secretary of the Interior shall submit a report to Congress containing the results of the study.

(e) LIMITATION.—Nothing in this section shall be construed to authorize the Secretary of the Interior or the National Park Service to assume responsibility for the maintenance of any of the routes comprising the Lincoln Highway.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $500,000 to carry out this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. CALVERT) and the gentleman from New Jersey (Mr. HOLT) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Madam Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. REGULA).

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

Madam Speaker, I rise in support of H.R. 2570, the Lincoln Highway Study Act. This legislation will provide for an evaluation of the significance of the Lincoln Highway in American history, options for its preservation, and interpretation of its significant features.

Several years ago, Congress passed similar legislation for Route 66, followed by passage in 1999 of the Route 66 Corridor Act. While Route 66 certainly has historic and cultural significance to the development of the United States, I would suggest that the Lincoln Highway merits equal consideration.

The Lincoln Highway was established in 1914 and comprises more than 3,000 miles of roadway, from New York City to San Francisco. Beginning in Times Square, it transverses the States of New York, New Jersey, Pennsylvania, West Virginia, Ohio, Indiana, Illinois, Iowa, Nebraska, Wyoming, Utah, and Nevada before ending in California.

Many people are surprised to learn that it was America's first coast-to-coast roadway, opening the country to bicoastal motoring. As the first transcontinental highway, it played an historically significant role in providing motorists with the first paved route and allowing vast portions of the country to be accessible by automobile.

Although some parts of the Lincoln Highway have disappeared or have been realigned, the many historic cultural and engineering features and characteristics of the route still remain. These features and cultural attractions along its route have become popular tourist attractions in many areas, and contribute to the economic development of the communities along the highway.

The American Automobile Association now provides the route of the Lincoln Highway on their maps and brochures of the States it crosses. In a letter to Members of Congress, the AAA stated ''With renewed interest on the part of tourists to explore and experience our rich cultural heritage, we are missing an opportunity by not fully recognizing the role this highway played in our history.''

The National Lincoln Highway Association, located in Illinois, works with the State chapters to sponsor events to commemorate and preserve the highway. Some State governments have already undertaken studies within their States.

Given the interest by organized groups and State governments in the preservation of features associated with the Lincoln Highway, the route's history, and its role in American popular culture, a coordinated evaluation of its historic contributions and preservation options should be undertaken.

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Madam Speaker, I urge my colleagues to support this bill, the Lincoln Highway Study Act.

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

Madam Speaker, I would like to begin with a testimonial to the work of the gentleman from Ohio (Mr. REGULA). He not only has introduced this bill, but, as chair of the Subcommittee on Interior of the Committee on Appropriations, has made tremendous contributions this year to environmental protection and to our natural resources. Many of us would like to commend him for that.

Madam Speaker, the Lincoln Highway was begun in 1913 and eventually became the first transcontinental highway in the United States. The highway covered 13 States in its more than 3,000-mile route from New York to San Francisco, and it played an important role in allowing people and goods access to the western United States by automobile.

Eventually, many segments of the highway were abandoned or realigned, but major segments of the highway as well as intense public interest in its history remain.

H.R. 2570 would authorize a study of the routes which made up the Lincoln Highway to evaluate various options for interpretation and preservation.

The bill specifies that representatives from each State traversed by the highway as well as private nonprofit groups with an interest in the highway shall participate in the study. The legislation requires the study be presented to Congress 1 year after funds are made available to carry out this act.

As one who has traveled long stretches of this highway starting as a young boy, I offer my strong support for this study. We on the minority side join the administration in supporting H.R. 2570.

Mr. OXLEY. Madam Speaker, I am privileged to speak today in support of the Lincoln Highway Study Act, introduced by my good friend Mr. REGULA, dean of the Ohio delegation. Chairman REGULA's bill, of which I am a cosponsor, would direct the Secretary of the Interior to undertake a coast-to-coast study of the 3,384-mile Lincoln Highway. As a result of this study, the National Park Service can offer options as to how to preserve the historic nature of the road, the nation's first transcontinental highway.

First established in 1913, the Lincoln Highway connects New York City and San Francisco, running through 13 states. The official proclamation detailed the route through Ohio as following the road known as "Market Route Number Three," passing through Canton, Mansfield, Marion, Kenton, Lima, and Van Wert. In the 15 years that followed, significant revisions were made to that original list, adding and eliminating cities and villages from the planned road. Among the cities added was Bucyrus, where the first brick Lincoln Highway pillars were erected to commemorate the project. Four of these original pillars—with their plaques of red, white, and blue—are still standing today.

Throughout Ohio, the Lincoln Highway generally follows U.S. Route 30, which bisects my congressional district. Several segments of Route 30 in my district are still two-lane roads, yet regrettably carry heavy volumes of semi traffic. My constituents are unanimous in declaring these two-lane segments the most dangerous stretches of highway they have ever traveled. I am proud, therefore, to have helped secure funding in 1998's BESTEA Act to construct a modern, four-lane Route 30. The new road, which is slated for completion within the decade, will divert this heavy traffic from the original Lincoln Highway, aiding in its restoration and preservation. I salute Chairman REGULA and the Ohio Department of Transportation for their work in advancing Route 30 modernization.

Madam Speaker, I would also like to recognize two of my constituents who are actively involved in Lincoln Highway preservation. Mr. Michael Buettner of Lima is the president of the Ohio Lincoln Highway League and author of the History and Road Guide of the Lincoln Highway in Ohio. His work in promoting the highway has made him a sought-after tour guide for Lincoln Highway historians. Also, Mr. Craig Harmon is the founder and director of the Lincoln Highway National Museum and Archives in Galion. Two years ago, Craig traveled the entire Lincoln Highway in a bucket truck, taking some 5,000 photographs along the way as a part of his project "The Lincoln Highway Comes of Age." These two gentlemen have compiled a wealth of information with which to assist in the Park Service's study; I am proud of their hard work.

I thank Mr. REGULA for his leadership on this issue, and urge my colleagues to support the preservation of this important road.

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

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

The SPEAKER pro tempore (Mrs. MORELLA). The question is on the motion offered by the gentleman from California (Mr. CALVERT) that the House suspend the rules and pass the bill, H.R. 2570.

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.

CASTLE ROCK RANCH ACQUISITION ACT OF 2000

Mr. SIMPSON. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 1705) to direct the Secretary of the Interior to enter into land exchanges to acquire from the private owner and to convey to the State of Idaho approximately 1,240 acres of land near the City of Rocks National Reserve, Idaho, and for other purposes.

The Clerk read as follows:

S. 1705

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 "Castle Rock Ranch Acquisition Act of 2000".

SEC. 2. DEFINITIONS.

In this Act:

(1) MONUMENT.—The term "Monument" means the Hagerman Fossil Beds National Monument, Idaho, depicted on the National Park Service map numbered 300/80,000, C.O. No. 161, and dated January 7, 1998.

(2) RANCH.—The term "Ranch" means the land comprising approximately 1,240 acres situated outside the boundary of the Reserve, known as the "Castle Rock Ranch".

(3) RESERVE.—The term "Reserve" means the City of Rocks National Reserve, located near Almo, Idaho, depicted on the National Park Service map numbered 003/80,018, C.O. No. 169, and dated March 25, 1999.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 3. ACQUISITION OF CASTLE ROCK RANCH.

(a) IN GENERAL.—Subject to subsection (b), the Secretary shall acquire, by donation or by purchase with donated or appropriated funds, the Ranch.

(b) CONSENT OF LANDOWNER.—The Secretary shall acquire land under subsection (a) only with the consent of the owner of the land.

SEC. 4. LAND EXCHANGE.

(a) IN GENERAL.—

(1) FEDERAL AND STATE EXCHANGE.—Subject to subsection (b), on completion of the acquisition under section 3(a), the Secretary shall convey the Ranch to the State of Idaho in exchange for approximately 492.87 acres of land near Hagerman, Idaho, located within the boundary of the Monument.

(2) STATE AND PRIVATE LANDOWNER EXCHANGE.—On completion of the exchange under paragraph (1), the State of Idaho may exchange portions of the Ranch for private land within the boundaries of the Reserve, with the consent of the owners of the private land.

(b) CONDITION OF EXCHANGE.—As a condition of the land exchange under subsection (a)(1), the State of Idaho shall administer all private land acquired within the Reserve through an exchange under this Act in accordance with title II of the Arizona-Idaho Conservation Act of 1988 (16 U.S.C. 460yy et seq.).

(c) ADMINISTRATION.—State land acquired by the United States in the land exchange under subsection (a)(1) shall be administered by the Secretary as part of the Monument.

(d) NO EXPANSION OF RESERVE.—Acquisition of the Ranch by a Federal or State agency shall not constitute any expansion of the Reserve.

(e) NO EFFECT ON EASEMENTS.—Nothing in this Act affects any easement in existence on the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Idaho (Mr. SIMPSON) and the gentleman from New Jersey (Mr. HOLT) each will control 20 minutes.

The Chair recognizes the gentleman from Idaho (Mr. SIMPSON).

GENERAL LEAVE

Mr. SIMPSON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on S. 1705.

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

There was no objection.

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

Madam Speaker, Senate 1705 authorizes the Secretary of the Interior to acquire the Castle Rock Ranch in the State of Idaho. On completion of the acquisition, the Secretary will convey the Castle Rock Ranch to the State of Idaho in exchange for approximately 500 acres of State land located within the Hagerman Fossil Beds National Monument.

The City of Rocks National Reserve is located in south central Idaho. Most of the reserve is owned by the National Park Service with parts of it being owned by the State of Idaho, the Forest Service, the Bureau of Land Management, and private landowners. The reserve contains distinctive and majestic rock formations. These unique geological rock formations provide world-class rock climbing opportunities, in addition to other recreational opportunities.

Additionally, the site has unique historical significance. The California Trail, one of the major trails for westward expansion, passes through the reserve. The State of Idaho manages the reserve under a cooperative agreement with the National Park Service.

The Castle Rock Ranch, an approximately 1,240 acre ranch, is located near the City of Rocks. The property gets its name from historic rock formations found in the area, in particular, the Castle Rock formation that has already been designated a National Historic Site on the National Historic Registry. These extraordinary rock formations are ideal for rock climbing. In addition, the ranch contains irrigated pasture land.

Once the State acquires the ranch, they will create a new State park, opening up rock formations for rock climbing, and providing camping and hiking opportunities.

Furthermore, the State can then trade irrigated land for dry land inholdings within the national reserve. This will allow local ranchers to acquire irrigated land and allow the State to consolidate inholdings within the reserve.

The Hagerman Fossil Beds National Monument contains important fossil deposits from the Pliocene time period, 3.5 million years ago. Additionally, the fossil beds contain the largest concentration of the Hagerman Horse fossils in North America.

While the State of Idaho owns the actual fossil beds, the National Park Service runs and maintains the facility. The State wants to divest its interest in the fossil beds and acquire the Castle Rock Ranch. Additionally, the National Park Service wants to acquire the fossil beds. Transferring the fossil beds to the National Park Service will make it easier for everybody to protect this important area.

In the end, the National Park Service will consolidate the Hagerman Fossil Beds National Monument, the State of Idaho will create a new State park, and inholdings will be consolidated at the City of Rocks National Reserve, and local ranchers will have access to irrigated pasture land.

This legislation has the support of the National Park Service, the State of Idaho, the Conservation Fund, the Access Fund, local legislators and area residents.

I thank my colleagues for their support and urge their support of Senate 1705.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, S. 1705, the Castle Rock Ranch Acquisition Act, would require the Secretary of the Interior to purchase a ranch located near the City of Rocks National Reserve in southern Idaho. The gentleman from Idaho (Mr. SIMPSON) has given fine expression to the importance and the beauty of the Castle Rock area.

Under the terms of the legislation, the Secretary would then trade this ranch to the State of Idaho for lands the State currently owns within the boundaries of the nearby Hagerman Fossil Beds National Monument. The State would then be authorized to exchange pieces of the ranch for private inholdings within the City of Rocks Reserve.

Such a series of exchanges raises several concerns with the minority members of the Committee on Resources. We have seen no appraisals of any of the properties included in these exchanges; and, as a result, we are unable to be certain that the taxpayers are getting a good deal under this bill.

Furthermore, it is unclear why it is in the taxpayers' interest to have the State of Idaho act as a middleman for the exchanges within the City of Rocks.

However, we fully support the goals of the legislation. The state-owned land within the monument, known as the Horse Quarry, contains perhaps the richest fossil deposits anywhere in the monument and would be an important acquisition. Similarly, consolidation of public ownership within the City of Rocks Reserve is an important goal.

Given the value of these acquisitions, we are satisfied that the exchanges here are not unreasonable, and thus the minority will not oppose the bill.

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

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

Madam Speaker, if I might just respond. One of the reasons that the State of Idaho must be the middleman in this is because Public Law 100–696, title III, specifically limits the National Park Service acquisition of this State property to only by donation or exchange. Consequently, the purchase of the Castle Rock Ranch being able to exchange that for the land in the Hagerman Falls Fossil Bed is the only way that the Federal Government can then acquire that state-owned endowment land, which is the fossil beds. That is the reason for this Byzantine method of land exchanges which is necessary for this. I appreciate the support of the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Madam Speaker, if the gentleman will yield, I thank the gentleman for that clarification.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Idaho (Mr. SIMPSON) that the House suspend the rules and pass the Senate bill, S. 1705.

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.

SANTO DOMINGO PUEBLO CLAIMS SETTLEMENT ACT OF 2000

Mr. CALVERT. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 2917) to settle the land claims of the Pueblo of Santo Domingo.

The Clerk read as follows:

S. 2917

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 ''Santo Domingo Pueblo Claims Settlement Act of 2000''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) For many years the Pueblo of Santo Domingo has been asserting claims to lands within its aboriginal use area in north central New Mexico. These claims have been the subject of many lawsuits, and a number of these claims remain unresolved.

(2) In December 1927, the Pueblo Lands Board, acting pursuant to the Pueblo Lands Act of 1924 (43 Stat. 636) confirmed a survey of the boundaries of the Pueblo of Santo Domingo Grant. However, at the same time the Board purported to extinguish Indian title to approximately 27,000 acres of lands within those grant boundaries which lay within 3 other overlapping Spanish land grants. The United States Court of Appeals in United States v. Thompson (941 F.2d 1074 (10th Cir. 1991), cert. denied 503 U.S. 984 (1992)), held that the Board ''ignored an express congressional directive'' in section 14 of the Pueblo Lands Act, which ''contemplated that the Pueblo would retain title to and possession of all overlap land''.

(3) The Pueblo of Santo Domingo has asserted a claim to another 25,000 acres of land based on the Pueblo's purchase in 1748 of the Diego Gallegos Grant. The Pueblo possesses the original deed reflecting the purchase under Spanish law but, after the United States assumed sovereignty over New Mexico, no action was taken to confirm the Pueblo's title to these lands. Later, many of these lands were treated as public domain, and are held today by Federal agencies, the State Land Commission, other Indian tribes, and private parties. The Pueblo's lawsuit asserting this claim, Pueblo of Santo Domingo v. Rael (Civil No. 83–1888 (D.N.M.)), is still pending.

(4) The Pueblo of Santo Domingo's claims against the United States in docket No. 355 under the Act of August 13, 1946 (60 Stat. 1049; commonly referred to as the Indian Claims Commission Act) have been pending since 1951. These claims include allegations of the Federal misappropriation and mismanagement of the Pueblo's aboriginal and Spanish grant lands.

(5) Litigation to resolve the land and trespass claims of the Pueblo of Santo Domingo would take many years, and the outcome of such litigation is unclear. The pendency of these claims has clouded private land titles and has created difficulties in the management of public lands within the claim area.

(6) The United States and the Pueblo of Santo Domingo have negotiated a settlement to resolve all existing land claims, including the claims described in paragraphs (2) through (4).

(b) PURPOSE.—It is the purpose of this Act—

(1) to remove the cloud on titles to land in the State of New Mexico resulting from the claims of the Pueblo of Santo Domingo, and to settle all of the Pueblo's claims against the United States and third parties, and the land, boundary, and trespass claims of the Pueblo in a fair, equitable, and final manner;

(2) to provide for the restoration of certain lands to the Pueblo of Santo Domingo and to confirm the Pueblo's boundaries;

(3) to clarify governmental jurisdiction over the lands within the Pueblo's land claim area; and

(4) to ratify a Settlement Agreement between the United States and the Pueblo which includes—

(A) the Pueblo's agreement to relinquish and compromise its land and trespass claims;

(B) the provision of $8,000,000 to compensate the Pueblo for the claims it has pursued pursuant to the Act of August 13, 1946 (60 Stat. 1049; commonly referred to as the Indian Claims Commission Act);

(C) the transfer of approximately 4,577 acres of public land to the Pueblo;

(D) the sale of approximately 7,355 acres of national forest lands to the Pueblo; and

(E) the authorization of the appropriation of $15,000,000 over 3 consecutive years which would be deposited in a Santo Domingo

Lands Claims Settlement Fund for expenditure by the Pueblo for land acquisition and other enumerated tribal purposes.

(c) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to effectuate an extinguishment of, or to otherwise impair, the Pueblo's title to or interest in lands or water rights as described in section 5(a)(2).

SEC. 3. DEFINITIONS.

In this Act:

(1) FEDERALLY ADMINISTERED LANDS.—The term ''federally administered lands'' means lands, waters, or interests therein, administered by Federal agencies, except for the lands, waters, or interests therein that are owned by, or for the benefit of, Indian tribes or individual Indians.

(2) FUND.—The term ''Fund'' means the Pueblo of Santo Domingo Land Claims Settlement Fund established under section 5(b)(1).

(3) PUEBLO.—The term ''Pueblo'' means the Pueblo of Santo Domingo.

(4) SANTO DOMINGO PUEBLO GRANT.—The term ''Santo Domingo Pueblo Grant'' means all of the lands within the 1907 Hall-Joy Survey, as confirmed by the Pueblo Lands Board in 1927.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior unless expressly stated otherwise.

(6) SETTLEMENT AGREEMENT.—The term ''Settlement Agreement'' means the Settlement Agreement dated May 26, 2000, between the Departments of the Interior, Agriculture, and Justice and the Pueblo of Santo Domingo to Resolve All of the Pueblo's Land Title and Trespass Claims.

SEC. 4. RATIFICATION OF SETTLEMENT AGREEMENT.

The Settlement Agreement is hereby approved and ratified.

SEC. 5. RESOLUTION OF DISPUTES AND CLAIMS.

(a) RELINQUISHMENT, EXTINGUISHMENT, AND COMPROMISE OF SANTO DOMINGO CLAIMS.—

(1) EXTINGUISHMENT.—

(A) IN GENERAL.—Subject to paragraph (2), in consideration of the benefits provided under this Act, and in accordance with the Settlement Agreement pursuant to which the Pueblo has agreed to relinquish and compromise certain claims, the Pueblo's land and trespass claims described in subparagraph (B) are hereby extinguished, effective as of the date specified in paragraph (5).

(B) CLAIMS.—The claims described in this subparagraph are the following:

(i) With respect to the Pueblo's claims against the United States, its agencies, officers, and instrumentalities, all claims to land, whether based on aboriginal or recognized title, and all claims for damages or other judicial relief or for administrative remedies pertaining in any way to the Pueblo's land, such as boundary, trespass, and mismanagement claims, including any claim related to—

(I) any federally administered lands, including National Forest System lands designated in the Settlement Agreement for possible sale or exchange to the Pueblo;

(II) any lands owned or held for the benefit of any Indian tribe other than the Pueblo; and

(III) all claims which were, or could have been brought against the United States in docket No. 355, pending in the United States Court of Federal Claims.

(ii) With respect to the Pueblo's claims against persons, the State of New Mexico and its subdivisions, and Indian tribes other than the Pueblo, all claims to land, whether based on aboriginal or recognized title, and all claims for damages or other judicial relief or for administrative remedies pertaining in any way to the Pueblo's land, such as boundary and trespass claims.

(iii) All claims listed on pages 13894–13895 of volume 48 of the Federal Register, published on March 31, 1983, except for claims numbered 002 and 004.

(2) RULE OF CONSTRUCTION.—Nothing in this Act (including paragraph (1)) shall be construed—

(A) to in any way effectuate an extinguishment of or otherwise impair—

(i) the Pueblo's title to lands acquired by or for the benefit of the Pueblo since December 28, 1927, or in a tract of land of approximately 150.14 acres known as the ''sliver area'' and described on a plat which is appendix H to the Settlement Agreement;

(ii) the Pueblo's title to land within the Santo Domingo Pueblo Grant which the Pueblo Lands Board found not to have been extinguished; or

(iii) the Pueblo's water rights appurtenant to the lands described in clauses (i) and (ii); and

(B) to expand, reduce, or otherwise impair any rights which the Pueblo or its members may have under existing Federal statutes concerning religious and cultural access to and uses of the public lands.

(3) CONFIRMATION OF DETERMINATION.—The Pueblo Lands Board's determination on page 1 of its Report of December 28, 1927, that Santo Domingo Pueblo title, derived from the Santo Domingo Pueblo Grant to the lands overlapped by the La Majada, Sitio de Juana Lopez and Mesita de Juana Lopez Grants has been extinguished is hereby confirmed as of the date of that Report.

(4) TRANSFERS PRIOR TO ENACTMENT.—

(A) IN GENERAL.—In accordance with the Settlement Agreement, any transfer of land or natural resources, prior to the date of enactment of this Act, located anywhere within the United States from, by, or on behalf of the Pueblo, or any of the Pueblo's members, shall be deemed to have been made in accordance with the Act of June 30, 1834 (4 Stat. 729; commonly referred to as the Trade and Intercourse Act), section 17 of the Act of June 7, 1924 (43 Stat. 641; commonly referred to as the Pueblo Lands Act), and any other provision of Federal law that specifically applies to transfers of land or natural resources from, by, or on behalf of an Indian tribe, and such transfers shall be deemed to be ratified effective as of the date of the transfer.

(B) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) shall be construed to affect or eliminate the personal claim of any individual Indian which is pursued under any law of general applicability that protects non-Indians as well as Indians.

(5) EFFECTIVE DATE.—The provisions of paragraphs (1), (3), and (4) shall take effect upon the entry of a compromise final judgment, in a form and manner acceptable to the Attorney General, in the amount of $8,000,000 in the case of Pueblo of Santo Domingo v. United States (Indian Claims Commission docket No. 355). The judgment so entered shall be paid from funds appropriated pursuant to section 1304 of title 31, United States Code.

(b) TRUST FUNDS; AUTHORIZATION OF APPROPRIATIONS.—

(1) ESTABLISHMENT.—There is hereby established in the Treasury a trust fund to be known as the ''Pueblo of Santo Domingo Land Claims Settlement Fund''. Funds deposited in the Fund shall be subject to the following conditions:

(A) The Fund shall be maintained and invested by the Secretary of the Interior pursuant to the Act of June 24, 1938 (25 U.S.C. 162a).

(B) Subject to the provisions of paragraph (3), monies deposited into the Fund may be expended by the Pueblo to acquire lands within the exterior boundaries of the exclusive aboriginal occupancy area of the Pueblo, as described in the Findings of Fact of the Indian Claims Commission, dated May 9, 1973, and for use for education, economic development, youth and elderly programs, or for other tribal purposes in accordance with plans and budgets developed and approved by the Tribal Council of the Pueblo and approved by the Secretary.

(C) If the Pueblo withdraws monies from the Fund, neither the Secretary nor the Secretary of the Treasury shall retain any oversight over or liability for the accounting, disbursement, or investment of such withdrawn monies.

(D) No portion of the monies described in subparagraph (C) may be paid to Pueblo members on a per capita basis.

(E) The acquisition of lands with monies from the Fund shall be on a willing-seller, willing-buyer basis, and no eminent domain authority may be exercised for purposes of acquiring lands for the benefit of the Pueblo pursuant to this Act.

(F) The provisions of Public Law 93–134, governing the distribution of Indian claims judgment funds, and the plan approval requirements of section 203 of Public Law 103–412 shall not be applicable to the Fund.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $15,000,000 for deposit into the Fund, in accordance with the following schedule:

(A) $5,000,000 to be deposited in the fiscal year which commences on October 1, 2001.

(B) $5,000,000 to be deposited in the next fiscal year.

(C) The balance of the funds to be deposited in the third consecutive fiscal year.

(3) LIMITATION ON DISBURSAL.—Amounts authorized to be appropriated to the Fund under paragraph (2) shall not be disbursed until the following conditions are met:

(A) The case of Pueblo of Santo Domingo v. Rael (No. CIV–83–1888) in the United States District Court for the District of New Mexico, has been dismissed with prejudice.

(B) A compromise final judgment in the amount of $8,000,000 in the case of Pueblo of Santo Domingo v. United States (Indian Claims Commission docket No. 355) in a form and manner acceptable to the Attorney General, has been entered in the United States Court of Federal Claims in accordance with subsection (a)(5).

(4) DEPOSITS.—Funds awarded to the Pueblo consistent with subsection (c)(2) in docket No. 355 of the Indian Claims Commission shall be deposited into the Fund.

(c) ACTIVITIES UPON COMPROMISE.—On the date of the entry of the final compromise judgment in the case of Pueblo of Santo Domingo v. United States (Indian Claims Commission docket No. 355) in the United States Court of Federal Claims, and the dismissal with prejudice of the case of Pueblo of Santo Domingo v. Rael (No. CIV–83–1888) in the United States District Court for the District of New Mexico, whichever occurs later—

(1) the public lands administered by the Bureau of Land Management and described in section 6 of the Settlement Agreement, and consisting of approximately 4,577.10 acres of land, shall thereafter be held by the United States in trust for the benefit of the Pueblo, subject to valid existing rights and rights of public and private access, as provided for in the Settlement Agreement;

(2) the Secretary of Agriculture is authorized to sell and convey National Forest System lands and the Pueblo shall have the exclusive right to acquire these lands as provided for in section 7 of the Settlement Agreement, and the funds received by the Secretary of Agriculture for such sales shall be deposited in the fund established under the Act of December 4, 1967 (16 U.S.C. 484a) and shall be available to purchase non-Federal lands within or adjacent to the National Forests in the State of New Mexico;

(3) lands conveyed by the Secretary of Agriculture pursuant to this section shall no longer be considered part of the National Forest System and upon any conveyance of National Forest lands, the boundaries of the Santa Fe National Forest shall be deemed modified to exclude such lands;

(4) until the National Forest lands are conveyed to the Pueblo pursuant to this section, or until the Pueblo's right to purchase such lands expires pursuant to section 7 of the Settlement Agreement, such lands are withdrawn, subject to valid existing rights, from any new public use or entry under any Federal land law, except for permits not to exceed 1 year, and shall not be identified for any disposition by or for any agency, and no mineral production or harvest of forest products shall be permitted, except that nothing in this subsection shall preclude forest management practices on such lands, including the harvest of timber in the event of fire, disease, or insect infestation; and

(5) once the Pueblo has acquired title to the former National Forest System lands, these lands may be conveyed by the Pueblo to the Secretary of the Interior who shall accept and hold such lands in the name of the United States in trust for the benefit of the Pueblo.

SEC. 6. AFFIRMATION OF ACCURATE BOUNDARIES OF SANTO DOMINGO PUEBLO GRANT.

(a) IN GENERAL.—The boundaries of the Santo Domingo Pueblo Grant, as determined by the 1907 Hall-Joy Survey, confirmed in the Report of the Pueblo Lands Board, dated December 28, 1927, are hereby declared to be the current boundaries of the Grant and any lands currently owned by or on behalf of the Pueblo within such boundaries, or any lands hereinafter acquired by the Pueblo within the Grant in fee simple absolute, shall be considered to be Indian country within the meaning of section 1151 of title 18, United States Code.

(b) LIMITATION.—Any lands or interests in lands within the Santo Domingo Pueblo Grant, that are not owned or acquired by the Pueblo, shall not be treated as Indian country within the meaning of section 1151 of title 18, United States Code.

(c) ACQUISITION OF FEDERAL LANDS.—Any Federal lands acquired by the Pueblo pursuant to section 5(c)(1) shall be held in trust by the Secretary for the benefit of the Pueblo, and shall be treated as Indian country within the meaning of section 1151 of title 18, United States Code.

(d) LAND SUBJECT TO PROVISIONS.—Any lands acquired by the Pueblo pursuant to section 5(c), or with funds subject to section 5(b), shall be subject to the provisions of section 17 of the Act of June 7, 1924 (43 Stat. 641; commonly referred to as the Pueblo Lands Act).

(e) RULE OF CONSTRUCTION.—Nothing in this Act or in the Settlement Agreement shall be construed to—

(1) cloud title to federally administered lands or non-Indian or other Indian lands, with regard to claims of title which are extinguished pursuant to section 5; or

(2) affect actions taken prior to the date of enactment of this Act to manage federally administered lands within the boundaries of the Santo Domingo Pueblo Grant.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. CALVERT) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. CALVERT).

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

Madam Speaker, I rise today in support of S. 2917, the Santo Domingo Pueblo Claims Settlement Act of 2000.

This important bill is a result of decades of negotiations between the Pueblo, Department of the Interior, the Department of Justice, the Department of Agriculture, and the State of New Mexico. The entire New Mexico congressional delegation strongly supports this bill, as does the administration, the Governor of New Mexico, and, most importantly, the Pueblo.

It is not every day that we can resolve a dispute that has lasted over 150 years. I urge my colleagues to support S. 2917.

Madam Speaker, I reserve the balance of my time.

Mr. UDALL of New Mexico. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, S. 2917, the Santo Domingo Pueblo Claims Settlement Act, sponsored by Senators DOMENICI and INOUYE, settles certain outstanding land claims by the Santo Domingo Pueblo, located between Albuquerque and Santa Fe, New Mexico. I am the cosponsor of the House companion, H.R. 5374. As such, I recognize the importance of this legislation for the Pueblo people, the citizens of New Mexico, and the Federal Government.

For years, the Pueblo of Santo Domingo has been asserting claims to lands within its aboriginal use area in north central New Mexico. The claims have been subject to numerous lawsuits, and a certain number of them remain unresolved.

For example, the Pueblo has asserted a claim to 25,000 acres of land based on the Pueblo's purchase in 1748 of the Diego Gallegos Land Grant. The Pueblo possesses the original deed reflecting the purchase under Spanish law; but, after the United States assumed sovereignty over New Mexico, titles to land, including the Pueblo's title to these lands, were never confirmed by the Federal Government. Many of these lands were later treated as public domain with title being claimed by Federal agencies, the New Mexico Land Commission, other Indian tribes, and numerous private parties. Litigation is currently pending over these issues to resolve the land and trespass claims of the Pueblo of Santo Domingo. Such action would be expected to take many years, with the outcome of such litigation unclear.

The settlement agreement is the result of a little over 4 years of intense negotiations and compromise between all parties involved.

This measure accomplishes three major points. Number one, it removes the cloud on titles to land in the State of New Mexico resulting from the claims of the Pueblo of Santo Domingo; the Pueblo claims against the United States and third parties; the land, boundary and trespass claims of the Pueblo. It does this all in a fair, equitable and final manner.

Number two, it provides for the restoration of certain lands within the Pueblo's land claim.

Number three, it ratifies the settlement agreement between the United States and the Pueblo, to include the Pueblo agreeing to relinquish and compromise its land and trespass claims.

Madam Speaker, the Santo Domingo Pueblo Claims Settlement Act serves as an excellent example of how Federal and State governments can come together with Native American nations and individual citizens to resolve disputes in the best interest of all parties.

This bill represents the negotiated settlement, and passage would ratify the agreement to resolve all existing land claims.

I, therefore, urge my colleagues to pass this measure and ratify an agreement that I believe has taken into proper consideration the many interests involved.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. CALVERT) that the House suspend the rules and pass the Senate bill, S. 2917.

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.

MESSAGE FROM THE PRESIDENT

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

DESIGNATING SEGMENTS OF MISSOURI RIVER AS WILD AND SCENIC

Mr. CALVERT. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5041) to establish the boundaries and classification of a segment of the Missouri River in Montana under the Wild and Scenic Rivers Act.

The Clerk read as follows:

H.R. 5041

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

SECTION 1. ESTABLISHMENT OF BOUNDARIES OF SEGMENT OF UPPER MISSOURI WILD AND SCENIC RIVER, MONTANA.

(a) IN GENERAL.—For purposes of the Wild and Scenic River Act (16 U.S.C. 1271 et seq.)—

(1) the boundaries and classification of the Missouri River, Montana, segment designated by section 3(a)(14) of that Act (16 U.S.C. 1274(a)(14)) shall be the boundaries and classification published in the Federal Register on January 22, 1980 (45 Fed. Reg. 4474–4478); and

(2) the management plan for such segment shall be as set forth in—

(A) the Upper Missouri Wild and Scenic River Management Plan, dated October 1978, as updated in February 1993; and

(B) the West HiLine RMP/EIS Record of Decision covering the Upper Missouri Wild and Scenic River Corridor, dated January 1992.

(b) REVISION OF BOUNDARIES, CLASSIFICATION, AND MANAGEMENT PLAN.—This section shall not be considered to limit the authority of the Secretary of the Interior to revise the boundaries, classification, or management plan for the Missouri River, Montana, segment referred to in subsection (a) after the date of the enactment of this Act and in accordance with the Wild and Scenic Rivers Act.

(c) EFFECTIVE DATE.—Subsection (a) shall be considered to have become effective on April 21, 1980.

□ 1400

The SPEAKER pro tempore (Mrs. MORELLA). Pursuant to the rule, the gentleman from California (Mr. CALVERT) and the gentleman from New Jersey (Mr. HOLT) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. CALVERT).

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

H.R. 5041, introduced by our colleague, the gentleman from Montana (Mr. HILL), establishes the boundaries and classification of a segment of the Missouri River in Montana under the Wild and Scenic Rivers Act. The boundary and classification of this segment will conform to those published and recommended by the Department of the Interior in 1980. The Bureau of Land Management has been managing the river as wild and scenic since 1980.

In essence, Madam Speaker, this a technical correction to the law enacted in 1980. Apparently, this wild and scenic designation lacked the proper documentation and this bill clears up discrepancy.

I urge my colleagues to support H.R. 5041.

Madam Speaker, I reserve the balance of my time.

Mr. HOLT. Madam Speaker I yield myself such time as I may consume.

Madam Speaker, H.R. 5041 would establish the boundaries and classification for a segment of the Missouri River in Montana that was designated under the Wild and Scenic Rivers Act in 1976. This is legislation introduced by our colleague, the gentleman from Montana (Mr. HILL).

Madam Speaker, this legislation was introduced in late July, and while the bill was never considered by the Committee on Resources, we at least have the views of the administration on this matter. In a letter dated October 3 of this year, the Department of the Interior indicated their support for H.R. 5041.

Evidently, in the late 1970s, several procedural steps were not followed in establishing the river's boundaries and providing for its classification. By adopting the river's boundaries and classification by statute, H.R. 5041 would remove any doubt that may exist on this matter.

Madam Speaker, we have no objection to this legislation, which we view as a technical housekeeping matter. We urge its passage.

Mr. HILL of Montana. Madam Speaker, I rise today in support of H.R. 5041, a bill to establish the boundaries and classification of a segment of the Missouri River in Montana under the Wild and Scenic Rivers Act. This bill is a technical correction to the 1976 amendment to the Wild and Scenic Rivers Act for the Upper Missouri National Wild and Scenic River. This legislation would ensure that the 149-mile segment, approximately 90,000 acres in size, of the Upper Missouri National Wild and Scenic River remains protected for future generations. This bill has the Administration's support.

On October 12, 1976, Congress amended the Wild and Scenic Rivers Act to include the Upper Missouri National Wild and Scenic River. The amendment required the Department of Interior to establish boundaries and prepare a development plan within one year. This information was to be published in the Federal Register, but would not become effective until 90 days after the documents were forwarded to the President of the Senate and the Speaker of the House of Representatives. When the boundaries of the Wild and Scenic River were challenged some years later, it could not be established whether or not Congress ever received the documents that the Department of Interior prepared on this segment of the Upper Missouri River. It was also discovered that the documents were never published in the Federal Register.

On January 22, 1980, the Department of Interior promulgated regulations at 45 Fed Reg. 4474–4478 that summarized a revised management plan and identified the boundaries and classification for the 149-mile segment of the Upper Missouri National Wild and Scenic River from Fort Benton, Montana, downstream to the Fred Robinson Bridge. H.R. 5041 would adopt these boundaries and classification by statute, removing any doubt over the legitimacy of the boundaries that remains as a result of earlier events.

A similar bill to this one, H.R. 6046 passed the House of Representatives on September 29, 1992, but failed to pass the Senate in the closing days of the 101st Congress.

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

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

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from California (Mr. CALVERT) that the House suspend the rules and pass the bill, H.R. 5041.

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.

AUTHORIZING FUNDS TO REHABILITATE GOING-TO-THE-SUN ROAD IN GLACIER PARK

Mr. CALVERT. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4521) to direct the Secretary of the Interior to authorize and provide funding for rehabilitation of the Going-to-the-Sun Road in Glacier National Park, to authorize funds for maintenance of utilities related to the Park, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4521

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

SECTION 1. FINDINGS.

Congress makes the following findings:

(1) The historic significance of the 52-mile Going-to-the-Sun Road is recognized by its listing on the National Register of Historic Places in 1983, designation as a National Historic Engineering Landmark by the American Society of Civil Engineers in 1985, and designation as a National Historic Landmark in 1997.

(2) A contracted engineering study and Federal Highway Administration recommendations in 1997 of the Going-to-the-Sun Road verified significant structural damage to the road that has occurred since it opened in 1932.

(3) Infrastructure at most of the developed areas is inadequate for cold-season (fall, winter, and spring) operation, and maintenance backlog needs exist for normal summer operation.

(4) The Many Glacier Hotel and Lake McDonald Lodge are on the National Register of Historic Places and are National Historic Landmarks. Other accommodations operated by the concessioner with possessory interest and listed on the National Register of Historic Places are the Rising Sun Motor Inn and Swiftcurrent Motel.

(5) The historic hotels in Glacier National Park, operated under concession agreements with the National Park Service, are essential for public use and enjoyment of the Park.

(6) Public consumers deserve safe hotels in Glacier National Park that can meet their basic needs and expectations.

(7) The historic hotels in Glacier National Park are significantly deteriorated and need substantial repair.

(8) Repairs of the hotels in Glacier National Park have been deferred for so long that, absent any changes to Federal law and the availability of historic tax credits, the remodeling costs for the hotels may exceed the capacity of an investor to finance them solely out of hotel revenues.

(9) The current season of operation for hotels is approximately 4 months because the developed areas lack water, sewer, and fire protection systems that can operate in freezing conditions, lack building insulation, and lack heating systems.

(10) The National Park Service Concessions Management Improvement Act of 1998 is based upon sound principles and is achieving its basic purposes, but there appear to be selected instances where the National Park Service may need additional authority to conduct demonstration projects.

(11) A demonstration project is needed for the repair of the historic hotels in Glacier National Park.

SEC. 2. DEFINITIONS.

In this Act:

(1) ADVISORY COMMITTEE.—The term ''Advisory Committee'' means the Going-to-the-Sun Road Citizens Advisory Committee.

(2) PARK.—The term ''Park'' means Glacier National Park.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 3. GOING-TO-THE-SUN ROAD STUDY.

(a) FEASIBILITY STUDY.—Not later than December 31, 2001, the Secretary, in consultation with Advisory Committee, shall complete a feasibility study for rehabilitation of Going-to-the-Sun Road located in the Park. The study shall include—

(1) alternatives for rehabilitation of Going-to-the-Sun Road and a ranking of the feasibility of each alternative;

(2) an estimate of the length of time necessary to complete each alternative;

(3) a description of what mitigation efforts would be used to preserve resources and minimize adverse economic effects of each alternative;

(4) an analysis of the costs and benefits of each alternative;

(5) an estimate of the cost of each alternative;

(6) an analysis of the economic impact of each alternative;

(7) an analysis of long-term maintenance needs, standards, and schedules for the road, alternatives to accomplish the rehabilitation, maintenance staff needs, and associated cost estimates;

(8) a draft of the environmental impact statement required under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)); and

(9) an analysis of improvements to any transportation system relating to the Park that are needed inside or outside the Park.

(b) CONTINUATION MAINTENANCE.—Nothing in this section shall affect the duty of the Secretary to continue the program in effect on the day before the date of the enactment of this Act to preserve, maintain, and address safety concerns related to Going-to-the-Sun Road.

(c) IMPLEMENTATION OF PLAN.—As soon as practicable after completing the study required by subsection (a), the Secretary shall—

(1) consider the recommendations of the Advisory Committee;

(2) choose an alternative for rehabilitation of the Going-to-the-Sun Road from the alternatives included in the study based upon the final environmental impact statement required under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)); and

(3) begin implementation of a plan based on that choice.

Implementation actions that are authorized include rehabilitation of Going-to-the-Sun Road and expenditure of funds inside or outside the Park for transportation system improvements related to the Park and impact mitigation if recommended by the study and the Advisory Committee. The Secretary shall also seek funding for the long-term maintenance needs that the study identifies.

(d) REPORT.—Not later than 30 days after completion of the study required under subsection (a), the Secretary shall submit a copy of the study to—

(1) the Committee on Resources and the Committee on Appropriations of the House of Representatives; and

(2) the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $200,000,000 to the Secretary to carry out this section, including—

(1) implementation of the plan under subsection (c); and

(2) the cost of any necessary environmental or cultural documentation and monitoring, including the draft environmental impact statement required under subsection (a)(8).

SEC. 4. MAINTENANCE AND UPGRADE OF UTILITY SYSTEMS.

(a) IN GENERAL.—As soon as practicable after funds are made available under this section, the Secretary shall begin the upgrade and continue the maintenance of utility systems which service the Park and facilities related to the Park.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section, $20,000,000.

SEC. 5. VISITOR FACILITIES PLAN.

(a) PLAN FOR VISITOR FACILITIES.—Not later than December 31, 2001, the Secretary shall complete a comprehensive plan for visitor facilities in the Park. The comprehensive plan shall include the following:

(1) A completed commercial services plan, as called for in the Park General Management Plan.

(2) A plan for private financing of rehabilitation of lodging facilities and associated property that are listed on the National Register of Historic Places or are part of a district listed on the National Register of Historic Places, which may include historic tax credits, hotel revenue, and other financing alternatives as deemed appropriate by the Secretary, and which may include options such as extending the Park's visitor season, additional visitor facilities, and other options as deemed appropriate by the Secretary in order to recover the rehabilitation costs.

(3) A financial analysis of the plan under paragraph (2).

(4) A plan by the Secretary to provide necessary assistance to appropriate interested entities for the restoration or comparable replacement of tour buses for use in the Park.

(5) A plan for a new visitors center at the west side of the Park, including an appropriate location and design for the center and suitable housing and display facilities for museum objects of the Park as set forth in the Park General Management Plan, including any studies required to be carried out under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other applicable laws.

(6) A parkwide natural and cultural resources assessment, in accordance with sections 203 and 204 of the National Parks Omnibus Management Act of 1998 (Public Law 105–391; 112 Stat. 3497), including a comprehensive inventory of resources of the Park.

(7) A description of any additional authority requested by the Secretary to implement the comprehensive plan.

(b) SUBMISSION OF PLAN.—The Secretary shall submit copies of the comprehensive plan to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(c) IMPLEMENTATION OF PLAN.—As soon as practicable after completion of the comprehensive plan, the Secretary shall implement the comprehensive plan, including construct the visitors center pursuant to the plan required by subsection (a)(5).

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $1,000,000 to complete the comprehensive plan.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. CALVERT) and the gentleman from New Jersey (Mr. HOLT) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. CALVERT).

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

H.R. 4521, as introduced by our colleague, the gentleman from Montana (Mr. HILL), will ensure the future protection of Glacier National Park by laying out a plan to restore the Going-to-the-Sun Road, upgrading utility systems in the park, and the future of the grand lodges in the park. The gentleman from Montana has worked diligently on this legislation and should be commended for his service to Montana and the Congress.

Madam Speaker, this is good legislation that will ensure that future steps taken by Glacier National Park will enhance the ability of the public to access and to enjoy one of America's great parks. I urge my colleagues to support H.R. 4521, as amended.

Madam Speaker, I reserve the balance of my time.

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

Mr. HOLT. Madam Speaker, H.R. 4521, introduced by our colleague, the gentleman from Montana (Mr. HILL), would direct the Secretary of the Interior to develop and implement a plan, at a cost of up to $200 million, for the rehabilitation of the Going-to-the-Sun Road in Glacier National Park. The bill also authorizes $20 million for maintenance of utility systems.

The third significant provision of this bill deals with the rehabilitation of the Many Glacier Hotel and other structures in the park. When the Subcommittee on National Parks and Public Lands held a hearing on the bill, the administration and others raised a number of concerns with the bill's language. Following the hearing, meetings were held with the staff of our colleague from Montana and the congressional delegation from Montana, the National Park Service, and the committee staff.

While major progress was made in addressing the issues with the bill, significant issues remained. Instead of seeking closure on these remaining issues, the Committee on Resources adopted a new amendment offered by the gentleman from Montana (Mr. HILL) that discarded the progress that had been made in addressing the park hotel rehabilitation and instead proposed new language that had not been

discussed yet, let alone agreed to by the parties.

As a result, the bill reported by the committee has substantive and procedural problems. It fails to address the concerns raised by the administration and the historic preservation and environmental community, and it does not reflect the unified position within the Montana congressional delegation. The bill reported from the committee fails to authorize the one authority, historic leasing, that the National Park Service says they need for park hotel rehabilitation. It creates a new responsibility for the National Park Service to provide park road reconstruction impact mitigation assistance.

In addition, the amended bill directs preparation of a new visitor facilities plant. Further, the time frame, December 31 of 2001, for completion of the visitor's facility plan, and also the required concession services plan and natural resource assessment, is too short to do the necessary work and environmental analyses.

Finally, the bill's findings represent a particular point of view and are inconsistent with the authorities contained in the bill.

Madam Speaker, the minority is willing to work with the interested parties to address the concerns with this legislation. Unfortunately, what is being presented to the House today fails to correct the bill's shortcomings.

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

Mr. CALVERT. Madam Speaker, I yield myself such time as I may consume only to comment that the condition of the lodge, which I think we all agree at the park is in horrendous condition, and while we have minor differences on how to go about this, the problem is that we may lose that facility forever if we do not work to pass this legislation immediately.

Madam Speaker, I move to pass this good piece of legislation by our colleague, the gentleman from Montana (Mr. HILL), who is retiring from the United States House of Representatives.

Mr. HILL of Montana. Madam Speaker, H.R. 4521 attempts to deal with the serious infrastructure issues that exist in Glacier National Park in northwest Montana, one of the truly heavenly places on earth.

The Going-to-the-Sun Road, which runs through the park and is consistently rated among the top scenic routes in the nation, has degraded severely since it opened in 1932. The utility infrastructure, particularly the sewer system, is badly in need of repair. Recently about 180,000 gallons of raw sewage leaked onto the south shore of Lake McDonald, and the state of Montana is threatening to take action against the park. And the historic hotels of Glacier Park, many of which are listed on the National Register of Historic Places, are quickly becoming safety issues that threaten the visitor experience. Recently the Park imposed corrective measures at Many Glacier Hotel to address fire code violations that are a result of deferred maintenance. The rehabilitation costs at Many Glacier alone are estimated at more than $30 million, with overall costs at around $100 million.

This bill addresses these issues by authorizing funds to repair the park's infrastructure, with the exception of the hotels, and setting a timetable for a specific plan to privately finance the rehabilitation of the park's historic hotels, in which there is currently significant possessory interest. It authorizes funds for the repair of the Going-to-the-Sun Road. The bill also requires that the Secretary work with a Citizen Advisory Committee that has been gathering local input and determining the best possible option for the repairs. The bill also authorizes funds to repair the park's failing utility systems.

These repairs are already authorized under the Park Service's General Authorities Act. However, the situation in Glacier is critical and is near the top of the Park Service's priority list. This bill will put Congress on record regarding the importance of Glacier National Park, as well as move the Park Service in the direction it has said it intends to go.

Some have discussed the issue of cost relating to the Going-to-the-Sun Road. For those who have been privileged to drive this scenic route, it is like no other, at times clinging to a mountainside and ascending the Continental Divide. It is the only route through the park and provides millions of Americans with views of diverse wildlife and great natural beauty. But it is at risk of catastrophic failure, and it will be costly to replace. Repair costs are compounded by a short construction season in this extreme climate, the topography and access issues, as well as the historic stone retaining walls that are built from local materials. Costs will also be partly determined by the construction alternative selected, and the need for appropriations could be significantly mitigated.

A source of greater controversy, however, was how best to finance the rehabilitation of the historic hotels. Originally, the hotel-financing provision was written with significant input from the Park Service and was intended to provide the Secretary with the greatest degree of latitude in achieving private financing for the project. Key to this goal was providing a way to capture historic restoration tax credits of 20 percent which require investment over a 50-year period, realizing that our current concessions law limits contracts to no more than 20 years.

This Park Service's provision came under fire from environmental organizations. Unfortunately, rather than defend the provision, the Park Service quickly back-pedaled and opposed it. This left us in a precarious position. The Park Service then proposed an alternate version that would use historic leasing authority to rehabilitate the hotels. But members of the minority as well as the administration were never able to get on the same page. And we in the majority and others have had concerns with the various proposals that began emerging.

It was disappointing when the support that had been building behind the bill evaporated after interest groups who oppose the idea of private investment in national parks weighed in. The result was proposals that were, at best, financially questionable and, at worst, extinguished the notion of possessory interest in these historic structures altogether. This is a dangerous path to go down, and which represents a serious step backward in the body of law that has been crafted by Congress regarding national parks.

I am disappointed that Democrats and the administration were never able to agree among themselves. I was willing to accommodate these various proposals even though I and others in the business and financial communities had serious questions about them, provided that they be willing to consider other alternatives such as the original financing mechanism. But there was never an inch of latitude given.

The new version of this bill was intended to pull us back from the notion of moving toward a single financing mechanism that ultimately may not work. While the Park Service should be lauded for its creativity in crafting a plan based on historic leasing, there were too many unanswered questions about that proposal that I fear may go unanswered. Specifically, I cannot understand what objections the Park Service would have, if we are going to settle on a single option, to ensuring its option will work financially before we move forward with it. After we have that data, the bill would direct the Secretary to request any additional authority he may require from Congress to complete the plan.

My staff and I numerous times attempted to discuss the committee-approved version of the bill with the minority. Then one legislative day before the full House was originally to consider this bill, a list of new concerns emerged from the minority. One that is particularly intriguing is the contention that the deadline for the visitor facilities plan and other provisions of the bill—December 31, 2000—is too ambitious. It is intriguing because the minority initially argued that the deadline in the bill was a delaying tactic. Which is it, a delaying tactic, or too ambitious? This all leads one to suspect that the goal of some has not been to improve upon this legislation, but rather, to defeat it for the sake of defeat.

This is unacceptable, We must approve this bill and give the Senate a chance to do likewise before we adjourn. Anything less would be dereliction of our duty to protect our public lands, in this case, Glacier National Park.

I'd like to briefly address some of the other criticisms I have heard recently. First, that the bill authorizes economic mitigation for the Going-to-the-Sun reconstruction. I have been willing to compromise on this issue. However, there is significant precedent within the Park Service to mitigate the impacts of its actions on communities around it, most notably the recent redwoods acquisition in California and the compensation of fishermen at Glacier Bay in Alaska. That being said, H.R. 4521 is not prescriptive. It merely authorizes mitigation assistance, it does not mandate it, and it does so within the overall bounds of the authorization of the road itself.

Second, that there were not sufficient efforts to reach agreement in the Montana congressional delegation. My staff and I worked long and hard to find a solution that was pleasing

both to the Montana delegation and to the majority and minority in the House. But it became apparent, at least as far as the hotels were concerned, that this would not be possible. No agreement ever existed, even though staff was circulating legislative language for the approval of members. It is unfortunate for those of us in Montana that some would kill this bill over the hotels provision and jeopardize the road and public access to the park.

Despite the difficulties and frustrations in getting to this point, we have worked hard to make this a bipartisan effort, securing 33 cosponsors from a variety of fiscal and ideological viewpoints. The people of Montana and all those who love Glacier National Park are grateful for these efforts. By some estimates, this park alone generates close to $200 million for Montana's economy, which needs tourism dollars now more than ever as forces continue to act to close down Montana's traditional industries. But for many of us, this park is about a whole lot more than money, it is about a unique character and a once-in-a-lifetime experience for those who visit. This legislation is needed to help restore those values.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. CALVERT) that the House suspend the rules and pass the bill, H.R. 4521, 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.

DESIGNATING CERTAIN LANDS IN VIRGINIA AS WILDERNESS AREAS

Mr. CALVERT. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4646) to designate certain National Forest System lands within the boundaries of the State of Virginia as wilderness areas, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4646

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

SECTION 1. DESIGNATION OF WILDERNESS AREAS.

Section 1 of the Act entitled ''An Act to designate certain National Forest System lands in the States of Virginia and West Virginia as wilderness areas'', approved June 7, 1988 (102 Stat. 584) is amended—

(1) in paragraph (5), by striking ''and'' at the end;

(2) in paragraph (6), by striking the period and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

''(7) certain lands in the George Washington National Forest, which comprise approximately 5,963 acres, as generally depicted on a map entitled 'The Priest Wilderness Study Area', dated June 6, 2000, and which shall be known as the Priest Wilderness Area; and

''(8) certain lands in the George Washington National Forest, which comprise approximately 4,608 acres, as generally depicted on a map entitled 'The Three Ridges Wilderness Study Area', dated June 6, 2000, and which shall be known as the Three Ridges Wilderness Area.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. CALVERT) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. CALVERT).

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

H.R. 4646 was introduced by the gentleman from Virginia (Mr. GOODE) to designate two areas in the George Washington National Forest in Virginia as wilderness. Both areas were recommended for wilderness studies in the George Washington National Forest plan completed in 1993.

I understand these are steep rugged areas, and that there is some concern that the Forest Service will continue to allow the use of motorized equipment, such as chainsaws or access by vehicles if it is necessary to fight fire or otherwise respond to emergencies. To address this concern, my colleague wisely included language stating the wilderness designation would not prevent firefighting companies or rescue squads from doing what is needed in emergency situations.

While I would prefer to retain this language, at the request of the gentleman from Virginia (Mr. GOODE), I am offering a substitute amendment which removes this clause. He has received assurance from the Forest Service that such access is approved quickly when needed.

With this assurance, I ask support for the Virginia Wilderness Act under suspension of the rules.

Madam Speaker, I reserve the balance of my time.

Mr. UDALL of New Mexico. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 4646 adds approximately 10,570 acres to the National Wilderness Preservation System in George Washington National Forest in the State of Virginia. The two additions, the Priest and Three Ridges areas, were recommended for wilderness study in the forest management plan in 1993.

The areas, within easy access of the Appalachian Trail, contain rugged terrain and spectacular mountain scenery. We are pleased to see this addition to the wilderness system.

We are also pleased to see the removal of a provision allowing tree cutting and motorized use by county firefighters and rescue squads in and around wilderness areas. The Wilderness Act allows motorized use in wilderness areas only in the event of emergencies and to control fire, insects and disease. Forest Service policies allow forest supervisors to approve motorized equipment and vegetation cutting in emergencies.

The removal of the provision makes H.R. 4646 consistent with the Wilderness Act. It also makes the bill identical in substance to Senator ROBB's companion measure, S. 2865, which passed the Senate on October 6, 2000. If the House had chosen to take up Senator ROBB's bill, it would have been on its way to the President. By choosing to take up the House version, the House is unnecessarily protracting the process and risking not getting a bill.

While I regret this choice, the bill enjoys administration and widespread public support, and I urge my colleagues to support it.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. CALVERT) that the House suspend the rules and pass the bill, H.R. 4646, 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 designate certain National Forest System lands within the boundaries of the State of Virginia as wilderness areas.''.

A motion to reconsider was laid on the table.

FIVE NATIONS CITIZENS LAND REFORM ACT OF 2000

Mr. CALVERT. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5308) to amend laws relating to the lands of the citizens of the Muscogee (Creek), Seminole, Cherokee, Chickasaw and Choctaw Nations, historically referred to as the Five Civilized Tribes, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5308

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Five Nations Citizens Land Reform Act of 2000''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Purpose.
Sec. 4. Definitions.

TITLE I—RESTRICTIONS; REMOVAL OF RESTRICTIONS

Sec. 101. Restrictions on real property.
Sec. 102. Restricted funds.
Sec. 103. Period of restrictions.

Sec. 104. Removal of restrictions.
Sec. 105. Exemptions from prior claims.
Sec. 106. Fractional interests.
TITLE II—ADMINISTRATIVE APPROVAL OF CONVEYANCES, PARTITIONS, LEASES, AND MORTGAGES; MANAGEMENT OF MINERAL INTERESTS
Sec. 201. Approval authority for conveyances and leases.
Sec. 202. Approval of conveyances.
Sec. 203. Reimposition of restrictions on conveyances of property to Indian housing authorities.
Sec. 204. Administrative partition.
Sec. 205. Surface leases.
Sec. 206. Mineral leases.
Sec. 207. Management of mineral interests.
Sec. 208. Mortgages.
Sec. 209. Validation of prior conveyances.
TITLE III—PROBATE, HEIRSHIP DETERMINATION, AND OTHER JUDICIAL PROCEEDINGS
Sec. 301. Actions affecting restricted property.
Sec. 302. Heirship determinations and probates.
Sec. 303. Actions to cure title defects.
Sec. 304. Involuntary partitions.
Sec. 305. Requirements for actions to cure title defects and involuntary partitions.
Sec. 306. Pending State proceedings.
TITLE IV—MISCELLANEOUS
Sec. 401. Regulations.
Sec. 402. Repeals.
Sec. 403. Statutory construction.
Sec. 404. Representation by attorneys for the Department of the Interior.
TITLE V—WATER BASIN COMMISSION
Sec. 501. Water basin commission.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Since 1970, Federal Indian policy has focused on Indian self-determination and economic self-sufficiency. The exercise of Federal instrumentality jurisdiction by the Oklahoma State courts over the Indian property that is subject to Federal restrictions against alienation belonging to members of the Five Nations is inconsistent with that policy.

(2) It is a goal of Congress to recognize the Indian land base as an integral part of the culture and heritage of Indian citizens.

(3) The exercise of Federal instrumentality jurisdiction by the courts of the State of Oklahoma over conveyances and inheritance of restricted property belonging to Indian citizens of the Five Nations—

(A) is costly, confusing, and cumbersome, and effectively prevents any meaningful Indian estate planning, and unduly complicates the probating of Indian estates and other legal proceedings relating to Indian citizens and their lands; and

(B) has impeded the self-determination and economic self-sufficiency of Indian citizens within the exterior boundaries of the Five Nations.

SEC. 3. PURPOSE.

(a) IN GENERAL.—It is the purpose of this Act to—

(1) correct the disparate Federal treatment of individual allotted lands of Indian citizens of the Five Nations that resulted from prior Federal legislation by equalizing the Federal legislative treatment of restricted and trust lands;

(2) eliminate unnecessary legal and bureaucratic obstacles that impede the highest and best use of restricted property belonging to Indian citizens of the Five Nations;

(3) provide for an efficient process for the administrative review and approval of conveyances, voluntary partitions, and leases, and to provide for Federal administrative proceedings in testate and intestate probate and other cases that involve the restricted property of Indian citizens, which concern the rights of Indian citizens to hold and acquire such property in restricted and trust status; and

(4) transfer to the Secretary the Federal instrumentality jurisdiction of the Oklahoma State courts together with other authority currently exercised by such courts over the conveyance, devise, inheritance, lease, encumbrance, and partition under certain circumstances of restricted property belonging to Indian citizens of the Five Nations.

(b) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to limit or affect the rights of Indian citizens under other Federal laws relating to the acquisition and status of trust property, including without limitation, the Act of June 18, 1934 (25 U.S.C. 461 et seq.) (commonly known as the Indian Reorganization Act), the Act of June 26, 1936 (25 U.S.C. 501 et seq.) (commonly known as the Oklahoma Indian Welfare Act), the Indian Land Consolidation Act (25 U.S.C. 2201 et seq.), and regulations relating to the Secretary's authority to acquire lands in trust for Indians and Indian tribes.

SEC. 4. DEFINITIONS.

In this Act:

(1) FIVE NATIONS.—The term ''Five Nations'' means the Cherokee Nation, the Chickasaw Nation, the Choctaw Nation of Oklahoma, the Seminole Nation of Oklahoma, and the Muscogee (Creek) Nation, collectively, which are historically referred to as the ''Five Civilized Tribes''.

(2) INDIAN CITIZEN.—The term ''Indian citizen'' means a member or citizen of one of the individual Five Nations referred to in paragraph (1), or an individual who is determined by the Secretary to be a lineal descendent by blood of an Indian ancestor enrolled on the final Indian rolls of the Five Civilized Tribes closed in 1906.

(3) INDIAN COUNTRY.—The term ''Indian country'' has the meaning given that term in section 1151 of title 18, United States Code, which includes restricted property and trust property (as such terms are defined in this Act).

(4) INDIAN NATION.—The term ''Indian Nation'' means one of the individual Five Nations referred to in paragraph (1).

(5) REGIONAL OFFICE.—The term ''Regional Office'' means the Eastern Oklahoma Regional Office of the Bureau of Indian Affairs, or any successor office within the Department of Interior.

(6) RESTRICTED PROPERTY.—The term ''restricted property'' means any right, title or interest in real property owned by an Indian citizen that is subject to a restriction against alienation, lease, mortgage, and other encumbrances imposed by this Act and other laws of the United States expressly applicable to the property of enrollees and lineal descendants of enrollees on the final Indian rolls of the Five Civilized Tribes in 1906, and includes those interests in property that were subject to a restriction against alienation imposed by the United States on the ownership of an Indian citizen who died prior to the effective date of this Act (subject to valid existing rights) but whose interest had not, as of the effective date of this Act, been the subject of a final order determining heirs by a State district court or a United States District Court, or been conveyed by putative heirs by deed approved in State district court, except that such term shall not include Indian trust allotments made pursuant to the General Allotment Act (25 U.S.C. 331 et seq.) or any other trust property.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(8) TRUST PROPERTY.—The term ''trust property'' means Indian property, title to which is held in trust by the United States for the benefit of an Indian citizen or an Indian Nation.

TITLE I—RESTRICTIONS; REMOVAL OF RESTRICTIONS

SEC. 101. RESTRICTIONS ON REAL PROPERTY.

(a) APPLICATION.—Beginning on the effective date of this Act, all restricted property shall be subject to restrictions against alienation, lease, mortgage, and other encumbrances, regardless of the degree of Indian blood of the Indian citizen who owns such property.

(b) CONTINUATION.—The restrictions made applicable under subsection (a) shall continue with respect to restricted property upon the acquisition of such property by an Indian citizen by inheritance, devise, gift, exchange, election to take at partition, or by purchase.

SEC. 102. RESTRICTED FUNDS.

(a) IN GENERAL.—All funds and securities held or supervised by the Secretary derived from restricted property or individual Indian trust property on or after the effective date of this Act are declared to be restricted and shall remain subject to the jurisdiction of the Secretary until or unless otherwise provided for by Federal law.

(b) USE OF FUNDS.—Funds, securities, and proceeds described in subsection (a) may be released or expended by the Secretary for the use and benefit of the Indian citizens to whom such funds, securities, and proceeds belong, as provided for by Federal law.

SEC. 103. PERIOD OF RESTRICTIONS.

Subject to the provisions of this Act that permit restrictions to be removed, the period of restriction against alienation, lease, mortgage, or other encumbrance of restricted property and funds belonging to Indian citizens, is hereby extended until an Act of Congress determines otherwise.

SEC. 104. REMOVAL OF RESTRICTIONS.

(a) PROCEDURE.—

(1) APPLICATION.—An Indian citizen who owns restricted property, or the legal guardian of a minor Indian citizen or an Indian citizen who has been determined to be legally incompetent by a court of competent jurisdiction (including a tribal court), may apply to the Secretary for an order removing restrictions on any interest in restricted property held by such Indian citizen.

(2) CONSIDERATION OF APPLICATION.—An application under paragraph (1) shall be considered by the Secretary only as to the tract, tracts, or severed mineral or surface interest described in the application. Not later than 90 days after the date on which an application is submitted, the Secretary shall either issue the removal order or disapprove of the application.

(3) DISAPPROVAL.—The Secretary shall disapprove an application under paragraph (1) if—

(A) in the Secretary's judgment, the applicant has been subjected to fraud, undue influence or duress by a third party; or

(B) the Secretary determines it is otherwise not in the Indian citizen owner's best interest.

(b) REMOVAL OF RESTRICTIONS.—When an order to remove restrictions becomes effective under subsection (a), the Secretary shall

issue a certificate describing the property and stating that the Federal restrictions have been removed.

(c) SUBMISSION OF LIST.—Prior to or on April 1 of each year, the Secretary shall cause to be filed with the county treasurer of each county in the State of Oklahoma where restricted property is situated, a list of restricted property that has lost its restricted status during the preceding calendar year through acquisition of ownership by an individual or entity who is not an Indian citizen or by removal of restrictions pursuant to this section.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to—

(1) abrogate valid existing rights to property that is subject to an order to remove restrictions under this section; and

(2) remove restrictions on any other restricted property owned by the applicant.

SEC. 105. EXEMPTIONS FROM PRIOR CLAIMS.

Sections 4 and 5 of the Act of May 27, 1908 (35 Stat. 312, chapter 199) shall apply to all restricted property.

SEC. 106. FRACTIONAL INTERESTS.

Upon application by an Indian citizen owner of an undivided unrestricted interest in property of which a portion of the interests in such property are restricted as of the effective date of this Act, the Secretary is authorized to convert that unrestricted interest into restricted status if all of the interests in the property are owned by Indian citizens as tenants in common as of the date of the application under this section.

TITLE II—ADMINISTRATIVE APPROVAL OF CONVEYANCES, PARTITIONS, LEASES, AND MORTGAGES; MANAGEMENT OF MINERAL INTERESTS

SEC. 201. APPROVAL AUTHORITY FOR CONVEYANCES AND LEASES.

The Secretary shall have exclusive jurisdiction to approve conveyances and leases of restricted property by an Indian citizen or by any guardian or conservator of any Indian citizen who is a ward in any guardianship or conservatorship proceeding pending in any court of competent jurisdiction, except that petitions for such approvals that are filed in Oklahoma district courts prior to the effective date of this Act may be heard and approved by such courts pursuant to the procedures described in section 1 of the Act of August 4, 1947 (61 Stat. 731, chapter 458), as in effect on the day before the effective date of this Act, if the Indian citizen does not revoke in writing his or her consent to the conveyance or lease prior to final court approval.

SEC. 202. APPROVAL OF CONVEYANCES.

(a) PROCEDURE.—

(1) IN GENERAL.—Except as provided in subsection (b), restricted property may be conveyed by an Indian citizen pursuant to the procedures described in this subsection.

(2) REQUIREMENTS.—An Indian citizen may only convey restricted property—

(A) after the property is appraised;

(B) for an amount that is not less than 90 percent of the appraised value of the property;

(C) to the highest bidder through the submission to the Secretary of closed, silent bids or negotiated bids; and

(D) upon the approval of the Secretary.

(b) EXCEPTION.—

(1) IN GENERAL.—Notwithstanding subsection (a)(2), an Indian citizen may convey his or her restricted property, or any portion thereof, to any of the individuals or entities described in paragraph (2) without soliciting bids, providing notice, or for consideration which is less than the appraised value of the property, if the Secretary determines that the conveyance is not contrary to the best interests of the Indian citizen and that the Indian citizen has been duly informed of and understands the fair market appraisal, and is not being coerced into the conveyance.

(2) INDIVIDUALS AND ENTITIES.—An individual or entity described in this paragraph is—

(A) the Indian citizen's spouse (if he or she is and Indian citizen), father, mother, son, daughter, brother or sister, or other lineal descendent, aunt or uncle, cousin, niece or nephew, or Indian co-owner; or

(B) the Indian Nation whose last treaty boundaries encompassed the restricted property involved so long as the appraisal of the property was conducted by an independent appraiser not subject to the Indian Nation's control.

(c) STATUS.—Restricted property that is acquired by an Indian Nation whose last treaty boundaries encompassed the restricted property shall continue to be Indian country. Upon application by the Indian Nation, the Secretary shall accept title to such property in trust by the United States for the benefit of the Indian Nation, except that the Secretary may first require elimination of any existing liens or other encumbrances in order to comply with applicable Federal title standards. The Secretary shall accept title to the property in trust for the Indian Nation only if, after conducting a survey for hazardous substances, he determines that there is no evidence of such substances on the property.

SEC. 203. REIMPOSITION OF RESTRICTIONS ON CONVEYANCES OF PROPERTY TO INDIAN HOUSING AUTHORITIES.

(a) IN GENERAL.—In any case where the restrictions have been removed from restricted property for the purpose of allowing conveyances of the property to Indian housing authorities to enable such authorities to build homes for individual owners or relatives of owners of restricted property, the Secretary shall issue a Certificate of Restricted Status describing the property and imposing restrictions thereon upon written request by the Indian citizen homebuyer or a successor Indian citizen homebuyer. Such request shall include evidence satisfactory to the Secretary that the homebuyer's contract has been paid in full and be delivered to the Regional Office not later than 3 years after the housing authority conveys such property back to the original Indian citizen homebuyer or a successor Indian citizen homebuyer who is a citizen of the Nation whose last treaty boundaries encompass the property where the home is located.

(b) EXISTING LIENS.—Prior to issuing a certificate under subsection (a) with respect to property, the Secretary may require the elimination of any existing liens or other encumbrances which would substantially interfere with the use of the property.

(c) APPLICATION TO CERTAIN HOMEBUYERS.—Indian citizen homebuyers described in subsection (a) who acquired ownership of property prior to the effective date of this Act shall have 3 years from such effective date to request that the Secretary issue a certificate under such subsection.

(d) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to limit or affect the rights of Indian citizens described in this section under other Federal laws and regulations relating to the acquisition and status of trust property.

SEC. 204. ADMINISTRATIVE PARTITION.

(a) JURISDICTION.—Except as provided in section 304, the Secretary shall have exclusive jurisdiction to approve the partition of property located within the last treaty boundaries of 1 or more of the Five Nations, all of which is held in common, in trust or in restricted status, by more than 1 Indian citizen owner, if the requirements of this section are complied with. The Secretary may approve the voluntary partition of property consisting of both restricted and unrestricted undivided interests if all owners of the unrestricted interests consent to such approval in writing.

(b) PARTITION WITHOUT APPLICATION.—If the Secretary determines that any property described in subsection (a) is capable of partition in kind to the advantage of the owners, the Secretary may initiate partition of the property by—

(1) notifying the owners of such determination;

(2) providing the owners with a partition plan for such property; and

(3) affording the owners a reasonable time to respond, object, or consent to the proposal, in accordance with subsection (d).

(c) APPLICATION FOR PARTITION.—

(1) IN GENERAL.—An owner or owners of an undivided interest in any property described in subsection (a) may make written application, on a form approved by the Secretary, for the partition of their trust or restricted property.

(2) DETERMINATION.—If, based on an application submitted under paragraph (1), the Secretary determines that the property involved is susceptible to partition in kind, the Secretary shall initiate partition of the property by—

(A) notifying the owners of such determination;

(B) providing the owners with a partition plan; and

(C) affording the owners a reasonable time to respond, object or consent in accordance with subsection (d).

(d) PARTITION PROCEDURES.—

(1) PROPOSED LAND DIVISION PLAN.—The Secretary shall give applicants under subsection (c) and nonpetitioning owners of property subject to partition under this section with a reasonable opportunity to negotiate a proposed land division plan for the purpose of securing ownership of a tract on the property equivalent to their respective interests in the undivided estate, prior to taking any action related to partition of the property under this section.

(2) APPROVAL.—If a plan under paragraph (1) is approved by—

(A) Indian citizen owners of more than 50 percent of the property which is entirely in trust status (as distinguished from restricted status) and if the Secretary finds the plan to be reasonable, fair and equitable, the Secretary shall issue an order partitioning the trust property in kind; or

(B) the Indian citizens who own more than 50 percent of the undivided interests which are held in restricted status (as distinguished from trust status) and if the Secretary finds the plan to be reasonable, fair and equitable, the Secretary may attempt to negotiate for partition in kind or for sale of all or a portion of the property, and secure deeds from all interest owners, subject to the Secretary's approval.

(3) LIMITATION.—No partition under paragraph (2)(B) shall be effected unless all of the owners have consented to the plan in writing.

SEC. 205. SURFACE LEASES.

The surface of restricted property may be leased by an Indian citizen pursuant to the Act of August 9, 1955 (25 U.S.C. 415 et seq.),

except that the Secretary may approve any agricultural lease or permit with respect to restricted property in accordance with the provisions of section 105 of the American Indian Agricultural Resource Management Act (25 U.S.C. 3715).

SEC. 206. MINERAL LEASES.

(a) APPROVAL.—

(1) GENERAL RULE.—No mineral lease or agreement purporting to convey or create any interest in restricted or trust property that is entered into or reentered into after the effective date of this Act shall be valid unless approved by the Secretary.

(2) REQUIREMENTS.—The Secretary may approve a mineral lease or agreement described in paragraph (1) only if—

(A) the owners of a majority of the undivided interest in the restricted or trust mineral estate that is the subject of the mineral lease or agreement (including any interest covered by a lease or agreement executed by the Secretary under subsection (c)) consent to the lease or agreement;

(B) the Secretary determines that approving the lease or agreement is in the best interest of the Indian citizen owners of the restricted or trust mineral interests; and

(C) the Secretary has accepted the highest bid for such lease or agreement after a competitive bidding process has been conducted by the Secretary, unless the Secretary has determined that it is in the best interest of the Indian citizen to award a lease made by negotiation, and the Indian citizen so consents.

(b) EFFECT OF APPROVAL.—Upon the approval of a mineral lease or agreement by the Secretary under subsection (a), the lease or agreement shall be binding upon all owners of the restricted or trust undivided interests subject to the lease or agreement (including any interest owned by an Indian tribe) and all other parties to the lease or agreement, to the same extent as if all of the Indian citizen owners of the restricted or trust mineral interests involved had consented to the lease or agreement.

(c) EXECUTION OF LEASE OR AGREEMENT BY SECRETARY.—The Secretary may execute a mineral lease or agreement that affects restricted or trust property interests on behalf of an Indian citizen owner if that owner is deceased and the heirs to, or devisees of, the interest of the deceased owner have not been determined, or if the heirs or devisees have been determined but one or more of the heirs or devisees cannot be located.

(d) DISTRIBUTION OF PROCEEDS.—The proceeds derived from a mineral lease or agreement approved by the Secretary under subsection (a) shall be distributed in accordance with the interest held by each owner pursuant to such rules and regulations as may be promulgated by the Secretary.

(e) COMMUNITIZATION AGREEMENTS.—No unleased restricted or trust property located within a spacing and drilling unit approved by the Oklahoma Corporation Commission may be drained of any oil or gas by a well within such unit without a communitization agreement prepared and approved by the Secretary, except that in the event of any such drainage without a communitization agreement approved by the Secretary, 100 percent of all revenues derived from the production from any such restricted or trust property shall be paid to the Indian citizen owner free of all lifting and other production costs.

SEC. 207. MANAGEMENT OF MINERAL INTERESTS.

(a) OIL AND GAS CONSERVATION LAWS.—

(1) IN GENERAL.—The oil and gas conservation laws of the State of Oklahoma shall apply to restricted property.

(2) ENFORCEMENT.—The Oklahoma Corporation Commission shall have the authority to perform ministerial functions related to the enforcement of the laws referred to in paragraph (1), including enforcement actions against well operators, except that no order of the Corporation Commission affecting restricted Indian property shall be valid as to such property until such order is submitted to and approved by the Secretary.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the authority of the Indian Nations to protect the environment and natural resources of restricted property.

(b) IMPLEMENTATION OF FEDERAL OIL AND GAS ROYALTY MANAGEMENT ACT.—Beginning on the effective date of this Act, the Regional Office shall assume all the duties and responsibilities of the Secretary under the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1702 et seq.) with respect to an oil and gas lease where—

(1) the Secretary has approved the oil and gas lease pursuant to section 206(a);

(2) the Secretary has, prior to the effective date of this Act, approved the oil and gas lease pursuant to the Act of May 27, 1908 (35 Stat. 312, chapter 199); or

(3) the Secretary has, before the effective date of this Act, approved an oil and gas lease of lands of any of the Five Nations pursuant to the Act of May 11, 1938 (25 U.S.C. 396a et seq.).

SEC. 208. MORTGAGES.

An Indian citizen may mortgage restricted property only in accordance with and under the authority of the Act of March 29, 1956 (25 U.S.C. 483a), or other Federal laws applicable to the mortgaging of individual Indian trust property or restricted property.

SEC. 209. VALIDATION OF PRIOR CONVEYANCES.

All conveyances, including oil and gas or mineral leases, of restricted property and trust property made after the effective date of the Act of June 26, 1936 (25 U.S.C. 501 et seq.) (commonly known as the Oklahoma Indian Welfare Act) and prior to the effective date of this Act, that were approved by a county or district court in Oklahoma are hereby validated and confirmed, unless such conveyance is determined by a court of competent jurisdiction to be invalid upon grounds other than authority to approve, sufficiency of approval, or lack of approval thereof.

TITLE III—PROBATE, HEIRSHIP DETERMINATION, AND OTHER JUDICIAL PROCEEDINGS

SEC. 301. ACTIONS AFFECTING RESTRICTED PROPERTY.

The courts of the State of Oklahoma shall not have jurisdiction over actions affecting title to, or use or disposition of, trust property or restricted property except as authorized by this Act or by other Federal laws applicable to trust property or restricted property.

SEC. 302. HEIRSHIP DETERMINATIONS AND PROBATES.

(a) JURISDICTION.—Except as provided in section 306, the Secretary shall have exclusive jurisdiction, acting through an Administrative Law Judge or other official designated by the Secretary, to probate wills or otherwise determine heirs of deceased Indian citizens and to adjudicate all such estate actions to the extent that they involve individual trust property, restricted property, or restricted or trust funds or securities held or supervised by the Secretary derived from such property.

(b) GOVERNING LAWS.—Notwithstanding any other provision of law, the Administrative Law Judge or other official designated by the Secretary shall exercise the Secretary's jurisdiction and authority under this section in accordance with the Indian Land Consolidation Act (25 U.S.C. 2201 et seq.) and such rules and regulations which heretofore have been, or will be, prescribed by the Secretary for the probate of wills, determination of heirs, and distribution of property in estates of Indian decedents, subject to the following requirements:

(1) LAW APPLICABLE TO ESTATES OF INDIAN CITIZEN DECEDENTS WHO DIED PRIOR TO EFFECTIVE DATE.—The Administrative Law Judge or other official designated by the Secretary shall apply the laws of descent and distribution of the State of Oklahoma contained in title 84 of the Oklahoma Statutes, chapter 4, to all restricted property, trust property, and all restricted or trust funds or securities derived from such property in the estates of deceased Indian citizens who died intestate prior to the effective date of this Act.

(2) LAW APPLICABLE TO WILLS EXECUTED PRIOR TO EFFECTIVE DATE.—The Administrative Law Judge or other official designated by the Secretary shall determine the validity and effect of wills as to estates containing trust property or restricted property when such wills were executed by Indian citizens prior to the effective date of this Act, in accordance with the laws of the State of Oklahoma governing the validity and effect of wills, provided that the will of a full-blood Indian citizen which disinherits the parent, wife, spouse, or children of such citizen shall not be valid with respect to the disposition of restricted property unless the requirements of section 23 of the Act of April 26, 1906 (34 Stat. 137, chapter 1876), as in effect on the day before the effective date of this Act, are met.

(3) LAW APPLICABLE TO WILLS EXECUTED AFTER EFFECTIVE DATE.—

(A) IN GENERAL.—Any Indian citizen who has attained age 18 and owns restricted property or trust property shall have the right to dispose of such property by will, executed on or after the effective date of this Act in accordance with regulations which heretofore have been, or will be, prescribed by the Secretary for the probate of wills, provided—

(i) no will so executed shall be valid or have any force or effect unless and until such will has been approved by the Secretary; and

(ii) that the Secretary may approve or disapprove such will either before or after the death of the Indian citizen testator.

(B) FRAUD.—In any case where a will has been approved by the Secretary under subparagraph (A) and it is subsequently discovered that there was fraud in connection with the execution or procurement of the will, the Secretary is authorized, within 1 year after the death of the testator, to cancel approval of the will. If an approval is canceled in accordance with the preceding sentence, the property purported to be disposed of in the will shall descend or be distributed in accordance with the Secretary's rules and regulations applicable to estates of Indian decedents who die intestate.

(4) FEDERAL LAW CONTROLS.—Notwithstanding any other provision of this section, Federal law governing personal claims against a deceased Indian citizen or against trust property or restricted property, including the restrictions imposed by this Act or other applicable Federal law against the alienation, lease, mortgage, or other encumbrance of trust property or restricted property shall apply to all such property contained in the estate of the deceased Indian citizen.

SEC. 303. ACTIONS TO CURE TITLE DEFECTS.

(a) JURISDICTION.—Except as provided in subsections (b) and (c), the United States district courts in the State of Oklahoma and the State courts of Oklahoma shall retain jurisdiction over actions seeking to cure defects affecting the marketability of title to restricted property, except that all such actions shall be subject to the requirements of section 305.

(b) ADVERSE POSSESSION.—No cause of action may be brought to claim title to or an interest in restricted property by adverse possession or the doctrine of laches on or after the effective date of this Act, except that—

(1) all such causes that are pending on the effective date of this Act in accordance with the provisions of section 3 of the Act of April 12, 1926 (44 Stat. 239, chapter 115) shall be subject to section 306; and

(2) an action to quiet title to an interest in restricted property on the basis of adverse possession may be filed in the courts of the State of Oklahoma not later than 2 years after the effective date of this Act if the 15-year period for acquiring title by adverse possession has run in full prior to the effective date of this Act and the procedures set forth in section 305 shall be followed.

(c) HEIRSHIP DETERMINATIONS AND DISPOSITIONS.—Nothing in this section shall be construed to authorize a determination of heirs in a quiet title action in Federal or State court in derogation of the Secretary's exclusive jurisdiction to probate wills or otherwise determine heirs of the deceased Indian citizens owning restricted property and to adjudicate all such estate actions involving restricted property pursuant to section 302, or in derogation of the Secretary's exclusive jurisdiction over the disposition of restricted property under this Act.

SEC. 304. INVOLUNTARY PARTITIONS.

(a) JURISDICTION.—The United States district courts in the State of Oklahoma and the State courts of Oklahoma shall retain jurisdiction over actions for the involuntary partition of property consisting entirely or partially of undivided restricted interests, subject to the provisions of subsections (b) through (e) and the requirements in section 306.

(b) APPLICABLE LAW.—The laws of the State of Oklahoma governing the partition of property shall be applicable to all actions for involuntary partition under this section, except to the extent that any such laws are in conflict with any provisions of this Act.

(c) PETITION: CONSENT OF OWNERS OF MAJORITY OF UNDIVIDED INTERESTS.—Any person who owns an undivided interest in a tract of property described in subsection (a) may file an action in the district court of the State of Oklahoma for the county wherein the tract is located for the involuntary partition of such tract. The court shall not grant the petition unless the owner or owners of more than 50 percent of the tract consent to the partition in the verified petition or verified answer filed in the action.

(d) PAYMENT TO NONCONSENTING OWNERS OF RESTRICTED INTERESTS.—Nonconsenting owners of undivided restricted interests shall receive for the sale of such interests their proportionate share of the greater of—

(1) the proceeds paid at the partition sale; or

(2) an amount equal to 100 percent of the appraised value of the tract.

(e) COSTS.—The petitioning party in an action under this section shall pay the filing fees and all other costs of the action, including the cost of an appraisal, advertisement, and sale.

SEC. 305. REQUIREMENTS FOR ACTIONS TO CURE TITLE DEFECTS AND INVOLUNTARY PARTITIONS.

(a) IN GENERAL.—All actions authorized by sections 303 and 304 shall be conducted in accordance with the requirements and procedures described in this section.

(b) PARTIES.—

(1) UNITED STATES.—The United States shall not be a necessary and indispensable party to an action authorized under section 303 or 304. The Secretary may participate as a party in any such action.

(2) PARTICIPATION OF SECRETARY.—If the Secretary elects to participate in an action as provided for under paragraph (1), the responsive pleading of the Secretary shall be made not later than 20 days after the Secretary receives the notice required under subsection (c), or within such extended time as the trial court in its discretion may permit.

(3) JUDGMENT BINDING.—After the appearance of the Secretary in any action described in paragraph (1), or after the expiration of the time in which the Secretary is authorized to respond under paragraph (2), the proceedings and judgment in such action shall be binding on the United States and the parties upon whom service has been made and shall affect the title to the restricted property which is the subject of the action, in the same manner and extent as though nonrestricted property were involved.

(4) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to waive the requirement of service of summons in accordance with applicable Federal or State law upon the individual Indian citizen landowners, who shall be necessary and indispensable parties to all actions authorized by sections 303 and 304.

(c) NOTICE.—

(1) IN GENERAL.—The plaintiff in any action authorized by sections 303 and 304 shall serve written notice of the filing of such action and of a petition or complaint, or any amended petition or complaint which substantially changes the nature of the action or includes a new cause of action, upon the Director of the Regional Office not later than 10 days after the filing of any such petition or complaint or any such amended petition or complaint.

(2) FILING WITH CLERK.—A duplicate original of any notice served under paragraph (1) shall be filed with the clerk of the court in which the action is pending.

(3) REQUIREMENTS.—The notice required under paragraph (1) shall—

(A) be accompanied by a certified copy of all pleadings on file in the action at the time of the filing of the duplicate original notice with the clerk under paragraph (2);

(B) be signed by the plaintiff to the action or his or her counsel of record; and

(C) be served by certified mail, return receipt requested, and due return of service made thereon, showing date of receipt and service of notice.

(4) FAILURE TO SERVE.—If the notice required under paragraph (1) is not served within the time required under such paragraph, or if return of service thereof is not made within the time permitted by law for the return of service of summons, alias notices may be provided until service and return of notice is made, except that in the event that service of the notice required under such paragraph is not made within 60 days following the filing of the petition or complaint or amendments thereof, the action shall be dismissed without prejudice.

(5) LIMITATION.—In no event shall the United States or the parties named in a notice filed under paragraph (1) be bound, or title to the restricted property be affected, unless written notice is served upon the Director as required under this subsection.

(d) REMOVAL.—

(1) IN GENERAL.—The United States shall have the right to remove any action to which this section applies that is pending in a State court to the United States district court by filing with the State court, not later than 20 days after the service of any notice with respect to such action under subsection (c), or within such extended period of time as the trial court in its discretion may permit, a notice of the removal of such action to such United States district court, together with the certified copy of the pleadings in such action as served on the Director of the Regional Office under subsection (c).

(2) DUTY OF STATE COURT.—It shall be the duty of a State court to accept a notice filed under paragraph (1) and cease all proceedings with respect to such action.

(3) PLEADINGS.—Not later than 20 days after the filing of a notice under paragraph (1), the copy of the pleading involved (as provided under such paragraph) shall be entered in the district court of the United States and the defendants and interveners in such action shall, not later than 20 days after the pleadings are so entered, file a responsive pleading to the complaint in such action.

(4) PROCEEDINGS.—Upon the submission of the filings required under paragraph (3), the action shall proceed in the same manner as if it had been originally commenced in the district court, and its judgment may be reviewed by certiorari, appeal, or writ of error in like manner as if the action had been originally brought in such district court.

SEC. 306. PENDING STATE PROCEEDINGS.

The courts of the State of Oklahoma shall continue to exercise authority as a Federal instrumentality over all heirship, probate, partition, and other actions involving restricted property that are pending on the effective date of this Act until the issuance of a final judgment and exhaustion of all appeal rights in any such action, or until the petitioner, personal representative, or the State court dismisses the action in accordance with State law.

TITLE IV—MISCELLANEOUS

SEC. 401. REGULATIONS.

The Secretary may promulgate such regulations as may be necessary to carry out this Act, except that failure to promulgate such regulations shall not limit or delay the effect of this Act.

SEC. 402. REPEALS.

(a) IN GENERAL.—The following provisions are repealed:

(1) The Act of August 11, 1955 (69 Stat. 666, chapter 786).

(2) Section 2 of the Act of August 12, 1953 (67 Stat. 558, chapter 409).

(3) Sections 1 through 5 and 7 through 13 of the Act of August 4, 1947 (61 Stat. 731, chapter 458).

(4) The Act of February 11, 1936 (25 U.S.C. 393a).

(5) The Act of January 27, 1933 (47 Stat. 777, chapter 23).

(6) Sections 1, 2, 4, and 5 of the Act of May 10, 1928 (45 Stat. 495, chapter 517).

(7) The Act of April 12, 1926 (44 Stat. 239, chapter 115).

(8) Sections 1 and 2 of the Act of June 14, 1918 (25 U.S.C. 375 and 355).

(9) Sections 1 through 3 and 6 through 12 of the Act of May 27, 1908 (35 Stat. 312, chapter 199).

(10) Section 23 of the Act of April 26, 1906 (34 Stat. 137, chapter 1876).

(b) OTHER ACTS.—

(1) IN GENERAL.—Not later than 6 months after the effective date of this Act, the Secretary shall prepare and submit to Congress a list of other provisions of law that—

(A) expressly reference property of the Five Nations or of Five Nations' citizens and that are in conflict with the provisions of this Act; or

(B) are of general applicability with respect to the property of Indian tribes and of individual Indians and that are in conflict with this Act.

(2) TECHNICAL AMENDMENTS.—

(A) Section 28 of the Act of April 26, 1906 (34 Stat. 137, chapter 1876) is amended—

(i) by striking the first proviso; and

(ii) by striking ''*Provided further*'' and inserting ''*Provided*''.

(B) Section 6(c) of the Act of August 4, 1947 (61 Stat. 733, chapter 458) is amended in the first sentence by striking ''of one-half or more Indian blood''.

SEC. 403. STATUTORY CONSTRUCTION.

(a) SECRETARIAL TRUST RESPONSIBILITY.—Nothing in this Act shall be construed to waive, modify, or diminish in any way the trust responsibility of the United States over restricted property.

(b) NO EFFECT ON TRIBAL RELATIONSHIPS.—

(1) IN GENERAL.—Nothing in titles I through IV of this Act is intended to or shall be construed to in any way affect the authority that any federally recognized Indian tribe may or may not have over—

(A) any other federally recognized Indian tribe;

(B) the members of any other federally recognized Indian tribe; or

(C) any land in which any other federally recognized Indian tribe or any member of any other federally recognized Indian tribe has or is determined by the Secretary or a court of competent jurisdiction to have any interest.

SEC. 404. REPRESENTATION BY ATTORNEYS FOR THE DEPARTMENT OF THE INTERIOR.

Attorneys of the Department of the Interior may—

(1) represent the Secretary in any actions filed in the State courts of Oklahoma involving restricted property;

(2) when acting as counsel for the Secretary, provide information to all Indian citizens owning restricted property (and to private counsel for such citizens, if any) regarding their legal rights with respect to the restricted property owned by such citizens;

(3) at the request of any Indian citizen owning restricted property, take such action as may be necessary to cancel or annul any deed, conveyance, mortgage, lease, contract to sell, power of attorney, or any other encumbrance of any kind or character, made or attempted to be made or executed in violation of this Act or any other Federal law, and take such action as may be necessary to assist such Indian citizen in obtaining clear title, acquiring possession, and retaining possession of restricted property; and

(4) in carrying out paragraph (3), refer proposed actions to be filed in the name of the United States in a district court of the United States to the United States Attorney for that district, and provide assistance in an of-counsel capacity in those actions that the United States Attorney elects to prosecute.

TITLE V—WATER BASIN COMMISSION

SEC. 501. WATER BASIN COMMISSION.

A compact among the State of Oklahoma, the Choctaw Nation of Oklahoma, and the Chickasaw Nation, shall establish a State-tribal commission composed of an equal number of representatives from the tribes and nontribal residents of the respective water basin, for the purpose of administering and distributing any benefits and net revenues from the sale of water within the respective basin to the Choctaw Nation of Oklahoma, the Chickasaw Nation, and local public entities. Any sale of water to entities outside the water basin must be consistent with the compact and by the State-tribal commission for the respective water basin within the boundaries of the Choctaw Nation of Oklahoma and the Chickasaw Nation. One of the tribal representatives of the State-tribal commission shall be appointed by the Bureau of Indian Affairs regional office in Muskogee, Oklahoma.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. CALVERT) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Madam Speaker, I yield myself such time as I may consume, and I rise today in support of a very important bill to the Five Civilized Tribes of Oklahoma.

The Five Nations Citizens Land Reform Act of 2000, would transfer from Oklahoma State courts to the Federal Government, jurisdiction over the conveyance, the devise, inheritance, lease, encumbrance, and partition of restricted property, allotment lands, belonging to the members of the Cherokee Nation, Chickasaw Nation, Choctaw Nation, Seminole Nation of Oklahoma, and Muscogee (Creek) Nation.

Unlike other federally recognized Indian tribes whose jurisdiction over their lands lies with the Secretary of the Interior, jurisdiction over the lands of these five tribes was placed in various Oklahoma district courts many years ago. H.R. 5308 would have probate proceedings and management and disposition of Indian lands proceed through the Department of the Interior rather than through the multiple State courts. Thus, the restricted lands of the five tribes would be treated like the federally protected allotments of land of other federally recognized tribes.

H.R. 5308 would also allow for simplification of the law applicable to allotted Indian lands, would simplify the process for leasing allotted lands, would simplify the Indian land probate and heirship determination process, and would assist in the prevention of the fractionation of Indian lands.

Nothing in H.R. 5308 would diminish the trust responsibility of the United States over restricted lands. The five tribes and the Oklahoma State Bar Association, the governor of Oklahoma, and members of the Oklahoma delegation have spent years working on this legislation.

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Now that everybody has agreed, it is time to pass H.R. 5308.

Madam Speaker, I reserve the balance of my time.

Mr. UDALL of New Mexico. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, first let me thank the gentleman from Michigan (Mr. KILDEE) for all his hard work on this bill.

Madam Speaker, the Five Nations Citizens Land Reform Act of 2000 is a significant Indian land bill affecting the restricted allotments of members of the Cherokee, Creek, Seminole, Choctaw, and Chickasaw Nations in eastern Oklahoma.

This legislation would bring equity and fairness to the Indian people who own allotted lands of the Five Great Indian Nations in eastern Oklahoma.

For much of the 20th century, these people have been the subject of special laws applicable only to their lands that are unlike any other Federal laws on Indian lands. Many of these laws have provided much less protection to the Indian lands in Oklahoma than is afforded in the rest of the country.

Under current Federal law, the allotted lands of the Five Civilized Tribes are subject to the State law of adverse possession, the result of which has been loss of land owned by many individual Indians. This legislation would bring law affecting the Oklahoma lands in line with land owned by tribes living in the rest of the States.

State courts of Oklahoma currently have jurisdiction over probating, partitioning, and transferring restricted lands and the leasing of restricted mineral interests owned by members of the five tribes. This often places a great financial burden on Indian families who must hire private attorneys to probate estates or transfer interests in restricted land. For this reason, many estates in eastern Oklahoma that include restricted land are not being probated, and landownership is becoming increasingly fractionated.

Elsewhere in the United States, the Department of the Interior is responsible for probating estates, partitioning lands, and effecting other transactions involving allotted lands. This bill would do the same for the restricted allotments of the five tribes.

I want to thank the sponsor, the gentleman from Oklahoma (Mr. WATKINS), for working with the Committee on Resources to assure that this bill does not adversely affect any other tribes in Oklahoma. I know that that was not his intent, and I feel that this bill is now clear on that matter.

I urge my colleagues to support this legislation.

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

Mr. CALVERT. Madam Speaker, I am happy to yield such time as he may consume to the gentleman from Oklahoma (Mr. WATKINS), who so ably represents my forefathers in Oklahoma.

Mr. WATKINS. Madam Speaker, I would first like to thank the gentleman from California (Mr. CALVERT)

and the gentleman from New Mexico (Mr. UDALL) for their kindness and effort to bring this legislation up to date. I also want to thank the gentleman from Michigan (Mr. KILDEE), who is cochair of the Congressional Native American Caucus, for his bipartisan support and help with this important legislation.

I also would like to thank my colleague, the gentleman from Oklahoma (Mr. COBURN), for his help in ensuring the legislation benefits everyone involved.

Today, I offer a bill that would bring fairness and equity, as the gentleman from New Mexico (Mr. UDALL) said, to an injustice that has occurred and that will have a significant impact in helping the members of the Choctaw, Chicasaw, Cherokee, Creek, and Seminole Nations, historically referred to as the Five Civilized Tribes, who still own individual Indian restricted land in eastern Oklahoma.

Unlike all other federally recognized Indian tribes, whose jurisdiction over their trust lands is with the Secretary of the Interior, jurisdiction of probating, partitioning, and transferring interest in restricted land of the Five Civilized Tribes was placed in Oklahoma district courts by the Stigler Act of 1947, or the 1947 Act, as it is known.

The 1947 Act provides the eastern courts in eastern Oklahoma, acting as Federal instrumentalities, with jurisdiction over nearly all significant transactions involving individual Indian lands that are subject to Federal restrictions against alienation, or restricted property.

Another act that had an impact on the Five Civilized Tribes restricted land was the Act of June 1918. The 1918 act subjects restricted property to the State statutes of limitation. And this has had a very negative impact on losing a lot of the land over the years.

H.R. 5308 will provide for probate proceedings and management and disposition of Indian land to proceed through one central point, the Department of the Interior, rather than through multiple State courts, which is the current practice. This would treat the restricted lands of the Five Civilized Tribes like federally protected allotments of land of all other federally recognized tribes.

Madam Speaker, another issue that H.R. 5308 addresses will be to assure that the benefits and net revenues from the sale of water shall go to the tribes and residents of the respective water basin area within the boundaries of the Choctaw and Chickasaw Nations.

Madam Speaker, I urge that my colleagues support the legislation.

Mr. KILDEE. Madam Speaker, I rise today in strong support of H.R. 5308, the Five Nations Citizens Land Reform Act of 2000. This legislation is by far the most significant Indian land bill affecting the restricted allotments of members of the Cherokee, Creek, Seminole, Choctaw and Chickasaw nations in eastern Oklahoma. I want to thank my colleague, Representative WES WATKINS of Oklahoma, for sponsoring this legislation. I am proud to be a cosponsor of this bill.

The legislation would bring equity and fairness to the Indian people who own allotted lands of the five great Indian nations in Eastern Oklahoma. For much of the 20th century, these people have been the object of special laws applicable only to their lands that are unlike any other Federal laws of Indian land tenure—laws that have afforded these lands much less protection than is afforded to trust allotments elsewhere in the United States.

Under current Federal law, the allotted lands of the five civilized tribes are made subject to the State law of adverse possession, which has contributed to the unfair loss of land owned by many individual Indians in eastern Oklahoma. Allotments in other parts of Oklahoma and the rest of the country cannot be taken by adverse possession. This legislation would bring an end to the loss of these Indian lands by adverse possession.

Current Federal law also gives the State courts of Oklahoma jurisdiction over probating, partitioning and transferring restricted lands and the leasing of restricted mineral interests owned or inherited by members of the Five Tribes, often placing a great financial burden on Indian families who must hire private attorneys to probate estates or transfer interests in restricted land. For this reason, many estates in eastern Oklahoma that include restricted land are not being probated and land ownership has become increasingly fractionated. Elsewhere in the United States, the Department of Interior is responsible for probating estates, partitioning lands and effecting other transactions involving allotted lands. This bill would do the same for the restricted allotments of the five tribes, and in general it would give these allotments the same protection and treatment given allotted Indian lands in the rest of the United States.

I urge my colleagues to support this legislation.

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

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from California (Mr. CALVERT) that the House suspend the rules and pass the bill, H.R. 5308, as amended.

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

A motion to reconsider was laid on the table.

AUTHORIZING FUNDS FOR ILLINOIS/MICHIGAN CANAL COMMISSION

Mr. CALVERT. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3926) to amend the Illinois and Michigan Canal National Heritage Corridor Act of 1984 to increase the amount authorized to be appropriated to the Illinois and Michigan Canal National Heritage Corridor Commission.

The Clerk read as follows:

H.R. 3926

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

SECTION 1. INCREASE IN AMOUNT AUTHORIZED TO BE APPROPRIATED TO THE ILLINOIS AND MICHIGAN CANAL NATIONAL HERITAGE CORRIDOR COMMISSION.

Section 116(a)(1)(A) of the Illinois and Michigan Canal National Heritage Corridor Act of 1984 (98 Stat. 1467) is amended by striking ''$250,000'' and inserting ''$1,000,000''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. CALVERT) and the gentleman from New Jersey (Mr. HOLT) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. CALVERT).

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

Madam Speaker, H.R. 3926, introduced by the gentleman from Illinois (Mr. WELLER), amends the Illinois and Michigan National Heritage Corridor Act of 1984 to increase the amount authorized to be appropriated to the Illinois and Michigan Canal National Heritage Corridor Commission from $250,000 to $1 million.

The Illinois and Michigan Canal Heritage Corridor was established in 1984 to protect the resources associated with the canal. The canal was built in the mid-1800s and rapidly transformed Chicago into a critical Mid-Western transportation and business center. The Heritage Corridor currently contains many significant historical and cultural resources along with a much-used recreational trail.

The commission has been instrumental in making the Heritage Corridor a success. This bill would authorize appropriations to match the levels currently enjoyed by other Heritage Corridors and areas. This is a small but important bill.

I urge my colleagues to support H.R. 3926.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, H.R. 3926 would increase the amount authorized to be appropriated annually to the Illinois and Michigan Canal National Heritage Corridor Commission from $250,000 to $1 million.

H.R. 3926 is being brought to the floor under unusual circumstances by way of a discharge from the Committee on Resources. We have had no hearings or markup of the legislation in the committee despite the fact that this bill has been pending before the committee since March. We have not heard testimony from the commission, nor do we know the views of the administration on this legislation.

While H.R. 3926 may well be a noncontroversial measure, we know very

little about it. Members may have questions on the legislation, but the procedure being used today leaves very little opportunity to review the matter.

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

Mr. CALVERT. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Speaker, I rise today in support of H.R. 3926 and as a proud cosponsor of this legislation to increase the authorization of the Illinois and Michigan Canal National Heritage Corridor Commission.

I want to commend my colleague, the gentleman from Illinois (Mr. WELLER), for introducing this legislation, which affects my district as well as many others.

Congress first recognized the national significance of the I&M Canal in 1984 when it passed legislation that created the country's first National Heritage Corridor. Since that time, the I&M Canal National Heritage Corridor Commission has worked energetically with local individuals, organizations and communities to preserve, enhance, and celebrate this monument to American engineering and ingenuity.

When the Canal first opened in 1848, it created a vital commercial link between the Great Lakes and the Illinois and Mississippi Rivers. Soon after its opening, the Chicago River became lined with grain elevators, warehouses and industry. A trip that took 3 weeks before the canal was built took only 1 day on a boat towed by mules after the canal opened.

The I&M Canal made Chicago the Nation's largest inland port and fueled an unprecedented wave of settlement and growth in all of northeastern Illinois. Even more importantly, the canal was the final link in a new national trade route between the Eastern Seaboard and the Gulf of Mexico.

But the canal is more than a physical link between communities. It is now a link to our area's historically and culturally rich past. Individuals and communities along the canal recognize the historical importance of the canal and celebrate its contribution to local identity and progress with festivals, fairs, and other community events.

Last year, in fact, I submitted one of these festivals for the Library of Congress' ''Local Legacies'' project, which celebrated the Library's bicentennial by documenting America's grass-roots heritage.

Started in 1972, Old Canal Days is a community-wide festival that celebrates the heritage of the Illinois and Michigan Canal and the city of Lockport. It is a living history festival that includes reenactment of 19th century life along the canal.

As a result of festivals like Old Canal Days and the work of the Canal Commission, this corridor has become a living history museum of American enterprise, technological invention, ethnic diversity, and cultural creativity linked by parks and trails. Local teachers use the canal as a unique teaching tool for lessons on history, geography, and science.

The additional funding provided by this bill will allow the Canal Commission, the Canal Corridor Association, and Canal communities like Lemont and Lockport in my district to build on this success.

I urge my colleagues to support this bill. We must preserve the canal. These additional funds are essential to shore up aging infrastructure, enhance historic programs, and increase the canal's recreational value.

I urge support of this legislation.

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

The SPEAKER pro tempore (Mr. WATKINS). The question is on the motion offered by the gentleman from California (Mr. CALVERT) that the House suspend the rules and pass the bill, H.R. 3926.

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.

TIMBISHA SHOSHONE HOMELAND ACT

Mr. CALVERT. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 2102) to provide to the Timbisha Shoshone Tribe a permanent land base within its aboriginal homeland, and for other purposes.

The Clerk read as follows:

S. 2102

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 ''Timbisha Shoshone Homeland Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Since time immemorial, the Timbisha Shoshone Tribe has lived in portions of California and Nevada. The Tribe's ancestral homeland includes the area that now comprises Death Valley National Park and other areas of California and Nevada now administered by the Bureau of Land Management.

(2) Since 1936, the Tribe has lived and governed the affairs of the Tribe on approximately 40 acres of land near Furnace Creek in the Park.

(3) The Tribe achieved Federal recognition in 1983 but does not have a land base within the Tribe's ancestral homeland.

(4) Since the Tribe commenced use and occupancy of the Furnace Creek area, the Tribe's membership has grown. Tribal members have a desire and need for housing, government and administrative facilities, cultural facilities, and sustainable economic development to provide decent, safe, and healthy conditions for themselves and their families.

(5) The interests of both the Tribe and the National Park Service would be enhanced by recognizing their coexistence on the same land and by establishing partnerships for compatible land uses and for the interpretation of the Tribe's history and culture for visitors to the Park.

(6) The interests of both the Tribe and the United States would be enhanced by the establishment of a land base for the Tribe and by further delineation of the rights and obligations of each with respect to the Furnace Creek area and to the Park as a whole.

SEC. 3. PURPOSES.

Consistent with the recommendations of the report required by section 705(b) of the California Desert Protection Act of 1994 (Public Law 103–433; 108 Stat. 4498), the purposes of this Act are—

(1) to provide in trust to the Tribe land on which the Tribe can live permanently and govern the Tribe's affairs in a modern community within the ancestral homeland of the Tribe outside and within the Park;

(2) to formally recognize the contributions by the Tribe to the history, culture, and ecology of the Park and surrounding area;

(3) to ensure that the resources within the Park are protected and enhanced by—

(A) cooperative activities within the Tribe's ancestral homeland; and

(B) partnerships between the Tribe and the National Park Service and partnerships involving the Bureau of Land Management;

(4) to ensure that such activities are not in derogation of the purposes and values for which the Park was established;

(5) to provide opportunities for a richer visitor experience at the Park through direct interactions between visitors and the Tribe including guided tours, interpretation, and the establishment of a tribal museum and cultural center;

(6) to provide appropriate opportunities for economically viable and ecologically sustainable visitor-related development, by the Tribe within the Park, that is not in derogation of the purposes and values for which the Park was established; and

(7) to provide trust lands for the Tribe in 4 separate parcels of land that is now managed by the Bureau of Land Management and authorize the purchase of 2 parcels now held in private ownership to be taken into trust for the Tribe.

SEC. 4. DEFINITIONS.

In this Act:

(1) PARK.—The term ''Park'' means Death Valley National Park, including any additions to that Park.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior or the designee of the Secretary.

(3) TRIBAL.—The term ''tribal'' means of or pertaining to the Tribe.

(4) TRIBE.—The term ''Tribe'' means the Timbisha Shoshone Tribe, a tribe of American Indians recognized by the United States pursuant to part 83 of title 25, Code of Federal Regulations (or any corresponding similar regulation or ruling).

(5) TRUST LANDS.—The term ''trust lands'' means those lands taken into trust pursuant to this Act.

SEC. 5. TRIBAL RIGHTS AND AUTHORITY ON THE TIMBISHA SHOSHONE HOMELAND.

(a) IN GENERAL.—Subject to valid existing rights (existing on the date of enactment of this Act), all right, title, and interest of the United States in and to the lands, including improvements and appurtenances, described in subsection (b) are declared to be held in trust by the United States for the benefit of the Tribe. All maps referred to in subsection

(b) shall be on file and available for public inspection in the appropriate offices of the National Park Service and the Bureau of Land Management.

(b) PARK LANDS AND BUREAU OF LAND MANAGEMENT LANDS DESCRIBED.—

(1) IN GENERAL.—The following lands and water shall be held in trust for the Tribe pursuant to subsection (a):

(A) Furnace Creek, Death Valley National Park, California, an area of 313.99 acres for community development, residential development, historic restoration, and visitor-related economic development, depicted as Tract 37 on the map of Township 27 North, Range 1 East, of the San Bernardino Meridian, California, numbered Map #1 and dated December 2, 1999, together with 92 acre feet per annum of surface and ground water for the purposes associated with the transfer of such lands. This area shall include a 25-acre, nondevelopment zone at the north end of the area and an Adobe Restoration zone containing several historic adobe homes, which shall be managed by the Tribe as a tribal historic district.

(B) Death Valley Junction, California, an area of approximately 1,000 acres, as generally depicted on the map entitled ''Death Valley Junction, California'', numbered Map #2 and dated April 12, 2000, together with 15.1 acre feet per annum of ground water for the purposes associated with the transfer of such lands.

(C)(i) Centennial, California, an area of approximately 640 acres, as generally depicted on the map entitled ''Centennial, California'', numbered Map #3 and dated April 12, 2000, together with an amount of ground water not to exceed 10 acre feet per annum for the purposes associated with the transfer of such lands.

(ii) If the Secretary determines that there is insufficient ground water available on the lands described in clause (i) to satisfy the Tribe's right to ground water to fulfill the purposes associated with the transfer of such lands, then the Tribe and the Secretary shall, within 2 years of such determination, identify approximately 640 acres of land that are administered by the Bureau of Land Management in that portion of Inyo County, California, to the north and east of the China Lake Naval Weapons Center, to be a mutually agreed upon substitute for the lands described in clause (i). If the Secretary determines that sufficient water is available to fulfill the purposes associated with the transfer of the lands described in the preceding sentence, then the Tribe shall request that the Secretary accept such lands into trust for the benefit of the Timbisha Shoshone Tribe, and the Secretary shall accept such lands, together with an amount of water not to exceed 10 acre feet per annum, into trust for the Tribe as a substitute for the lands described in clause (i).

(D) Scotty's Junction, Nevada, an area of approximately 2,800 acres, as generally depicted on the map entitled ''Scotty's Junction, Nevada'', numbered Map #4 and dated April 12, 2000, together with 375.5 acre feet per annum of ground water for the purposes associated with the transfer of such lands.

(E) Lida, Nevada, Community Parcel, an area of approximately 3,000 acres, as generally depicted on the map entitled ''Lida, Nevada, Community Parcel'', numbered Map #5 and dated April 12, 2000, together with 14.7 acre feet per annum of ground water for the purposes associated with the transfer of such lands.

(2) WATER RIGHTS.—The priority date of the Federal water rights described in subparagraphs (A) through (E) of paragraph (1) shall be the date of enactment of this Act, and such Federal water rights shall be junior to Federal and State water rights existing on such date of enactment. Such Federal water rights shall not be subject to relinquishment, forfeiture or abandonment.

(3) LIMITATIONS ON FURNACE CREEK AREA DEVELOPMENT.—

(A) DEVELOPMENT.—Recognizing the mutual interests and responsibilities of the Tribe and the National Park Service in and for the conservation and protection of the resources in the area described in paragraph (1), development in the area shall be limited to—

(i) for purposes of community and residential development—

(I) a maximum of 50 single-family residences; and

(II) a tribal community center with space for tribal offices, recreation facilities, a multipurpose room and kitchen, and senior and youth facilities;

(ii) for purposes of economic development—

(I) a small-to-moderate desert inn; and

(II) a tribal museum and cultural center with a gift shop; and

(iii) the infrastructure necessary to support the level of development described in clauses (i) and (ii).

(B) EXCEPTION.—Notwithstanding the provisions of subparagraph (A)(ii), the National Park Service and the Tribe are authorized to negotiate mutually agreed upon, visitor-related economic development in lieu of the development set forth in that subparagraph if such alternative development will have no greater environmental impact than the development set forth in that subparagraph.

(C) RIGHT-OF-WAY.—The Tribe shall have a right-of-way for ingress and egress on Highway 190 in California.

(4) LIMITATIONS ON IMPACT ON MINING CLAIMS.—Nothing in this Act shall be construed as terminating any valid mining claim existing on the date of enactment of this Act on the land described in paragraph (1)(E). Any person with such an existing mining claim shall have all the rights incident to mining claims, including the rights of ingress and egress on the land described in paragraph (1)(E). Any person with such an existing mining claim shall have the right to occupy and use so much of the surface of the land as is required for all purposes reasonably necessary to mine and remove the minerals from the land, including the removal of timber for mining purposes. Such a mining claim shall terminate when the claim is determined to be invalid or is abandoned.

(c) LEGAL DESCRIPTIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall file a legal description of the areas described in subsection (b) with the Committee on Resources of the House of Representatives and with the Committee on Indian Affairs and the Committee on Energy and Natural Resources of the Senate. Such legal description shall have the same force and effect as if the information contained in the description were included in that subsection except that the Secretary may correct clerical and typographical errors in such legal description and in the maps referred to in the legal description. The legal description shall be on file and available for public inspection in the offices of the National Park Service and the Bureau of Land Management.

(d) ADDITIONAL TRUST RESOURCES.—The Secretary may purchase from willing sellers the following parcels and appurtenant water rights, or the water rights separately, to be taken into trust for the Tribe:

(1) Indian Rancheria Site, California, an area of approximately 120 acres, as generally depicted on the map entitled ''Indian Rancheria Site, California'' numbered Map #6 and dated December 3, 1999.

(2) Lida Ranch, Nevada, an area of approximately 2,340 acres, as generally depicted on the map entitled ''Lida Ranch'' numbered Map #7 and dated April 6, 2000, or another parcel mutually agreed upon by the Secretary and the Tribe.

(e) SPECIAL USE AREAS.—

(1) IN GENERAL.—The areas described in this subsection shall be nonexclusive special use areas for the Tribe, subject to other Federal law. Members of the Tribe are authorized to use these areas for low impact, ecologically sustainable, traditional practices pursuant to a jointly established management plan mutually agreed upon by the Tribe, and by the National Park Service or the Bureau of Land Management, as appropriate. All maps referred to in paragraph (4) shall be on file and available for public inspection in the offices of the National Park Service and Bureau of Land Management.

(2) RECOGNITION OF THE HISTORY AND CULTURE OF THE TRIBE.—In the special use areas, in recognition of the significant contributions the Tribe has made to the history, ecology, and culture of the Park and to ensure that the visitor experience in the Park will be enhanced by the increased and continued presence of the Tribe, the Secretary shall permit the Tribe's continued use of Park resources for traditional tribal purposes, practices, and activities.

(3) RESOURCE USE BY THE TRIBE.—In the special use areas, any use of Park resources by the Tribe for traditional purposes, practices, and activities shall not include the taking of wildlife and shall not be in derogation of purposes and values for which the Park was established.

(4) SPECIFIC AREAS.—The following areas are designated special use areas pursuant to paragraph (1):

(A) MESQUITE USE AREA.—The area generally depicted on the map entitled ''Mesquite Use Area'' numbered Map #8 and dated April 12, 2000. The Tribe may use this area for processing mesquite using traditional plant management techniques such as thinning, pruning, harvesting, removing excess sand, and removing exotic species. The National Park Service may limit and condition, but not prohibit entirely, public use of this area or parts of this area, in consultation with the Tribe. This area shall be managed in accordance with the jointly established management plan referred to in paragraph (1).

(B) BUFFER AREA.—An area of approximately 1,500 acres, as generally depicted on the map entitled ''Buffer Area'' numbered Map #8 and dated April 12, 2000. The National Park Service shall restrict visitor use of this area to protect the privacy of the Tribe and to provide an opportunity for the Tribe to conduct community affairs without undue disruption from the public.

(C) TIMBISHA SHOSHONE NATURAL AND CULTURAL PRESERVATION AREA.—An area that primarily consists of Park lands and also a small portion of Bureau of Land Management land in California, as generally depicted on the map entitled ''Timbisha Shoshone Natural and Cultural Preservation Area'' numbered Map #9 and dated April 12, 2000.

(5) ADDITIONAL PROVISIONS.—With respect to the Timbisha Shoshone Natural and Cultural Preservation Area designated in paragraph (4)(C)—

(A) the Tribe may establish and maintain a tribal resource management field office, garage, and storage area, all within the area of the existing ranger station at Wildrose (existing as of the date of enactment of this Act);

(B) the Tribe also may use traditional camps for tribal members at Wildrose and Hunter Mountain in accordance with the jointly established management plan referred to in paragraph (1);

(C) the area shall be depicted on maps of the Park and Bureau of Land Management that are provided for general visitor use;

(D) the National Park Service and the Bureau of Land Management shall accommodate access by the Tribe to and use by the Tribe of—

(i) the area (including portions described in subparagraph (E)) for traditional cultural and religious activities, in a manner consistent with the purpose and intent of Public Law 95–341 (commonly known as the ''American Indian Religious Freedom Act'') (42 U.S.C. 1996 et seq.); and

(ii) areas designated as wilderness (including portions described in subparagraph (E)), in a manner consistent with the purpose and intent of the Wilderness Act (16 U.S.C. 1131 et seq.); and

(E)(i) on the request of the Tribe, the National Park Service and the Bureau of Land Management shall temporarily close to the general public, 1 or more specific portions of the area in order to protect the privacy of tribal members engaging in traditional cultural and religious activities in those portions; and

(ii) any such closure shall be made in a manner that affects the smallest practicable area for the minimum period necessary for the purposes described in clause (i).

(f) ACCESS AND USE.—Members of the Tribe shall have the right to enter and use the Park without payment of any fee for admission into the Park.

(g) ADMINISTRATION.—The trust lands shall constitute the Timbisha Shoshone Reservation and shall be administered pursuant to the laws and regulations applicable to other Indian trust lands, except as otherwise provided in this Act.

SEC. 6. IMPLEMENTATION PROCESS.

(a) GOVERNMENT-TO-GOVERNMENT AGREEMENTS.—In order to fulfill the purposes of this Act and to establish cooperative partnerships for purposes of this Act, the National Park Service, the Bureau of Land Management, and the Tribe shall enter into government-to-government consultations and shall develop protocols to review planned development in the Park. The National Park Service and the Bureau of Land Management are authorized to enter into cooperative agreements with the Tribe for the purpose of providing training on the interpretation, management, protection, and preservation of the natural and cultural resources of the areas designated for special uses by the Tribe in section 5(e)(4).

(b) STANDARDS.—The National Park Service and the Tribe shall develop mutually agreed upon standards for size, impact, and design for use in planning, resource protection, and development of the Furnace Creek area and for the facilities at Wildrose. The standards shall be based on standards for recognized best practices for environmental sustainability and shall not be less restrictive than the environmental standards applied within the National Park System at any given time. Development in the area shall be conducted in a manner consistent with the standards, which shall be reviewed periodically and revised as necessary.

(c) WATER MONITORING.—The Secretary and the Tribe shall develop mutually agreed upon standards for a water monitoring system to assess the effects of water use at Scotty's Junction and at Death Valley Junction on the tribal trust lands described in subparagraphs (A), (B), and (D) of section 5(b)(1), and on the Park. Water monitoring shall be conducted in a manner that is consistent with such standards, which shall be reviewed periodically and revised as necessary.

SEC. 7. MISCELLANEOUS PROVISIONS.

(a) TRIBAL EMPLOYMENT.—In employing individuals to perform any construction, maintenance, interpretation, or other service in the Park, the Secretary shall, insofar as practicable, give first preference to qualified members of the Tribe.

(b) GAMING.—Gaming as defined and regulated by the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) shall be prohibited on trust lands within the Park.

(c) INITIAL RESERVATION.—Lands taken into trust for the Tribe pursuant to section 5, except for the Park land described in subsections (b)(1)(A) and (d)(1) of such section, shall be considered to be the Tribe's initial reservation for purposes of section 20(b)(1)(B)(ii) of the Indian Gaming Regulatory Act (25 U.S.C. 2719(b)(1)(B)(ii)).

(d) TRIBAL JURISDICTION OVER TRUST LANDS.—All trust lands that are transferred under this Act and located within California shall be exempt from section 1162 of title 18, United States Code, and section 1360 of title 28, United States Code, upon the certification by the Secretary, after consultation with the Attorney General, that the law enforcement system in place for such lands will be adequate to provide for the public safety and the public interest, except that no such certification may take effect until the expiration of the 3-year period beginning on the date of enactment of this Act.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act such sums as may be necessary.

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to the rule, the gentleman from California (Mr. CALVERT) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. CALVERT).

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

Madam Speaker, the Timbisha Shoshone Tribe has been living in portions of California and Nevada for hundreds of years. At the present time, the majority of the tribe's ancestral homeland is located within Death Valley National Park, which is ably represented by our colleague, the gentleman from California (Mr. LEWIS), and other areas currently under the Bureau of Land Management Control.

S. 2102 provides the Timbisha Shoshone Tribe with a land base within its aboriginal homeland on which the tribe can live permanently and govern its own affairs.

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The legislation would also form a partnership between the National Park Service and the tribe to ensure that the resources of the park are protected and enhanced. It would formally recognize the contribution the tribe has made in the history and culture of the area, authorize the Secretary of Interior to purchase additional lands and water rights for the tribe's use, as well as help for further clarification of rights and obligations on these lands.

Madam Speaker, the interests of both the Timbisha Shoshone Tribe and the United States would be enhanced by recognizing their coexistence on the same land and by establishing partnerships for compatible land uses. This is a good piece of legislation, and I urge my colleagues to support S. 2102.

Madam Speaker, I reserve the balance of my time.

Mr. UDALL of New Mexico. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this important legislation is the product of years of negotiations among the Timbisha Shoshone Tribe of California, Federal and State land managers, private landowners and many others. It will provide the tribe with a permanent land base within their aboriginal homelands. The tribe is in great need of access to lands for housing, health care, education and other governmental functions. Since 1850, this tribe has been without a permanent land base and this bill will finally right that wrong.

Madam Speaker, I urge my colleagues to support it.

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

Mr. CALVERT. Madam Speaker, I yield such time as he may consume to the gentleman from California (Mr. LEWIS), who represents the area in question with this legislation.

Mr. LEWIS of California. Madam Speaker, first let me express my appreciation to the gentleman from California (Mr. CALVERT) for his yielding me this time and further express my appreciation to the gentleman from Alaska (Mr. YOUNG); the gentleman from Utah (Mr. HANSEN); and the ranking member, the gentleman from California (Mr. GEORGE MILLER) for allowing this bill to move forward today.

The Timbisha Shoshone Tribe has lived in the harsh environment around Death Valley National Park for thousands of years. S. 2102 provides for the transfer of approximately 7,754 acres of land in trust for the Timbisha Shoshone Tribe. This land will allow the tribe to live permanently and govern its affairs in a modern community. In the past, the tribe has tried unsuccessfully to obtain trust land within its aboriginal homeland area. After 5 years of intense consultation and negotiations, a study report was completed in late 1999 that set forth recommendations for this legislation implementing

a comprehensive integrated plan for a permanent homeland for the tribe.

S. 2102 also formally recognizes the tribe's contributions to the history, culture and ecology of the Death Valley National Park and surrounding areas. S. 2102 ensures that the resources within the park are protected and enhanced by cooperative activities within the tribe's ancestral homeland and by partnerships between the tribe and the National Park Service and the Bureau of Land Management.

Madam Speaker, I express my appreciation to the committee for its fine work.

Madam Speaker, I am pleased today to rise in support of S. 2102, the Timbisha Shoshone Homeland Act.

The Timbisha Shoshone Tribe has lived in the harsh environment in and around Death Valley National Park for thousands of years. This bill provides approximately 7,754 acres of land in trust for the Timbisha Shoshone Tribe. The tribe will be able to use this land to live permanently and govern its affairs in a modern community within their ancestral homelands in the Mojave Desert. This legislation is consistent with the draft report prepared by the Secretary of the interior as required by section 705(b) of the California Desert Protection Act of 1994 (P.L. 103–433).

When the California Desert Protection Act was enacted in 1994, I included a provision that specifically directed the Secretary of the Interior, in consultation with the Timbisha Shoshone Tribe and relevant Federal agencies, to conduct a study to identify lands suitable for reservation for the tribe that are located within the tribe's aboriginal homeland area within and outside the boundaries of the Death Valley National Monument and Death Valley National Park and file a report with Congress.

Madam Speaker, the Timbisha Shoshone Tribe is a small tribe of about 300 Indians whose ancestral home is located within the boundaries of Death Valley National Park. Their aboriginal use areas extended beyond the boundaries of the park to territories nearby, including lands within both California and Nevada. Their current tribal headquarters is at Furnace Creek where the park headquarters is also located.

In the early 1930s the President of the United States signed an Executive order establishing a National Monument at Death Valley, California. By doing this, he placed the lands encompassed in the order under the administrative jurisdiction of the National Park Service.

In the 1980s, the tribe was given formal recognition as a federally recognized tribe entitled to all the services and protections that are given to all federally recognized Indian tribes. What was not provided or granted by BIA or the Park Service was a reservation or permanent tribal home land base. This has created innumerable problems for this tribe ranging from housing, schools, health care facilities, ineligibility for grants and contracts, deprivation from, access to, or gathering of customary natural resources, and a total lack of economic development possibilities.

S. 2102 is the product of an intense consultation and negotiation process that has taken place between the Timbisha Shoshone Tribe and the U.S. Park Service and Bureau of Land Management as required by section 705(b) of the California Desert Protection Act. There have been a number of public hearings in the local communities in California and Nevada. The Tribe and the Department of the Interior have worked closely with the National Parks Conservation Association; the Sierra Club; and the Wilderness Society to address their concerns.

This bill enjoys the strong support of the department of Interior, the National Park Service and the Timbisha Shoshone Tribe. In addition, the tribe has received supporting resolutions from the three counties where the tribe's lands would be located—Inyo County, CA, and Nye and Esmeralda Counties in Nevada; the Town Board of Pahrump, NV; the Mojave-Southern Great Basin Resource Area Council; and a number of Indian tribes and tribal organizations located in both states and nationally.

This is a good bill and I urge my colleagues to support this much-needed legislation.

Mr. UDALL of New Mexico. Madam Speaker, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from New Mexico.

Mr. UDALL of New Mexico. I just wanted to also recognize the ranking member, the gentleman from California (Mr. GEORGE MILLER) and Senators FEINSTEIN and BOXER for their hard work on this bill.

Mr. CALVERT. Madam Speaker, this is an excellent piece of legislation. I urge its passage, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from California (Mr. CALVERT) that the House suspend the rules and pass the Senate bill, S. 2102.

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.

UPPER HOUSATONIC NATIONAL HERITAGE AREA STUDY ACT OF 2000

Mr. CALVERT. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4312) to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing an Upper Housatonic Valley National Heritage Area in the State of Connecticut and the Commonwealth of Massachusetts, and for other purposes.

The Clerk read as follows:

H.R. 4312

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 ''Upper Housatonic National Heritage Area Study Act of 2000''.

SEC. 2. AUTHORIZATION OF STUDY.

(a) IN GENERAL.—The Secretary of the Interior (''the Secretary'') shall conduct a study of the Upper Housatonic National Heritage Area (''Study Area''). The study shall include analysis, documentation, and determinations regarding whether the Study Area—

(1) has an assemblage of natural, historic, and cultural resources that together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use, and are best managed through partnerships among public and private entities and by combining diverse and sometimes noncontiguous resources and active communities;

(2) reflects traditions, customs, beliefs and folklife that are a valuable part of the national story;

(3) provides outstanding opportunities to conserve natural, historic, cultural, and/or scenic features;

(4) provides outstanding recreational and educational opportunities;

(5) contains resources important to the identified theme or themes of the Study Area that retain a degree of integrity capable of supporting interpretation;

(6) includes residents, business interests, nonprofit organizations, and local and State governments who are involved in the planning, have developed a conceptual financial plan that outlines the roles for all participants including the Federal Government, and have demonstrated support for the concept of a national heritage area;

(7) has a potential management entity to work in partnership with residents, business interests, nonprofit organizations, and local and State Governments to develop a national heritage area consistent with continued local and State economic activity; and

(8) has a conceptual boundary map that is supported by the public.

(b) CONSULTATION.—In conducting the study, the Secretary shall consult with the State historic preservation officers, State historical societies and other appropriate organizations.

SEC. 3. BOUNDARIES OF THE STUDY AREA.

The Study Area shall be comprised of—

(1) part of the Housatonic River's watershed, which extends 60 miles from Lanesboro, Massachusetts to Kent, Connecticut;

(2) the towns of Canaan, Cornwall, Kent, Norfolk, North Canaan, Salisbury, Sharon, and Warren in Connecticut; and

(3) the towns of Alford, Dalton, Egremont, Great Barrington, Hinsdale, Lanesboro, Lee, Lenox, Monterey, Mount Washington, New Marlboro, Pittsfield, Richmond, Sheffield, Stockbridge, Tyringham, Washington, and West Stockbridge in Massachusetts.

SEC. 4. REPORT.

Not later than 3 fiscal years after the date on which funds are first available for this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report on the findings, conclusions, and recommendations of the study.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $300,000 to carry out the provisions of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. CALVERT) and the gentleman from New Jersey (Mr. HOLT) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. CALVERT).

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

Madam Speaker, H.R. 4312 introduced by the gentlewoman from Connecticut (Mrs. JOHNSON) directs the Secretary of Interior to conduct a study of the suitability and feasibility of establishing an Upper Housatonic Valley National Heritage Area in the State of Connecticut and the Commonwealth of Massachusetts. The Housatonic River and associated valley lie in the southwestern corner of Massachusetts and the northwestern corner of Connecticut. The river flows approximately 148 miles eventually emptying into Long Island Sound. The proposed study area would consist of a 60-mile segment of the Housatonic River's watershed extending from Lanesboro, Massachusetts south to Kent, Connecticut.

H.R. 4312 authorizes the Secretary of the Interior to conduct a study to determine whether the area has an assemblage of resources that represent distinctive assets of American heritage, reflects traditions and customs that are valuable national history, provides conservation and recreational opportunities, and contains important resources important to the identity of the area.

The study would include demonstrated local support for the heritage area, identifies a lead management entity and has a conceptual boundary map supported by the public. This is a bipartisan bill. I urge my colleagues to support H.R. 4312.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, H.R. 4312 sponsored by the gentlewoman from Connecticut (Mrs. JOHNSON) directs the Secretary of the Interior to conduct a study to determine the feasibility and suitability of creating the Upper Housatonic National Heritage Area. The study would cover a 60-mile stretch of the Upper Housatonic River's watershed, including 9 towns in Connecticut and 18 towns in Massachusetts, as the gentleman from California (Mr. CALVERT) has laid out.

While no statutory standards exist for national heritage areas, the National Park Service has developed a list of resources all NHAs should exhibit, and H.R. 4312 includes each of the MPS requirements as a component of the study. As one who has canoed portions of the Housatonic, I personally support this legislation and we in the minority also urge passage of this study legislation.

It should be noted that the companion legislation, S. 2421 sponsored by Senator LIEBERMAN of Connecticut passed the Senate in July and is currently pending in the House. Had we approved that bill today, we could be sending completed legislation to the President rather than sending this House companion over to the Senate so late in the session, but I will accept the assurances of my colleagues on the majority side that politics played no part in setting aside Senator LIEBERMAN's bill and advancing this particular bill.

We regret the decision, but we certainly support H.R. 4312 on its merits.

Mrs. JOHNSON of Connecticut. Madam Speaker, I would like to thank Chairman JAMES HANSEN and Chairman DON YOUNG for their support of my proposal and for bringing it before the House for consideration. H.R. 4312 will authorize a feasibility study to determine if part of my district, and our colleague JOHN OLVER's district, qualify for designation as a National Heritage Area.

The Park Service defines a National Heritage Area as an area in which natural, cultural, historic and scenic resources combine to form a distinctive, national landscape and reflect patterns of human activity shaped by geography. These areas present our national experience through physical features and the traditions they birthed, demonstrating the deep tie between natural history and cultural history.

The people of my district believe this small section of New England is more than qualified to be a National Heritage Area. It is an area rich in history and environmental significance consisting largely of the watershed of the Housatonic. From the 1730s to the 1920s, it was home to many of the nation's earliest iron industries. The first blast furnace was built in 1862 by Ethan Allen and supplied the iron for the cannons that helped George Washington's army to win the American Revolutionary War. The Beckley Furnace in Canaan, Connecticut has been designated an official project by the Millennium Committee to Save America's Treasures.

Among the other historic sites in the area is the Sloane-Stanley Museum of Early American Tools. As you may know, Stanley Tools is one of the few remaining manufacturers in Connecticut and is one of the nation's oldest tool makers. Further, the Norman Rockwell Museum, the Mount (home of Edith Wharton) and Arrowhead (the home of Herman Melville) are all in what would be the Upper Housatonic Valley National Heritage Area. It is also home to over 30 sites on the National Register of Historic Places. The iron furnaces, pre-revolution farms and its many historic structures reflect the deep historical tie between natural resources, culture and American's history, epitomizing some of our earliest and most enduring accomplishments.

The Housatonic Valley is also rich with environmental and recreational treasures. The Housatonic River, just below Falls Village, Connecticut, is one of the prized fly-fishing centers in the Northeast and is enjoyed by fishermen from not only Connecticut and Massachusetts but the entire eastern seaboard. Olympic rowers have trained in this river as children have learned to swim, boat and fish and value its ecosystem.

New England often brings to mind grand colonial farmhouses scattered between small towns which still revolve around the local town hall and the annual town meeting on the budget. While much of the farmland and open space are now lost to development, elected and volunteer land trusts are working hard to preserve the scenic and historic resources that are so much a part of Connecticut's and our country's heritage.

However, a coordinated and strong investment is essential to enable this preservation effort to succeed. A National Heritage Designation will enable us to save remaining farmhouses, furnaces and historic and natural wonders and advance the states' aggressive new initiative to preserve these historic open spaces. I believe the Park Service will find this area to be the embodiment of what Congress intended when it created the National Heritage Area. This small region of New England is deserving of at least a feasibility study.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. CALVERT) that the House suspend the rules and pass the bill, H.R. 4312.

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.

BEND PINE NURSERY LAND CONVEYANCE ACT

Mr. CALVERT. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 1936) to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other National Forest System land in the State of Oregon and use the proceeds derived from the sale or exchange for National Forest System purposes, as amended.

The Clerk read as follows:

S. 1936

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 Pine Nursery Land Conveyance Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(2) STATE.—The term ''State'' means the State of Oregon.

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 or all right, title, and interest of the United States in and to the following National Forest System land and improvements:

(1) Tract A, Bend Pine Nursery, comprising approximately 210 acres, as depicted on site plan map entitled ''Bend Pine Nursery Administrative Site, May 13, 1999''.

(2) Tract B, the Federal Government owned structures located at Shelter Cove Resort, Deschutes National Forest, buildings only, as depicted on site plan map entitled ''Shelter Cove Resort, November 3, 1997''.

(3) Tract C, portions of isolated parcels of National Forest Land located in Township 20 south, Range 10 East section 25 and Township 20 South, Range 11 East sections 8, 9, 16, 17, 20, and 21 consisting of approximately 1,260 acres, as depicted on map entitled ''Deschutes National Forest Isolated Parcels, January 1, 2000''.

(4) Tract D, Alsea Administrative Site, consisting of approximately 24 acres, as depicted on site plan map entitled ''Alsea Administrative Site, May 14, 1999''.

(5) Tract F, Springdale Administrative Site, consisting of approximately 3.6 acres, as depicted on site plan map entitled ''Site Development Plan, Columbia Gorge Ranger Station, April 22, 1964''.

(6) Tract G, Dale Administrative Site, consisting of approximately 37 acres, as depicted on site plan map entitled ''Dale Compound, February 1999''.

(7) Tract H, Crescent Butte Site, consisting of approximately .8 acres, as depicted on site plan map entitled ''Crescent Butte Communication Site, January 1, 2000''.

(b) CONSIDERATION.—Consideration for a sale or exchange of land under subsection (a) may include the acquisition of land, existing improvements, or improvements constructed to the specifications of the Secretary.

(c) APPLICABLE LAW.—Except as otherwise provided in this Act, any sale or exchange of National Forest System 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 land exchanged under subsection (a).

(e) SOLICITATIONS OF OFFERS.—

(1) IN GENERAL.—Subject to paragraph (3), the Secretary may solicit offers for 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.

(3) RIGHT OF FIRST REFUSAL.—The Bend Metro Park and Recreation District in Deschutes County, Oregon, shall be given the right of first refusal to purchase the Bend Pine Nursery described in subsection (a)(1).

(f) REVOCATIONS.—

(1) IN GENERAL.—Any public land order withdrawing land described in subsection (a) from all forms of appropriation under the public land laws is revoked with respect to any portion of the land conveyed by the Secretary under this section.

(2) EFFECTIVE DATE.—The effective date of any revocation under paragraph (1) shall be the date of the patent or deed conveying the land.

SEC. 4. DISPOSITION OF FUNDS.

(a) DEPOSIT OF PROCEEDS.—The Secretary shall deposit the proceeds of a sale or exchange under section 3(a) 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 and visitor facilities and associated land in connection with the Deschutes National Forest;

(2) the construction of a bunkhouse facility in the Umatilla National Forest; and

(3) to the extent the funds are not necessary to carry out paragraphs (1) and (2), the acquisition of land and interests in land in the State.

(c) ADMINISTRATION.—Subject to valid existing rights, the Secretary shall manage any land acquired by purchase or exchange under this Act in accordance with the Act of March 1, 1911 (16 U.S.C. 480 et seq.) (commonly known as the ''Weeks Act'') and other laws (including regulations) pertaining to the National Forest System.

SEC. 5. CONSTRUCTION OF NEW ADMINISTRATIVE FACILITIES.

The Secretary may acquire, construct, or improve administrative facilities and associated land in connection with the Deschutes National Forest System by using—

(1) funds made available under section 4(b); and

(2) to the extent the funds are insufficient to carry out the acquisition, construction, or improvement, funds subsequently made available for the acquisition, construction, or improvement.

SEC. 6. AUTHORIZATION OF APPROPRIATION.

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 California (Mr. CALVERT) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. CALVERT).

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

Madam Speaker, S. 1936 was introduced by Senator RON WYDEN. It would allow the Forest Service to sell the Bend Pine Nursery in the State of Oregon and use the proceeds to purchase other lands in that State. The gentleman from Oregon (Mr. WALDEN) has introduced the House companion bill for this measure, H.R. 4774, and he should be commended for his work on behalf of the State of Oregon.

S. 1936 passed the full committee on September 20 of this year by a voice vote; and I would urge support for the passage of S. 1936, as amended, under suspension of the rules.

Madam Speaker, I reserve the balance of my time.

Mr. UDALL of New Mexico. Madam Speaker, I yield myself such time as I may consume.

Mr. UDALL of New Mexico. Madam Speaker, S. 1936 authorizes the Secretary of Agriculture to sell or exchange seven administrative sites and facilities on approximately 1,325 acres on the Deschutes National Forest in Oregon. The bill provides that the City of Bend, Oregon, will be given the right of first refusal to purchase one particular site, the 210-acre Bend Pine Nursery, for the potential use as a park. Funds from the sale of these Federal assets will be used to construct new Forest Service administrative facilities for the Deschutes and Umatilla National Forests. The estimated value of the land to be conveyed is between $3 million and $4 million. The administration supports this legislation, and we do not object to it.

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

Mr. CALVERT. Madam Speaker, I yield such time as he may consume to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. Madam Speaker, I want to thank the gentleman from California (Mr. CALVERT) and the gentleman from New Mexico (Mr. UDALL) for their help in this legislation. Certainly my colleague from Oregon, Senator WYDEN, who with Senator SMITH and I, have teamed up on this legislation to make it a bipartisan effort to transfer this land, allow it to be transferred, to surplus property over to the City of Bend who will have the first right of refusal on the Bend Pine Nursery.

The city in turn will turn this wonderful open space, an extraordinary piece of land, into something for all time for parks and ball fields for children and for families. So it is an excellent conveyance. It follows all the rules and all the laws of the Federal Government, and in addition it is a bonus for the taxpayers because the Deschutes National Forest now pays something on the order of $750,000 a year in leases for their current buildings; and a new headquarters will be built out of the proceeds of these funds so the taxpayers will save this lease payment every year. So it is a win for the taxpayers. It is a win for the children and families of Bend, and it is certainly a win for the Federal Government.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. CALVERT) that the House suspend the rules and pass the Senate bill, S. 1936, 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.

LOWER DELAWARE WILD AND SCENIC RIVERS ACT

Mr. CALVERT. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 1296) to designate portions of the lower Delaware River and associated tributaries as a component of the National Wild and Scenic Rivers System.

The Clerk read as follows:

S. 1296

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 ''Lower Delaware Wild and Scenic Rivers Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) Public Law 102–460 directed the Secretary of the Interior, in cooperation and consultation with appropriate Federal, State, regional, and local agencies, to conduct a study of the eligibility and suitability of the lower Delaware River for inclusion in the Wild and Scenic Rivers System:

(2) during the study, the Lower Delaware Wild and Scenic River Study Task Force and

the National Park Service prepared a river management plan for the study area entitled ''Lower Delaware River Management Plan'' and dated August 1997, which establishes goals and actions that will ensure long-term protection of the river's outstanding values and compatible management of land and water resources associated with the river; and

(3) after completion of the study, 24 municipalities along segments of the Delaware River eligible for designation passed resolutions supporting the Lower Delaware River Management Plan, agreeing to take action to implement the goals of the plan, and endorsing designation of the river.

SEC. 3 DESIGNATION.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended—

(1) by designating the first undesignated paragraph following paragraph 156, pertaining to Elkhorn Creek and enacted by Public Law 104–208, as paragraph 157;

(2) by designating the second undesignated paragraph following paragraph 156, pertaining to the Clarion River, Pennsylvania, and enacted by Public Law 104–314, as paragraph 158;

(3) by designating the third undesignated paragraph following paragraph 156, pertaining to the Lamprey River, New Hampshire, and enacted by Public Law 104–333, as paragraph 159;

(4) by striking the fourth undesignated paragraph following paragraph 156, pertaining to Elkhorn Creek and enacted by Public Law 104–333; and

(5) by adding at the end the following:

''(161) LOWER DELAWARE RIVER AND ASSOCIATED TRIBUTARIES, NEW JERSEY AND PENNSYLVANIA.—(A) The 65.6 miles of river segments in New Jersey and Pennsylvania, consisting of—

''(i) the segment from river mile 193.8 to the northern border of the city of Easton, Pennsylvania (approximately 10.5 miles), as a recreational river;

''(ii) the segment from a point just south of the Gilbert Generating Station to a point just north of the Point Pleasant Pumping Station (approximately 14.2 miles), as a recreational river;

''(iii) the segment from the point just south of the Point Pleasant Pumping Station to a point 1,000 feet north of the Route 202 bridge (approximately 6.3), as a recreational river;

''(iv) the segment from a point 1,750 feet south of the Route 202 bridge to the southern border of the town of New Hope, Pennsylvania (approximately 1.9), as a recreational river;

''(v) the segment from the southern boundary of the town of New Hope, Pennsylvania, to the town of Washington Crossing, Pennsylvania (approximately 6 miles), as a recreational river;

''(vi) Tinicum Creek (approximately 14.7 miles), as a scenic river;

''(vii) Tohickon Creek from the Lake Nockamixon Dam to the Delaware River (approximately 10.7 miles), as a scenic river; and

''(viii) Paunacussing Creek in Solebury Township (approximately 3 miles), as a recreational river.

''(B) ADMINISTRATION.—The river segments referred to in subparagraph (A) shall be administered by the Secretary of the Interior. Notwithstanding section 10(c), the river segments shall not be administered as part of the National Park System.''.

SEC. 4. MANAGEMENT OF RIVER SEGMENTS.

(a) MANAGEMENT OF SEGMENTS.—The river segments designated in section 3 shall be managed—

(1) in accordance with the river management plan entitled ''Lower Delaware River Management Plan'' and dated August 1997 (referred to as the ''management plan''), prepared by the Lower Delaware Wild and Scenic River Study Task Force and the National Park Service, which establishes goals and actions that will ensure long-term protection of the river's outstanding values and compatible management of land and water resources associated with the river; and

(2) in cooperation with appropriate Federal, State, regional, and local agencies, including—

(A) the New Jersey Department of Environmental Protection;

(B) the Pennsylvania Department of Conservation and Natural Resources;

(C) the Delaware and Lehigh Navigation Canal Heritage Corridor Commission;

(D) the Delaware and Raritan Canal Commission; and

(E) the Delaware River Greenway Partnership.

(b) SATISFACTION OF REQUIREMENTS FOR PLAN.—The management plan shall be considered to satisfy the requirements for a comprehensive management plan under subsection 3(d) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(d)).

(c) FEDERAL ROLE.—

(1) RESTRICTIONS ON WATER RESOURCE PROJECTS.—In determining under section 7(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1278(a)) whether a proposed water resources project would have a direct and adverse effect on the value for which a segment is designated as part of the Wild and Scenic Rivers System, the Secretary of the Interior (hereinafter referred to as the ''Secretary'') shall consider the extent to which the project is consistent with the management plan.

(2) COOPERATIVE AGREEMENTS.—Any cooperative agreements entered into under section 10(e) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e)) relating to any of the segments designated by this Act shall—

(A) be consistent with the management plan; and

(B) may include provisions for financial or other assistance from the United States to facilitate the long-term protection, conservation, and enhancement of the segments.

(3) SUPPORT FOR IMPLEMENTATION.—The Secretary may provide technical assistance, staff support, and funding to assist in the implementation of the management plan.

(d) LAND MANAGEMENT.—

(1) IN GENERAL.—The Secretary may provide planning, financial, and technical assistance to local municipalities to assist in the implementation of actions to protect the natural, economic, and historic resources of the river segments designated by this Act.

(2) PLAN REQUIREMENTS.—After adoption of recommendations made in section III of the management plan, the zoning ordinances of the municipalities bordering the segments shall be considered to satisfy the standards and requirements under section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)).

(e) ADDITIONAL SEGMENTS.—

(1) IN GENERAL.—In this paragraph, the term ''additional segment'' means—

(A) the segment from the Delaware Water Gap to the Toll Bridge connecting Columbia, New Jersey, and Portland, Pennsylvania (approximately 9.2 miles), which, if made part of the Wild and Scenic Rivers System in accordance with this paragraph, shall be administered by the Secretary as a recreational river;

(B) the segment from the Erie Lackawanna railroad bridge to the southern tip of Dildine Island (approximately 3.6 miles), which, if made part of the Wild and Scenic Rivers System in accordance with this paragraph, shall be administered by the Secretary as a recreational river;

(C) the segment from the southern tip of Mack Island to the northern border of the town of Belvidere, New Jersey (approximately 2 miles), which, if made part of the Wild and Scenic Rivers System in accordance with this paragraph, shall be administered by the Secretary as a recreational river;

(D) the segment from the southern border of the town of Phillipsburg, New Jersey, to a point just north of Gilbert Generating Station (approximately 9.5 miles, which, if made part of the Wild and Scenic Rivers System in accordance with this paragraph, shall be administered by the Secretary as a recreational river;

(E) Paulinskill River in Knowlton Township (approximately 2.4 miles), which, if made part of the Wild and Scenic Rivers System in accordance with this paragraph, shall be administered by the Secretary as a recreational river; and

(F) Cook's Creek (approximately 3.5 miles), which, if made part of the Wild and Scenic Rivers System in accordance with this paragraph, shall be administered by the Secretary as a scenic river.

(2) FINDING.—Congress finds that each of the additional segments is suitable for designation as a recreational river or scenic river under this paragraph, if there is adequate local support for the designation.

(3) DESIGNATION.—If the Secretary finds that there is adequate local support for designating any of the additional segments as a recreational river or scenic river—

(A) the Secretary shall publish in the Federal Register a notice of the designation of the segment; and

(B) the segment shall thereby be designated as a recreational river or scenic river, as the case may be, in accordance with the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.).

(4) CRITERIA FOR LOCAL SUPPORT.—In determining whether there is adequate local support for the designation of an additional segment, the Secretary shall consider, among other things, the preferences of local governments expressed in resolutions concerning designation of the segment.

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 California (Mr. CALVERT) and the gentleman from New Jersey (Mr. HOLT) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. CALVERT).

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

Madam Speaker, the Delaware River is the last free-flowing river in the eastern United States. Approximately 330 miles in length, the river flows along four State boundaries and provides water to nearly 10 percent of the Nation's population. The upper and

middle Delaware River regions have already received wild and scenic designation; and in 1992, Congress authorized a study of the lower Delaware region to determine its viability for the wild and scenic designation.

The study concluded that 14 segments were eligible for the wild and scenic classification. S. 1296 would designate eight of these segments as wild and scenic. According to S. 1296, the Secretary of Interior will continue working with the local river municipalities and within 3 years of the enactment of this bill may designate any of the remaining segments in the management plan as wild and scenic.

□ 1445

Madam Speaker, I urge support for S. 1296.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I am pleased to offer my strong support for S. 1296, the Lower Delaware Wild and Scenic Rivers Act, introduced by New Jersey Senator FRANK LAUTENBERG.

As one of the Members who represents the Delaware River region, I am proud to be a cosponsor of the House companion legislation to S. 1296, along with my colleagues, the gentleman from Pennsylvania (Mr. GREENWOOD), the gentleman from Pennsylvania (Mr. TOOMEY), and the gentlewoman from New Jersey (Mrs. ROUKEMA). This Delaware designation is truly a bipartisan effort, and I am pleased that it is now moving toward passage.

In 1978, Congress included two sections of the Upper Delaware River in the National Wild and Scenic River System, protecting 110 miles of outstanding recreational and natural resources. S. 1296 would add the portion of the Delaware River that extends from the Delaware Water Gap to Washington Crossing, a span of about 65 miles, and would add it to the Wild and Scenic River System. The passage of this will add one more glittering accomplishment to the legacy of our colleague, FRANK LAUTENBERG, who is retiring in January from the other body on the other side of the Capitol.

As my colleague has said, the Delaware River is the longest free-flowing river in the eastern United States, spanning from its headwaters in the Catskills of New York to the mouth of the Delaware Bay. Its watershed includes 12,765 square miles in portions of four States.

Over 6 million people make their home in the Delaware River's watershed, and almost 10 percent of the Nation's population relies on these waters for drinking, recreational and industrial use. The Delaware River is among the country's most scenic, and thousands of species of plants and animals thrive in its waters and along its banks. The river can boast of a proud and prominent place in our Nation's history and now sustains a thriving center of economic development and tourism.

The 65 miles of river that would be protected as a result of this legislation are rich in natural and historic resources. It includes eight national historic landmarks and 29 national historic districts.

To underscore the cultural importance of the Delaware, I would like to read a passage from the frontispiece of the book on the Delaware by Bruce Stutz, a piece by Walt Whitman:

> ''As I was crossing the Delaware today, saw a large flock of wild geese, right overhead, not very high up, ranging in V-shape, in relief against the noon clouds of light smoke-color. Had a capital, though momentary view of them, and then of their course on and on southeast, till gradually fading . . . the waters below—the rapid flight of the birds, appearing just for a minute—flashing to me such a hint of the whole spread of Nature with her eternal unsophisticated freshness, her never-visited recesses of sea, sky, shore—and then disappearing into the distance.''

What Walt Whitman described I think highlights the importance of this area; but unmanaged development and inappropriate use of the river's resources threaten its health, the quality of its waters, natural habitats, scenic beauty, and historical sites. This legislation will protect the river from dangerous and unplanned development and from federally licensed dams, diversion projects, and channelization that could destroy the nature of the watershed and threaten the populations that depend on it.

In addition, the bill, S. 1296, encourages local control through a management plan that will, one, protect riparian landowner rights; two, maintain and improve water quality; three, preserve natural and historical resources; four, encourage recreational use and eco-tourism; five, preserve open space; six, minimize the adverse effects of development; and, seven, involve the public in educational programs that recognize the value of this resource and ways to protect it.

Our citizens along the river who are environmentally wise can use this designation as a scenic river to carry further the improvements that have been made. By the mid-1950s, the popular fish, the shad, had disappeared. Now the shad are back in large numbers, and Lambertville's Shad Fest is a grand occasion every year.

The quality of water has a direct relationship to the Nation's economy, including the number of tourists, shoppers, and recreation enthusiasts who visit the area. The river has provided a vital link to neighboring communities in Pennsylvania, New York, and Delaware.

S. 1296 is needed to ensure that this sense of community that had developed around the river continues to be nurtured. S. 1296 is needed to ensure that the future environment and the economic benefits of the Lower Delaware River are protected.

The Wild and Scenic River designation would encourage natural and historic resource preservation and would help preserve the future of ecologically sensitive recreation areas.

This legislation has garnered the support of a wide variety of groups and citizens. Over 100 community and advisory groups have worked on this campaign, including the Heritage Conservancy, the Delaware Greenway Commission, the Nature Conservancy, the Delaware River Keeper, the Delaware River Basin Commission, State parks, chambers of commerce, power and water companies, and other local businesses. In addition, 24 of the 30 municipalities along the eligible section of the river have passed resolutions supporting its designation.

In 1992, Congress authorized a study of the Lower Delaware for potential inclusion in the Wild and Scenic River Systems. The National Park Service studies have been completed, and local municipalities have reviewed and supported the draft legislation and the management plan. It is incumbent on us to do our part to support the affected communities by passing this legislation before concluding this session of Congress. In fact, the legislation is overdue.

Quite simply, the communities in the Delaware River watershed understand the importance of the river and the need to protect it. S. 1296 would further aid these communities by providing comprehensive planning and financial and technical assistance to allow local municipalities to sustain the protection of the river.

Referring back to Walt Whitman, Langston Hughes wrote:

> Old Walt Whitman
> Went finding and seeking,
> Finding less than sought
> Seeking more than found,
> Every detail minding
> Of the seeking or the finding.
> Pleasured equally
> In seeking as in finding,
> Each detail minding,
> Old Walt went seeking
> And finding.

Langston Hughes also talks about the historical cultural importance of this important river, the longest free-flowing river in the eastern United States. I hope my colleagues will recognize the importance of protecting this valuable natural resource, and I strongly urge all Members to support S. 1296, the Lower Delaware Wild and Scenic Rivers Act.

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

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

Madam Speaker, all I can say after listening to the great passages of our

former literary giants, is I ask the House to pass this legislation.

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

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from California (Mr. CALVERT) that the House suspend the rules and pass the Senate bill, S. 1296.

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.

ALLOWING LEASE OR TRANSFER OF LAND OWNED BY COUSHATTA TRIBE OF LOUISIANA

Mr. CALVERT. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5398) to provide that land which is owned by the Coushatta Tribe of Louisiana but which is not held in trust by the United States for the Tribe may be leased or transferred by the Tribe without further approval by the United States.

The Clerk read as follows:

H.R. 5398

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

SECTION 1. APPROVAL NOT REQUIRED TO VALIDATE LAND TRANSACTIONS.

(a) IN GENERAL.—Notwithstanding any other provision of law, without further approval, ratification, or authorization by the United States, the Coushatta Tribe of Louisiana, may lease, sell, convey, warrant, or otherwise transfer all or any part of the Tribe's interest in any real property that is not held in trust by the United States for the benefit of the Tribe.

(b) TRUST LAND NOT AFFECTED.—Nothing in this section is intended or shall be construed to—

(1) authorize the Coushatta Tribe of Louisiana to lease, sell, convey, warrant, or otherwise transfer all or any part of an interest in any real property that is held in trust by the United States for the benefit of the Tribe; or

(2) affect the operation of any law governing leasing, selling, conveying, warranting, or otherwise transferring any interest in such trust land.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. CALVERT) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. CALVERT).

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

Madam Speaker, I rise today in support of H.R. 5398, legislation which will allow the Coushatta Tribe of Louisiana to sell, lease, or otherwise transfer its interest in any real property which is not held in trust by the United States. This bill is necessary because Federal law limits a tribe's authority to sell land which it owns, even though that land is not held in trust.

I urge support for this bill.

Madam Speaker, I reserve the balance of my time.

Mr. UDALL of New Mexico. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, first let me thank the gentleman from Louisiana (Mr. JOHN) for his dedication and leadership on this legislation.

This legislation would enable the Coushatta Tribe of Louisiana to transfer, sell, or lease fee lands without further approval of the United States. In addition to trust land held by the United States for the benefit of the tribe, the tribe also owns land outside the reservation system. This land, owned in fee status, is subject to State and local laws and taxes. Recently, however, there has been confusion with regard to the authority of the Coushatta Tribe in using these fee lands.

H.R. 5398 would help by alleviating this confusion over the tribe's authority regarding fee lands. This bill would not apply to lands held in trust by the United States, but would allow the tribe to pursue future economic development activities as it determines.

This legislation is good, just policy; and I urge my colleagues to support it.

Mr. JOHN. Madam Speaker, I rise today in support of H.R. 5398, which would provide that land, which is owned in fee by the Coushatta Indian Community in Louisiana and not held in trust by the United States, may be leased or transferred without further approval by the United States.

Existing federal law provides that Indian tribes may not lease, sell or otherwise convey land which they may have title to unless the conveyances are approved by Congress. This prohibition, enacted into law in 1834 to prevent the unfair or improper disposition of Indian-owned land, has been interpreted by the courts to apply even though the land was purchased by the tribes with their own money and even though the land is not held in trust by the federal government.

In 1834, this process made perfect sense. Today, however, this process has proven to be a major detriment to economic development for the Coushatta Tribe. It puts the tribe at a distinct disadvantage, because the tribe finds that it cannot develop or use land which it has acquired to its full advantage. H.R. 5398 will allow the Coushatta Tribe to use the fee land it has purchased just like any other landowner, without having to come to Congress any time it wants to sell, lease, or even mortgage that land.

In addition to the land owned by the tribe and held in trust by the U.S. Department of Interior, the Coushatta Tribe owns the fee land which is not held in trust. This fee land, while owned by the tribe, is subject to state and local laws and the tribe does not have the authority to conduct gaming activities on this land. As the Coushatta Tribe continues to work toward establishing long-term financial security for its members, they are finding it necessary to have the ability to establish business agreements with non-Indian partners using the fee land to pursue future economic development activities, including the development of golf courses, business parks, and recreation and convention centers.

On February 29 of this year, this body granted the Lower Sioux Indian Community in Minnesota these same rights that I am seeking for the Coushatta Indian Community. Companion legislation, S. 2792, has been introduced in the U.S. Senate by Senator JOHN BREAUX of Louisiana. Locally, this legislation is supported by the Town of Elton and the Allen Parish Assessor.

The Coushatta Tribe has made significant progress in recent years to eliminate poverty and reduce reliance on government programs. By passing H.R. 5398, this Congress will further empower the Coushatta Tribe to empower themselves.

Madam Speaker, I thank the leadership for bringing this legislation to the floor today, and I encourage my colleagues to support H.R. 5398.

Mr. UDALL of New Mexico. Madam Speaker, I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. CALVERT) that the House suspend the rules and pass the bill, H.R. 5398.

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.

PROVIDING FOR CONCURRENCE BY HOUSE WITH AMENDMENT IN SENATE AMENDMENT TO H.R. 1444, FISHERIES RESTORATION AND IRRIGATION MITIGATION ACT OF 2000

Mr. CALVERT. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 630) providing for the concurrence by the House with an amendment in the Senate amendment to H.R. 1444.

The Clerk read as follows:

H. RES. 630

Resolved, That upon the adoption of this resolution the House shall be considered to have taken from the Speaker's table the bill, H.R. 1444, with the Senate amendments thereto, and to have concurred in the Senate amendment with the following amendments:

(1) Amend the title so as to read: ''A bill to authorize the Secretary of the Interior to establish a program to plan, design, and construct fish screens, fish passage devices, and related features to mitigate impacts on fisheries associated with irrigation system water diversions by local governmental entities in the Pacific Ocean drainage of the States of Oregon, Washington, Montana, and Idaho.''.

(2) In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Fisheries Restoration and Irrigation Mitigation Act of 2000''.

SEC. 2. DEFINITIONS.

In this Act:

(1) PACIFIC OCEAN DRAINAGE AREA.—The term ''Pacific Ocean drainage area'' means the area comprised of portions of the States of Oregon, Washington, Montana, and Idaho from which water drains into the Pacific Ocean.

(2) PROGRAM.—The term ''Program'' means the Fisheries Restoration and Irrigation Mitigation Program established by section 3(a).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service.

SEC. 3. ESTABLISHMENT OF THE PROGRAM.

(a) ESTABLISHMENT.—There is established the Fisheries Restoration and Irrigation Mitigation Program within the Department of the Interior.

(b) GOALS.—The goals of the Program are—

(1) to decrease fish mortality associated with the withdrawal of water for irrigation and other purposes without impairing the continued withdrawal of water for those purposes; and

(2) to decrease the incidence of juvenile and adult fish entering water supply systems.

(c) IMPACTS ON FISHERIES.—

(1) IN GENERAL.—Under the Program, the Secretary, in consultation with the heads of other appropriate agencies, shall develop and implement projects to mitigate impacts to fisheries resulting from the construction and operation of water diversions by local governmental entities (including soil and water conservation districts) in the Pacific Ocean drainage area.

(2) TYPES OF PROJECTS.—Projects eligible under the Program may include—

(A) the development, improvement, or installation of—

(i) fish screens;

(ii) fish passage devices; and

(iii) other related features agreed to by non-Federal interests, relevant Federal and tribal agencies, and affected States; and

(B) inventories by the States on the need and priority for projects described in clauses (i) through (iii).

(3) PRIORITY.—The Secretary shall give priority to any project that has a total cost of less than $5,000,000.

SEC. 4. PARTICIPATION IN THE PROGRAM.

(a) NON-FEDERAL.—

(1) IN GENERAL.—Non-Federal participation in the Program shall be voluntary.

(2) FEDERAL ACTION.—The Secretary shall take no action that would result in any non-Federal entity being held financially responsible for any action under the Program, unless the entity applies to participate in the Program.

(b) FEDERAL.—Development and implementation of projects under the Program on land or facilities owned by the United States shall be nonreimbursable Federal expenditures.

SEC. 5. EVALUATION AND PRIORITIZATION OF PROJECTS.

Evaluation and prioritization of projects for development under the Program shall be conducted on the basis of—

(1) benefits to fish species native to the project area, particularly to species that are listed as being, or considered by Federal or State authorities to be, endangered, threatened, or sensitive;

(2) the size and type of water diversion;

(3) the availability of other funding sources;

(4) cost effectiveness; and

(5) additional opportunities for biological or water delivery system benefits.

SEC. 6. ELIGIBILITY REQUIREMENTS.

(a) IN GENERAL.—A project carried out under the Program shall not be eligible for funding unless—

(1) the project meets the requirements of the Secretary, as applicable, and any applicable State requirements; and

(2) the project is agreed to by all Federal and non-Federal entities with authority and responsibility for the project.

(b) DETERMINATION OF ELIGIBILITY.—In determining the eligibility of a project under this Act, the Secretary shall—

(1) consult with other Federal, State, tribal, and local agencies; and

(2) make maximum use of all available data.

SEC. 7. COST SHARING.

(a) NON-FEDERAL SHARE.—The non-Federal share of the cost of development and implementation of any project under the Program on land or at a facility that is not owned by the United States shall be 35 percent.

(b) NON-FEDERAL CONTRIBUTIONS.—The non-Federal participants in any project under the Program on land or at a facility that is not owned by the United States shall provide all land, easements, rights-of-way, dredged material disposal areas, and relocations necessary for the project.

(c) CREDIT FOR CONTRIBUTIONS.—The value of land, easements, rights-of-way, dredged material disposal areas, and relocations provided under subsection (b) for a project shall be credited toward the non-Federal share of the costs of the project.

(d) ADDITIONAL COSTS.—

(1) NON-FEDERAL RESPONSIBILITIES.—The non-Federal participants in any project carried out under the Program on land or at a facility that is not owned by the United States shall be responsible for all costs associated with operating, maintaining, repairing, rehabilitating, and replacing the project.

(2) FEDERAL RESPONSIBILITY.—The Federal Government shall be responsible for costs referred to in paragraph (1) for projects carried out on Federal land or at a Federal facility.

SEC. 8. LIMITATION ON ELIGIBILITY FOR FUNDING.

A project that receives funds under this Act shall be ineligible to receive Federal funds from any other source for the same purpose.

SEC. 9. REPORT.

On the expiration of the third fiscal year for which amounts are made available to carry out this Act, the Secretary shall submit to Congress a report describing—

(1) the projects that have been completed under this Act;

(2) the projects that will be completed with amounts made available under this Act during the remaining fiscal years for which amounts are authorized to be appropriated under section 10; and

(3) recommended changes to the Program as a result of projects that have been carried out under this Act.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act $25,000,000 for each of fiscal years 2001 through 2005.

(b) LIMITATIONS.—

(1) SINGLE STATE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), not more than 25 percent of the total amount of funds made available under this section may be used for 1 or more projects in any single State.

(B) WAIVER.—On notification to Congress, the Secretary may waive the limitation under subparagraph (A) if a State is unable to use the entire amount of funding made available to the State under this Act.

(2) ADMINISTRATIVE EXPENSES.—Not more than 6 percent of the funds authorized under this section for any fiscal year may be used for Federal administrative expenses of carrying out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. CALVERT) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. CALVERT).

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

Madam Speaker, the House originally passed H.R. 1444 by a voice vote on November 9, 1999. The bill authorized the Secretary of the Interior to establish a program to plan, design, and construct fish screens, fish passage devices, and related features to mitigate impacts on fisheries related to irrigation system water diversions by local government entities in the Pacific Ocean drainage of the States of Oregon, Washington, Montana, and Idaho.

On April 13, 2000, the Senate amended H.R. 1444 by substituting H.R. 1444 with the text of S. 1723 and passed the bill by unanimous consent. The substance of S. 1723 is virtually identical to H.R. 1444. However, there are some technical changes which are being made today to clarify that fishery restoration is a priority.

In the Northwest, valuable salmon populations travel through various river basins as juvenile and adult fish. It has been demonstrated that fish screens and passages are an effective way to protect migrating fish from the deadly effects of water diversion projects. H.R. 1444 will encourage the construction of these fish-saving devices.

I compliment the authors, especially our colleague, the gentleman from Oregon (Mr. WALDEN), for their leadership in this matter. This is a sound conservation bill, and I urge Members to vote aye.

Madam Speaker, I reserve the balance of my time.

Mr. UDALL of New Mexico. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I want to recognize the leadership and foresight of the gentleman from Oregon (Mr. DEFAZIO) on this bill. He played an instrumental role in this legislation.

H.R. 1444 establishes a fish screen construction program for irrigation projects in Idaho, Washington, Montana, and Oregon. The purpose of this legislation is to protect endangered fish species in the Pacific Northwest. Construction of fish screens authorized by this bill will help decrease fish mortality rates by preventing juvenile salmon from straying into water diversion projects. Participation in the program is voluntary, and a local share of

35 percent of the cost of the project is required.

□ 1500

Under this amended version of H.R. 1444, the U.S. Fish and Wildlife Service will have responsibility for administering the new fish screen program, in consultation with other Federal agencies.

The Fish and Wildlife Service was chosen as the lead agency in recognition that the Fish and Wildlife Service has the experience, the expertise and on-the-ground capability to most effectively administer the fish screen program. However, other Federal agencies have an interest in this program; and, in fact, the water project construction agency, such as the Corps of Engineering and the Bureau of Reclamation are usually responsible for funding the mitigation of adverse environmental impacts caused by project construction and operation.

The bill requires consultation with such agencies. In addition to a consultive role, we expect these other agencies to actively participate in fish screen projects and also to contribute funds, when appropriate, for projects developed under the authority of this legislation.

Madam Speaker, I urge my colleagues to support H.R. 1444.

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

Mr. CALVERT. Madam Speaker, I yield such time as he may consume to the gentleman from Oregon (Mr. WALDEN) for whatever comments he may have.

Mr. WALDEN of Oregon. Madam Speaker, I want to thank the gentleman from California for yielding me the time.

Madam Speaker, this is, indeed, another example of getting things done, getting things done for fish, getting things done for farmers in the Northwest. As my colleagues know, our salmon runs face tremendous challenges there, the wild salmon runs do, and our farmers are under incredible pressure.

This is one of those bills that is a win-win for both sides, because we are going to be installing fish screens that will help divert the salmon around these irrigation projects and help them on their way out to sea. We are going to help our farmers improve their water flows and protect their way of life as well.

H.R. 1444 is to encourage irrigators to protect the Northwest endangered fish species. The bill aims to decrease fish mortality rates by constructing fish screens to prevent the juvenile salmon from swimming into water diversion projects. There is a local share that has to be involved here. Participation in the program is voluntary, and a local share of 35 percent of the costs of the project is required.

This is one of those pieces of legislation that is actually a helping hand from the Federal Government in a true partnership with the local irrigation districts. The Department of Interior, Fish and Wildlife Service in consultation with the Army Corps and the Bureau of Reclamation will be responsible for administering the program. And the legislation is supported by many conservation recreation and water user groups, including the Oregon Water Resources Congress; Save Our Wild Salmon, a coalition of sport and fishing groups, fishing businesses and conservation organizations; along with the Oregon Department of Fish and Wildlife.

Madam Speaker, I would like to thank my colleagues Senator SMITH and Senator WYDEN and certainly the gentleman from Oregon (Mr. DEFAZIO) for his leadership in getting this legislation to this point, and the committee and the staff and the leadership for scheduling for a vote today.

Madam Speaker, this will do good things for fish. This will do good things for farmers. I am delighted that, in the bipartisan spirit of this body, we are going to get in passed into law.

Mr. DEFAZIO. Madam Speaker, I rise in strong support of H.R. 1444, the "Fisheries Restoration and Irrigation Mitigation Act," legislation to establish a fish screen construction program for irrigation projects in Idaho, Washington, Montana and Oregon.

H.R. 1444 is needed to assist in the effort to protect the Northwest's endangered fish species. The bill aims to decrease fish mortality rates by aiding in the construction of fish screens to prevent juvenile salmon from straying into water diversion projects.

Many farms in the Northwest are irrigated by water diverted from streams and rivers. Water is transported to farms via irrigation canals connecting to streams and rivers. The irrigation canals pose a major risk to juvenile salmon, called smolts, migrating downstream to the ocean. Smolts die when they are diverted from the rivers and streams into irrigation ditches. Fish screens placed at entrances to irrigation diversions will prevent smolts from swimming into irrigation ditches and decrease mortality rates for fish stocks in the Northwest. H.R. 1444 sets up a federal program to assist in the construction of fish screens. Under the legislation, participation in the program will be voluntary and a local share of 35 percent of the cost of each project is required.

During negotiations over the legislation, there was some debate over which agency will have responsibility for administering the fish screen program. The original House bill put the Army Corps of Engineers in charge of the program while the Senate bill gave the responsibility to the Department of Interior. It was the Senate sponsor's hope that the Bureau of Reclamation, would be responsible for administering the program within the Department of Interior.

Under this final version of H.R. 1444, the U.S. Fish and Wildlife Service will have responsibility for administering the program. The Fish and Wildlife was chosen as the lead agency because it has the expertise to most effectively administer the fish screen program. However, I would like to make it clear there are other federal agencies with expertise, capability and an interest in reducing fish mortality at irrigation diversions. Recognizing this, the bill directs the Fish and Wildlife Service to consult with other agencies when implementing the program. I also believe that, in addition to a consultative role, other agencies may contribute funds for programs developed under the authority of the act. I see the contribution of funds from federal agencies other than the Fish and Wildlife Services as especially appropriate from agencies involved in water management in the region and in the operations of the Federal Columbia River Power System, including the Bureau of Reclamation, the Army Corps of Engineers, and the Bonneville Power Administration to contribute the funds for the fish screen construction program.

In fact, it is my understanding that the draft Biological Opinion for the Federal Columbia River Power System issued in July calls for offsite mitigation by these agencies. Such mitigation under the draft Biological Opinion can include construction and installation of fish screens at irrigation diversions. I am hopeful that contributions of funds to develop programs under the authority of this act could be credited as offsite mitigation under the finalized Biological Opinion.

As a member of the House Transportation and Infrastructure Committee as well as the House Resources Committee, I want to acknowledge the interest that Transportation Committee maintains in the bill and the projects developed under the bill's authority. The Transportation Committee should receive any reports prepared for Congress on the program. The Committee should particularly be included if projects relate to compliance with the Clean Water Act. In addition, the Corps of Engineers and EPA should be consulted on projects developed for compliance with the Clean Water Act.

The legislation is supported by numerous conservation, recreation and water user groups including the Oregon Water Resources Congress and Save Our Wild Salmon, a coalition of sport and commercial fishing groups, fishing businesses and conservation organizations. The bill is also supported by the Oregon Department of Fish and Wildlife.

The bill has bipartisan support in the House and Senate. The bill was approved by the House of Representatives on November 9th of last year. A similar measure was introduced in the Senate by Senator RON WYDEN (D–Ore.) and Senator GORDON SMITH (R–Ore.) and was approved by the full Senate on April 13, 2000. I urge my colleagues to vote in favor of this important legislation.

I also want to thank my colleagues who helped with this bill, including Mr. WALDEN of Oregon. Resources Committee Chairman DON YOUNG and Ranking Member GEORGE MILLER, and Senators RON WYDEN and GORDON SMITH. I'd also like to acknowledge the many congressional staff members who worked on this bill including: Kathie Eastman of my personal staff, Lindsay Slater and Troy Tidwell of Mr. WALDEN's staff; Steve Lanich, Bob Faber and Doug Yoder of the House of Resources

Committee; Ben Grumbles and Art Chan of the House Transportation and Infrastructure Committee; Joshua Sheinkman, and Eileen McLellan of Senator WYDEN's staff; Valerie West of Senator SMITH's staff; and former staffers Cynthia Suchman and Martin Kodis.

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

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from California (Mr. CALVERT) that the House suspend the rules and agree to the resolution, House Resolution 630.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CALVERT. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4187; S. Con. Res. 145; S. 406; H.R. 4404, as amended; H.R. 1695; H.R. 2570; S. 1705; S. 2917; H.R. 5041; H.R. 4521, as amended; H.R. 5308, as amended; H.R. 4646, as amended; H.R. 3926; H.R. 4312; S. 2102; S. 1936, as amended; S. 1296; H.R. 5398; and H. Res. 630.

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

There was no objection.

FEDERAL FIREFIGHTER RETIREMENT AGE CORRECTION ACT

Mr. OSE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 460) to amend title 5, United States Code, to provide that the mandatory separation age for Federal firefighters be made the same as the age that applies with respect to Federal law enforcement officers.

The Clerk read as follows:

H.R. 460

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

SECTION 1. MANDATORY SEPARATION AGE FOR FIREFIGHTERS.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—

(1) IN GENERAL.—The second sentence of section 8335(b) of title 5, United States Code, is amended—

(A) by inserting '', firefighter,'' after ''law enforcement officer''; and

(B) by inserting '', firefighter,'' after ''that officer''.

(2) CONFORMING AMENDMENT.—Section 8335(b) of title 5, United States Code, is amended by striking the first sentence.

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—

(1) IN GENERAL.—The second sentence of section 8425(b) of title 5, United States Code, is amended—

(A) by inserting '', firefighter,'' after ''law enforcement officer''; and

(B) by inserting '', firefighter,'' after ''that officer''.

(2) CONFORMING AMENDMENT.—Section 8425(b) of title 5, United States Code, is amended by striking the first sentence.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. OSE) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. OSE).

GENERAL LEAVE

Mr. OSE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 460.

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

There was no objection.

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

Madam Speaker, I am pleased to have the House consider H.R. 460, important legislation introduced by the gentleman from California (Mr. GALLEGLY). This bipartisan legislation amends Federal civil service law relating to the Civil Service Retirement System and the Federal Employees' Retirement System to provide the same mandatory separation age for Federal firefighters and Federal law enforcement officers who have 20 years of service.

Currently, the mandatory separation age is 55 for firefighters and 57 for law enforcement officers. In both cases, an agency head may allow the employees to work until age 60 if that is required by the public interests.

The Subcommittee on Civil Service has examined the legislative history of these mandatory separation ages and the committee determined that there is no rationale for continuing to maintain the discrepancy that currently exists. If enacted, H.R. 460 will bolster our firefighting capabilities allowing these brave men and women the option of continuing their careers for an additional 2 years and will make it easier to maintain more experienced firefighters in the field and in senior management positions.

Madam Speaker, I encourage all Members to support this bill.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, as of early September, more than 6.5 million acres, more than two times the 10-year national average, have burned. Federal manpower resources were spread thin. More than 29,000 people were involved in firefighting efforts, including approximately 2,500 Army soldiers and Marines and fire managers from Canada, Australia, Mexico, and New Zealand. In addition, 1,200 fire engines, 240 helicopters and 50 airtankers were in use this season.

If nothing else, this fire season has taught us that we must take steps to recruit and retain more Federal firefighters. H.R. 460 is a step in that direction.

From the start of the Civil Service Retirement System in 1920 until 1978, all Federal workers were required to retire at age 70, if, at that age, they had completed at least 15 years of service. In 1978, mandatory retirement was repealed for most Federal workers; although, it continues to apply to special occupational groups whose duties pertain to public safety.

Under current law, Federal law enforcement officers must retire at age 57 or as soon after that age as they complete 20 years of service. The agency head may grant exemptions up to age 60. Federal firefighters must retire at age 55 or as soon thereafter as they complete 20 years of service.

H.R. 460 would raise the mandatory retirement age for firefighters to mirror that of Federal law enforcement officers. It would raise the mandatory retirement age of Federal firefighters to that of age 57.

In June, The Washington Post reported a 5.8 percent reduction in the number of firefighters nationwide. H.R. 460 will help stem the declining firefighting population and will help the Federal Government retain some of its most experienced firefighters.

In addition to supporting this legislation, I urge my colleagues to support a bill I introduced last year that will be of equal benefit to the Federal public safety community. In May of last year, I introduced H.R. 1769, the Federal Employees Benefits Equity Act of 1999. This bill works to eliminate a number of inequities found in the computation of benefits for public safety employees under the Federal Employees Retirement System and the Civil Service Retirement System.

Although H.R. 1769, like the bill before us, H.R. 460, would be of tremendous benefit to the firefighter and law enforcement communities and their families, it is yet to be scheduled for floor action.

I look forward to working with the gentleman from Florida (Mr. SCARBOROUGH), chairman of the Subcommittee on Civil Service, and the author of H.R. 460, the gentleman from California (Mr. GALLEGLY), to bring H.R. 1769 to the floor of the House before the end of session.

Madam Speaker, I would be more than remiss if I did not acknowledge the hard work of the gentlewoman from California (Mrs. CAPPS) who worked so diligently with the gentleman from California (Mr. GALLEGLY) to bring H.R. 460 to this floor today.

I thank the gentlewoman and I thank the members of the Committee on Government Reform. I thank the members of the Subcommittee on Civil Service; and I join with my colleagues, with the

gentlewoman from California (Mrs. CAPPS) and the gentleman from California (Mr. GALLEGLY) and ask that my colleagues give this bill your support.

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

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

Madam Speaker, I want to commend the gentleman from California (Mr. GALLEGLY) for introducing this important bill and for his efforts to bring it to the floor. I also want to thank the gentleman from Maryland (Mr. CUMMINGS), the distinguished ranking member, for cosponsoring the bill and for his continued work and cooperation on it.

I would also like to extend heartfelt thanks to the gentleman from Indiana (Mr. BURTON), chairman of the Committee on Government Reform; the gentleman from Florida (Mr. SCARBOROUGH), the chairman of the Subcommittee on Civil Service; the gentleman from California (Mr. WAXMAN), the ranking member, for their support.

The Congressional Budget Office estimates that the bill will actually save the government $4 million in direct spending over the next 5 years. The Office of Personnel Management, which administers civil service retirement, believes that it is appropriate to apply the same mandatory separation age to firefighters and law enforcement officers. I urge Members to lend their support.

Madam Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. WELDON).

Mr. WELDON of Pennsylvania. Madam Speaker, I want to thank my colleagues on both sides of the aisle for this important legislation and the gentleman from California (Mr. GALLEGLY) for his work in this effort.

I want to relate to my colleagues that since I have been in Congress for the past 14 years, the support for our fire and EMS people has been one of my top priorities, partly because I was a volunteer firefighter and a fire chief before coming here.

I have traveled to all 50 States and spoken to all their national and Statewide associations. This has, without any doubt, been the most responsive Congress in the history of this institution in support of the Nation's fire and EMS community.

We passed, earlier this year, a $2.9 billion appropriation for the forest fire problem in America, including replenishing funds that were used up with the forest fires of this year.

We passed a $100 million add-on to the supplemental bill, which the leadership has committed will be in the final act signed by the President next week.

We passed as part of our defense bill, not only a $500 million authorization initiative that I was able to get included, but we increased the availability for Federal surplus property for fire and EMS departments.

We commissioned a special panel to look at the radio frequency spectrum issue to make more radio frequency spectrum available.

We established a seven-member advisory board in the Pentagon of the fire and EMS groups to look at technology that can benefit firefighters and paramedics around the country, and we have taken a whole new effort to revitalize support for the rural firefighters of America. In fact, a new multiyear grant program that we established under FEMA will, in fact, give fire departments across the country the opportunity to provide matching funds to buy equipment, turn out gear, breathing apparatus and all those other tools that are so necessary.

This bill adds one more dimension to what we have done in this Congress for the Nation's fire and EMS community. They are our domestic defenders. They are the people who respond to every disaster that we have in America, from hurricane and fire to flood and tornado they are there, they have been there longer than the country has been a country, 100 of them are killed each year in the course of doing their duty, even though 85 percent of them are volunteers.

This legislation specifically pays attention to the retirement status of firefighters. It is significant legislation, because it brings them in line with law enforcement and other personnel.

Madam Speaker, I want to applaud our membership and leadership on both sides of the aisle, my colleagues who have done a great job; and I just say to our colleagues they can go home with a great deal of pride and let the fire and EMS community know we are on their side.

In fact, just within the next hour, I will be meeting with the representative of AmeriCorps. Now I have never supported the AmeriCorps program; and I never supported it because it is a half a billion dollar program to create volunteers, but the volunteer fire service has never been eligible for the program.

□ 1515

Amazing. It is not politically correct to volunteer to fight fires or to be ambulance or paramedic attendants. They want to come in now because AmeriCorps wants to support America's emergency response personnel who are volunteers. To our colleagues, this has been a fantastic situation.

I would just add, not one of these initiatives was proposed by the White House. Every one of these initiatives came from our colleagues on both sides of the aisle who have worked together to bring additional support for America's domestic defenders.

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

Madam Speaker, I agree with the gentleman from Pennsylvania (Mr. WELDON) in this light, that the committee has been very responsive to firefighters. We understand clearly the job that they do. We understand the dangers. We also understand that we owe them a great debt of gratitude.

We have seen the fires in the West, and we realize that so often when those fire fighters go into the woods and go to put out those forest fires, and other kinds of fires, of course, they do not know whether they are coming home.

So because of that, I think our committee has been very, very sensitive. I want to thank the gentleman from California (Mr. OSE) for all of his hard work on our subcommittee, and all the other members of the subcommittee, because it was a bipartisan effort.

Mr. TURNER. Madam Speaker, I rise to honor the efforts of thousands of firefighters who have struggled against one of the worst fire seasons in decades. In Texas we saw over 31,000 fires destroy almost 600,000 acres of forests, grasslands, homes, and businesses.

The wildfires that swept across East Texas this summer were part of a nation-wide fire season that burned almost 7 million acres, equal to the entire state of Maryland.

It is difficult to imagine the destruction we would have witnessed if it were not for the thousands of brave men and women who fought the fires that threatened their homes and their communities. Without the work of these firefighters, many more acres would have been reduced to charred fields and skeletal homes. Many more forests would have been left smoldering, and many more lives would have been put in grave danger.

I offer my heartfelt gratitude to every person who took part in the dangerous fight to combat these devastating fires. Their work in protecting our lives, our families, our property, and our environment is deeply appreciated by all East Texans.

Fighting fires is trying and exhausting work. Hot, smoke-filled air and ash clog the lungs, and East Texas summer temperatures often climb well over 100 degrees. In addition to directly attacking the fires, our firefighters spent their time cutting fire lines, burning out dangerous areas, and mopping up after fires so that they do not flare up again. They walk fire lines for miles and spend hours scrapping, chopping, and digging while wearing stifling protective equipment.

Sleep is infrequent, uncomfortable, and rarely uninterrupted. There's no 9 to 5 shift on the fire line; crews work around the clock, pushing themselves past the point of exhaustion. Blistered feet and bloodshot eyes are universal, while heat exhaustion and serious injuries are common. Occasionally, a brave firefighter will lose his life.

Entire communities have banded together fighting the fires. Fire support teams have volunteers working as drivers, equipment managers, and assistant paramedics. It is a mental and physical challenge, and our firefighters have shown commitment, strength and determination that make us all proud.

As children, our parents told us stories of all types of heros. From David fighting Goliath to

knights in shining armor, from Greek warriors to great patriots like George Washington, Sam Houston, and Davy Crockett we strive to reach their level of courage, bravery, determination and faith. We admire them for protecting their families, their lands, and their communities.

This summer, the firefighters of East Texas have given us new stories to tell our children. Their sacrifices saved countless lives, buildings, and acres of natural resources.

We owed them a great debt. I hope that our children will listen closely to the stories we tell. When they grow up, we can only hope that they will follow the example set by these heros. Our firefighters represent the highest standards of public service.

Mr. GALLEGLY. Madam Speaker, I would first like to thank Chairman BURTON, Subcommittee Chairman SCARBOROUGH, Mr. CAMP and Ms. CAPPS for their help in bringing this bill to the floor. I would also like to thank my constituent, retired Captain Mike Hair of the federal firefighting unit at Point Mugu Naval Air Station, for first bringing this important issue to my attention.

Madam Speaker, H.R. 460 is a bill I first introduced in 1995 to stop the forced early retirement of our federal firefighters. The bill raises the mandatory retirement age for federal firefighters from 55 to 57, allowing federal firefighters the option of continuing their careers for an additional two years. The bill has gained over 92 bipartisan cosponsors, and the endorsement of the International Association of Fire Chiefs.

Several years ago, Congress passed legislation which raised the mandatory retirement age for ''federal law enforcement officers'' from 55 to 57. However, Congress neglected to raise the retirement age for federal firefighters. The net result has been that capable firefighters are being denied the opportunity to work simply because they turn 55. I introduced H.R. 460 to correct this omission in the law.

Madam Speaker, when this year's fire season reached its height, communities around the nation endured a dangerous shortage of experienced firefighters. I represent most of Ventura County, California, which has faced two major brush fires since the beginning of the fire season in mid-May. These fires have consumed thousands of acres. The latest of the fires struck dry grass in Piru, injuring five firefighters and scorching hundreds of acres near an underground oil pipeline.

Firefighters from the U.S. Forest Service and California Department of Forestry joined hundreds of firefighters form Ventura and Los Angeles counties to battle the flames.

Despite an increase in the overall fire budget nationally, federal fire management officers in California and the rest of the West faced a shortage of experienced personnel. With a declining firefighting population nationwide, Governors in some cases had to call upon Army National Guard units and volunteers with much less experience and training to fight the fires. In addition, CBS News reported that even retired fire managers were being called up to oversee and manage these fires. In the aftermath, firefighting officials are now looking for ways to help prevent a repeat of this year's devastation, which claimed more than 6 million acres.

According to the Washington Post, 57 percent of the U.S. Forest Service firefighters are 45 or older. According to the Brookings Institute, most new hires are 35 and older and training for senior management positions can take 12 to 17 years. As a result, we are losing our best and most experienced firefighters to forced early retirement.

If enacted, this bill will bolster our firefighting capabilities by maintaining more experienced firefighters in the field and in senior management positions by allowing these brave men and women the option of continuing their careers for an additional two years. As an added bonus, Madam Speaker, the CBO estimates that the bill will actually save the government $4 million over the next 5 years.

We must act now to ensure we have the experienced personnel needed to fight our nation's fires during next year's fire season.

Mrs. CAPPS. Madam Speaker, I rise today in support of H.R. 460, a bill to raise the mandatory retirement age for federal firefighters from 55 to 57. As the lead cosponsor, I am proud that the House has passed this timely legislation.

As the recent wildfires which ravaged much of the West have shown, firefighters, are in great demand. Many of our Nation's firefighters are quickly approaching retirement age, highlighting the growing shortage of well-trained, quality firefighters. In my District, federal firefighters have been part of the team of courageous men and women battling the Harris fire and the smoldering peat bog on Vandenberg Air Force Base during the past several weeks. These heroes deserve our strongest support, and I'm proud to have played a role in securing this victory. This important legislation will allow more firefighters to remain on the front lines in the battle against devastating fires in my District and across the country.

Several years ago, Congress raised the mandatory retirement age for federal law enforcement officers from 55 to 57. H.R. 460 would correct this oversight and adjust the federal firefighters' retirement age so that it is equal to that of federal law enforcement officers. This legislation has bipartisan support and the endorsement of the International Association of Fire Chiefs (IAFC).

Currently, over 2,500 federal firefighters are based in California—the largest percentage of federal firefighters in the country. A recent report issued by the General Accounting Office (GAO) stated that because of an aging work force there will be a shortage of qualified firefighters in the U.S. Forest Service and the Bureau of Land Management, and that the situation could have a direct impact on firefighters' safety. In fact, as reported recently in the Washington Post, 57 percent of Forest Service firefighters are 45 years of older (8/11/00). Because it takes 17–22 years of experience to become eligible for firefighters leadership positions, an extra two years of service would be of critical importance to a qualified and effective fire fighting operation.

Madam Speaker, I thank you for the opportunity to bring this important legislation to the Floor for a vote and I commend the dauntless efforts of the firefighters in my District and across the nation.

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

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

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from California (Mr. OSE) that the House suspend the rules and pass the bill, H.R. 460.

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.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4635. An act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 4635) ''An Act making appropriations for the Department of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BOND, Mr. BURNS, Mr. SHELBY, Mr. CRAIG, Mrs. HUTCHISON, Mr. KYL, Mr. DOMENICI, Mr. STEVENS, Ms. MIKULSKI, Mr. LEAHY, Mr. LAUTENBERG, Mr. HARKIN, Mr. REID, Mr. BYRD, and Mr. INOUYE, to be the conferees on the part of the Senate.

NATIONAL CHILDREN'S MEMORIAL DAY

Mr. OSE. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 415) expressing the sense of the Congress that there should be established a National Children's Memorial Day.

The Clerk read as follows:

H. CON. RES. 415

Whereas approximately 80,000 infants, children, teenagers, and young adults of families living throughout the United States die each year from myriad causes;

Whereas the death of an infant child, teenager, or young adult of a family is considered to be one of the greatest tragedies that a parent or family will ever endure during a lifetime; and

Whereas a supportive environment and empathy and understanding are considered critical factors in the healing process of a family that is coping with and recovering from the loss of a loved one: Now, therefore, be it

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

(1) it is the sense of the Congress that there should be established a National Children's Memorial Day; and

(2) the Congress requests that the President issue a proclamation calling upon the people of the United States to observe such a day with appropriate ceremonies and activities in remembrance of the many infants, children, teenagers, and young adults in the United States who have died.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. OSE) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. OSE).

GENERAL LEAVE

Mr. OSE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Concurrent Resolution 415.

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

There was no objection.

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

Madam Speaker, I am pleased to have the House consider House Concurrent Resolution 415, introduced by my colleague, the gentleman from Michigan (Mr. KNOLLENBERG).

This legislation expresses the sense of Congress that a National Children's Memorial Day should be established. Additionally, it asks the President to issue a proclamation calling upon the people of the United States to observe such a day, with appropriate ceremonies and activities, in remembrance of the many infants, children, teenagers, and young adults in the United States who have died.

Madam Speaker, the death of a child at any age is a shattering experience for any family. By establishing a day to remember children that have passed away, bereaved families from all over the country will be encouraged and supported in the positive resolution of their grief. It is important to families who have suffered such a loss to know that they are not alone. To commemorate the lives of these children with a special day would pay them an honor, and help to bring comfort to the hearts of their bereaved families.

For the past 2 years, the Senate has recognized the second Sunday in December as National Children's Memorial Day. Last year, the House passed a resolution similar to what we are considering here today.

As a husband, and father of two young girls, I can think of nothing more terrifying than losing one of mine. They are my daily source of joy and inspiration. Yet, approximately 80,000 infants, children, teenagers, and young adults die each year from any number of reasons.

After losing a child, parents and siblings are left with a void in their life. Questions are left unanswered. So many things are left unsaid. Those of us who have not experienced such loss are unable to adequately communicate our sympathy, and fail in our task to comfort the bereaved.

To this end, a support network can be of great assistance. The Children's Memorial Day provides an opportunity for these families to collectively express their pain and to form these support networks.

For example, on December 10, starting in New Zealand, candles will be lit for 1 hour, beginning at 7 p.m. local times, creating a 24-hour observance around the globe. This simple act goes a long way to help those who have lost a child, a grandchild, a sibling, or a friend, particularly during the December holiday season, when the loss is the most difficult to bear.

This simple and easy resolution may not seem like much to many, but I can assure the Members that to those families who have lost loved ones, the support that we show here today will go a long way in helping them cope with that loss.

It is important for families who have suffered such a loss to know they are not alone. Please help us in passing this resolution. I ask Members to express their support for this worthy and noble cause by voting aye. We carry the responsibility to honor and remember those who have died before their time. As compassionate concerned citizens, one of the best actions we can take is to support those who are left behind.

Madam Speaker, I encourage all Members to support this bill.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I agree with the gentleman from California (Mr. OSE), this is a very, very important resolution. I think when one looks at it on its face we may not fully understand its significance, but it is so important.

Yesterday, hundreds of families journeyed to Washington, D.C. to celebrate the importance of family and to examine the vital role that families play in maintaining stable and prosperous communities. In years past, we have had the Million Man March, the Million Moms March, but this time our children were encouraged to participate. Many thousands of children did attend the march, and some even addressed the crowds about issues that were of particular concern to them.

The Nation took special note of our children yesterday in a positive and inspirational way. We adults were compelled to contemplate the world we have made for them, full of good times and bad, hope and despair, life and death.

Yesterday in the Middle East, Madam Speaker, during the ongoing violence involving the Palestinians and the Israelis, a child was left brain dead from a gunshot wound to the head. The loss of a child, no matter what the circumstances and no matter where, causes tremendous personal grief for the family and friends. It causes some of us to stop and reflect on the loss, and sometimes consider, could or should we have done something to prevent it. It also makes us think about all the unmet and unfulfilled dreams of those children and their families.

It is devastating to me when young lives are cut short. Those affected by such a tragedy often need assistance and support to get through the experience. I am glad to know that help is available. The Compassionate Friends, Incorporated, also known as TCF, is a group whose mission is to assist families in the positive resolution of grief following the death of a child.

TCF conceived and nurtured the worldwide candlelighting. In its fourth year, the candlelighting is held in the second Sunday in December. Participants around the globe light candles for 1 hour to honor children who have died. The candles are lit at 7 p.m. local time starting in New Zealand. As candles burn down in each time zone, they are then lit in the next. This creates a virtual 24-hour wave of light as the observance continues around the world.

In the United States, approximately 228,000 children and young adults die every year. Nineteen percent of the adult population has experienced the death of a child, and 22 percent the death of a sibling. Taking into account people who have lost a child and sibling, 36 percent of the adult population has suffered the death of a child, a sibling, or both.

Madam Speaker, just yesterday in my district I spoke at the West Baltimore Middle School to 37 eighth graders. I asked them a very simple question, but the answer was very telling. I asked them how many of them had had a loved one, a friend, a young person to die by gun violence. Out of those 37 children living in the inner city of Baltimore, 35 raised their hands. That is here in America. That happens in our cities and even in our rural areas. We certainly grieve for those families.

House Concurrent Resolution 415 expresses, therefore, the sense of Congress that a National Children's Memorial Day should be established to remember the infants, children, teenagers, and young adults in the United States who have died.

As we remember America's children, let us also remember those who grieve for them. Whether it be from gun violence, an airplane or car crash, a miscarriage, or a terminal illness, the loss of a child is something no parent, no parent, should have to experience, but many do. Children's Memorial Day is a

time when we as individuals and as a nation can show our compassion to those who have suffered such a loss.

Madam Speaker, I have often said that our children are the living messages we send to a future we will never see. It is sad to think that so often our children die before their parents, so we have no message to send to the future. Hopefully, on this Memorial Day, when we think about our children who have died, we will also think about ways that we can prevent them from dying so that they can experience this wonderful journey called life.

Many organizations and support groups, such as the Compassionate Friends, exist to help bereaved parents deal with their grief. Yet, only 46 percent of parents are aware of them. Let us join TCF in observing December 10 as Children's Memorial Day, and let it serve as an opportunity for grief support organizations and churches to increase awareness of their services and programs.

Madam Speaker, I urge our Members to vote in favor of this very important and wonderful legislation that has been sponsored by the gentleman from Michigan (Mr. KNOLLENBERG), and I reserve the balance of my time.

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

Madam Speaker, I want to also commend the gentleman from Michigan (Mr. KNOLLENBERG) for introducing this important bill, and for his efforts to bring it to the floor. I would like to thank the distinguished gentleman from Maryland (Mr. CUMMINGS), the ranking member, for cosponsoring this bill, and for his continued work on this subject.

Again, I would like to thank the full committee chairman, the gentleman from Indiana (Mr. BURTON), the chairman of the subcommittee, the gentleman from Florida (Mr. SCARBOROUGH), and the ranking member, the gentleman from California (Mr. WAXMAN), for their support.

If passed, Madam Speaker, this will be the third consecutive year we will have designated the second Sunday in December as Children's Memorial Day. I urge Members to lend their support.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I would urge that all Members support this legislation. I would thank the gentleman from California (Mr. OSE) for his leadership with regard to Children's issues.

As he talked about his daughters, I could not help but think about the little prayer, Madam Speaker, that we say so often with our children: ''Now I lay me down to sleep. I pray the Lord my soul to keep. If I should die before I wake, I pray the Lord my soul to take.''

Anyone who has knelt over a child and said that prayer, they cannot help but feel tingles and sometimes a tear at just the thought of that child not rising, just the thought of that child not being able to live out the full potential that God has given to them.

Madam Speaker, I urge our membership to support this very important resolution, but in supporting this, I hope that when December 10 comes that we will also, as a Congress and as a body and as a country and as a world, do everything in our power to make sure that every one of our children, no matter where they are, no matter who they are, are able to rise up to be all that they can be, and be the best that they can be.

□ 1530

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

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

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from California (Mr. OSE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 415.

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

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

The yeas and nays were ordered.

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

SOCIAL SECURITY NUMBER CONFIDENTIALITY ACT OF 1999

Mr. OSE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3218) to amend title 31, United States Code, to prohibit the appearance of Social Security account numbers on or through unopened mailings of checks or other drafts issued on public money in the Treasury.

The Clerk read as follows:

H.R. 3218

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 ''Social Security Number Confidentiality Act of 1999''.

SEC. 2. OPEN DISCLOSURE OF SOCIAL SECURITY ACCOUNT NUMBERS ON THE FACE OF GOVERNMENT CHECK MAILINGS PROHIBITED.

Section 3327 of title 31 of the United States Code (relating to general authority to issue checks and other drafts) is amended—

(1) by inserting ''(a)'' before ''The Secretary''; and

(2) by adding at the end the following new subsection:

''(b) The Secretary of the Treasury shall take such actions as are necessary to ensure that Social Security account numbers (including derivatives of such numbers) are not visible on or through unopened mailings of checks or other drafts described in subsection (a) of this section.''.

SEC. 3. EFFECTIVE DATE AND TRANSITIONAL RULE.

(a) IN GENERAL.—The amendments made by this Act shall apply with respect to all mailings of checks or other drafts issued on or after the date which is 3 years after the date of the enactment of this Act.

(b) PHASE-IN OF AMENDMENTS.—Effective on the date of the enactment of this Act, the Secretary of the Treasury shall commence procedures to gradually implement the amendments made by this Act in advance of the effective date described in subsection (a). Not later than one year after the date of the enactment of this Act, and annually thereafter for each of the next two years, the Secretary shall transmit to each House of the Congress a report describing the manner and extent to which the requirements of the preceding sentence have been carried out.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. OSE) and the gentleman from Texas (Mr. TURNER) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. OSE).

Mr. OSE. Madam Speaker, I yield such time as he may consume to the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Madam Speaker, I rise as the author of H.R. 3218, the Social Security Number Confidentiality Act of 1999.

First, though, I would like to thank the leadership for bringing the problem of personal privacy into the national arena, especially the gentleman from Florida (Mr. SHAW), chairman of the Subcommittee on Social Security of the Committee on Ways and Means, who presently has a more comprehensive bill before the House, for his longtime advocacy of personal information privacy.

H.R. 3218 is only a small step toward protecting all Americans from identity theft, and I look forward to working with the gentleman from Florida (Chairman SHAW) next year.

H.R. 3218 stops the Federal Government from making identity theft any easier for con artists. How? My bill prohibits the appearance of Social Security account numbers on or through unopened mailings of checks or other drafts issued by the Treasury Department.

This problem was brought to my attention by senior citizens in my district who revealed that their Social Security numbers appeared in the windowed part of their Social Security checks, making them easy targets to scam artists. Just remember the credit card scam that victimized military officers whose names, addresses, and Social Security numbers were printed in the CONGRESSIONAL RECORD.

Congress has since halted this practice. Is it not time that we take steps to ensure the safety and privacy for our senior citizens?

Just last month, the Treasury Department confirmed that Social Security numbers would no longer be visible through the windows of benefits checks, such as Social Security checks.

However, the need for this legislation still exists. Any future administration could, for the sake of time or efficiency, return to the practice of using Social Security numbers for positive identification. The banking industry's concern over efficiency has been addressed in my bill by leaving Social Security numbers on the benefit checks, just not in a place where it can be seen in a windowed envelope.

H.R. 3218 ensures that seniors are never again put at risk of having their Social Security numbers displayed in plain view where they are available for criminals and fraud. It will protect the privacy and confidentiality of our Social Security numbers.

Again, I would like to thank the leadership and the gentleman from Florida (Chairman SHAW) for bringing this bill to the floor for consideration.

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

Madam Speaker, I rise in support of this bipartisan legislation, H.R. 3218, the Social Security Number Confidentiality Act, which amends the law to direct the Secretary of the Treasury to make necessary changes to ensure that Social Security numbers are not visible through the unopened mailings of government checks or other drafts.

I appreciate the gentleman from California (Mr. CALVERT) for bringing this legislation forward, and I also commend the Department of the Treasury which also noted that this change needed to be made.

In fact, in August of this year, the Treasury Department announced that Social Security numbers would no longer be visible through the envelope window of checks mailed to Social Security recipients.

This past September, the Treasury Department began using the check numbers rather than the Social Security numbers to identify and to retrieve payments that are ineligible for delivery. This was a welcome and a necessary change.

I commend the gentleman from California (Mr. CALVERT) and the Department of the Treasury both for noting that this important change needed to be made on the mailings of our Nation's Social Security checks.

It is interesting to note that there are a number of House Members who also have privacy bills that are pending who are anxious to have this House act on their legislation. The gentleman from Wisconsin (Mr. KLECZKA) has H.R. 1450; the gentleman from Florida (Mr. SHAW) has H.R. 4857; the gentlewoman from Oregon (Ms. HOOLEY) has H.R. 4311; the gentleman from Massachusetts (Mr. MARKEY) has H.R. 4611. All of these bills are worthy of consideration by this Congress.

Unfortunately, time seems to be running out on these important measures that are designed, as the bill of the gentleman from California (Mr. CALVERT) is designed, to protect the privacy of American citizens.

Again, clearly, our citizens do not deserve to have their Social Security numbers displayed to the public on the envelopes in which they receive their Social Security checks.

Madam Speaker, I urge all Members to join in adopting this resolution.

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

Mr. OSE. Madam Speaker, I also urge adoption of this bill. Having no other requests for time, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. OSE) that the House suspend the rules and pass the bill, H.R. 3218.

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

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

The yeas and nays were ordered.

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

GEORGE ATLEE GOODLING POST OFFICE BUILDING

Mr. OSE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5210) to designate the facility of the United States Postal Service located at 200 South George Street in York, Pennsylvania, as the ''George Atlee Goodling Post Office Building''.

The Clerk read as follows:

H.R. 5210

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

SECTION 1. GEORGE ATLEE GOODLING POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 200 South George Street in York, Pennsylvania, shall be known and designated as the ''George Atlee Goodling Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the George Atlee Goodling Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. OSE) and the gentleman from Texas (Mr. TURNER) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. OSE).

GENERAL LEAVE

Mr. OSE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 5210.

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

There was no objection.

Mr. OSE. Madam Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. GOODLING).

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

Madam Speaker, I am pleased to have the opportunity to speak on behalf of my legislation, H.R. 5210, which would designate the United States postal facility at 200 South George Street in York, Pennsylvania, as the George Atlee Goodling Post Office. I would like to note that this legislation is cosponsored by all of the Members of the Pennsylvania delegation.

Madam Speaker, my father was a man who dedicated his life to public service and to agriculture. He was quite a local athlete, playing football, basketball, baseball, both in prep school and in Pennsylvania State University until he broke his leg. I can remember as an elementary child seeing him continue to play first base on the Loganville baseball team.

My brothers and sisters were not lectured on public service. We were not lectured that we must give back. We learned by example because both Mother and Dad were volunteers in most everything there was in our community.

Dad was the fire chief in Loganville for as long as I can remember. He was the chief cook and bottle washer at all fire company suppers as long as I can remember. He served on the school board for 28 years. He served in the State House of Representatives for 14 years and then came to the U.S. House of Representatives for 12 years.

After serving in the Navy in World War I, he completed his studies at Pennsylvania State University and began coaching and teaching in the State of Delaware.

He then returned to Loganville to begin what became the Goodling Orchard and Truck farming business, which is still continued today.

He used his education to teach vocational agriculture and was, again, the executive secretary for the Pennsylvania Horticulture Association for as long as I can remember.

He used his knowledge both in the State legislature from the education he received and in the Congress to further conservation and agriculture.

As a State representative, he wrote the first Pennsylvania soil conservation legislation and introduced legislation to regulate the marketing of insecticides.

When he came to the Congress, he was assigned to the Committees on Agriculture and Merchant Marine and

Fisheries where he could continue his work on behalf of the farmer and conservation. He was known here as the ''Farmer Congressman'' by his colleagues and worked hard to ensure that the interests of Eastern farmers was carried equally as important as those of the Midwest.

During his tenure in the Congress, he worked to provide funds to the States for hunter education programs and to provide additional funds for wildlife restoration.

Upon his retirement from the Congress of the United States, he returned to Loganville and continued his work on the family farm and family orchards. I am pleased to introduce this legislation and have it come to the floor, and I ask that it would be passed.

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

Madam Speaker, it is with a great deal of pleasure that I rise in support of H.R. 5210, which names a postal facility after George Atlee Goodling, the father of the gentleman from Pennsylvania (Mr. GOODLING), who has served with such distinction, himself, in this House.

I suppose there is no greater occasion than when we have the opportunity to pay tribute to our fathers. I know it is with a great deal of pride and satisfaction that the gentleman from Pennsylvania (Mr. GOODLING) can stand today before this House and pay tribute to his father in this way.

Clearly, both Goodlings served with distinction in this House and served the people of Pennsylvania very, very well. So I take a great deal of pride and satisfaction personally in being able to be a part of joining in support of H.R. 5210, to name this postal facility after George Atlee Goodling.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. OSE) that the House suspend the rules and pass the bill, H.R. 5210.

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.

□ 1545

APPOINTMENT OF CONFEREES ON H.R. 4635, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2001

Mr. LEWIS of California. Madam Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4635) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mrs. BIGGERT). Is there objection to the request of the gentleman from California? The Chair hears none and, without objection, appoints the following conferees: Messrs. WALSH, DELAY, HOBSON, KNOLLENBERG, FRELINGHUYSEN, Mrs. NORTHUP, Messrs. SUNUNU, GOODE, YOUNG of Florida, MOLLOHAN, Ms. KAPTUR, Mrs. MEEK of Florida, Mr. PRICE of North Carolina, Mr. CRAMER and Mr. OBEY.

There was no objection.

J.T. WEEKER SERVICE CENTER

Mr. OSE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5016) to redesignate the facility of the United States Postal Service located at 514 Express Center Drive in Chicago, Illinois, as the ''J.T. Weeker Service Center,'' as amended.

The Clerk read as follows:

H.R. 5016

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

SECTION 1. J.T. WEEKER SERVICE CENTER.

(a) REDESIGNATION.—The facility of the United States Postal Service located at 514 Express Center Road in Chicago, Illinois, and known as the Chicago International/Military Service Center, shall be known and designated as the ''J.T. Weeker Service Center''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the J.T. Weeker Service Center.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. OSE) and the gentleman from Texas (Mr. TURNER) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. OSE).

GENERAL LEAVE

Mr. OSE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 5016, the bill now under consideration.

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

There was no objection.

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

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

H.R. 5016, Madam Speaker, names a postal facility after J.T. Weeker. The legislation was introduced by my friend and committee colleague, the gentleman from Illinois (Mr. BLAGOJEVICH), on July 27 of this year.

Madam Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. DAVIS) representing the great City of Chicago.

Mr. DAVIS of Illinois. Madam Speaker, I want to thank the gentleman for yielding me this time. I could not let this moment go by without expressing some comments relative to John Thomas Weeker, J.T., as we all called him, especially those who knew him.

He was area vice president of operations for the United States Postal Service; and, unfortunately, he passed away at an early age. It was very interesting to me that as J.T. did his work in the Midwest area, how much he was revered by the individuals who worked with and for him.

As a matter of fact, I had the occasion to attend his funeral services, and he had asked that one of his employees give the eulogy. That was a fellow that he had supervised, Rufus Porter, who is the lead executive for the Chicago post office. It was also interesting that he had asked that the Chicago Postal Choir would perform at his services. Even though he was not from the Midwest, he was not from Chicago, he had grown up on the East Coast, he had adopted the area as his home and decided that that is where he wanted to have the last comments made for him.

It is also interesting that employees of the Postal Service made the request to have this facility named for their leader. It was Rufus Porter who was the first person who suggested that there ought to be some lasting way of remembering the tremendous service that J.T. had provided to the Postal Service, and especially to the Midwest region. And so, Madam Speaker, I am pleased to join with my colleagues in bestowing this honor upon a tremendous executive who gave not only of himself, in terms of providing leadership to postal operations, but who was an integral part of his community.

A little phrase he had about moving the mail that he sometimes would like to say, when talking about a letter, clean hands gentle touch; surely we owe a letter that much. And that is how J.T. felt about the work that he did in the Postal Service.

Mr. TURNER. Madam Speaker, I yield myself such time as I may consume to join the gentleman from Illinois (Mr. DAVIS) and the gentleman from Illinois (Mr. BLAGOJEVICH) in urging the House to adopt this resolution naming this postal facility after an outstanding public servant who worked every day to be sure that the mail arrived on time.

All too often, I think, we fail to acknowledge the contributions that are made every day by the fine employees of our Federal Government. So, Madam Speaker, I urge adoption of H.R. 5016.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. OSE) that the House suspend the rules and pass the bill, H.R. 5016, 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 redesignate the facility of the United States Postal Service located at 514 Express Center Road in Chicago, Illinois, as the 'J.T. Weeker Service Center'.''.

A motion to reconsider was laid on the table.

NATIONAL TRANSPORTATION SAFETY BOARD AMENDMENTS ACT OF 2000

Mr. SHUSTER. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 2412) to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2000, 2001, 2002, and 2003, and for other purposes.

The Clerk read as follows:

S. 2412

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

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the ''National Transportation Safety Board Amendments Act of 2000''.

(b) REFERENCES.—Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 2. DEFINITIONS.

Section 1101 is amended to read as follows:

''§ 1101. Definitions

''Section 2101(17a) of title 46 and section 40102(a) of this title apply to this chapter. In this chapter, the term 'accident' includes damage to or destruction of vehicles in surface or air transportation or pipelines, regardless of whether the initiating event is accidental or otherwise.''.

SEC. 3. AUTHORITY TO ENTER INTO AGREEMENTS.

(a) IN GENERAL.—Section 1113(b)(1)(I) is amended to read as follows:

''(I) negotiate and enter into agreements with individuals and private entities and departments, agencies, and instrumentalities of the Government, State and local governments, and governments of foreign countries for the provision of facilities, accident-related and technical services or training in accident investigation theory and techniques, and require that such entities provide appropriate consideration for the reasonable costs of any facilities, goods, services, or training provided by the Board.''.

(b) DEPOSIT OF AMOUNTS.—

(1) Section 1113(b)(2) is amended—

(A) by inserting ''as offsetting collections'' after ''to be credited''; and

(B) by adding after ''Board.'' the following: ''The Board shall maintain an annual record of collections received under paragraph (1)(I) of this subsection.''.

(2) Section 1114(a) is amended—

(A) by inserting ''(1)'' before ''Except''; and

(B) by adding at the end thereof the following:

''(2) The Board shall deposit in the Treasury amounts received under paragraph (1) to be credited to the appropriation of the Board as offsetting collections.''.

(3) Section 1115(d) is amended by striking ''of the 'National Transportation Safety Board, Salaries and Expenses' '' and inserting ''of the Board''.

SEC. 4. OVERTIME PAY.

Section 1113 is amended by adding at the end the following:

''(g) OVERTIME PAY.—

''(1) IN GENERAL.—Subject to the requirements of this section and notwithstanding paragraphs (1) and (2) of section 5542(a) of title 5, for an employee of the Board whose basic pay is at a rate which equals or exceeds the minimum rate of basic pay for GS–10 of the General Schedule, the Board may establish an overtime hourly rate of pay for the employee with respect to work performed at the scene of an accident (including travel to or from the scene) and other work that is critical to an accident investigation in an amount equal to one and one-half times the hourly rate of basic pay of the employee. All of such amount shall be considered to be premium pay.

''(2) LIMITATION ON OVERTIME PAY TO AN EMPLOYEE.—An employee of the Board may not receive overtime pay under paragraph (1), for work performed in a calendar year, in an amount that exceeds 15 percent of the annual rate of basic pay of the employee for such calendar year.

''(3) LIMITATION ON TOTAL AMOUNT OF OVERTIME PAY.—The Board may not make overtime payments under paragraph (1) for work performed in any fiscal year in a total amount that exceeds 1.5 percent of the amount appropriated to carry out this chapter for that fiscal year.

''(4) BASIC PAY DEFINED.—In this subsection, the term 'basic pay' includes any applicable locality-based comparability payment under section 5304 of title 5 (or similar provision of law) and any special rate of pay under section 5305 of title 5 (or similar provision of law).

''(5) ANNUAL REPORT.—Not later than January 31, 2002, and annually thereafter, the Board shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House Transportation and Infrastructure Committee a report identifying the total amount of overtime payments made under this subsection in the preceding fiscal year, and the number of employees whose overtime pay under this subsection was limited in that fiscal year as a result of the 15 percent limit established by paragraph (2).''.

SEC. 5. RECORDERS.

(a) COCKPIT VIDEO RECORDINGS.—Section 1114(c) is amended—

(1) by striking ''VOICE'' in the subsection heading;

(2) by striking ''cockpit voice recorder'' in paragraphs (1) and (2) and inserting ''cockpit voice or video recorder''; and

(3) by inserting ''or any written depiction of visual information'' after ''transcript'' in the second sentence of paragraph (1).

(b) SURFACE VEHICLE RECORDINGS AND TRANSCRIPTS.—

(1) IN GENERAL.—Section 1114 is amended—

(A) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(B) by inserting after subsection (e) the following:

''(d) SURFACE VEHICLE RECORDINGS AND TRANSCRIPTS.—

''(1) CONFIDENTIALITY OF RECORDINGS.—The Board may not disclose publicly any part of a surface vehicle voice or video recorder recording or transcript of oral communications by or among drivers, train employees, or other operating employees responsible for the movement and direction of the vehicle or vessel, or between such operating employees and company communication centers, related to an accident investigated by the Board. However, the Board shall make public any part of a transcript or any written depiction of visual information that the Board decides is relevant to the accident—

''(A) if the Board holds a public hearing on the accident, at the time of the hearing; or

''(B) if the Board does not hold a public hearing, at the time a majority of the other factual reports on the accident are placed in the public docket.

''(2) REFERENCES TO INFORMATION IN MAKING SAFETY RECOMMENDATIONS.—This subsection does not prevent the Board from referring at any time to voice or video recorder information in making safety recommendations.''.

(2) CONFORMING AMENDMENT.—The first sentence of section 1114(a) is amended by striking ''and (e)'' and inserting ''(d), and (f)''.

(c) DISCOVERY AND USE OF COCKPIT AND SURFACE VEHICLE RECORDINGS AND TRANSCRIPTS.—

(1) IN GENERAL.—Section 1154 is amended—

(A) by striking the section heading and inserting the following:

''§ 1154. Discovery and use of cockpit and surface vehicle recordings and transcripts;

(B) by striking ''cockpit voice recorder'' each place it appears in subsection (a) and inserting ''cockpit or surface vehicle recorder'';

(C) by striking ''section 1114(c)'' each place it appears in subsection (a) and inserting ''section 1114(c) or 1114(d)''; and

(D) by adding at the end the following:

''(6) In this subsection:

''(A) RECORDER.—The term 'recorder' means a voice or video recorder.

''(B) TRANSCRIPT.—The term 'transcript' includes any written depiction of visual information obtained from a video recorder.''.

(2) CONFORMING AMENDMENT.—The chapter analysis for chapter 11 is amended by striking the item relating to section 1154 and inserting the following:

''1154. Discovery and use of cockpit and surface vehicle recordings and transcripts.''.

SEC. 6. PRIORITY OF INVESTIGATIONS.

(a) IN GENERAL.—Section 1131(a)(2) is amended—

(1) by striking ''(2) An investigation'' and inserting:

''(2)(A) Subject to the requirements of this paragraph, an investigation''; and

(2) by adding at the end the following:

''(B) If the Attorney General, in consultation with the Chairman of the Board, determines and notifies the Board that circumstances reasonably indicate that the accident may have been caused by an intentional criminal act, the Board shall relinquish investigative priority to the Federal Bureau of Investigation. The relinquishment of investigative priority by the Board shall

not otherwise affect the authority of the Board to continue its investigation under this section.

''(C) If a Federal law enforcement agency suspects and notifies the Board that an accident being investigated by the Board under subparagraph (A), (B), (C), or (D) of paragraph (1) may have been caused by an intentional criminal act, the Board, in consultation with the law enforcement agency, shall take necessary actions to ensure that evidence of the criminal act is preserved.''.

(b) REVISION OF 1977 AGREEMENT.—Not later than 1 year after the date of the enactment of this Act, the National Transportation Safety Board and the Federal Bureau of Investigation shall revise their 1977 agreement on the investigation of accidents to take into account the amendments made by this Act.

SEC. 7. PUBLIC AIRCRAFT INVESTIGATION CLARIFICATION.

Section 1131(d) is amended by striking ''1134(b)(2)'' and inserting ''1134 (a), (b), (d), and (f)''.

SEC. 8. MEMORANDUM OF UNDERSTANDING.

Not later than 1 year after the date of the enactment of this Act, the National Transportation Safety Board and the United States Coast Guard shall revise their Memorandum of Understanding governing major marine accidents—

(1) to redefine or clarify the standards used to determine when the National Transportation Safety Board will lead an investigation; and

(2) to develop new standards to determine when a major marine accident involves significant safety issues relating to Coast Guard safety functions.

SEC. 9. TRAVEL BUDGETS.

The Chairman of the National Transportation Safety Board shall establish annual fiscal year budgets for non-accident-related travel expenditures for Board members which shall be approved by the Board and submitted to the Senate Committee on Commerce, Science, and Transportation and to the House of Representatives Committee on Transportation and Infrastructure together with an annual report detailing the non-accident-related travel of each Board member. The report shall include separate accounting for foreign and domestic travel, including any personnel or other expenses associated with that travel.

SEC. 10. CHIEF FINANCIAL OFFICER.

Section 1111 is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following:

''(h) CHIEF FINANCIAL OFFICER.—The Chairman shall designate an officer or employee of the Board as the Chief Financial Officer. The Chief Financial Officer shall—

''(1) report directly to the Chairman on financial management and budget execution;

''(2) direct, manage, and provide policy guidance and oversight on financial management and property and inventory control; and

''(3) review the fees, rents, and other charges imposed by the Board for services and things of value it provides, and suggest appropriate revisions to those charges to reflect costs incurred by the Board in providing those services and things of value.''.

SEC. 11. IMPROVED AUDIT PROCEDURES.

The National Transportation Safety Board, in consultation with the Inspector General of the Department of Transportation, shall develop and implement comprehensive internal audit controls for its financial programs based on the findings and recommendations of the private sector audit firm contract entered into by the Board in March, 2000. The improved internal audit controls shall, at a minimum, address Board asset management systems, including systems for accounting management, debt collection, travel, and property and inventory management and control.

SEC. 12. AUTHORITY OF THE INSPECTOR GENERAL.

(a) IN GENERAL.—Subchapter III of chapter 11 of subtitle II is amended by adding at the end the following:

''§ 1137. Authority of the Inspector General

''(a) IN GENERAL.—The Inspector General of the Department of Transportation, in accordance with the mission of the Inspector General to prevent and detect fraud and abuse, shall have authority to review only the financial management, property management, and business operations of the National Transportation Safety Board, including internal accounting and administrative control systems, to determine compliance with applicable Federal laws, rules, and regulations.

''(b) DUTIES.—In carrying out this section, the Inspector General shall—

''(1) keep the Chairman of the Board and Congress fully and currently informed about problems relating to administration of the internal accounting and administrative control systems of the Board;

''(2) issue findings and recommendations for actions to address such problems; and

''(3) report periodically to Congress on any progress made in implementing actions to address such problems.

''(c) ACCESS TO INFORMATION.—In carrying out this section, the Inspector General may exercise authorities granted to the Inspector General under subsections (a) and (b) of section 6 of the Inspector General Act of 1978 (5 U.S.C. App.).

''(d) REIMBURSEMENT.—The Inspector General shall be reimbursed by the Board for the costs associated with carrying out activities under this section.''.

(b) CONFORMING AMENDMENT.—The subchapter analysis for such subchapter is amended by adding at the end the following:

''1137. Authority of the Inspector General.''.

SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

Section 1118 is amended to read as follows:

''§ 1118. Authorization of appropriations

''(a) IN GENERAL.—There are authorized to be appropriated for the purposes of this chapter $57,000,000 for fiscal year 2000, $65,000,000 for fiscal year 2001, and $72,000,000 for fiscal year 2002, such sums to remain available until expended.

''(b) EMERGENCY FUND.—The Board has an emergency fund of $2,000,000 available for necessary expenses of the Board, not otherwise provided for, for accident investigations. Amounts equal to the amounts expended annually out of the fund are authorized to be appropriated to the emergency fund.''.

SEC. 14. CREDITING OF LAW ENFORCEMENT FLIGHT TIME.

In determining whether an individual meets the aeronautical experience requirements imposed under section 44703 of title 49, United States Code, for an airman certificate or rating, the Secretary of Transportation shall take into account any time spent by that individual operating a public aircraft as defined in section 40102 of title 49, United States Code, if that aircraft is—

(1) identifiable by category and class; and

(2) used in law enforcement activities.

SEC. 15. TECHNICAL CORRECTION.

Section 46301(d)(2) of title 49, United States Code, is amended by striking ''46302, 46303,'' and inserting ''46301(b), 46302, 46303, 46318,''.

SEC. 16. CONFIRMATION OF INTERIM FINAL RULE ISSUANCE UNDER SECTION 45301.

The publication, by the Department of Transportation, Federal Aviation Administration, in the Federal Register of June 6, 2000 (65 FR 36002) of an interim final rule concerning Fees for FAA Services for Certain Flights (Docket No. FAA–00–7018) is deemed to have been issued in accordance with the requirements of section 45301(b)(2) of title 49, United States Code.

SEC. 17. AERONAUTICAL CHARTING.

(a) IN GENERAL.—Section 44721 of title 49, United States Code, is amended—

(1) by striking paragraphs (3) and (4) of subsection (c); and

(2) by adding at the end of subsection (g)(1) the following:

''(D) CONTINUATION OF PRICES.—The price of any product created under subsection (d) may correspond to the price of a comparable product produced by a department of the United States Government as that price was in effect on September 30, 2000, and may remain in effect until modified by regulation under section 9701 of title 31, United States Code.''; and

(3) by adding at the end of subsection (g) the following:

(5) CREDITING AMOUNTS RECEIVED.—Notwithstanding any other provision of law, amounts received for the sale of products created and services performed under this section shall be fully credited to the account of the Federal Aviation Administration that funded the provision of the products or services and shall remain available until expended.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on October 1, 2000.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Mississippi (Mr. SHOWS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Madam Speaker, I yield myself such time as I may consume and I simply want to summarize by saying that while NTSB is a small agency, it is a highly respected agency for the quality of its accident investigations. It has also taken on the responsibility for assisting families of airline accident victims, a responsibility that we assigned to them in 1996.

The authorization for the agency expired last year, and this bill before us now will rectify that problem.

The reauthorization bill before you now adopts several changes to the Board's underlying statute. These changes should improve the operations of the NTSB. Many of these changes were requested by the agency itself.

The bill authorizes an increase in funding for the agency; not as much as the agency wanted, but still enough to ensure the Board's efficiency and technical competence.

The bill also—

Allows accident investigators out in the field to get full time-and-a-half overtime when they have to work nights and weekends trying to discover the cause of a crash;

Ensures that voice and video recorders in planes, trains, and trucks will only be used in accident investigations and will not be released to the media for sensational purposes;

Makes clear that NTSB accident investigations take priority over other investigations except in very limited cases where procedures are established for the FBI to take over; and

For the first time, the DOT Inspector General is given responsibility to review the financial and property management of the NTSB to ensure there is no waste, fraud, or abuse.

This is a Senate bill but it is very similar to the NTSB reauthorization bill that the House passed last year.

That bill is more fully described in House Report 106–335.

I urge the House to approve this bill.

Madam Speaker, I yield such time as he may consume to the gentleman from Tennessee (Mr. DUNCAN), the distinguished chairman of the subcommittee who has been so deeply involved in moving this legislation forward.

Mr. DUNCAN. Madam Speaker, I thank the gentleman from Pennsylvania, our very distinguished chairman, for yielding me this time. First of all, I want to start out by saying that being allowed to be chairman of the House Subcommittee on Aviation has really been the highlight of my congressional career; and that would not have been possible without the support of the chairman, the gentleman from Pennsylvania (Mr. SHUSTER). I am very proud to have served with a man of his character. He has served with great honor and distinction in this House, and I appreciate very much his support for me in this position.

Madam Speaker, this bill is very similar to a bill, H.R. 2910, that passed the House by a vote of 420 to 4 on September 30 of last year. This bill reauthorizes the National Transportation Safety Board for 3 years and provides funding of $57 million, $65 million, and $72 million over those 3 years.

The safety board is the agency responsible for investigating transportation accidents and promoting transportation safety. The board investigates accidents, conducts safety studies, and coordinates all Federal assistance for families of victims of catastrophic transportation accidents. It also reviews appeals of certificate and civil penalty actions against airmen and certificate actions against seamen. Most importantly, the NTSB makes safety recommendations.

Based on its investigations, Federal, State, and local government agencies and the transportation industry take actions that will prevent similar accidents in the future. The aviation safety record is remarkably good, and the safety board deserves a lot of the credit for that.

Nonaviation people are amazed when I speak to them and tell them that, unfortunately, we have more people killed in 4½ months on the Nation's highways than have been killed in all U.S. aviation accidents combined since the Wright Brothers' flight in 1903. Much of that great aviation safety record has been aided by the work of the NTSB.

This legislation makes some changes to the agency's governing statute that should help make the board even more effective. I will list those changes in the statement that I will provide for the RECORD.

The bill also includes several technical changes that were not in either the House or Senate bills. These changes would ensure that the FAA can assess penalties against unruly passengers or passengers who tamper with laboratory smoke detectors. It would ensure that the FAA can issue its overflight fee rule as an interim final rule, and ensures that the FAA can keep the money it makes from the sale of aeronautical charts.

I would also like to make special mention of the provision in the bill on law enforcement flight time. Currently, pilots who fly for police or for sheriff departments cannot count their flight time toward the requirements of a civil air license. This bill would change that. It would direct the FAA to count the time a pilot flies a law enforcement aircraft. This is similar to consideration given to military pilots. I know it will be very helpful to the sheriff departments in Tennessee, but it will also benefit our hardworking law enforcement pilots all over the country.

Madam Speaker, the NTSB has conducted a lengthy and thorough investigation of the TWA 800 crash. I personally do not believe that Chairman Hall, or any of the many good people at the NTSB, would be a party to any type of cover-up about this or any other crash, but I have a few comments that I would like to make about that.

I also recognize that there are many good, sincere, honest, intelligent people across this country who do not agree with or believe the NTSB conclusions about the TWA 800 crash. I want to assure everyone that neither I nor any member of our subcommittee or staff would ever have participated in or aided in any knowing way in any type of cover-up.

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In addition to our public hearings, I personally went to New York with staff to view that wreckage. We had private briefings by the FBI and others. I met with some of the eyewitnesses and people investigating this wreck. I met with Commander Donaldson after one of our hearings.

The gentleman from Ohio (Mr. TRAFICANT) called one day and asked if he could conduct his own personal investigation. I gave him my approval for that.

I asked one of my constituents, Mike Coffield, the Continental Airlines pilot, to investigate this crash. We heard from family members of victims of this terrible tragedy.

Reed Irvine, a man for whom I have very great respect, recently came to my office at my request so that we could discuss this further because of ads and other activities by him and his group.

I doubt that we will ever be able to answer all the questions surrounding this crash to everyone's satisfaction. I personally find it almost impossible to believe that a U.S. Navy ship shot a missile that hit this plane either accidentally or intentionally.

I know very little about ships and missiles, but I do not believe that just one person could shoot off one without someone knowing about it. If several people were involved, someone would have talked to his wife or somebody, in my opinion.

I told Mr. Irvine this, if some terrorist group shot this plane down, they probably would have claimed credit. Yet I am still willing to read any report or listen to anyone about this.

Our government should not have stopped (Mr. SANDERS) or anyone else from investigating this crash. If anyone can come up with the final, definite, conclusive answer on this, more power to them.

I am most concerned, however, about the family members of the victims of this crash. I believe closure is an overused, misused word because I do not believe a family member ever gets closure on something like this, particularly if they lost a child. But I certainly do not want to do anything to prolong the agony of any TWA 800 family member. They have suffered too much already.

I will say that, if any family member of victims of this crash wants me to look into this further, I certainly will do so. Absent that type of request, I will simply commend all those at the NTSB and all those private citizens, Mr. Irvine, Commander Donaldson, the many eyewitnesses and many, many others who have tried so hard to seek the causes of and/or solve the puzzle or answer the questions raised by the crash of TWA 800.

I also would like to commend Mr. Jim Hall, who I think has done an outstanding job as chairman of the NTSB during his tenure on that board.

Finally, Mr. Speaker, I would like to say that I am completing 6 years as chairman of the Subcommittee on Aviation. I have already thanked the gentleman from Pennsylvania (Chairman SHUSTER), who is the man mainly responsible for my having been allowed to be chairman. But I would also like to say that it has been a great honor and privilege to work with the gentleman from Minnesota (Mr. OBERSTAR), who preceded me as chairman of the Subcommittee on Aviation.

I do not believe a person could have had a better ranking member than the

gentleman from Illinois (Mr. LIPINSKI). Our working relationship has been 100 percent friendly and cordial. I am proud that the Committee on Transportation and Infrastructure is considered to be probably the most bipartisan committee or nonpartisan committee in this entire Congress.

I want, finally, to say a personal thank you to a wonderful staff: David Schaffer of the Republican staff, who has been head of that staff for so many years and is such a professional person and on whom I have relied so much, Adam Tsao, Jim Coon, Donna McLean, Ron Chamberlin, David Balloff, John Glaser, Felicia Goss, Diane Rogers, and Amanda Wind on our staff; and on the Democratic staff: Stacie Soumbeniotis, Tricia Loveland, Amy Denicore, Paul Feldman, David Traynham, Mary Walsh, Colleen Corr, Rachel Carr, and Michelle Mihin. All of them have been so helpful and I am very, very grateful to them.

I apologize for taking so much time. I urge passage of this bill.

The bill reauthorizes the agency for 3 years and provides modest increases in its authorized funding levels;

It makes clear that the NTSB has priority over other agencies in the investigation of transportation accidents;

However, the legislation does provide a procedure whereby the Safety Board would turn an investigation over to the FBI when a criminal act may be involved;

The bill allows the Safety Board to enter into agreements with foreign governments, after consultation with the Department of State;

The bill also provides overtime pay to NTSB investigators who have to work at the scene of an accident during nights and weekends.

However, this overtime is capped at one and a half percent of the agency's appropriation to ensure that overtime is not abused.

Also, the bill ensures that information on surface vehicle recorders and cockpit video recorders will not be disclosed. This is the same protection now provided for cockpit voice recordings. At our Subcommittee hearing last April, airline pilots expressed concern about the public release of cockpit video recordings for purely sensationalistic purposes. This bill protects them from that.

Another important provision in this bill is the section that provides authority to the Department of Transportation's Inspector General to oversee the business and financial management of the Board. Indeed, there are several provisions in this bill that ensure continued sound financial management at the Safety Board. These include restrictions on non-emergency travel and the implementation of internal audit controls.

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

Mr. Speaker, I rise in strong support of S. 2412, the National Transportation Safety Board Amendments Act of 2000.

S. 2412 reauthorizes the NTSB for 3 years so it can continue in playing a critical role in ensuring the safety of the United States transportation system.

Since 1997, the board has investigated more than 7,000 accidents, issued over 60 major reports covering all transportation modes (aviation, highway, transit, maritime, railroad, and pipeline/hazardous materials), and proffered more than 1,100 safety recommendations.

The NTSB currently has a workforce of approximately 400 full-time employees, many of whom are charged with investigating thousands of complex aviation accidents both in the U.S. and abroad. It is, therefore, important to ensure that the NTSB has the funds needed to continue its preeminent role in investigating such accidents.

Accordingly, S. 2412 increases NTSB's funding steadily over the next 3 years: $57 million in FY 2000, $65 million in FY 2001, and $72 million in FY 2002. This funding will be used to permit NTSB to hire more technical experts as well as to provide better training for its current workforce.

In addition to increased funding, S. 2412 strengthens oversight of financial matters at the agency by requiring NTSB to hire a chief financial officer and improving its internal audit procedures. S. 2412 also vests the DOT Inspector General with the authority to review the NTSB's financial management and business operations. The DOT Inspector General's authority is specifically limited to financial matters, however, so as not to undermine the NTSB's independence.

Equally important, S. 2412 provides the NTSB with the authority to grant appropriate overtime pay to all of its accident investigators while on an accident scene to give these professionals parity with other Federal agency investigators who are paid for extra hours worked.

S. 2412 also reaffirms NTSB's priority over an accident scene unless the Attorney General, in consultation with the NTSB chairman, determines that the accident may have been caused by an intentional criminal act. In that case, the NTSB would relinquish its priority over the scene, but such relinquishment would not in any way interfere with the board's authority to continue its probable cause investigation.

This is important because accident scenes can often be chaotic with many local, State, and Federal investigative agencies on scene, especially where accidents are not only being investigated for probable cause, but also when criminal activity is suspected.

S. 2412 ensures that the proper coordination between various investigative agencies will take place during a complex accident investigation.

S. 2412 will ensure that the NTSB workforce is well funded and well trained to meet its future challenges.

I urge my colleagues to support this critical piece of legislation.

I compliment the gentleman from Pennsylvania (Chairman SHUSTER), the gentleman from Tennessee (Chairman DUNCAN) and the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Illinois (Mr. LIPINSKI) for their efforts.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of S. 2412, the National Transportation Safety Board Amendments Act of 2000. S. 2412 reauthorizes the National Transportation Safety Board (NTSB) for three years to ensure that it continues to play a critical role in maintaining and improving the safety of the United States transportation system.

This agency's roots stem from as far back as 1926 when the Air Commerce Act vested the Department of Commerce with the authority to investigate aircraft accidents. During the 1966 consolidation of various transportation agencies into the Department of Transportation (DOT), the NTSB was created as an independent agency within DOT to investigate accidents in all transportation modes. In 1974, in further resolve to ensure that NTSB retain its independence, Congress re-established the Board as a totally separate entity distinct from DOT. Since that time, the NTSB has investigated more than 100,000 aviation accidents, and more than 10,000 surface transportation accidents. The American traveling public is much safer today due to the hard work of the NTSB staff in conducting investigations and pursuing safety recommendations.

In the last three years alone, the Board has investigated more than 7,000 accidents and issued more than 60 major reports covering all transportation modes (aviation, highway, transit, maritime, railroad, and pipeline/hazardous materials). The Board has also issued more than 1,100 safety recommendations—many of which have been adopted by Congress, federal, state and local governments, and the affected industries.

The NTSB's tireless efforts in investigating accidents and issuing recommendations have led to innovative safety enhancements, such as manual cutoff switches for airbags, measures to prevent runway incursions, and countermeasures against operator fatigue in all modes of transportation. The NTSB has promoted the installation of more sophisticated voice recorders to enhance its ability to investigate aircraft accidents. In addition, the NTSB recently held a General Aviation Accident Prevention Symposium, which brought together all sectors of the growing general aviation community to proactively address safety issues gleaned from GA accident investigations. In 1999 alone, there were 691 aviation-related fatalities—628 of which occurred in general aviation. Last night's news of the tragic crash that took the life of Missouri Governor Mel Carnahan, his son, and a campaign aide underscores the importance of the NTSB's work, both in investigating and preventing accidents.

Despite a small workforce of approximately 400 full-time employees, the NTSB has provided its investigative expertise in thousands of complex aviation accidents—including its painstaking review of the TWA 800 crash. The NTSB is also frequently called upon to assist in aviation accident investigations of foreign flag carriers—such as Egypt Air Flight 990, and in accident investigations in foreign countries. The demands upon this small agency, with its highly trained, professional staff, will

only grow with the aviation market's ever-increasing globalization.

To maintain its position as the world's preeminent investigative agency, it is imperative that the NTSB has the resources necessary to handle the increasingly complex accident investigations. S. 2412 ensures that NTSB has the necessary resources by increasing funding steadily and sensibly over the next three years: $57 million in FY 2000; $65 million in FY2001; and $72 million in FY2002. This funding will be used to permit NTSB to hire more technical experts as well as to provide better training for its current workforce, as was recommended in a recent study by the RAND Corporation. Dramatic changes in technology, such as glass cockpits in aviation, demand such an investment.

However, with this increase in funding also comes the requirement to strengthen the oversight of financial matters at the agency. S. 2412 requires the NTSB to hire a Chief Financial Officer and to improve its internal audit procedures. In addition, S. 2412 vests the DOT Inspector General with the authority to review the financial management and business operations of the NTSB. This will help ensure that money is well spent and the potential for fraud and abuse is reduced. The DOT Inspector General's authority is specifically limited to financial matters, however, so as not to undermine the NTSB's independence.

Equally important, S. 2412 provides the NTSB with the authority to grant appropriate overtime pay to all of its accident investigators while on-scene. These competent individuals are oftentimes called upon to work upwards of 60, 70 or 80 hours per week in extreme conditions—whether in the swamps of the Florida Everglades or the chilly waters off the Atlantic Ocean—side-by-side with other federal agency investigators who are paid for extra hours worked. Moving to this type of parity is the least that we can do to show our appreciation for the efforts of these dedicated professionals.

As we have learned from the tragic TWA 800 crash, accident scenes can often be chaotic with many local, state, and federal investigative agencies on scene. This is especially true where accidents are not only being investigated for probable cause, but also when criminal activity is suspected. Proper coordination between these various investigative agencies performing very important, albeit very different, functions is of paramount importance. S. 2412 reaffirms NTSB's priority over an accident scene unless the Attorney General, in consultation with the NTSB Chairman, determines that the accident may have been caused by an intentional criminal act. In that case, the NTSB would relinquish its priority over the scene, but such relinquishment will not, in any way, interfere with the Board's authority to continue its probable cause investigation.

Having a well funded, well-trained NTSB workforce to meet the challenges of the 21st Century is of the utmost importance for the American traveling public. I compliment Chairman SHUSTER, Subcommittee Chairman DUNCAN, and Subcommittee Ranking Member LIPINSKI for their efforts on this bill.

I urge my colleagues to support this critical piece of legislation.

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

Mr. SHUSTER. 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 Pennsylvania (Mr. SHUSTER) that the House suspend the rules and pass the Senate bill, S. 2412.

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.

GEORGE E. BROWN, JR. UNITED STATES COURTHOUSE

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5110) to designate the United States courthouse located at 3470 12th Street in Riverside, California, as the ''George E. Brown, Jr. United States Courthouse''.

The Clerk read as follows:

H.R. 5110

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

SECTION 1. DESIGNATION.

The United States courthouse located at 3470 12th Street in Riverside, California, shall be known and designated as the ''George E. Brown, Jr. United States Courthouse''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the ''George E. Brown, Jr. United States Courthouse''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Mississippi (Mr. SHOWS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Speaker, George Brown is one of the most highly regarded Members of this Congress. And for so many years and while on the other side of the aisle, I don't know of a single instance in which he put partisan politics ahead of what he believed to be best for this country. And so it is with a great sense of opportunity that I lay before us today the opportunity to recognize a very distinguished American.

Mr. Speaker, H.R. 5110 designates the United States courthouse in Riverside, California as the "George E. Brown Jr. United States Courthouse." George Edward Brown Jr. was born in Holtville, California on March 6, 1920. He attended public schools in Holtville and graduated from El Centro Junior College and the University of California at Los Angeles.

Congressman Brown spent a lifetime in public service working for the betterment of this country. His life work started in the 1930's fighting color barriers and integrating housing at UCLA, and continued through the 1990's when he was working toward improving the environment and expanding economic opportunity for all citizens.

Although he first registered as a conscientious objector to the war, Congressman Brown went on to serve as a Second Lieutenant in the Army during World War II. He returned from the war and began his career with the civil service department of the City of Los Angeles. In 1954 he was elected mayor of Monterey Park an LA suburb, in 1958 he was elected to the California State Assembly and served in the assembly until 1962. While in the assembly he introduced a bill to ban the use of lead in gasoline.

In 1962 he was elected to the United States House of Representatives. He served for four terms and was an ardent fighter for civil rights legislation in 1964. In 1970 he ran for the U.S. Senate and was defeated. He returned to the House with a successful election in 1972 and served in the House for the next 13 succeeding Congresses.

Having his degree in Industrial Physics, Congressman Brown was a strong advocate for the advancement of sound science and technology policy. He was the Chairman of the Science Committee for the 102nd and 103rd Congresses. He also worked on policies for energy and resource conservation, sustainable agriculture, national information systems, and the integration of technology in education.

Congressman Brown died in his 18th term at the age of 79, on July 14, 1999. This is a fitting tribute to a dedicated public servant. I support this measure, and urge my colleagues to support it as well.

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 H.R. 5110, a bill to designate the United States Courthouse located at 3470, 12th Street, Riverside, California, as the ''George E. Brown, Jr. Courthouse.''

Mr. Brown was born on March 6, 1920, in Holtville, California. He attended the University of California at Los Angeles, where he helped create some of the first cooperative student housing units. While attending the university, he worked tirelessly to break racial barriers by organizing the first integrated campus housing in the late 1930s.

After graduation in 1940, Brown began his public service in the civil service department of the City of Los Angeles. When World War II began, he publicly opposed incarceration of Japanese Americans, a position that later blocked his career path.

During the war, he served as a second lieutenant in the Army. After the war, he returned to Los Angeles and resumed his career with the city and began to organize city workers and veterans' housing projects.

In 1954, Brown won his first election to the Los Angeles City Council; and in 1955, he was elected mayor. From 1958 to 1962, he served in the California Assembly. In 1962, he was elected to Congress.

While in Congress, George Brown was a champion of the landmark 1964 civil rights legislation. Brown was an outspoken critic of the Vietnam War and voted against every defense-spending bill during the Vietnam era.

In 1970, Congressman Brown made a run for the U.S. Senate against the more moderate Congressman, John Tunney. Although he lost the primary race, the current California political party is replete with people who worked on Brown's primary campaign.

In 1972, George Brown returned to the House and represented the 42nd district until the time of his death. As the chairman of the Committee on Science, he became recognized as the architect in forming the institutional framework for science and technology in the Federal Government. He vigorously supported the National Science Foundation, and he was instrumental in forming the permanent science advisory committee in the Executive Office of the President.

George Brown led the early warnings on the dangers of burning fossil fuels and the dangerous effects of freon.

He worked hard for his 42nd district, ensuring his local schools had the benefit of new educational technology and scientific advances. He was instrumental in the Norton Air Base conversion in San Bernardino.

George Brown truly believed in the powers of persuasion to settle differences and developed a polite and courtly style of argument. He was a gentleman with impeccable manners and was always known as a straight shooter. He was the longest serving Member from California.

It is both fitting and proper to honor the great, significant contributions of our former colleague, George E. Brown, with this designation. I urge support for H.R. 5110.

I thank the gentleman from California (Mr. CALVERT) for introducing this legislation. I also would like to recognize the gentleman from California (Mr. BACA) for his steadfast support of this bill.

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

Mr. SHUSTER. Mr. Speaker, I am pleased to yield such time as he may consume to the distinguished gentleman from California (Mr. CALVERT), the driving force behind this legislation.

Mr. CALVERT. Mr. Speaker, I rise to offer H.R. 5110 that would designate the United States courthouse located in Riverside, California, as the ''George E. Brown, Jr. United States Courthouse.''

I was happy to sponsor this bill along with the gentleman from California (Mr. JERRY LEWIS), the gentleman from California (Mr. PACKARD), the gentlewoman from California (Mrs. BONO), the gentleman from California (Mr. GARY MILLER), and the gentleman from California (Mr. BACA).

I could not have brought this bill forward as quickly as we have without the help of the gentleman from Pennsylvania (Chairman SHUSTER), and I certainly appreciate his help and consideration in this matter and certainly the gentleman from Minnesota (Mr. OBERSTAR), the ranking member, for working to help our former colleague, Mr. George Brown, in his memory today.

I met George Brown with my father when I was 12 years old. From the start and throughout his career in Congress, George was really known as one of the last honest liberals, always voting his convictions and conscious.

In the House of Representatives, George served 18 terms as an unselfish public servant. He was the longest serving Member of the House or Senate in the history of California. I should know, he was my member of Congress when I was in high school.

Although George and I have may have disagreed on some things, on differing political philosophies and governing philosophy, my respects and admiration, as I know everyone here, ran deep. George was someone that really had strong convictions and was very certain to let us know what those convictions were. On many occasions he would do exactly that. We worked very closely together on issues that affected our area, the Inland Empire of California, which now is populated by over 3 million people; and George did that very ably.

So renaming this courthouse in my district, once in George's district by the way, he represented it for many years as he represented many years in the State of California as his district was moved around California, is more than deserving.

It is a small recognition for his leadership and his lifetime quest for social justice in our society. It will ensure that George will be remembered in the community that he loved and he worked for for so long.

So I know his widow, Marta, I am sure will be watching today and is grateful that this recognition is taking place. I am certainly grateful to my colleagues. And I know that my colleagues throughout the House today will stand with me in honor and remember George's work for the Inland Empire of California and the whole Nation.

Mr. SHOWS. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR).

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

Mr. Speaker, it says as much about the gentleman from California (Mr. CALVERT) as it does about the gentleman we honor today that this bill comes forward to the House floor. It is an extraordinary reaching across the political aisles and across the generations for the gentleman to not only sponsor this legislation but actually vigorously advocate for it and to ensure that it made its way through the committee process and to the House floor, and of course to the chairman of our full committee, the gentleman from Pennsylvania (Mr. SHUSTER), who has been very forthright and vigorous in urging us to move this legislation forward.

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As I look back over the Members of this body that I have known over the years I have served as staff and as a Member, George Brown is one of my favorites. Avuncular comes to mind, a kindly, gentle smile, thoughtful, quizzical look on his face at times; withholding words until just the right ones came forward to fit the situation, whether he was speaking on the floor or in our Democratic Caucus; and principled also comes to mind to characterize George Brown. Whether it was as a young person in the 1930s on housing and fighting segregation or as a Member of Congress supporting the Civil Rights Act, opposing the Vietnam War, standing up for the space flight program, which he thought was important not only for the future of America but for the future of basic science research, he was a true advocate for the science community and for that which is so difficult to do in this body: to invest in basic research, which does not have an immediate outlet. We do not see its results today; but if we do not do the research today, a decade from now we will be in deficit.

George understood that and was an advocate for it, and that advocacy characterizes his whole service in this body. He has done all of us a great service. We honor his memory, perpetrate his integrity, his honesty, his vision, his love of public service and his view that public service should do some good for all people when we designate this courthouse.

I would also like to take this opportunity, while the gentleman from Tennessee (Mr. DUNCAN) is still on the floor, to offer my tribute and great appreciation for the work that the gentleman from Tennessee (Mr. DUNCAN) has done as chair of the Subcommittee on Aviation.

When the organizational work was underway for the 104th Congress, and it was clear the majority had shifted, the gentleman from Tennessee (Mr. DUNCAN) and I had a very long breakfast session, about 2½ hours, to discuss aviation. It was his intention to bid for the chairmanship of that subcommittee. I was impressed by the student in the gentleman from Tennessee (Mr. DUNCAN) asking good questions, taking notes, making mental notes, wanting to do the best thing and the right thing, asking questions, what are the tough policy issues; and he has addressed those issues during his tenure.

There are many subcommittees on the Committee on Transportation and Infrastructure, but I confess to loving aviation a little more than the others. For that, I have true affection, as well as great professional respect and admiration, for the gentleman from Tennessee (Mr. DUNCAN), for keeping the aviation agenda on a very high note of integrity, professionalism, looking to the future, dealing with the present, addressing the fundamental issues of aviation, assuring always that we do the right thing for America's leadership in the world in the field of aviation.

The tenure of the gentleman from Tennessee (Mr. DUNCAN) will long stand as a tribute to aviation, a tribute to his judicial bearing, to his equanimity, his fairness and his concern for safety, security, sound investment, airport expansion, international trade in passengers and cargo, and for keeping America the leader that it is in aviation. That will be his mark of service as chair of the Subcommittee on Aviation.

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

Mr. SHUSTER. 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 Pennsylvania (Mr. SHUSTER) that the House suspend the rules and pass the bill, H.R. 5110.

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.

SOUTHEAST FEDERAL CENTER PUBLIC-PRIVATE DEVELOPMENT ACT OF 2000

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 3069) to authorize the Administrator of General Services to provide for redevelopment of the Southeast Federal Center in the District of Columbia.

The Clerk read as follows:

Senate amendments:

Page 5, line 11, strike out ''Capitol'' and insert ''Capital''.

Page 5, line 21, after ''trator'' insert, '', in consultation with the National Capital Planning Commission''.

Page 7, line 1, strike out ''Environment and Public Works'' and insert ''Governmental Affairs''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Mississippi (Mr. SHOWS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

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

Mr. Speaker, the Southeast Federal Center Public-Private Development Act of 2000 authorizes the administrator of GSA to enter into agreements with regard to that activity. The original legislation was reported out of the Committee on Transportation and Infrastructure on March 23 of this year, passed the House on May 8. The Senate Committee on Government Affairs reported theirs and passed the Senate with amendments on October 11. Their amendments are technical in nature and have the support of both sides of the aisle.

This action will simply concur with those amendments, clear the measure to be sent to the President. I support the measure and encourage my colleagues to support it as well.

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

Mr. SHOWS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from the District of Columbia (Ms. NORTON), the sponsor of this bill.

Ms. NORTON. Mr. Speaker, I thank the gentleman from Mississippi (Mr. SHOWS) for yielding time to me.

Mr. Speaker, I recognize the bill is here for the second time only because of technical amendments that occurred in the Senate. I wanted to come to the floor to express my deep appreciation, however, for the bipartisan leadership this bill has received, especially from the chair of our full committee, the gentleman from Pennsylvania (Mr. SHUSTER), as well as from our ranking member, the gentleman from Minnesota (Mr. OBERSTAR), and from our subcommittee chair, the gentleman from New Jersey (Mr. FRANKS), and the ranking member, the gentleman from West Virginia (Mr. WISE).

The bill is unique. It is the first time that private development will occur on Federal land. In doing so, of course, we make use of land for which the government was receiving no revenue, and at no cost to the government. The bill represents an extraordinary breakthrough of bipartisan work. Precisely because it is unique, the bill typifies the out-of-the-box, nonstereotypic, nonbureaucratic thinking that is typical of the members of this subcommittee.

It took extraordinary collaboration and cooperation for this bill to pass both Houses because we had to think of a way to get some use out of land that had been lying there, very valuable land, for decades, producing no revenue for the Federal Government, even though we are talking about 55 acres of prime land, and some of the most valuable land on the East Coast.

I must say I am also grateful for the quality of leadership the bill received in the Senate, especially from Chairman FRED THOMPSON; from ranking member, JOSEPH LIEBERMAN; from subcommittee chairman, GEORGE VOINOVICH; and from ranking member, RICHARD DURBIN, the subcommittee chairman of the District Committee and the full committee chairman of the Government Affairs Committee.

The magnitude of the waste in not developing these 55 acres for decades is incalculable. Now we have found a way not only to develop it but to develop it at no cost; to get productive use out of it with revenue for the Federal Government and some revenue may even go to District taxpayers for whatever private development occurs.

The land had been a terribly large brownfield that had produced slums in everything it touched surrounding it, it is so huge. The reason that it had not been developed is because it turned out not to be, in today's economy, developable as a traditional government-owned site, and we had limited tools to make use of it. It took legislation. This legislation is applicable to this parcel alone. The land was too valuable to sell and indeed we do not sell Federal land. We have so little of it in the District of Columbia, we had to think of something to do with it.

Working together, we have thought of something that is unique to do with it but in keeping with public-private partnerships of the type this Congress has long endorsed and with the reinventing government and public-private ideas of the administration. For that reason, I am virtually certain that the President will sign this bill.

I wanted to express my profound appreciation, especially since I knew that the chairman and the ranking member, who are so central to this bill, would be on the floor today.

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

Mr. SHOWS. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR), the ranking member of the Committee on Transportation and Infrastructure.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman from Mississippi (Mr. SHOWS) for yielding me this time.

Mr. Speaker, as the gentlewoman from the District of Columbia (Ms. NORTON) has already expressed, this is a very unique initiative we undertake here. The gentleman from New Jersey (Mr. FRANKS), the Chair of the subcommittee, and the gentlewoman from the District of Columbia (Ms. NORTON) have joined forces to craft an effective approach combining the best principles of private sector real estate practice with the benefits of public-private partnerships and have, in this fashion, generated bipartisan support with a notion that already has long-standing bipartisan support, that of public-private partnerships.

The piece of property in question here is 55 acres of prime land along the Anacostia River, less than a mile from our Nation's Capitol. This property has

been undeveloped for the last 3 decades. The Office of Management and Budget has tried various schemes to figure out how to pay for its development. Meanwhile, the area surrounding it has deteriorated.

The partnership that has finally been worked out here and, again, great tribute to the gentlewoman from the District of Columbia (Ms. NORTON), who really does dig in to the issues of the District and works with neighborhood groups and with the city council and the mayor and with several committees of the Congress concerned with the affairs of the District, has done a superb job in pulling the business community together with the District government, the Federal Government, to bring together a partnership that will combine a government real estate asset with private sector financial assets.

In this case, the government indeed does have an asset in land but has limited financial resources to develop that asset. The private sector, on the other hand, is searching for sound investment opportunities. At the end of the term of this agreed-upon arrangement, the government will have an enhanced asset. The private sector will have had an opportunity to achieve some profit. Both will benefit. Several Federal agencies have authority to enter into some form of public-private partnerships. The Veterans Administration, for example, has enhanced leasing authority. The National Park Service can enter into public-private arrangements to construct facilities on park lands. This legislation extends to GSA, the agency that primarily has responsibility for overall Federal real estate management, the same type of authority to develop this Southeast Federal Center property.

□ 1630

The goal will be to enhance the Federal inventory, generate revenue from the use of the asset, revenue that will go into the Federal Buildings Fund. This approach is consistent with private sector practices. It encourages GSA to enter into private partnerships to bring this asset into the Federal Government portfolio as a producing facility, rather than one that simply drains revenue from the Federal Buildings Fund. But in the long run, the larger purpose, the larger benefit, I think, will be to the southeast community surrounding this piece of property.

I hope that there will be some very significant Federal structures established in this piece of property. I am hoping that we will have at least one major anchor, Federal Government activity, that will serve as a magnet to attract other government, as well as private sector, activities to revitalize the whole surrounding neighborhood, create more jobs, enhance property values, and, in the process, generate revenue into the Federal Buildings Fund.

This is a very innovative approach, a constructive approach. It is one that is long overdue, and one that benefits both the Federal Government and the private sector. I urge an aye vote.

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

Mr. SHUSTER. 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 Pennsylvania (Mr. SHUSTER) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 3069.

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.

WILLIAM KENZO NAKAMURA UNITED STATES COURTHOUSE

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5302) to designate the United States courthouse located at 1010 Fifth Avenue in Seattle, Washington, as the ''William Kenzo Nakamura United States Courthouse''.

The Clerk read as follows:

H.R. 5302

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

SECTION 1. DESIGNATION.

The United States courthouse located at 1010 Fifth Avenue in Seattle, Washington, shall be known and designated as the ''William Kenzo Nakamura United States Courthouse''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in section 1 shall be deemed to be a reference to the ''William Kenzo Nakamura United States Courthouse''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Mississippi (Mr. SHOWS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

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

Mr. Speaker, I strongly support this legislation to name the courthouse in Seattle, Washington, the William Kenzo Nakamura United States Courthouse.

Private Nakamura volunteered for the 442nd Regimental Combat Team during World War II. On July 4th, 1944, in Italy, Private First Class Nakamura's actions of heroism freed his platoon's position from gunfire twice. He first advanced an enemy's machine gun nest and allowed his platoon to move forward with minimal casualties. Later that day, Private Nakamura provided cover against machine gun fire to slow the enemy, which allowed his platoon to retreat to safety. Private First Class Nakamura suffered fatal gunshot wounds to the head while the platoon was able to return to safety. More than 100 Members of the 442nd, including Nakamura, received the Distinguished Service Cross, and 55 years later Private First Class Nakamura rightfully received the Congressional Medal of Honor.

This Courthouse naming him is supported by the entire Washington State delegation, I am told, and many, many other prominent patriotic groups; and I strongly urge support for this legislation.

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 H.R. 5302, a bill to designate the courthouse located at 1010 Fifth Avenue, Seattle, Washington, as the William Kenzo Nakamura Courthouse. The bill has the support of the entire Washington delegation, and I congratulate the gentleman from Washington (Mr. MCDERMOTT) for his tireless efforts on behalf of this bill.

The story of William Nakamura is a story of an American hero. He was born and raised in Seattle. As a young man, in 1942, he and his family were forcibly relocated to a Federal internment camp. While at Minidoka Relocation Center in Iowa, William and his brothers then enlisted in the U.S. Army. In their minds, their loyalty to the United States was unquestionable.

He was assigned to the 442nd Regimental Combat Team. It is now well documented that this unit was one of World War II's bravest fighting units and was one of the most decorated units in the history of our Nation's military.

On the 4th of July, 1944, William Nakamura distinguished himself with astonishing bravery and remarkable heroism in a raging battle outside of Castellina, Italy. While his entire platoon was pinned down by enemy machine gun fire, he crawled within 15 feet of the enemy bunker and destroyed the machine gun nest with four hand grenades. Later in the battle he provided extraordinary cover for his platoon as they returned to safety. Tragically, Private Nakamura lost his life to sniper fire in the process.

Although he was nominated for the Medal of Honor, the racial environment at the time prevented him and many other soldiers of color from receiving the honors to which they were due and entitled. In the spring of 2000, over 50 years after Private Nakamura made the ultimate sacrifice for his country, he was posthumously awarded the Congressional Medal of Honor.

Mr. Speaker, it is truly fitting and proper that William Kenzo Nakamura be honored with this designation in his

hometown of Seattle, Washington. I support this legislation, and urge my colleagues to join me in honoring a true American hero.

Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR), the ranking member on the Committee on Transportation and Infrastructure.

Mr. OBERSTAR. Mr. Speaker, the Committee on Transportation and Infrastructure might also have a subtitle, the Committee on Commendation of Great Americans. There are few opportunities for us in this body to memorialize Americans who have made great contributions to their country, sacrifice in many ways including, as in this case, sacrifice of their very lives.

It is our good fortune to have jurisdiction over Federal buildings to the extent even of naming those Federal buildings; and we have on this committee, on a bipartisan basis, reserved that responsibility for very special cases. We carefully review the many bills introduced to name structures for figures important locally or statewide or nationally; and in the end, our judgment on a bipartisan basis has been to reserve the naming of a building for someone who has truly made an extraordinary contribution.

This afternoon we have had at least one example of that with the naming of the George Brown building. Here, with the naming of the William Kenzo Nakamura United States Courthouse in Seattle, we have an opportunity to acknowledge, pay tribute to and memorialize for time everlasting, or at least as long as this structure will last, a true American hero, William Kenzo Nakamura.

One of our colleagues on the Committee on Transportation and Infrastructure who came to Congress with me in the same class, the 94th Congress, and later was chairman of the Committee on Public Works and Transportation, as it was known then, Mr. Minetta, was, like Private Nakamura, with his family, taken off to an internment camp in the American desert, simply because he was Japanese and because of the very powerful outpouring of feeling after the bombing of Pearl Harbor.

But Mr. Nakamura and his brothers, and while, of course, I cannot speak for their sentiments, but I know from Mr. Minetta, they were bewildered, they were resentful, they could not understand why their loyalty was being questioned. Americans of German ancestry were not hustled off to camps and sequestered from the rest of the country.

Mr. Nakamura and his brothers felt that they were unquestionably loyal to the United States, and they enlisted in the United States Army. The story of Mr. Nakamura's service in World War II with the 442nd Regimental Combat Team has already been told by the chairman and by the gentleman from Mississippi (Mr. SHOWS).

What an extraordinary account. What an extraordinary life. To not hold it against your country or your fellow countrymen for discriminating against you or your family, but, indeed, to offer your service, including your very life, for your country, one of the greatest acts of patriotism, meriting the Congressional Medal of Honor, along with other honors.

But today we take an opportunity to stop, reflect and make things right in the long run for Private Nakamura, for his family, and for all Americans of Japanese ancestry who were so unfairly treated in World War II, but, in this case, who rose above discrimination to become a true American patriot.

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

Mr. Speaker, I want to compliment my good friend, and while I do not want to withdraw my compliment, I certainly want to let that stand, I will withdraw anything else I might say because I see the gentleman who we have been waiting for with bated breath has now arrived, so this filibuster, at least on this side, now can end.

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

Mr. SHOWS. Mr. Speaker, I yield such time as he may consume to the gentleman from Seattle, Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, I should start first by thanking the gentleman from Pennsylvania (Chairman SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) for delaying this process, or extending it. Whatever you want to say, the delaying action was in.

Mr. Speaker, it is a particularly important moment for Seattle, because in 1941, at the time of the height of the Second World War, the United States chose to send to concentration camps all over the West Japanese Americans. One of them was Private First Class Nakamura.

His story is largely unknown, really was unknown in Seattle, and designating this courthouse in his name is really a fitting way to acknowledge not only his memory as a true American hero, but also to acknowledge a blot on our political situation that many of us have tried hard to remove over the years. Naming this courthouse after him will certainly begin or continue that process.

Bill Nakamura was born and raised in an area of Seattle called Japan Town. In 1942, while attending the University of Washington, he and his family and 110,000 other Japanese Americans were forcibly relocated to Federal internment camps. While living at the Minidoko Relocation Camp in Idaho, Nakamura and his brothers enlisted in the United States Army.

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They were assigned to what was to become the most decorated unit in the United States military, the 442nd Regimental Combat Team. The courageous service of this unit is matched by no other unit in our history. Mr. Nakamura distinguished himself by extraordinary heroism and action on the 4th of July, 1944 near Castellina, Italy.

His platoon approached the city; and as it did, it came under heavy fire. Acting on his own initiative, PFC Nakamura crawled within 15 yards of an enemy machine gun nest, used four hand grenades to neutralize the enemy fire which allowed his platoon to continue its advance. Nakamura's company was later ordered to withdraw from the crest of the hill, but rather than retreat with his platoon, PFC Nakamura took a position to cover the platoon's withdrawal. As the platoon moved towards safety, they suddenly became pinned down once again by machine gun fire.

PFC Nakamura crawled toward the enemy position and accurately fired upon the machine gunners, allowing his platoon to return to safety. It was during this heroic stand that PFC Nakamura lost his life, an enemy sniper got him. He was immediately nominated by his commanding officer for a Medal of Honor, but the racial climate in 1944, 1945 prevented him and other soldiers of color from receiving the Nation's highest honor. This year, 56 years later, after he made the ultimate sacrifice for his country, he was awarded the Congressional Medal of Honor as the part of the process by which a number of soldiers records were reviewed. Naming the courthouse in his honor will put really an exclamation point on how we treated him and other Japanese Americans and how they repaid us, how they fought to protect the country that had done them not so well.

Mr. Speaker, I do not want to take all the credit here, Steve Finely, one of the people in my district came up with the idea, the gentlewoman from Washington (Ms. DUNN) has worked very hard in getting the gentleman from Pennsylvania (Chairman SHUSTER) to bring this bill through. This bill has not been on the docket for more than about 3 weeks. So this is a rather rapid transit through this House, and I want to thank again the gentleman from Pennsylvania (Chairman SHUSTER) and his staffer, Matt Wallen, for their efforts, as well as the gentleman from Minnesota (Mr. OBERSTAR). There are a whole list of organizations in Washington that participated in making this possible, one person I think that needs to be recognized is June Oshima, who is Mr. Nakamura's sister. She was part of the group that asked and persuaded the Department of Defense to look at these men who had served bravely and had not been recognized.

Mr. Speaker, this is a very important thing, not a big thing in the history of

the world, but it is important that people who are willing to do the right thing, even when other people have not done the right thing to them, they need to be recognized. For that reason, I urge the passage of the bill.

Mr. Speaker, I rise today in support of H.R. 5302, legislation which designates the United States courthouse in Seattle, Washington, as the "William Kenzo Nakamura United States Courthouse".

This legislation has the strong support of the entire Washington State delegation, Robert Matsui, Representative PATSY MINK, and Representative DAVID WU and locally elected officials in the Pacific Northwest. The legislation is broadly supported by veterans groups including the Nisei Veterans Committee, Northwest Chapter of the Military Intelligence Service, Mercer Island VFW Post 5760, Lake Washington VFW Post 2995, Renton VFW Post 1263, The Seattle Chapter of the Association of the U.S. Army.

Pfc. Nakamura's story is largely unknown; designating the U.S. Courthouse in his name is a fitting way to acknowledge the memory of a true American hero, who for so many years was denied the honor he so justly deserved.

William Kenzo Nakamura was born and raised in an area of Seattle that used to be known as "Japantown." In 1942, while attending the University of Washington, William Kenzo Nakamura, his family, and 110,000 other Japanese Americans were forcibly relocated to federal internment camps. While living at the Minidoka Relocation Center in Idaho, Nakamura and his brothers enlisted in the United States Army. William Kenzo Nakamura was assigned to serve with the 442nd Regimental Combat Team. The courageous service of this unit during World War II made it one of the most decorated in the history of our nation's military.

William Kenzo Nakamura distinguished himself by extraordinary heroism in action on July 4, 1944, near Castellina, Italy. As Pfc. Nakamura's platoon approached Castellina, it came under heavy enemy fire. Acting on his own initiative, Pfc. Nakamura crawled within 15 yards of the enemy's machine gun nest and used four hand grenades to neutralize the enemy fire which allowed his platoon to continue its advance. Pfc. Nakamura's company was later ordered to withdraw from the crest of a hill. Rather than retreat with his platoon, Pfc. Nakamura took a position to cover the platoon's withdrawal. As his platoon moved toward safety they suddenly became pinned down by machine gun fire. Pfc. Nakamura crawled toward the enemy's position and accurately fired upon the machine gunners, allowing his platoon time to withdraw to safety. It was during this heroic stand that Pfc. Nakamura lost his life to enemy sniper fire.

Pfc. Nakamura's commanding officer nominated him for the Medal of Honor but the racial climate of the time prevented him, and other soldiers of color, from receiving the nation's highest honor. This year, fifty-six years after he made the ultimate sacrifice for his country, William Kenzo Nakamura was awarded the Congressional Medal of Honor.

I would like to acknowledge June Oshima, Pfc. Nakamura's sister. This legislation confirms what she and the Nakamura family have long known, William Kenzo Nakamura is an American hero. William Kenzo Nakamura embodies the American spirit—an individual who faced enormous inequity imparted on him by his country, yet nobly volunteered to protect it paying the ultimate sacrifice. The "William K. Nakamura Courthouse" will stand to remind us all of his and other Japanese-American's contributions and sacrifices for this country. Naming the Courthouse in his honor of William Kenzo Nakamura would be a fitting honor for him and other Japanese Americans.

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

Mr. SHUSTER. Mr. Speaker, I have no further requests for time, and 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 Pennsylvania (Mr. SHUSTER) that the House suspend the rules and pass the bill, H.R. 5302.

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.

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 5110, H.R. 5302, and H.R. 3069.

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

There was no objection.

AMENDING PERISHABLE AGRICULTURAL COMMODITIES ACT

Mr. CALVERT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4965) to amend the Perishable Agricultural Commodities Act, 1930, to extend the time period during which persons may file a complaint alleging the preparation of false inspection certificates at Hunts Point Terminal Market, Bronx, New York.

The Clerk read as follows:

H.R. 4965

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

SECTION 1. EXTENSION OF TIME PERIOD FOR FILING CERTAIN COMPLAINTS UNDER PERISHABLE AGRICULTURAL COMMODITIES ACT, 1930.

Section 6(a)(1) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499f(a)(1)) is amended by adding at the end the following: "Notwithstanding the preceding sentence, a person that desires to file a complaint under this section involving the allegation of false inspection certificates prepared by graders of the Department of Agriculture at Hunts Point Terminal Market, Bronx, New York, prior to October 27, 1999, may file the complaint until January 1, 2001.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. CALVERT) and the gentleman from Minnesota (Mr. PETERSON) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. CALVERT).

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

Mr. Speaker, I rise today in support of the bill, H.R. 4965, a bill to extend the time period to file a complaint arising from the incident at the Hunts Point Terminal Market.

I thank the gentleman from California (Mr. CONDIT) for introducing this legislation. I also would like to thank the gentleman from California (Mr. POMBO), the chairman of the Subcommittee on Livestock and Horticulture for holding a hearing on the Hunts Point matter on July 27. I thank my colleague, the gentleman from Texas (Mr. STENHOLM) for his assistance in bringing this bill to the floor.

On October 27, 1999, eight USDA produce inspectors and individuals from 13 wholesale firms were arrested at the Hunts Point Terminal Market and charged with bribery. These arrests were the result of a 3-year investigation by the USDA's Office of Inspector General. All total, Federal prosecutors were able to obtain convictions for nine USDA inspectors involved in this illegal activity, in addition to the charges filed against 14 wholesale firms.

The AMS inspectors were charged with accepting cash bribes in exchange for reducing the grade of the produce they inspected, which then allowed the wholesale company to purchase produce more cheaply at the expense of the farmer.

The Perishable Agriculture Commodities Act, PACA, enacted in 1930, governs the fair trade of fresh and frozen fruits and vegetables. PACA guidelines provide a mechanism to resolve commercial disputes that arise in the produce trade. PACA also establishes a code of business practices and enables USDA to penalize violations of these practices.

Mr. Speaker, all who believe they suffered from the financial damages as a result of the fraudulent inspection at the Hunts Point Market may seek to recover these damages by filing a PACA complaint. However, PACA guidelines require all claims be filed within 9 months of the incident. In this case, any party seeking damages from the Hunts Point incident would have had to file a claim by July 27, 2000.

Mr. Speaker, it is my understanding that the earliest any producer received a copy of the fraudulent inspection certificates was March 21 and some did not receive theirs until June 23. These certificates, along with other records, are necessary to establish the amount of damages. As my colleagues can see, many did not have adequate time to assemble the required documentation to file a claim by the deadline. H.R. 4965

extends the deadline for filing the PACA claim resulting from the Hunts Point incident to January 1, 2001.

This will provide farmers and others with a claim to gather the information they need to present a claim for compensation resulting from illegal inspection activities.

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

Mr. PETERSON of Minnesota. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 4965, and I think the gentleman from California (Mr. CALVERT) has done a good job of laying out the situation. This bill is basically technical in nature.

Mr. Speaker, I am the ranking member on the Subcommittee on Livestock and Horticulture and I sat through the hearings regarding this Hunts Point situation and it is and was quite a mess, to say the least. What we are trying to accomplish here is merely a technical change to give these folks enough time so they can file these claims, as was indicated by the gentleman from California (Mr. CALVERT).

Under the way the process works, they only had until July 27, some of them did not get notified until June, so this just merely extends it to January 1, 2001, which is appropriate. Basically, this is a technical bill, 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. CALVERT. Mr. Speaker, I thank the gentleman from Minnesota (Mr. PETERSON) for his assistance, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. CALVERT) that the House suspend the rules and pass the bill, H.R. 4965.

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.

GENERAL LEAVE

Mr. CALVERT. 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. 4965.

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

There was no objection.

PROVIDING FOR CONCURRENCE BY HOUSE WITH AMENDMENT IN SENATE AMENDMENT TO H.R. 4788, GRAIN STANDARDS AND WAREHOUSE IMPROVEMENT ACT OF 2000

Mr. BARRETT of Nebraska. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 632) providing for the concurrence by the House with an amendment in the Senate amendment to H.R. 4788, the Grain Standards and Warehouse Improvement Act of 2000.

The Clerk read as follows:

H. RES. 632

Resolved, That upon the adoption of this resolution the House shall be considered to have taken from the Speaker's table the bill H.R. 4788, with the amendment of the Senate thereto, and to have concurred in the Senate amendment with the following amendment:

At the end of the matter proposed to be inserted by the Senate amendment, add the following new sections:

SEC. 311. COTTON FUTURES.

Subsection (d)(2) of the United States Cotton Futures Act (7 U.S.C. 15b(d)(2)) is amended by adding at the end the following: ''A person complying with the preceding sentence shall not be liable for any loss or damage arising or resulting from such compliance.''.

SEC. 312. IMPROVED INVESTIGATIVE AND ENFORCEMENT ACTIVITIES UNDER THE PACKERS AND STOCKYARDS ACT, 1921.

(a) IMPLEMENTATION OF GENERAL ACCOUNTING OFFICE RECOMMENDATIONS.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Agriculture shall implement the recommendations contained in the report issued by the General Accounting Office entitled ''Packers and Stockyards Programs: Actions Needed to Improve Investigations of Competitive Practices'', GAO/RCED–00–242, dated September 21, 2000.

(b) CONSULTATION.—During the implementation period referred to in subsection (a), and for such an additional time period as needed to assure effective implementation of the recommendations contained in the report referred to in such subsection, the Secretary of Agriculture shall consult and work with the Department of Justice and the Federal Trade Commission in order to—

(1) implement the recommendations in the report regarding investigation management, operations, and case methods development processes; and

(2) effectively identify and investigate complaints of unfair and anti-competitive practices in violation of the Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.), and enforce the Act.

(c) TRAINING.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Agriculture shall develop and implement a training program for staff of the Department of Agriculture engaged in the investigation of complaints of unfair and anti-competitive activity in violation of the Packers and Stockyards Act, 1921. In developing the training program, the Secretary of Agriculture shall draw on existing training materials and programs available at the Department of Justice and the Federal Trade Commission, to the extent practicable.

(d) IMPLEMENTATION REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Agriculture shall submit to Congress a report describing the actions taken to comply with this section.

(e) ANNUAL ASSESSMENT OF CATTLE AND HOG INDUSTRIES.—Title IV of the Packers and Stockyards Act, 1921, is amended—

(1) by redesignating section 415 (7 U.S.C. 229) as section 416; and

(2) by inserting after section 414 the following:

''SEC. 415. ANNUAL ASSESSMENT OF CATTLE AND HOG INDUSTRIES.

''Not later than March 1 of each year, the Secretary shall submit to Congress and make publicly available a report that—

''(1) assesses the general economic state of the cattle and hog industries;

''(2) describes changing business practices in those industries; and

''(3) identifies market operations or activities in those industries that appear to raise concerns under this Act.''.

SEC. 313. REHABILITATION OF WATER RESOURCE STRUCTURAL MEASURES CONSTRUCTED UNDER CERTAIN DEPARTMENT OF AGRICULTURE PROGRAMS.

The Watershed Protection and Flood Prevention Act (16 U.S.C. 1001 et seq.) is amended by adding at the end the following new section:

''SEC. 14. REHABILITATION OF STRUCTURAL MEASURES NEAR, AT, OR PAST THEIR EVALUATED LIFE EXPECTANCY.

''(a) DEFINITIONS.—For purposes of this section:

''(1) REHABILITATION.—The term 'rehabilitation', with respect to a structural measure constructed as part of a covered water resource project, means the completion of all work necessary to extend the service life of the structural measure and meet applicable safety and performance standards. This may include: (A) protecting the integrity of the structural measure or prolonging the useful life of the structural measure beyond the original evaluated life expectancy; (B) correcting damage to the structural measure from a catastrophic event; (C) correcting the deterioration of structural components that are deteriorating at an abnormal rate; (D) upgrading the structural measure to meet changed land use conditions in the watershed served by the structural measure or changed safety criteria applicable to the structural measure; or (E) decommissioning the structure, if requested by the local organization.

''(2) COVERED WATER RESOURCE PROJECT.—The term 'covered water resource project' means a work of improvement carried out under any of the following:

''(A) This Act.

''(B) Section 13 of the Act of December 22, 1944 (Public Law 78–534; 58 Stat. 905).

''(C) The pilot watershed program authorized under the heading 'FLOOD PREVENTION' of the Department of Agriculture Appropriation Act, 1954 (Public Law 156; 67 Stat. 214).

''(D) Subtitle H of title XV of the Agriculture and Food Act of 1981 (16 U.S.C. 3451 et seq.; commonly known as the Resource Conservation and Development Program).

''(3) STRUCTURAL MEASURE.—The term 'structural measure' means a physical improvement that impounds water, commonly known as a dam, which was constructed as part of a covered water resource project, including the impoundment area and flood pool.

''(b) COST SHARE ASSISTANCE FOR REHABILITATION.—

''(1) ASSISTANCE AUTHORIZED.—The Secretary may provide financial assistance to a local organization to cover a portion of the total costs incurred for the rehabilitation of structural measures originally constructed as part of a covered water resource project. The total costs of rehabilitation include the costs associated with all components of the rehabilitation project, including acquisition of land, easements, and rights-of-ways, rehabilitation project administration, the provision of technical assistance, contracting, and construction costs, except that the local organization shall be responsible for securing

all land, easements, or rights-of-ways necessary for the project.

''(2) AMOUNT OF ASSISTANCE; LIMITATIONS.—The amount of Federal funds that may be made available under this subsection to a local organization for construction of a particular rehabilitation project shall be equal to 65 percent of the total rehabilitation costs, but not to exceed 100 percent of actual construction costs incurred in the rehabilitation. However, the local organization shall be responsible for the costs of water, mineral, and other resource rights and all Federal, State, and local permits.

''(3) RELATION TO LAND USE AND DEVELOPMENT REGULATIONS.—As a condition on entering into an agreement to provide financial assistance under this subsection, the Secretary, working in concert with the affected unit or units of general purpose local government, may require that proper zoning or other developmental regulations are in place in the watershed in which the structural measures to be rehabilitated under the agreement are located so that—

''(A) the completed rehabilitation project is not quickly rendered inadequate by additional development; and

''(B) society can realize the full benefits of the rehabilitation investment.

''(c) TECHNICAL ASSISTANCE FOR WATERSHED PROJECT REHABILITATION.—The Secretary, acting through the Natural Resources Conservation Service, may provide technical assistance in planning, designing, and implementing rehabilitation projects should a local organization request such assistance. Such assistance may consist of specialists in such fields as engineering, geology, soils, agronomy, biology, hydraulics, hydrology, economics, water quality, and contract administration.

''(d) PROHIBITED USE.—

''(1) PERFORMANCE OF OPERATION AND MAINTENANCE.—Rehabilitation assistance provided under this section may not be used to perform operation and maintenance activities specified in the agreement for the covered water resource project entered into between the Secretary and the local organization responsible for the works of improvement. Such operation and maintenance activities shall remain the responsibility of the local organization, as provided in the project work plan.

''(2) RENEGOTIATION.—Notwithstanding paragraph (1), as part of the provision of financial assistance under subsection (b), the Secretary may renegotiate the original agreement for the covered water resource project entered into between the Secretary and the local organization regarding responsibility for the operation and maintenance of the project when the rehabilitation is finished.

''(e) APPLICATION FOR REHABILITATION ASSISTANCE.—A local organization may apply to the Secretary for technical and financial assistance under this section if the application has also been submitted to and approved by the State agency having supervisory responsibility over the covered water resource project at issue or, if there is no State agency having such responsibility, by the Governor of the State. The Secretary shall request the State dam safety officer (or equivalent State official) to be involved in the application process if State permits or approvals are required. The rehabilitation of structural measures shall meet standards established by the Secretary and address other dam safety issues. At the request of the local organization, personnel of the Natural Resources Conservation Service of the Department of Agriculture may assist in preparing applications for assistance.

''(f) RANKING OF REQUESTS FOR REHABILITATION ASSISTANCE.—The Secretary shall establish such system of approving rehabilitation requests, recognizing that such requests will be received throughout the fiscal year and subject to the availability of funds to carry out this section, as is necessary for proper administration by the Department of Agriculture and equitable for all local organizations. The approval process shall be in writing, and made known to all local organizations and appropriate State agencies.

''(g) PROHIBITION ON CERTAIN REHABILITATION ASSISTANCE.—The Secretary may not approve a rehabilitation request if the need for rehabilitation of the structure is the result of a lack of adequate maintenance by the party responsible for the maintenance.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to provide financial and technical assistance under this section—

''(1) $5,000,000 for fiscal year 2001;

''(2) $10,000,000 for fiscal year 2002;

''(3) $15,000,000 for fiscal year 2003;

''(4) $25,000,000 for fiscal year 2004; and

''(5) $35,000,000 for fiscal year 2005.

''(i) ASSESSMENT OF REHABILITATION NEEDS.—The Secretary, in concert with the responsible State agencies, shall conduct an assessment of the rehabilitation needs of covered water resource projects in all States in which such projects are located.

''(j) RECORDKEEPING AND REPORTS.—

''(1) SECRETARY.—The Secretary shall maintain a data base to track the benefits derived from rehabilitation projects supported under this section and the expenditures made under this section. On the basis of such data and the reports submitted under paragraph (2), the Secretary shall prepare and submit to Congress an annual report providing the status of activities conducted under this section.

''(2) GRANT RECIPIENTS.—Not later than 90 days after the completion of a specific rehabilitation project for which assistance is provided under this section, the local organization that received the assistance shall make a report to the Secretary giving the status of any rehabilitation effort undertaken using financial assistance provided under this section.''.

SEC. 314. RELEASE OF REVERSIONARY INTEREST AND CONVEYANCE OF MINERAL RIGHTS IN FORMER FEDERAL LAND IN SUMTER COUNTY, SOUTH CAROLINA.

(a) FINDINGS.—Congress finds the following:

(1) The hiking trail known as the Palmetto Trail traverses the Manchester State Forest in Sumter County, South Carolina, which is owned by the South Carolina State Commission of Forestry on behalf of the State of South Carolina.

(2) The Commission seeks to widen the Palmetto Trail by acquiring a corridor of land along the northeastern border of the trail from the Anne Marie Carton Boardman Trust in exchange for a tract of former Federal land now owned by the Commission.

(3) At the time of the conveyance of the former Federal land to the Commission in 1955, the United States retained a reversionary interest in the land, which now prevents the land exchange from being completed.

(b) RELEASE OF REVERSIONARY INTEREST.—

(1) RELEASE REQUIRED.—In the case of the tract of land identified as Tract 3 on the map numbered 161–DI and further described in paragraph (2), the Secretary of Agriculture shall release the reversionary interest of the United States in the land that—

(A) requires that the land be used for public purposes; and

(B) is contained in the deed conveying the land from the United States to the South Carolina State Commission of Forestry, dated June 28, 1955, and recorded in Deed Drawer No. 6 of the Clerk of Court for Sumter County, South Carolina.

(2) MAP OF TRACT 3.—Tract 3 is generally depicted on the map numbered 161–DI, entitled ''Boundary Survey for South Carolina Forestry Commission'', dated August 1998, and filed, together with a legal description of the tract, with the South Carolina State Commission of Forestry.

(3) CONSIDERATION.—As consideration for the release of the revisionary interest under paragraph (1), the State of South Carolina shall transfer to the United States a vested future interest, similar to the restriction described in paragraph (1)(A), in the tract of land identified as Parcel G on the map numbered 225–HI, entitled ''South Carolina Forestry Commission Boardman Land Exchange'', dated June 9, 1999, and filed, together with a legal description of the tract, with the South Carolina State Commission of Forestry.

(c) EXCHANGE OF MINERAL RIGHTS.—

(1) EXCHANGE REQUIRED.—Subject to any valid existing rights of third parties, the Secretary of the Interior shall convey to the South Carolina State Commission of Forestry on behalf of the State of South Carolina all of the undivided mineral rights of the United States in the Tract 3 identified in subsection (b)(1) in exchange for mineral rights of equal value held by the State of South Carolina in the Parcel G identified in subsection (b)(3) as well as in Parcels E and F owned by the State and also depicted on the map referred to in subsection (b)(3).

(2) DETERMINATION OF MINERAL CHARACTER.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Interior shall determine—

(A) the mineral character of Tract 3 and Parcels E, F, and G; and

(B) the fair market value of the mineral interests.

SEC. 315. TECHNICAL CORRECTION REGARDING RESTORATION OF ELIGIBILITY FOR CROP LOSS ASSISTANCE.

Section 259 of the Agricultural Risk Protection Act of 2000 (Public Law 106–224; 114 Stat. 426; 7 U.S.C. 1421 note) is amended by adding at the end the following:

''(c) COMMODITY CREDIT CORPORATION.—The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this section.''.

SEC. 316. PORK CHECKOFF REFERENDUM.

Notwithstanding section 1620(c)(3)(B)(iv) of the Pork Promotion, Research, and Consumer Information Act of 1985 (7 U.S.C. 4809(c)(3)(B)(iv)), the Secretary shall use funds available to carry out section 32 of the Act of August 24, 1935 (Public Law 320; 7 U.S.C. 612c) to pay for all expenses associated with the pork checkoff referendum ordered by the Secretary on February 25, 2000.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. BARRETT) and the gentleman from Minnesota (Mr. PETERSON) each will control 20 minutes.

The Chair recognizes the gentleman from Nebreska (Mr. BARRETT).

Mr. BARRETT of Nebraska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do rise today to suspend the rules and pass H. Res. 632 and urge my colleagues to support the Grain Standards and Warehouse Improvement Act of 2000. The House passed a clean bill on October 10, and we now take up the bill with the Senate amendment.

The reauthorization will provide the Grain Inspection Packers and Stockyards Administration with essential authority to continue the inspection of grain utilized in both domestic and international markets and extends the authority of the Secretary of Agriculture to collect fees to cover the costs of services performed under the act until the year 2005.

On September 30, 2000, Mr. Speaker, the authorization for the collection of fees by the Grain Inspection Packers and Stockyards Administration expired; and the latest figures show that approximately 75 percent of the grain inspection budget is funded through the collection of fees, and only 25 percent funded through appropriations. Therefore, it is imperative that Congress act now to renew this expired authority.

H. Res. 632 also makes improvements to the Warehouse Act. This will provide the United States Department of Agriculture with the uniform regulatory system to govern the operation of federally licensed warehouses involved in storing agricultural products. Currently, warehouse licenses may be issued for the storage of major commodities and cottonseed. According to the USDA, 45.5 percent of the U.S. off-farm grain and rice storage capacity and 49.5 percent of the total cotton storage capacity is licensed under the Warehouse Act.

The revisions to the Warehouse Act will make this program more relevant to today's agricultural marketing system. The legislation would do such things as, number one, authorize and standardize electronic documents to allow their transfer from buyer to seller across State and international boundaries; number two, authorize warehouse operators to enter into contracts or agreements with depositors to allocate available storage space; and, finally, to protect the integrity of State warehouse laws and regulations from Federal preemption.

In 1992, Congress directed the Secretary of Agriculture to establish electronic warehouse receipts for the cotton industry; and since then, participation in the electronic-based program has grown to more than 90 percent of the U.S. cotton crop.

This legislation would extend the electronic warehouse receipts program to include all agricultural commodities covered by the U.S. Warehouse Act.

This legislation has been negotiated with the U.S. Department of Agriculture and relevant industries.

Another important part of H. Res. 632, Mr. Speaker, addresses food aid to poverty-stricken countries. Many of the groups in the U.S. that assist in feeding the hungry around the world, are faith-based, nonprofit organizations that simply donate their services.

For years, these groups who want to contribute food aid to victims of international disasters have been prevented from fully participating in these efforts.

This legislation would authorize the administrator of the U.S. Agency for International Development to provide grants to private, non-profit and private, voluntary organizations for the stockpiling and rapid distribution, delivery of shelf-stable, prepackaged foods to needy individuals in foreign countries.

In summary, Mr. Speaker, this legislation will bring grain inspection, and the use of warehouse facilities into the 21st century. At the same time, this bill will assist poverty-stricken countries, as they continue to accept the assistance of the United States nutrition programs. I certainly urge my colleagues to support this timely and very important piece of legislation.

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

□ 1700

Mr. PETERSON of Minnesota. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I rise in support of H.R. 4788, as amended, which contains the reauthorization of the U.S. Grain Standards Act and an update of the U.S. Warehouse Act that was passed in this House last week, as well as several other new provisions which I will go over.

Given today's world market, it is important that our farmers and commodity merchants have the best technical support possible to help them compete in that marketplace. This legislation helps continue the tradition by reauthorizing the inspection and weighing activities of the Grain Inspection, Packers, and Stockyards Administration, GIPSA, as well as updating the U.S. Warehouse Act and providing for the use of electronic documentation under that act.

H.R. 4788 as amended by the Senate now also contains the following provisions:

An amendment to the Perishable Agriculture Commodities Act to extend the time period during which persons may file a complaint, which is, I think, identical to the bill we just passed previously, so we are going to do it twice to make sure that it does not slip by us;

A provision authorizing the Agriculture Marketing Service, AMS, to collect fees for contracted mediation and arbitration services provided by the tri-national Dispute Resolution Corporation, which has been formed by Canada, Mexico, and the United States.

AMS currently provides similar mediation and arbitration services to resolve contract disputes for fruit and vegetable businesses in the U.S. Since these services would be provided on a user-fee basis, the estimated net budgetary effect of this provision would be zero.

Several rural development provisions to further enhance the eligibility of rural areas suffering from severe unemployment and outmigration for a rural development program have been added.

A provision was added entitled ''International Food Relief Partnership Act,'' which will provide incentives to further test the use of prepackaged, shelf-stable food. In addition, it will also provide limited authority to test the concept of pre-positioning commodities overseas for use in emergencies.

It would also extend and update the State mediation grant program, an important tool, given the difficult times facing farmers and ranchers today.

H.R. 4788, as amended by the Senate, has been further modified to include the following new provisions on our side: that is, Title I of the H.R. 728, the Small Watershed Rehabilitation Amendments of 2000. This is a bill that passed the House by voice vote in July.

A provision for the exchange of private land involving the South Carolina Forestry Commission and the U.S. Forest Service. This exchange will be of equal value, and therefore of no cost to the government;

And a provision directing the Secretary to implement the recommendations of the September 21 General Accounting Office study of the enforcement of the Packers and Stockyards Act. It is hoped these changes will help make USDA more efficient and effective in protecting our Nation's livestock producers from any unfair market activities.

Mr. Speaker, I urge my colleagues to support the routine update of these two statutes and other provisions that were included in H.R. 4788.

Mr. Speaker, I would like to say that this may be the last time that we see the gentleman from Nebraska (Chairman BARRETT) in this position on the floor. He has, unfortunately, chosen to leave the House.

I just want to say he has been an outstanding Member of the Committee on Agriculture, an outstanding chairman of the Subcommittee on General Farm Commodities, Resource Conservation and Credit. I have gotten to know the gentleman from Nebraska quite well. He is one of the nicest people, the most bipartisan chairman that we have. He is going to be very much missed.

All I can say is that I know that his family, his grandkids, are going to appreciate having him around a little more. He is maybe going to get a chance to fly his airplane like he used to do before he got so busy.

Most importantly, he and I are both musicians. He is going to go back and start playing the upright base again in his band. He is going to have a lot of fun, I know. We are going to miss the gentleman. He has done a great job. I know I speak for all of us in saying the best of luck to him, and have fun on the other side.

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

Mr. BARRETT of Nebraska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I certainly thank my distinguished colleague, the gentleman from Minnesota, for those kind words.

Mr. Speaker, I have no further requests for time, and 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 Nebraska (Mr. BARRETT) that the House suspend the rules and agree to the resolution, H. Res. 632.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BARRETT of Nebraska. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the resolution just adopted.

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

There was no objection.

AMENDING INSPECTOR GENERAL ACT

Mr. OSE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1707) to amend the Inspector General Act of 1978 (5 U.S.C. App.) to provide that certain designated Federal entities shall be establishments under such Act, and for other purposes.

The Clerk read as follows:

S. 1707

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

SECTION 1. THE TENNESSEE VALLEY AUTHORITY AS AN ESTABLISHMENT UNDER THE INSPECTOR GENERAL ACT OF 1978.

(a) FINDINGS.—Congress finds that—

(1) Inspectors General serve an important function in preventing and eliminating fraud, waste, and abuse in the Federal Government; and

(2) independence is vital for an Inspector General to function effectively.

(b) ESTABLISHMENT OF INSPECTOR GENERAL.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in section 8G(a)(2) by striking ''the Tennessee Valley Authority,''; and

(2) in section 11—

(A) in paragraph (1) by striking ''or the Commissioner of Social Security, Social Security Administration;'' and inserting ''the Commissioner of Social Security, Social Security Administration; or the Board of Directors of the Tennessee Valley Authority;''; and

(B) in paragraph (2) by striking ''or the Social Security Administration;'' and inserting ''the Social Security Administration, or the Tennessee Valley Authority;''.

(c) EXECUTIVE SCHEDULE POSITION.—Section 5315 of title 5, United States Code, is amended by inserting after the item relating to the Inspector General of the Small Business Administration the following:

''Inspector General, Tennessee Valley Authority.''.

(d) EFFECTIVE DATE AND APPLICATION.—

(1) IN GENERAL.—The amendments made by this section shall take effect 30 days after the date of enactment of this Act.

(2) INSPECTOR GENERAL.—The person serving as Inspector General of the Tennessee Valley Authority on the effective date of this section—

(A) may continue such service until the President makes an appointment under section 3(a) of the Inspector General Act of 1978 (5 U.S.C. App.) consistent with the amendments made by this section; and

(B) shall be subject to section 8G (c) and (d) of the Inspector General Act of 1978 (5 U.S.C. App.) as applicable to the Board of Directors of the Tennessee Valley Authority, unless that person is appointed by the President, by and with the advice and consent of the Senate, to be Inspector General of the Tennessee Valley Authority.

SEC. 2. ESTABLISHMENT OF INSPECTORS GENERAL CRIMINAL INVESTIGATOR ACADEMY AND INSPECTORS GENERAL FORENSIC LABORATORY.

(a) INSPECTORS GENERAL CRIMINAL INVESTIGATOR ACADEMY.—

(1) ESTABLISHMENT.—There is established the Criminal Investigator Academy within the Department of the Treasury. The Criminal Investigator Academy is established for the purpose of performing investigator training services for offices of inspectors general created under the Inspector General Act of 1978 (5 U.S.C. App.).

(2) EXECUTIVE DIRECTOR.—The Criminal Investigator Academy shall be administered by an Executive Director who shall report to an inspector general for an establishment as defined in section 11 of the Inspector General Act of 1978 (5 U.S.C. App.)—

(A) designated by the President's Council on Integrity and Efficiency; or

(B) if that council is eliminated, by a majority vote of the inspector generals created under the Inspector General Act of 1978 (5 U.S.C. App.).

(b) INSPECTORS GENERAL FORENSIC LABORATORY.—

(1) ESTABLISHMENT.—There is established the Inspectors General Forensic Laboratory within the Department of the Treasury. The Inspector General Forensic Laboratory is established for the purpose of performing forensic services for offices of inspectors general created under the Inspector General Act of 1978 (5 U.S.C. App.).

(2) EXECUTIVE DIRECTOR.—The Inspectors General Forensic Laboratory shall be administered by an Executive Director who shall report to an inspector general for an establishment as defined in section 11 of the Inspector General Act of 1978 (5 U.S.C. App.)—

(A) designated by the President's Council on Integrity and Efficiency; or

(B) if that council is eliminated, by a majority vote of the inspector generals created under the Inspector General Act of 1978 (5 U.S.C. App.).

(c) SEPARATE APPROPRIATIONS ACCOUNT.—Section 1105(a) of title 31, United States Code, is amended by adding at the end the following:

''(33) a separate appropriation account for appropriations for the Inspectors General Criminal Investigator Academy and the Inspectors General Forensic Laboratory of the Department of the Treasury.''.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to carry out this section such sums as may be necessary for fiscal year 2001 and each fiscal year thereafter.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. OSE) and the gentleman from Texas (Mr. TURNER) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. OSE).

GENERAL LEAVE

Mr. OSE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 1707.

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

There was no objection.

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

Mr. Speaker, S. 1707 would make the position of Inspector General of the Tennessee Valley Authority a presidential appointment. The bill would also authorize a Criminal Investigator Academy and Forensic Laboratory for the Inspector General community.

Offices of Inspector General are independent, nonpartisan, and objective units that exist in nearly 60 Federal departments and agencies, including all Cabinet departments, major executive branch agencies, and many smaller boards, commissions, corporations, and foundations.

The primary distinction between the offices of Inspector General in the larger Federal agencies and those in smaller government entities is the method by which the Inspector General is appointed. Inspectors General at larger agencies are appointed by the President, with the advice and consent of the Senate. Inspectors General at smaller Federal entities are appointed, and can be removed from office by the head of the agency.

Regardless of the process, however, the mission of all Inspectors General is the same: to conduct audits and investigations of agency programs in order to promote an economic and efficient operation, and to combat any waste, fraud, or misuse of public money.

The Tennessee Valley Authority's board of directors currently appoints and can remove its Inspector General. S. 1707 would turn that responsibility over to the President.

With an annual budget of more than $7 million and a staff of more than 80

full-time equivalent employees, the Tennessee Valley Authority is larger than some government entities whose Inspectors General are appointed by the President. S. 1707 would elevate the status of the Tennessee Valley Authority's Inspector General, and would further enhance the independence of this important office.

S. 1707 would also establish a Criminal Investigator Academy and General Forensic Laboratory for all Federal Inspectors General. These facilities would be housed in the Department of the Treasury and would provide high caliber investigative training and forensic services for Inspectors General at all departments, agencies, and government entities, regardless of size.

Mr. Speaker, I urge adoption of this measure, and I reserve the balance of my time.

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

Mr. Speaker, S. 1707, as has been mentioned, is intended to enhance the independence of the Inspector General of the Tennessee Valley Authority by making the position presidentially-appointed. Under current law, the Inspector General of the TVA is appointed by the agency head.

As all of us understand, the Inspectors General in all of our agencies perform a very important watchdog function. In order to be able to carry that out effectively, they need to be independent. Therefore, this bill would make the Inspector General of this agency similar to all agencies of the Federal government and require that the President appoint the Inspector General, rather than the agency head.

In addition, this bill authorizes such funds as are necessary to establish a criminal investigator academy and a forensic laboratory for the Inspector General community. It is clear that the Inspectors General need to have adequate and continuous criminal investigative training, and this academy will provide such training.

Also, the Inspectors General have a need for forensic lab capability, which this bill authorizes.

Mr. Speaker, I support the bill, and I commend Senator THOMPSON and Senator LIEBERMAN for their bipartisan work on the matter. I believe the bill will enhance the Inspector General of the TVA and promote economy, effectiveness, and efficiency within that important Federal agency, and I urge adoption of the measure.

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

Mr. OSE. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Speaker, I want to first of all thank the gentleman from California (Mr. OSE) for yielding me this time and for his support of this legislation.

Mr. Speaker, I rise in support of this bill, which I think can fairly be described as noncontroversial, commonsense legislation. S. 1707 is a bill that was introduced by my colleague from Tennessee, Senator FRED THOMPSON, and I want to salute him for his work on this legislation.

This bill, S. 1707, is the companion to a bill that I originally introduced in the House, H.R. 2013. Simply put, S. 1707 will require that the Inspector General for the Tennessee Valley Authority be appointed by the President and confirmed by the Senate.

Currently, the Inspector General for the TVA is appointed by the TVA board, the very board which it is expected to oversee. This legislation will guarantee that this Inspector General is guaranteed independence, so that any waste, fraud, and abuse can be fully and adequately and properly investigated. Almost everyone agrees that Inspectors General can do much better jobs if they are not controlled by the agency or department which they are expected to oversee.

The bill which was originally introduced would apply to all 33 Federal agencies where the Inspectors General are not truly independent and are presently appointed by the department or agency which they are expected to investigate and oversee. While S. 1707 applies only to TVA, I certainly think it is a step in the right direction, and it is a very significant first step toward my goal of making all 33 of these agency Inspectors General truly independent.

I am also pleased that this bill has provisions that the gentleman from California (Mr. OSE) just mentioned to establish an academy for Inspectors General that all Inspectors General can attend, so that this bill will start a process that will have ramifications far beyond TVA.

This proposal has bipartisan support, and it has been endorsed by the Tennessee Valley Authority board of directors. It has already passed the other body by unanimous consent. In addition, the Knoxville News Sentinel, which is published in the city where TVA's headquarters are located, has recommended passage of this legislation.

Finally, I would like to thank the gentleman from Indiana (Mr. BURTON) and his staff for their hard work on this bill, and for helping me bring this bill to the floor today. Mr. Speaker, I will say that this is a modest proposal which will certainly help improve the oversight of the Tennessee Valley Authority. I urge passage of S. 1707.

Mr. CLEMENT. Mr. Speaker, I rise today to voice my support for S. 1707, legislation that requires the TVA Inspector General to be nominated by the President and confirmed by the Senate, as is the practice at other large federal agencies. S. 1707 also provides that the President has the authority to remove the TVA IG.

As a cosponsor of similar legislation in the House introduced by Representative JIMMY DUNCAN, I am very pleased that Congress is moving to pass this legislation before we adjourn for the year. S. 1707, like H.R. 2013, amends the Inspector General Act of 1978 to provide for the Presidential appointment of and Senate confirmation of the Inspector General for TVA.

As a former member of TVA's Board of Directors and a former chairman of the TVA Caucus in Congress, I believe this bill will greatly help assure the independence between the IG's office and TVA management. It is critically important to reaffirm the independence of the TVA IG, and thus Congress should amend the Inspector General Act. Most will agree that making TVA's IG a Presidential appointee will strengthen the IG's office. I applaud Senator THOMPSON and Representative DUNCAN for their leadership on this legislation. It is my hope the President will act promptly and sign this bill into law.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. OSE) that the House suspend the rules and pass the Senate bill, S. 1707.

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.

ICCVAM AUTHORIZATION ACT OF 2000

Mr. BLILEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4281) to establish, wherever feasible, guidelines, recommendations, and regulations that promote the regulatory acceptance of new and revised toxicological tests that protect human and animal health and the environment while reducing, refining, or replacing animal tests and ensuring human safety and product effectiveness, as amended.

The Clerk read as follows:

H.R. 4281

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 ''ICCVAM Authorization Act of 2000''.

SEC. 2. DEFINITIONS.

In this Act:

(1) ALTERNATIVE TEST METHOD.—The term ''alternative test method'' means a test method that—

(A) includes any new or revised test method; and

(B)(i) reduces the number of animals required;

(ii) refines procedures to lessen or eliminate pain or distress to animals, or enhances animal well-being; or

(iii) replaces animals with non-animal systems or 1 animal species with a phylogenetically lower animal species, such as replacing a mammal with an invertebrate.

(2) ICCVAM TEST RECOMMENDATION.—The term ''ICCVAM test recommendation'' means a summary report prepared by the ICCVAM characterizing the results of a scientific expert peer review of a test method.

SEC. 3. INTERAGENCY COORDINATING COMMITTEE ON THE VALIDATION OF ALTERNATIVE METHODS.

(a) IN GENERAL.—With respect to the interagency coordinating committee that is known as the Interagency Coordinating Committee on the Validation of Alternative Methods (referred to in this Act as ''ICCVAM'') and that was established by the Director of the National Institute of Environmental Health Sciences for purposes of section 463A(b) of the Public Health Service Act, the Director of the Institute shall designate such committee as a permanent interagency coordinating committee of the Institute under the National Toxicology Program Interagency Center for the Evaluation of Alternative Toxicological Methods. This Act may not be construed as affecting the authorities of such Director regarding ICCVAM that were in effect on the day before the date of the enactment of this Act, except to the extent inconsistent with this Act.

(b) PURPOSES.—The purposes of the ICCVAM shall be to—

(1) increase the efficiency and effectiveness of Federal agency test method review;

(2) eliminate unnecessary duplicative efforts and share experiences between Federal regulatory agencies;

(3) optimize utilization of scientific expertise outside the Federal Government;

(4) ensure that new and revised test methods are validated to meet the needs of Federal agencies; and

(5) reduce, refine, or replace the use of animals in testing, where feasible.

(c) COMPOSITION.—The ICCVAM shall be composed of the heads of the following Federal agencies (or their designees):

(1) Agency for Toxic Substances and Disease Registry.

(2) Consumer Product Safety Commission.

(3) Department of Agriculture.

(4) Department of Defense.

(5) Department of Energy.

(6) Department of the Interior.

(7) Department of Transportation.

(8) Environmental Protection Agency.

(9) Food and Drug Administration.

(10) National Institute for Occupational Safety and Health.

(11) National Institutes of Health.

(12) National Cancer Institute.

(13) National Institute of Environmental Health Sciences.

(14) National Library of Medicine.

(15) Occupational Safety and Health Administration.

(16) Any other agency that develops, or employs tests or test data using animals, or regulates on the basis of the use of animals in toxicity testing.

(d) SCIENTIFIC ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—The Director of the National Institute of Environmental Health Sciences shall establish a Scientific Advisory Committee (referred to in this Act as the ''SAC'') to advise ICCVAM and the National Toxicology Program Interagency Center for the Evaluation of Alternative Toxicological Methods regarding ICCVAM activities. The activities of the SAC shall be subject to provisions of the Federal Advisory Committee Act.

(2) MEMBERSHIP.—

(A) IN GENERAL.—The SAC shall be composed of the following voting members:

(i) At least 1 knowledgeable representative having a history of expertise, development, or evaluation of new or revised or alternative test methods from each of—

(I) the personal care, pharmaceutical, industrial chemicals, or agriculture industry;

(II) any other industry that is regulated by the Federal agencies specified in subsection (c); and

(III) a national animal protection organization established under section 501(c)(3) of the Internal Revenue Code of 1986.

(ii) Representatives (selected by the Director of the National Institute of Environmental Health Sciences) from an academic institution, a State government agency, an international regulatory body, or any corporation developing or marketing new or revised or alternative test methodologies, including contract laboratories.

(B) NONVOTING EX OFFICIO MEMBERS.—The membership of the SAC shall, in addition to voting members under subparagraph (A), include as nonvoting ex officio members the agency heads specified in subsection (c) (or their designees).

(e) DUTIES.—The ICCVAM shall, consistent with the purposes described in subsection (b), carry out the following functions:

(1) Review and evaluate new or revised or alternative test methods, including batteries of tests and test screens, that may be acceptable for specific regulatory uses, including the coordination of technical reviews of proposed new or revised or alternative test methods of interagency interest.

(2) Facilitate appropriate interagency and international harmonization of acute or chronic toxicological test protocols that encourage the reduction, refinement, or replacement of animal test methods.

(3) Facilitate and provide guidance on the development of validation criteria, validation studies and processes for new or revised or alternative test methods and help facilitate the acceptance of such scientifically valid test methods and awareness of accepted test methods by Federal agencies and other stakeholders.

(4) Submit ICCVAM test recommendations for the test method reviewed by the ICCVAM, through expeditious transmittal by the Secretary of Health and Human Services (or the designee of the Secretary), to each appropriate Federal agency, along with the identification of specific agency guidelines, recommendations, or regulations for a test method, including batteries of tests and test screens, for chemicals or class of chemicals within a regulatory framework that may be appropriate for scientific improvement, while seeking to reduce, refine, or replace animal test methods.

(5) Consider for review and evaluation, petitions received from the public that—

(A) identify a specific regulation, recommendation, or guideline regarding a regulatory mandate; and

(B) recommend new or revised or alternative test methods and provide valid scientific evidence of the potential of the test method.

(6) Make available to the public final ICCVAM test recommendations to appropriate Federal agencies and the responses from the agencies regarding such recommendations.

(7) Prepare reports to be made available to the public on its progress under this Act. The first report shall be completed not later than 12 months after the date of the enactment of this Act, and subsequent reports shall be completed biennially thereafter.

SEC. 4. FEDERAL AGENCY ACTION.

(a) IDENTIFICATION OF TESTS.—With respect to each Federal agency carrying out a program that requires or recommends acute or chronic toxicological testing, such agency shall, not later than 180 days after receiving an ICCVAM test recommendation, identify and forward to the ICCVAM any relevant test method specified in a regulation or industry-wide guideline which specifically, or in practice requires, recommends, or encourages the use of an animal acute or chronic toxicological test method for which the ICCVAM test recommendation may be added or substituted.

(b) ALTERNATIVES.—Each Federal agency carrying out a program described in subsection (a) shall promote and encourage the development and use of alternatives to animal test methods (including batteries of tests and test screens), where appropriate, for the purpose of complying with Federal statutes, regulations, guidelines, or recommendations (in each instance, and for each chemical class) if such test methods are found to be effective for generating data, in an amount and of a scientific value that is at least equivalent to the data generated from existing tests, for hazard identification, dose-response assessment, or risk assessment purposes.

(c) TEST METHOD VALIDATION.—Each Federal agency carrying out a program described in subsection (a) shall ensure that any new or revised acute or chronic toxicity test method, including animal test methods and alternatives, is determined to be valid for its proposed use prior to requiring, recommending, or encouraging the application of such test method.

(d) REVIEW.—Not later than 180 days after receipt of an ICCVAM test recommendation, a Federal agency carrying out a program described in subsection (a) shall review such recommendation and notify the ICCVAM in writing of its findings.

(e) RECOMMENDATION ADOPTION.—Each Federal agency carrying out a program described in subsection (a), or its specific regulatory unit or units, shall adopt the ICCVAM test recommendation unless such Federal agency determines that—

(1) the ICCVAM test recommendation is not adequate in terms of biological relevance for the regulatory goal authorized by that agency, or mandated by Congress;

(2) the ICCVAM test recommendation does not generate data, in an amount and of a scientific value that is at least equivalent to the data generated prior to such recommendation, for the appropriate hazard identification, dose-response assessment, or risk assessment purposes as the current test method recommended or required by that agency;

(3) the agency does not employ, recommend, or require testing for that class of chemical or for the recommended test endpoint; or

(4) the ICCVAM test recommendation is unacceptable for satisfactorily fulfilling the test needs for that particular agency and its respective congressional mandate.

SEC. 5. APPLICATION.

(a) APPLICATION.—This Act shall not apply to research, including research performed using biotechnology techniques, or research related to the causes, diagnosis, treatment, control, or prevention of physical or mental diseases or impairments of humans or animals.

(b) USE OF TEST METHODS.—Nothing in this Act shall prevent a Federal agency from retaining final authority for incorporating the test methods recommended by the ICCVAM in the manner determined to be appropriate by such Federal agency or regulatory body.

(c) LIMITATION.—Nothing in this Act shall be construed to require a manufacturer that is currently not required to perform animal testing to perform such tests. Nothing in this Act shall be construed to require a manufacturer to perform redundant endpoint specific testing.

(d) SUBMISSION OF TESTS AND DATA.—Nothing in this Act precludes a party from submitting a test method or scientific data directly to a Federal agency for use in a regulatory program.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. BLILEY) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

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

□ 1715

GENERAL LEAVE

Mr. BLILEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to insert extraneous material on H.R. 4281, as amended.

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

There was no objection.

Mr. BLILEY. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I rise today in support of H.R. 4281, the ICCVAM Authorization Act that will provide statutory authority for an ad hoc interagency coordinating committee that was set up over at the National Institute of Environmental Health Sciences in 1994.

On October 5, 2000, the full Committee on Commerce considered H.R. 4281. At that time, the committee negotiated with the committee's ranking member and reached agreement on a substitute, and today I am pleased that we will be able to call up H.R. 4281 as reported from the Committee on Commerce with my full support.

This bill is a win-win for business and animal protection organizations. The legislation provides product makers, who must adequately test their products for safety before bringing them to market, with a one-stop forum to ensure that new, revised and alternative test methods are scientifically valid and acceptable for regulatory use before they spend huge amounts of money to conduct the extensive tests necessary for government approval.

For animal rights groups, the legislation offers an improved forum in which alternatives to animal tests that may reduce, refine, or replace the use of animals can be scientifically validated for regulatory use.

H.R. 4281 does not create a new Federal bureaucracy. Rather, it improves upon an existing interagency committee that is already in operation, and more clearly identifies its responsibilities and duties.

The legislation further instructs Federal programs that require relevant product testing to ensure that the accepted test methods employ sound, objective and peer reviewed science. At the same time, the legislation does not block any party from taking any new or existing test method, test or test data directly to any agency, nor does it prevent any agency from considering any test method or test data that meets its statutory objectives.

That is why so many business groups and animal rights groups alike have written to Congress in support of this legislation. These include Procter and Gamble, Colgate-Palmolive, The Gillette Company, the American Chemistry Council, the Chemical Specialties Manufacturers Association, the Soap and Detergent Association, the American Crop Protection Association, the Synthetic Organic Chemical Manufacturers Association, as well as the Doris Day Animal League, the American Humane Society, the Humane Society of the United States, and the Massachusetts Society for the Prevention of Cruelty to Animals.

I am pleased to join 32 Republican and 41 Democrat cosponsors in support of this legislation. I congratulate the gentleman from California (Mr. CALVERT) for his efforts to bring this legislation forward, and I thank the gentleman from Michigan (Mr. DINGELL), the Committee's ranking member, for his efforts to work with us to achieve bipartisan agreement on the bill under consideration today.

I urge passage of H.R. 4281.

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

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4281, the ICCVAM Authorization Act of 2000. ICCVAM, or the Interagency Coordinating Committee on Validation of Alternative Methods, was established by the director of the National Institute of Environmental Health Sciences in 1994 in response to a directive in the NIH Revitalization Act of 1993 instructing the National Institute to establish criteria and processes for validation and regulatory acceptance of toxicological test methods.

H.R. 4281, which was introduced by the gentleman from California (Mr. CALVERT) with the gentleman from Ohio (Mr. BROWN) and the gentlewoman from California (Mrs. CAPPS), has broad bipartisan support, as well as endorsements from the administration, the animal rights community and the stakeholder industries. It provides statute authority for ICCVAM to continue its work of establishing, as feasible, guidelines and recommendations that promote the regulatory acceptance of scientifically valid new or revised or alternative test methods. It was reported unanimously by the Committee on Commerce.

H.R. 4281 clearly delineates the purposes, duties, and responsibilities of ICCVAM. It also establishes how ICCVAM's scientific recommendations will be transmitted to Federal agencies involved in toxicology testing and how agencies are expected to respond.

These steps recognize the important role of ICCVAM in maintaining an open, collaborative, scientific review process for validating new and existing testing methods and perpetuating the promotion of alternatives to the use of animals in the critically important field of toxicology testing.

I want to thank the gentleman from Michigan (Mr. DINGELL), the ranking member, for his leadership on this bill.

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

Mr. BLILEY. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. CALVERT), the prime cosponsor of this bill.

Mr. CALVERT. Mr. Speaker, I want to thank the gentleman from Virginia (Mr. BLILEY), chairman of the committee, for helping us bring this bill as rapidly as possible to the floor; and certainly it has been a pleasure working with him these last 8 years. I wish him well in his retirement.

I also want to say that this bill has been carefully crafted through the tireless work and effort of many individuals. This bill, H.R. 4281, the ICCVAM Authorization Act, enjoys support from an overwhelming coalition of companies and groups that span the political spectrum.

We have animal groups, chemical and pharmaceutical companies, industry associations, and the current administration among the bill's supporters. We have Republicans, Democrats that agree on the bill. Many people have worked and worked to ensure that this bill would receive a consensus agreement, and I am proud to say that we have a document here that has achieved that goal.

This legislation is a testament to what can be done when different groups come together for an important cause. This legislation reaches an important outcome, reducing the number of needless animal deaths and so much more. The legislation will save the American taxpayers money by ensuring a streamline approach to approval of toxicological test methods. It will save chemical and pharmaceutical companies thousands of dollars by eliminating duplicative, time-consuming and costly test method validation at several government agencies. Everyone wins with this bill.

Mr. Speaker, I would like to close by thanking the gentleman from Virginia (Mr. BLILEY), chairman of the Committee on Commerce, once again; the gentleman from Michigan (Mr. DINGELL), the ranking member; the gentleman from Florida (Mr. BILIRAKIS), the chair of the Subcommittee on Health; and of course the gentleman from California (Mr. LANTOS), who has also worked with me very hard from the beginning to make sure this bill becomes a reality today.

I encourage all of my colleagues to join in this effort and overwhelmingly pass H.R. 4281.

Mr. LARSON. Mr. Speaker, I rise today in support of H.R. 4281, the Interagency Coordinating Committee on the Validation of Alternative Methods (ICCVAM) Authorization Act of 2000, which will create statutory authority for the ICCVAM, a consortium of 17 federal departments and agencies cooperating on the validation of new test methods.

In recent years product manufacturers have been attempting to move away from traditional

animal tests in order to respond to public concerns about animal welfare, but have been hampered by Federal regulations slowing down the validation of alternative methods. Strengthening the ICCVAM will create a vital framework to streamline government/industry partnerships in developing and regulating new test methods.

This legislation has three objectives. First, it will establish a centralize clearinghouse for test method information. Second, it will expedite the approval of new technology and test methods with higher accuracy than animal-based test methods. Finally, it will reduce the number of test animals used in laboratories when reliable alternatives are available. This bipartisan bill is supported by a coalition of industry and animal protection organizations.

As a member of the Science Subcommittee on Basic Research I support this bill's effort to coordinate the validation and national harmonization of toxicological test methods. In 1999 the Environmental Protection Agency (EPA) maintained its position that it will continue to do everything it can to limit the amount of animal tests and the number of animals used in the tests. Also, the National Institute of Environmental Health and Sciences, the National Toxicology Program, and the EPA have committed as much as $5 million over the next two years to develop and validate non-animal test methods.

I cannot emphasize enough how important it is to increase testing efficiency and reduce redundant animal testing by coordinating interagency test validation efforts. The ICCVAM will not only conserve research funding but also drastically reduce the number of animals needlessly killed by scientific testing. As someone who received a 100% rating on my voting record from the Humane Society of the United States, I believe it is vital that Congress act on these issues and pass this legislation.

Therefore, I urge my colleagues to join me in supporting the ICCVAM Authorization Act.

Mr. HORN. Mr. Speaker, I rise today in support of H.R. 4281, The Interagency Coordinating Committee on the Validation of Alternative Methods Authorization Act of 2000, known as ICCVAM, of which I am an original co-sponsor.

Mr. Speaker, this bipartisan legislation seeks to insure that the lives of millions of test animals are not taken needlessly. This legislation will reduce testing costs and reduce liability in product safety testing while increasing the accuracy of results and improving research data. This is accomplished by creating statutory authority for the existing federal Interagency Coordinating Committee on the Validation of Alternative Methods to establish guidelines for the acceptance of new and revised product safety tests.

The Interagency Coordinating Committee on the Validation of Alternative Methods, ICCVAM, is a consortium of several federal departments and agencies cooperating on the validation of new safety methods. The committee reviews alternative test methods and recommends to the various agencies where the tests could be used. This legislation simply grants ICCVAM statutory authority while requiring no additional budget expenditures.

The commonsense approach to animal testing in this measure has allowed it to gain support from a unique alliance of animal protection groups as well as consumer product industry giants. I am pleased that this legislation is being considered by the House today and I urge my colleagues to support this measure.

Mr. CALVERT. Mr. Speaker, I rise to present legislation that has been carefully crafted through the tireless work and effort of many individuals. This bill, H.R. 4281, the ICCVAM Authorization Act, enjoys support from an overwhelming coalition of companies and groups that span the political spectrum.

We have animal rights groups, chemical and pharmaceutical companies, industry associations and the current administration among the bill's supporters. We even have Republican and Democrats that agree on this bill. Many people have worked and worked to ensure that this bill would receive a consensus agreement, and I am proud to say, that we have a document here that has achieved this goal.

This legislation is a testament to what can be done when different groups come together for an important cause. This legislation reaches an important outcome; reducing the number of needless animal deaths and so much more. This legislation will save the American taxpayers money by ensuring a streamlined approach to the approval of toxicological test methods. It will save chemical and pharmaceutical companies millions of dollars by eliminating duplicative, time-consuming and costly test method validation at several government agencies. Everyone wins with this bill.

Mr. Speaker, I would like to close by thanking the Chairman of the Commerce Committee, Mr. BLILEY, the Ranking Member Mr. DINGELL, Health Subcommittee Chair Mr. BILIRAKIS and of course Mr. LANTOS who have worked with me from the beginning to ensure this bill's passage.

I encourage all of my colleagues to join in this effort and overwhelmingly pass H.R. 4281.

Mr. SHAYS. Mr. Speaker, as an original cosponsor of H.R. 4281, the ICCVAM Authorization Act, I rise in strong support of its passage today.

I commend my colleague from California, KEN CALVERT, for his work on this important issue and for bringing the bill to the floor. I would also like to recognize the dedication and tireless work of my good friend and colleague, TOM LANTOS, who introduced the bill in the 105th Congress and has been a champion of this issue.

H.R. 4281 permanently establishes ICCVAM under the National Institute of Environmental Health Sciences. Under the legislation, federal agencies would be required to review and identify all regulations that require animal use for toxicity tests.

The purposes of ICCVAM are to increase the efficiency and effectiveness of federal agency test method review, eliminate unnecessary duplicative efforts and share expertise between federal regulatory agencies, optimize the utilization of scientific expertise outside the federal government, ensure that new and revised test methods are validated to meet the needs of federal agencies, and reduce, refine, or replace the use of animals in testing, where feasible.

The bill takes important steps to encourage the use of alternative testing procedures that are of equal value as toxicity indicators and less costly—both in terms of dollars and animal lives.

Alternative tests such as the Eytex system, cloned human cells and computer models have been developed, and more alternative tests are expected to be available in the future. Unfortunately, the federal government has stymied the use and development of these technologically advanced procedures by failing to update its regulations and guidelines for testing. Under current procedures, manufacturers find it is easier to have new products approved by relying on outdated testing than through the use of new alternatives.

As a Co-chair of the Congressional Friends of Animals Caucus, I urge my colleagues on both sides of the aisle to support this taxpayer and animal friendly piece of legislation.

Mr. DINGELL. Mr. Speaker, I rise in support of H.R. 4281, the ICCVAM Authorization Act of 2000. This is a good bill, which enjoys broad bipartisan support, as well as endorsements from the Administration, the animal rights community, and industry.

H.R. 4281 provides statutory authority for the permanent continuation of the 6-year-old ICCVAM, or Interagency Coordinating Committee on the Validation of Alternative Methods. ICCVAM establishes guidelines and recommendations that promote regulatory acceptance of new and alternative toxicological test methods for use by Federal agencies and departments. ICCVAM's history goes back to the NIH Revitalization Act of 1993, when the National Institute of Environmental Health Sciences (NIEHS) was directed to establish and publish criteria and processes for validation and regulatory acceptance of toxicological test methods. It has continued to function under the National Toxicology Program Interagency Center for Evaluation of Alternative Toxicological Methods, within NIEHS ever since. All relevant Federal regulatory and scientific agencies are currently represented on ICCVAM, which receives advice from a scientific advisory committee.

H.R. 4281 emphasizes ICCVAM's priority to review and recommend alternative test methods that will reduce, refine or replace the use of animals in toxicology testing, where appropriate. As stated by the Administration, "the use of these alternative test methods will be contingent upon their effectiveness in generating data in the amount and of a scientific value that is at least equivalent to the data generated by the existing text methods they are meant to replace." ICCVAM provides a forum for this scientific review, and derives its strength by facilitating dialogue across scientific disciplines, Federal agencies and with the public.

The composition and principle duties of ICCVAM and the Scientific Advisory Committee are delineated by this legislation. The legislation also establishes the relationship between ICCVAM and the Federal agencies that are required to conduct toxicological testing. The Administration has called ICCVAM a success and pledges to provide the necessary resources to sustain it.

I support this legislation, and trust that my colleagues will do likewise.

Mr. LANTOS. Mr. Speaker, I welcome House consideration of H.R. 4281, the

ICCVAM Authorization Act of 2000, and I want to take this opportunity to commend my colleague from California, Mr. CALVERT, for his work on this important issue and for bringing this bill to the floor.

Mr. Speaker, on March 27, 1996, I introduced H.R. 3173, the Consumer Products Safe Testing Act. This legislation was introduced to promote more humane business practices, increase the efficiency of the Federal Government, encourage scientific innovation and, most importantly, ensure continued consumer safety while eliminating unnecessary and inhumane product safety testing on animals. Today, H.R. 4281, the ICCVAM Authorization Act of 2000—legislation that is the successor to the bill I originally introduced in early 1996—represents the culmination of efforts which began over 5 years ago.

Mr. Speaker, H.R. 4281 is a non-partisan, non-controversial bill that emphasizes the protection of both human health and animal welfare by facilitating the development, acceptance and implementation of non-animal product safety tests.

This bill comes to the floor with an impressive marriage of diverse interests working together to support it. Distinguished Members from both political parties, industry leaders and animal welfare organizations have joined forces to produce a common-sense piece of legislation that safeguards both human and animal well-being. I am honored and delighted that H.R. 4281 is supported by the Procter & Gamble Company, the Gillette Company, the Colgate-Palmolive Company, the American Chemistry Council, the American Humane Association, the Humane Society of the United States, the Doris Day Animal League, and millions of Americans who have demanded safe and reliable alternatives to product safety testing on animals.

Mr. Speaker, for over fifty years, federal regulators have conducted product safety tests on animals. In the last decade, however, biotechnology companies have researched, developed, and manufactured alternative testing procedures that have proved to be just as safe, reliable, and in many cases, much more cost effective. Yet, these innovative technologies have never had an established protocol for receiving approval by federal agencies. In addition, industries desiring to implement alternative testing methods have endured a frustrating and confusing federal process for alternative test method review and approval, despite the fact that many industries have committed themselves to ensuring human safety while eliminating unnecessary, inhumane animal test methods.

Now, for the first time, this legislation which we are considering here on the floor of the House today will enable industries to cut through bureaucratic red-tape and speed the implementation of safe and reliable non-animal test methods. While functioning solely on an ad-hoc basis, the Inter-Agency Coordinating Committee for the Validation of Alternative Methods (ICCVAM) has established sound criteria for the validation and acceptance of alternative methods to product safety testing on animals and it will require federal agencies to consider the ICCVAM's recommendations on alternative test methods. More importantly, H.R. 4281 eliminates the incentive for industries to prefer status quo animal tests by giving the ICCVAM the authority to make an otherwise fragmented regulatory process coherent, cost effective, and more readily accessible.

Mr. Speaker, the adoption of H.R. 4281 will demonstrate a commitment to increasing the health and environmental safety of all Americans by simplifying the process by which industries implement more technologically advanced methods of research into their product safety testing protocols. We must ensure that as we enter the 21st century the Federal Government is working efficiently to incorporate scientific progress into product safety tests and not solely relying on antiquated and inhumane animal tests to safeguard human health. With this in mind, Mr. Speaker, I strongly urge my colleagues to join me by supporting H.R. 4281.

Mr. BLILEY. 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 Virginia (Mr. BLILEY) that the House suspend the rules and pass the bill, H.R. 4281, 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 establish, wherever feasible, guidelines, recommendations, and regulations that promote the regulatory acceptance of new or revised scientifically valid toxicological tests that protect human and animal health and the environment while reducing, refining, or replacing animal tests and ensuring human safety and product effectiveness.''

A motion to reconsider was laid on the table.

RICHMOND NATIONAL BATTLEFIELD PARK ACT OF 2000

Mr. CALVERT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5225) to revise the boundaries of the Richmond National Battlefield Park based on the findings of the Civil War Sites Advisory Committee and the National Park Service and to encourage cooperative management, protection, and interpretation of the resources associated with the Civil War and the Civil War battles in and around the city of Richmond Virginia, as amended.

The Clerk read as follows:

H.R. 5225

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

SECTION 1. SHORT TITLE; DEFINITIONS.

(a) SHORT TITLE.—This Act may be cited as the ''Richmond National Battlefield Park Act of 2000''.

(b) DEFINITIONS.—In this Act:

(1) BATTLEFIELD PARK.—The term ''battlefield park'' means the Richmond National Battlefield Park.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) In the Act of March 2, 1936 (Chapter 113; 49 Stat. 1155; 16 U.S.C. 423j), Congress authorized the establishment of the Richmond National Battlefield Park, and the boundaries of the battlefield park were established to permit the inclusion of all military battlefield areas related to the battles fought during the Civil War in the vicinity of the city of Richmond, Virginia. The battlefield park originally included the area then known as the Richmond Battlefield State Park.–

(2) The total acreage identified in 1936 for consideration for inclusion in the battlefield park consisted of approximately 225,000 acres in and around the city of Richmond. A study undertaken by the congressionally authorized Civil War Sites Advisory Committee determined that of these 225,000 acres, the historically significant areas relating to the campaigns against and in defense of Richmond encompass approximately 38,000 acres.

(3) In a 1996 general management plan, the National Park Service identified approximately 7,121 acres in and around the city of Richmond that satisfy the National Park Service criteria of significance, integrity, feasibility, and suitability for inclusion in the battlefield park. The National Park Service later identified an additional 186 acres for inclusion in the battlefield park.

(4) There is a national interest in protecting and preserving sites of historical significance associated with the Civil War and the city of Richmond.

(5) The Commonwealth of Virginia and its local units of government have authority to prevent or minimize adverse uses of these historic resources and can play a significant role in the protection of the historic resources related to the campaigns against and in defense of Richmond.

(6) The preservation of the New Market Heights Battlefield in the vicinity of the city of Richmond is an important aspect of American history that can be interpreted to the public. The Battle of New Market Heights represents a premier landmark in black military history as 14 black Union soldiers were awarded the Medal of Honor in recognition of their valor during the battle. According to National Park Service historians, the sacrifices of the United States Colored Troops in this battle helped to ensure the passage of the Thirteenth Amendment to the United States Constitution to abolish slavery.

(b) PURPOSE.—It is the purpose of this Act—

(1) to revise the boundaries for the Richmond National Battlefield Park based on the findings of the Civil War Sites Advisory Committee and the National Park Service; and

(2) to direct the Secretary of the Interior to work in cooperation with the Commonwealth of Virginia, the city of Richmond, other political subdivisions of the Commonwealth, other public entities, and the private sector in the management, protection, and interpretation of the resources associated with the Civil War and the Civil War battles in and around the city of Richmond, Virginia.

SEC. 3. RICHMOND NATIONAL BATTLEFIELD PARK; BOUNDARIES.

(a) ESTABLISHMENT AND PURPOSE.—For the purpose of protecting, managing, and interpreting the resources associated with the Civil War battles in and around the city of Richmond, Virginia, there is established the

Richmond National Battlefield Park consisting of approximately 7,307 acres of land, as generally depicted on the map entitled ''Richmond National Battlefield Park Boundary Revision'', numbered 367N.E.F.A.80026A, and dated September 2000. The map shall be on file in the appropriate offices of the National Park Service.

(b) BOUNDARY ADJUSTMENTS.—The Secretary may make minor adjustments in the boundaries of the battlefield park consistent with section 7(c) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–9(c)).

SEC. 4. LAND ACQUISITION.

(a) ACQUISITION AUTHORITY.—

(1) IN GENERAL.—The Secretary may acquire lands, waters, and interests in lands within the boundaries of the battlefield park from willing landowners by donation, purchase with donated or appropriated funds, or exchange. In acquiring lands and interests in lands under this Act, the Secretary shall acquire the minimum interest necessary to achieve the purposes for which the battlefield is established.

(2) SPECIAL RULE FOR PRIVATE LANDS.—Privately owned lands or interests in lands may be acquired under this Act only with the consent of the owner.

(b) EASEMENTS.—

(1) OUTSIDE BOUNDARIES.—The Secretary may acquire an easement on property outside the boundaries of the battlefield park and around the city of Richmond, with the consent of the owner, if the Secretary determines that the easement is necessary to protect core Civil War resources as identified by the Civil War Sites Advisory Committee. Upon acquisition of the easement, the Secretary shall revise the boundaries of the battlefield park to include the property subject to the easement.

(2) INSIDE BOUNDARIES.—To the extent practicable, and if preferred by a willing landowner, the Secretary shall use permanent conservation easements to acquire interests in land in lieu of acquiring land in fee simple and thereby removing land from non-Federal ownership.

(c) VISITOR CENTER.—The Secretary may acquire the Tredegar Iron Works buildings and associated land in the city of Richmond for use as a visitor center for the battlefield park.

SEC. 5. PARK ADMINISTRATION.

(a) APPLICABLE LAWS.—The Secretary, acting through the Director of the National Park Service, shall administer the battlefield park in accordance with this Act and laws generally applicable to units of the National Park System, including the Act of August 25, 1916 (16 U.S.C. 1 et. seq.) and the Act of August 21, 1935 (16 U.S.C. 461 et. seq.).

(b) NEW MARKET HEIGHTS BATTLEFIELD.—The Secretary shall provide for the establishment of a monument or memorial suitable to honor the 14 Medal of Honor recipients from the United States Colored Troops who fought in the Battle of New Market Heights. The Secretary shall include the Battle of New Market Heights and the role of black Union soldiers in the battle in historical interpretations provided to the public at the battlefield park.

(c) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the Commonwealth of Virginia, its political subdivisions (including the city of Richmond), private property owners, and other members of the private sector to develop mechanisms to protect and interpret the historical resources within the battlefield park in a manner that would allow for continued private ownership and use where compatible with the purposes for which the battlefield is established.

(d) TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance to the Commonwealth of Virginia, its political subdivisions, nonprofit entities, and private property owners for the development of comprehensive plans, land use guidelines, special studies, and other activities that are consistent with the identification, protection, interpretation, and commemoration of historically significant Civil War resources located inside and outside of the boundaries of the battlefield park. The technical assistance does not authorize the Secretary to own or manage any of the resources outside the battlefield park boundaries.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

SEC. 7. REPEAL OF SUPERSEDED LAW.

The Act of March 2, 1936 (Chapter 113; 16 U.S.C. 423j–423*l*) is repealed.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. CALVERT) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. CALVERT).

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

Mr. Speaker, H.R. 5225, introduced by the gentleman from Virginia (Mr. BLILEY), chairman of the Committee on Commerce, revises the boundaries of the Richmond National Battlefield Park. These revisions are based on the findings of the Civil War Sites Advisory Committee and the National Park Service. The bill also encourages cooperative management, protection and interpretation of the resources associated with the Civil War and the Civil War battles in and around the city of Richmond, Virginia.

The boundary revision would establish the Richmond National Battlefield Park to include approximately 7,300 acres. The bill authorizes the Secretary of the Interior to acquire land within the boundaries of the new park, but only from willing sellers. This bill also specifies that, to the extent practicable, the Secretary will purchase permanent conservation easements in lieu of outright land acquisitions.

H.R. 5225 also directs the Secretary to provide for the establishment of a suitable monument or memorial to honor the 14 Medal of Honor recipients from the United States Colored Troops who fought in the Battle of New Market Heights.

Mr. Speaker, this is an important piece of legislation, and I urge my colleagues to support H.R. 5225 with an amendment.

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

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5225 would revise the boundaries of the Richmond National Battlefield Park in Virginia to include important resources related to the Civil War battles in and around the city of Richmond, Virginia.

The park was established in 1936 to preserve and commemorate several Civil War battles that took place as part of the capture of the Confederate capital. However, several important sites and resources are not currently within the park boundaries. H.R. 5225 would correct the situation and provides a means to protect and interpret additional Civil War resources. In addition, the bill provides recognition for the New Market Heights Battlefield where 14 Medals of Honor were awarded to African Americans. This is a fitting tribute to the extraordinary bravery that was exhibited there.

Mr. Speaker, H.R. 5225 has the support of the administration and the local community. We support it as well and urge its adoption by the House.

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

Mr. CALVERT. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. BLILEY), who represents the great city of Richmond, Virginia, the chairman of the Committee on Commerce.

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

Mr. Speaker, I rise today in support of H.R. 5225, the Richmond National Battlefield Park Act of 2000. This legislation, as has been pointed out, has the support of the National Park Service; it has the support of the local boards of supervisors and the Henrico County NAACP.

As the proud holder of the congressional district with the most Civil War battlefields, I am particularly sensitive to the role these sites play in our Nation's history.

Driving through the Seventh Congressional District of Virginia is, quite literally, a tour of the land which contained the bloodiest fighting during the most tumultuous time in our Nation's history.

As I travel the seventh district, I pass Brandy Station, the site of the largest cavalry battle of the war; Cold Harbor and the Wilderness, which held some of the most ferocious fighting; and the Tredegar Iron Works, which served as the arsenal of the Confederacy.

Not surprisingly, with these important sites so close to privately owned land, there is a great deal of tension between those wanting to preserve these important sites and those wanting to use their own land as they see fit.

Today, with the passage of this legislation, we take a great step towards protecting the rights of the landowners and preserving these Civil War sites for future generations.

For many years, citizens in and around the city of Richmond have lived

in the shadow of the Richmond Battlefield Park. Since 1936, when the battlefield park was created, the boundary of the park has encompassed 225,000 acres, including a good portion of the city of Richmond.

Property owners inside the park boundary have lived with the knowledge that the National Park Service possesses condemnation authority over their land, though I must say they have never used it. At any time, the National Park Service might purchase land without the consent of the property owners. Today, we put an end to the landowners' fears that the Park Service may take their land for use by the Richmond National Battlefield Park.

First and foremost, this legislation accomplishes the long-time goal of repealing the National Park Service's condemnation authority within the park. Landowners no longer have to worry about losing their property to the Federal Government.

The bill also allows the use of Federal funds to buy battlefield land for the park from willing sellers. Only those wanting to sell their product to the National Park Service may do so.

Landowners also have the option of allowing the National Park Service easements on their property for use in historic interpretation instead of the outright sale of land. This is a win for private landowners, the Park Service, and preservationists.

Next, the legislation restricts the acreage the battlefield park can acquire to specific, more limited tracts of land. This legislation limits the battlefield park to approximately 7,300 acres, which includes only the most significant and historic land.

The Richmond National Battlefield Park Act also addresses two very important historic landmarks, the Tredegar Ironworks and the New Market Heights Battlefield.

The act authorizes the use of the Tredegar Ironworks as the park's main visitor center. The Tredegar Ironworks, located on the bank of the James River, was the only page foundry and rolling mill in the South.

The legislation authorizes the Park Service to use this facility to help visitors better understand the battlefields around Richmond and their impact on the Civil War.

Lastly, this legislation emphasizes the importance of the Battle of New Market Heights as a premier landmark in black military history. Many African American soldiers fought bravely and selflessly during the Civil War. However, very few were officially recognized for valor during that war. Indeed, black soldiers received only 16 Medals of Honor during the Civil War. Fourteen of those were awarded for valor at New Market Heights.

The importance of New Market Heights should not be underestimated, and this legislation reflects upon the importance of the battle.

The act also directs the Secretary of the Interior to provide for the establishment of a monument to honor the 14 black Medal of Honor winners at New Market Heights. While this legislation does not specifically state that this monument be located at New Market Heights, it is the intent of Congress that this monument be located there.

□ 1730

It is appropriate for Congress to take this action. While it has taken a long time, the bravery and sacrifice of these soldiers must be honored.

In closing, Mr. Speaker, I want to thank the gentleman from Alaska (Mr. YOUNG) and the gentleman from Utah (Mr. HANSEN) for their help with this legislation. Four years ago we came very close to passing similar legislation. Always a man of his word, in 1996 the gentleman from Alaska (Mr. YOUNG) promised me that he would revisit the issue, and I am grateful for his help today.

Lastly, I would like to thank my colleague, the gentleman from Virginia (Mr. SCOTT), and his staff for their hard work on this legislation. This is bipartisan common sense legislation which will have a positive impact on Richmond. My colleague, the gentleman from Virginia (Mr. SCOTT), shares a great deal of the credit for the passage of this legislation.

Mr. Speaker, I urge support of this legislation.

Mr. UDALL of New Mexico. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. SCOTT), who also has worked with the Committee on Resources and played a key role on this legislation.

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

Mr. Speaker, I join with my colleague, the gentleman from Virginia (Mr. BLILEY), in support of this important measure which reauthorizes the boundaries for the Richmond National Battlefield Park and establishes a memorial to honor the 14 black Union soldiers who were awarded the Medal of Honor for their valor during the battle of New Market Heights.

Let me share with my colleagues just for a moment the story behind the battle of New Market Heights. During the Civil War, on September 29, 1864, near Richmond, Virginia, Union forces attacked an important and heavily fortified Confederate position on a low ridge overlooking flat open terrain. It was on this particular day at New Market Heights that history would be made.

Soldiers then referred to as U.S. colored troops would assault the Confederate position, suffer extreme losses, and have 14 of their members receive Medals of Honor for their bravery in action. It is significant that only two more army medals were awarded to African Americans during the balance of the Civil War, and no other battle in the entire war generated 14 Medal of Honor designees.

Until recently, the story of these valiant 14 African-American soldiers was scarcely remembered or retold, even though some have described this battle to be one of the Nation's most forgotten historic sites. With the assistance of my colleague, the gentleman from Virginia (Mr. BLILEY), this legislation will provide appropriate recognition of these 14 men and will ensure that the battle of New Market Heights will be recognized for its historic significance.

This legislation is also important because it responds to the concerns of nearby landowners who have worried about the possibility of having their land taken by the Richmond National Battlefield Park. For too long the park has had the ability to use the power of eminent domain to take property without the consent of landowners. This bill recognizes those concerns and removes the cloud of uncertainty and concern of residents near the battlefield by prohibiting the acquisition of land without the consent of landowners.

Furthermore, the bill responds to other concerns that the technical boundaries of the park cover a lot more land than is necessary. The bill significantly reduces the area designated for potential use by the park to cover only that land which has been determined to have historic significance.

Mr. Speaker, H.R. 5225 responds to the concerns of landowners in Henrico County, Virginia, and focuses the resources of the National Park Service on the truly historically significant sites, and it gives proper recognition to the valiant African-American soldiers at New Market Heights. I, therefore, join my colleague from Virginia, with whom I have worked in a bipartisan manner on this bill, in support of the bill, and I urge its immediate passage.

Mr. CALVERT. Mr. Speaker, I yield myself such time as I may consume just to say that it is altogether fitting and proper that this legislation today is offered by the gentleman from Richmond, Virginia (Mr. BLILEY), and this is certainly worthwhile and I urge its unanimous passage.

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

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

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from California (Mr. CALVERT) that the House suspend the rules and pass the bill, H.R. 5225, as amended.

The question was taken; and (two-thirds having voted in favor thereof)

the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CALVERT. 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. 5225, the bill just passed.

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

There was no objection.

RENAMING NATIONAL MUSEUM OF AMERICAN ART

Mr. THOMAS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3201) to rename the National Museum of American Art.

The Clerk read as follows:

S. 3201

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

SECTION 1. RENAMING OF NATIONAL MUSEUM OF AMERICAN ART.

(a) IN GENERAL.—The National Museum of American Art, as designated under section 1 of Public Law 96–441 (20 U.S.C. 71 note), shall be known as the ''Smithsonian American Art Museum''.

(b) REFERENCES IN LAW.—Any reference in any law, regulation, document, or paper to the National Museum of American Art shall be considered to be a reference to the Smithsonian American Art Museum.

SEC. 2. EFFECTIVE DATE.

Section 1 shall take effect on the day after the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. THOMAS) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume, and I do want to thank my colleague and friend, the gentleman from Virginia (Mr. SCOTT), for his willingness to assist us in moving these pieces of legislation.

Mr. Speaker, Senate bill 3201 has its House counterpart authored by the gentleman from Ohio (Mr. REGULA). This is an interesting bill. It is ''what is in a name.'' We currently have the National Museum of American Art, and we are going to rename that National Museum of American Art not for the first time.

In 1906, this Museum of American Art was called the National Gallery of Art. But in 1937, they built a building, which most of us now know is separate, and that name was given to that separate building, the National Gallery of Art.

The National Museum of American Art is confused with a number of other museums because of the national museum connotation. So this piece of legislation will once again rename this museum so that it will never be mistaken again. The new name is the Smithsonian American Art Museum.

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

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume, to state that we have no objection to this legislation and I urge its passage.

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

Mr. THOMAS. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. REGULA), the author of this piece of legislation on the House side.

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

Mr. Speaker, myself, along with the gentleman from Texas (Mr. SAM JOHNSON) and the gentleman from California (Mr. MATSUI), serve as members of the Board of Regents of the Smithsonian Institution. We have, together, sponsored the legislation that is the House bill, and, of course, it parallels the Senate bill which we are working on today. This legislation is introduced as a result of the approval of the name change for the museum at the September meeting of the Board of Regents.

The regents believe this name change makes a clarification in the minds of many Americans who visit Washington, who are enthusiasts of American art, that the museum is part of the Smithsonian Institution. With this name clarification and the true connection in people's minds with the Smithsonian, the regents believe that more visitors will want to explore the treasures of the museum. We further hope that both attendance and private support for the museum will increase with this change.

Mr. Speaker, I urge the Members to adopt the Senate bill.

Mr. MATSUI. Mr. Speaker, I rise in support of H.R. 5214, offered by my good friend and colleague on the Smithsonian Board of Regents, Mr. REGULA.

H.R. 5214 simply redesignates the current National Museum of American Art as the Smithsonian American Art Museum. This name change has been unanimously approved by the Smithsonian Board of Regents, but requires legislative approval to become official.

The renaming directed in this legislation has become necessary to allieviate confusion that has arisen between the current National Museum of American Art, which is a Smithsonian museum, and the many other museums titled "National Museum" most of which are not Smithsonian museums.

This will be the third name change for this museum, which was first established in 1908 as the "National Gallery of Art." When Congress founded the current National Art Gallery, in 1937, the Smithsonian changed its gallery's name to "National Collection of Fine Arts." Most recently, in 1980, Congress renamed it to its current title to more accurately reflect its collections.

Mr. Speaker, this legislation, while non-controversial, is an important formality for the Smithsonian Institution. The name "Smithsonian" is instantly recognized worldwide, and the Smithsonian American Art Museum will be the beneficiary of that international reputation.

I want to thank Mr. THOMAS, the chairman of the House Administration Committee, and Mr. HOYER, its ranking Member for their support in moving this legislation, and I urge its adoption.

Mr. HOYER. Mr. Speaker, I urge support for the motion.

This bill renames the wonderful National Museum of American Art as the "Smithsonian American Art Museum". This museum is dedicated to the arts and artists of the United States, and its collections enable the public to enjoy America's visual arts both at the museum and on-line.

The museum, part of the Smithsonian Institution, shares the historic Patent Building with the National Portrait Gallery.

Known first as the National Gallery of Art, and later as the National Collection of Fine Arts, Congress in 1980 gave the museum its present name, at the Smithsonian's request, to reflect its mission and to conform to the style of the other Smithsonian "national" museums.

However, since 1980, dozens of other museums have assumed the designation "national" in their names, thus weakening the Smithsonian's distinction as America's primary museum of works by American artists. Visitors to Washington are doubly confused by the presence on the Mall of the current National Gallery of Art, which is not part of the Smithsonian Institution.

This change will clarify the museum's mission and status, and it is hoped, increase visitation numbers as museumgoers better understand and discover the contents and location of this important part of the Smithsonian. This non-controversial legislation has the support of the Smithsonian's Secretary and Board of Regents, and passed the Senate without dissent. I urge its passage by this House.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. THOMAS) that the House suspend the rules and pass the Senate bill, S. 3201.

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. THOMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 3201, the Senate bill just passed.

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

There was no objection.

AUTHORIZING CONSTRUCTION OF SMITHSONIAN ASTROPHYSICAL OBSERVATORY SUBMILLIMETER ARRAY

Mr. THOMAS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2498) to authorize the Smithsonian Institution to plan, design, construct, and equip laboratory, administrative, and support space to house base operations for the Smithsonian Astrophysical Observatory Submillimeter Array located on Mauna Kea at Hilo, Hawaii.

The Clerk read as follows:

S. 2498

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

SECTION 1. FACILITY AUTHORIZED.

The Board of Regents of the Smithsonian Institution is authorized to plan, design, construct, and equip laboratory, administrative, and support space to house base operations for the Smithsonian Astrophysical Observatory Submillimeter Array located on Mauna Kea at Hilo, Hawaii.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Board of Regents of the Smithsonian Institution to carry out this Act, $2,000,000 for fiscal year 2001, and $2,500,000 for fiscal year 2002, which shall remain available until expended.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. THOMAS) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. THOMAS).

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

In 1989, the Smithsonian, as part of its various programs, began an astrophysical observatory located on the island of Hawaii on the volcano Mauna Kea. There are a number of other observatories located there as well.

This bill is to provide funds, as was indicated, to design, construct and equip laboratory and administrative support space. This space had been given free by other institutions, but they now require the utilization of that space, and this bill will provide, over the fiscal years 2001 and 2002, sufficient money to provide the support facilities for the astrophysical observatory.

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

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume, and state that we have no objection to this legislation and join the gentleman from California in urging its passage.

Mrs. MINK of Hawaii. Mr. Speaker, I rise in support of S. 2498, which authorizes the Smithsonian Institution to plan, design, construct, and equip laboratory, administrative, and support space to house base operations in Hilo, Hawaii, for the Smithsonian Astrophysical Observatory Submillimeter Array on Mauna Kea.

The Smithsonian Astrophysical Observatory Submillimeter Array is a state-of-the-art radio telescope that allows scientists to investigate the universe using high resolution and high frequencies to produce detailed images 50 times sharper than current telescopes. Located on Mauna Kea, the world's premier site for astronomical observations, the telescope array will be used to study a variety of astronomical objects and phenomena emitting in the submillimeter range, the narrow band of radiation between radio and infrared waves, a portion of the electromagnetic spectrum largely unexplored from the ground.

Due to the 14,000 foot elevation and difficult working conditions at the summit of Mauna Kea, support staff for the array must be located at a base facility closer to sea level. Repairs and many of the operations will be done from the base facility with only a small day crew traveling to the summit on any given day. At present the staff is using inadequate, temporary leased space. Approval of this bill will allow the Smithsonian to begin plans for construction of a base facility that will ensure that the full potential for discovery offered by the Submillimeter Array is realized. I urge my colleagues to support S. 2498.

Mr. MATSUI. Mr. Speaker, I want to add my strong support of S. 2498. This legislation was introduced by Senator MOYNIHAN, a member of the Smithsonian Board of Regents, and passed by unanimous consent in the Senate on June 14th, earlier this year.

S. 2498 authorizes $4.5 million to design and build a new base camp facility for the Smithsonian Astrophysical Observatory (SAO) Submillimeter Array Operation, on Mauna Kea in Hilo, Hawaii. The base camp facility will be constructed at the base of Mauna Kea, at sea level, and will provide necessary space to enable staff to conduct repairs, operations, and scientific analysis of the information gained from the submillimeter telescope array, which is located at the top of Mauna Kea.

As many of my colleagues may be aware, Mauna Kea, an inactive volcano, is home to many telescopic observatories due to its ideal climate and atmosphere. Smithsonian's submillimeter array program, when fully implemented, will consist of eight antennae whose signals will be combined to produce finely detailed images of distant objects.

The need for the Smithsonian's new base camp facility arises from two developments. First, the facilities currently being used by Smithsonian submillimeter array operation staff is in shared space occupied many observatories on the island. As technologies, equipment and staff have expanded, the existing aging shared facilities have become overcrowded. Second, a plan by the Smithsonian to lease space in a building that was to be developed by GSA at the University of Hawaii fell through when GSA canceled the project. A new base camp is the only alternative for the Smithsonian.

Mr. Speaker, the Interior Appropriations legislation signed into law last week, contains $2 million for this as-yet unauthorized project. The inclusion of those funds was due to the efforts of Chairman RALPH REGULA, another colleague of mine from the Smithsonian's Board of Regents, and I want to thank him for ensuring that this important project does not fall behind schedule.

I also want to thank Mr. THOMAS, the Chair of the House Administration Committee, and the Ranking Democrat, Mr. HOYER, for allowing this bill to be brought to the floor for immediate consideration. Finally, I want to thank my colleagues from Hawaii, Mrs. MINK and Mr. ABERCROMBIE for their support and cosponsorship, along with Mr. HOYER, of H.R. 4729, the House companion to the legislation before us today. I urge adoption of this legislation.

Mr. HOYER. Mr. Speaker, I rise in support of S. 2498, to authorize $2.0 million in fiscal 2001 and $2.5 million in fiscal 2002 to construct a new sea-level base camp for the Smithsonian Submillimeter Array at Mauna Kea on the Island of Hawaii.

The array is a state-of-the art radio telescope located at the 14,000 foot elevation which uses high resolution and high frequencies to produce images 50 times sharper than current telescopes.

This observation site, one of the finest and most important in the world, greatly enhances the ability of scientists to understand, study and track the birth of stars, quasars, and other phenomena.

S. 2498, sponsored by Senator MOYNIHAN, passed the Senate unanimously on June 14, 2000 and was referred to the committee on House Administration. The identical House measure, H.R. 4729, was introduced by Representative MATSUI of California, who is a regent of the Smithsonian Institution. It was cosponsored by Representatives MINK and ABERCROMBIE and myself. Passage of S. 2498 by the House today will clear this measure for the President.

Funding for the base-camp project, which is expected to be completed in 2002, has been included in the interior appropriations bill for fiscal 2001, so passage of this authorization bill will complete the legislative process.

Mr. Speaker, this support facility is needed because, due to the altitude, harsh weather and working conditions at the summit, array operations and staff must be located at sea level with only a small staff traveling to the array on any given day. Economical leasing space is not available in the Hilo area, and construction of the base facility will obviate the need for expensive commercial space in that city. According to the Smithsonian, estimated rental costs for the 30-year life cycle of the array would be more than double that of the base facility being authorized here. The project will provide 16,000 square feet of electronics laboratories, offices and support space for maintenance of the array, under the direction of the Smithsonian Institution Astrophysical Observatory. Like other organizations basing observations at Mauna Kea, the support structure will be built on land donated by the University of Hawaii at Hilo Science Park for $1 a year.

Mr. Speaker, we live in an age of exploration, and there are few things which so stir the imagination as the exploration of space.

In recent years we have discovered planets orbiting distant stars, gained new understanding of the age of the universe, and discovered phenomena which have forced us to reexamine our understanding of the laws of physics and the underpinnings of the natural world.

The Smithsonian Institution has played a leading role in the advancement of mankind's

understanding of the physical world we can see and touch, as well as of the distant universe, and the world of the imagination which projects like the submillimeter array make real to us.

I strongly support this legislation and I complement Representative MATSUI and the Smithsonian regents from the House, Representatives REGULA and SAM JOHNSON of Texas, for their initiative in bringing it before us.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. THOMAS) that the House suspend the rules and pass the Senate bill, S. 2498.

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. THOMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 2498, the Senate bill just passed.

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

There was no objection.

LIBRARY OF CONGRESS FISCAL OPERATIONS IMPROVEMENT ACT OF 2000

Mr. THOMAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5410) to establish revolving funds for the operation of certain programs and activities of the Library of Congress, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5410

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 ''Library of Congress Fiscal Operations Improvement Act of 2000''.

TITLE I—LIBRARY OF CONGRESS REVOLVING FUNDS

SEC. 101. REVOLVING FUND FOR AUDIO AND VIDEO DUPLICATION SERVICES ASSOCIATED WITH AUDIOVISUAL CONSERVATION CENTER.

(a) ESTABLISHMENT.—There is hereby established in the Treasury a revolving fund for audio and video duplication and delivery services provided by the Librarian of Congress (hereafter in this Act referred to as the ''Librarian'') which are associated with the national audiovisual conservation center established under the Act entitled ''An Act to authorize acquisition of certain real property for the Library of Congress, and for other purposes'', approved December 15, 1997 (Public Law 105–144; 2 U.S.C. 141 note).

(b) FEES FOR SERVICES.—The Librarian may charge a fee for providing services described in subsection (a), and shall deposit any such fees charged into the revolving fund under this section.

(c) CONTENTS OF FUND.—

(1) IN GENERAL.—The revolving fund under this section shall consist of the following amounts:

(A) Amounts deposited by the Librarian under subsection (b).

(B) Any other amounts received by the Librarian which are attributable to the services described in subsection (a).

(C) Amounts deposited by the Librarian under paragraph (2).

(D) Such other amounts as may be appropriated under law.

(2) DEPOSIT OF FUNDS DURING TRANSITION.—The Librarian shall transfer to the revolving fund under this section the following:

(A) Any obligated, unexpended balances existing as of the date of the transfer which are attributable to the services described in subsection (a).

(B) An amount equal to the difference as of such date between—

(i) the total value of the supplies, inventories, equipment, gift fund balances, and other assets attributable to such services; and

(ii) the total value of the liabilities attributable to such services.

(d) USE OF AMOUNTS IN FUND.—Amounts in the revolving fund under this section shall be available to the Librarian, in amounts specified in appropriations Acts and without fiscal year limitation, to carry out the services described in subsection (a).

SEC. 102. REVOLVING FUND FOR GIFT SHOP, DECIMAL CLASSIFICATION, PHOTO DUPLICATION, AND RELATED SERVICES.

(a) ESTABLISHMENT.—There is hereby established in the Treasury a revolving fund for the following programs and activities of the Librarian:

(1) Decimal classification development.

(2) The operation of a gift shop or other sales of items associated with collections, exhibits, performances, and special events of the Library of Congress.

(3) Document reproduction and microfilming services.

(b) INDIVIDUAL ACCOUNTING REQUIREMENT.—A separate account shall be maintained in the revolving fund under this section with respect to the programs and activities described in each of the paragraphs of subsection (a).

(c) FEES FOR SERVICES.—The Librarian may charge a fee for services under any of the programs and activities described in subsection (a), and shall deposit any such fees charged into the account of the revolving fund under this section for such program or activity.

(d) CONTENTS OF ACCOUNTS IN FUND.—

(1) IN GENERAL.—Each account of the revolving fund under this section shall consist of the following amounts:

(A) Amounts deposited by the Librarian under subsection (c).

(B) Any other amounts received by the Librarian which are attributable to the programs and activities covered by such account.

(C) Amounts deposited by the Librarian under paragraph (2).

(D) Such other amounts as may be appropriated under law.

(2) DEPOSIT OF FUNDS DURING TRANSITION.—The Librarian shall transfer to each account of the revolving fund under this section the following:

(A) Any obligated, unexpended balances existing as of the date of the transfer which are attributable to the programs and activities covered by such account.

(B) An amount equal to the difference as of such date between—

(i) the total value of the supplies, inventories, equipment, gift fund balances, and other assets attributable to such programs and activities; and

(ii) the total value of the liabilities attributable to such programs and activities.

(e) USE OF AMOUNTS.—Amounts in the accounts of the revolving fund under this section shall be available to the Librarian, in amounts specified in appropriations Acts and without fiscal year limitation, to carry out the programs and activities covered by such accounts.

SEC. 103. REVOLVING FUND FOR FEDLINK PROGRAM AND FEDERAL RESEARCH PROGRAM.

(a) ESTABLISHMENT.—There is hereby established in the Treasury a revolving fund for the Federal Library and Information Network program (hereafter in this Act referred to as the ''FEDLINK program'') of the Library of Congress (as described in subsection (f)(1)) and the Federal Research program of the Library of Congress (as described in subsection (f)(2)).

(b) INDIVIDUAL ACCOUNTING REQUIREMENT.—A separate account shall be maintained in the revolving fund under this section with respect to the programs described in subsection (a).

(c) FEES FOR SERVICES.—

(1) IN GENERAL.—The Librarian may charge a fee for services under the FEDLINK program and the Federal Research program, and shall deposit any such fees charged into the account of the revolving fund under this section for such program.

(2) ADVANCES OF FUNDS.—Participants in the FEDLINK program and the Federal Research program shall pay for products and services of the program by advance of funds—

(A) if the Librarian determines that amounts in the Revolving Fund are otherwise insufficient to cover the costs of providing such products and services; or

(B) upon agreement between participants and the Librarian.

(d) CONTENTS OF FUND.—

(1) IN GENERAL.—Each account of the revolving fund under this section shall consist of the following amounts:

(A) Amounts deposited by the Librarian under subsection (c).

(B) Any other amounts received by the Librarian which are attributable to the program covered by such account.

(C) Amounts deposited by the Librarian under paragraph (2).

(D) Such other amounts as may be appropriated under law.

(2) DEPOSIT OF FUNDS DURING TRANSITION.—Notwithstanding section 1535(d) of title 31, United States Code, the Librarian shall transfer to the appropriate account of the revolving fund under this section the following:

(A) Any obligated, unexpended balances existing as of the date of the transfer which are attributable to the FEDLINK program or the Federal Research program.

(B) An amount equal to the difference as of such date between—

(i) the total value of the supplies, inventories, equipment, gift fund balances, and

other assets attributable to such program; and

(ii) the total value of the liabilities attributable to such program.

(e) USE OF AMOUNTS IN FUND.—Amounts in the accounts of the revolving fund under this section shall be available to the Librarian, in amounts specified in appropriations Acts and without fiscal year limitation, to carry out the program covered by each such account.

(f) PROGRAMS DESCRIBED.—

(1) FEDLINK.—In this section, the ''FEDLINK program'' is the program of the Library of Congress under which the Librarian provides the following services on behalf of participating Federal libraries, Federal information centers, other entities of the Federal government, and the District of Columbia:

(A) The procurement of commercial information services, publications in any format, and library support services.

(B) Related accounting services.

(C) Related education, information, and support services.

(2) FEDERAL RESEARCH PROGRAM.—In this section, the ''Federal Research program'' is the program of the Library of Congress under which the Librarian provides research reports, translations, and analytical studies for entities of the Federal Government and the District of Columbia (other than any program of the Congressional Research Service).

SEC. 104. AUDITS BY COMPTROLLER GENERAL.

Each of the revolving funds established under this title shall be subject to audit by the Comptroller General at the Comptroller General's discretion.

SEC. 105. EFFECTIVE DATE.

The provisions of this title shall apply with respect to fiscal year 2002 and each succeeding fiscal year.

TITLE II—LIBRARY OF CONGRESS TRUST FUND BOARD

SEC. 201. REVISIONS TO MEMBERSHIP AND OPERATION OF LIBRARY OF CONGRESS TRUST FUND BOARD.

(a) ADDITION OF VICE CHAIR OF JOINT COMMITTEE ON THE LIBRARY AS BOARD MEMBER.—Section 1 of the Act entitled ''An Act to create a Library of Congress Trust Fund Board, and for other purposes'', approved March 3, 1925 (2 U.S.C. 154), is amended in the first sentence of the first paragraph by inserting ''and the vice chair'' after ''chairman''.

(b) QUORUM REQUIREMENT.—Section 1 of such Act (2 U.S.C. 154) is amended in the second sentence of the first paragraph by striking ''Nine'' and inserting ''Seven''.

(c) TEMPORARY EXTENSION OF BOARD MEMBER TERM.—Section 1 of such Act (2 U.S.C. 154) is amended in the first paragraph by inserting after the first sentence the following: ''Upon request of the chair of the Board, any member whose term has expired may continue to serve on the Trust Fund Board until the earlier of the date on which such member's successor is appointed or the expiration of the 1-year period which begins on the date such member's term expires.''.

SEC. 202. EFFECTIVE DATE.

The amendments made by this title shall take effect on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. THOMAS) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. THOMAS).

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

H.R. 5410 is a bill to allow the Library of Congress to create three revolving funds so that the monies garnered from various activities could be retained by the library to be reinvested in those areas.

One of the revolving funds is a gift shop fund, the other is a Federal library and information network program for products and services yielded under that structure.

I would tell the gentleman from Virginia that, because of the recent locating of the audio-video conservation center in Culpeper, Virginia, a major acquisition for the Library of Congress in a facility designed for other purposes but perfect for protecting films and audio, that any funds derived from audio-video duplicating will be allowed to be placed in a revolving fund based upon this legislation.

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

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

Mr. Speaker, I would state that we have no objection to the passage of the legislation. We would particularly encourage the gentleman from California to locate other Federal facilities in the Commonwealth of Virginia, and we urge the passage of this bill.

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

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume just to note that I did thank the gentleman from Virginia for his assistance, and I will gladly and laudatorily praise him for his assistance, but he will have to work to get additional facilities.

The one that we have is an excellent one and it is going to serve the Nation well in preserving the very volatile audio and video treasures of this country.

Mr. HOYER. Mr. Speaker, I urge support for the motion.

This bill resembles one that I introduced in April. It will resolve the sole remaining issue raised in the annual audit of Library financial operations by giving the Library statutory authority to operate its gift revolving funds.

The bill creates three revolving funds, one to support the Library's audio-visual duplication and delivery services; a second to support its gift shop, decimal cataloging and photo duplication services; and a third to support ''FEDLINK,'' the program that acquires library materials for other agencies, and the Federal Research Division, which conducts research for other agencies.

Enactment of this measure will result in significant savings to the Library and its customers by improving financial management of these programs. The Library estimates that FEDLINK's agency customers will collectively save over $1.3 million annually through administrative efficiencies and increased vendor discounts.

In addition, the bill adds the vice-chair of the Joint Committee on the Library to the trust fund board, to ensure representation from both Houses. Finally, to facilitate the work of the Library's trust fund board, the bill adjusts its quorum requirement. It also permits the board chairman to request that members whose terms have expired continue to serve for up to a year, or until their successors are qualified, whichever comes first.

Mr. Speaker, this is a good-housekeeping bill that will save money for the Library and its customers while resolving auditors' concerns. I urge an ''aye'' vote.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. THOMAS) that the House suspend the rules and pass the bill, H.R. 5410, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 5410, the bill just passed.

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

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–984) on the resolution (H. Res. 633) providing for consideration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4656, LAKE TAHOE BASIN LAND CONVEYANCE

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–985) on the resolution (H. Res. 634) providing for consideration of the bill (H.R. 4656) to authorize the Forest Service to convey certain lands in the Lake Tahoe Basin to the Washoe County School District for use as an elementary school site, which was referred to the House Calendar and ordered to be printed.

FISH AND WILDLIFE PROGRAMS IMPROVEMENT AND NATIONAL WILDLIFE REFUGE SYSTEM CENTENNIAL ACT OF 2000

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 3671) to amend the Acts popularly known as the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act to enhance the funds available for grants to States for fish and wildlife conservation projects and increase opportunities for recreational hunting, bow hunting, trapping, archery, and fishing, by eliminating opportunities for waste, fraud, abuse, maladministration, and unauthorized expenditures for administration and execution of those acts, and for other purposes.

The Clerk read as follows:

Senate amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Fish and Wildlife Programs Improvement and National Wildlife Refuge System Centennial Act of 2000''.

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

Sec. 1. Short title; table of contents.

TITLE I—WILDLIFE AND SPORT FISH RESTORATION PROGRAMS

Sec. 101. Short titles.

Subtitle A—Wildlife Restoration

Sec. 111. Expenses for administration.
Sec. 112. Firearm and bow hunter education and safety program grants.
Sec. 113. Multistate conservation grant program.
Sec. 114. Miscellaneous provision.

Subtitle B—Sport Fish Restoration

Sec. 121. Expenses for administration.
Sec. 122. Multistate conservation grant program.
Sec. 123. Funding of the Coastal Wetlands Planning, Protection and Restoration Act.
Sec. 124. Period of availability.
Sec. 125. Miscellaneous provision.
Sec. 126. Conforming amendment.

Subtitle C—Wildlife and Sport Fish Restoration Programs

Sec. 131. Designation of programs.
Sec. 132. Assistant Director for Wildlife and Sport Fish Restoration Programs.
Sec. 133. Reports and certifications.

TITLE II—NATIONAL FISH AND WILDLIFE FOUNDATION

Sec. 201. Short title.
Sec. 202. Purposes.
Sec. 203. Board of Directors of the Foundation.
Sec. 204. Rights and obligations of the Foundation.
Sec. 205. Annual reporting of grant details.
Sec. 206. Notice to Members of Congress.
Sec. 207. Authorization of appropriations.
Sec. 208. Limitation on authority.

TITLE III—NATIONAL WILDLIFE REFUGE SYSTEM CENTENNIAL

Sec. 301. Short title.
Sec. 302. Findings and purposes.
Sec. 303. National Wildlife Refuge System Centennial Commission.
Sec. 304. Long-term planning and annual reporting requirements regarding the operation and maintenance backlog.
Sec. 305. Year of the National Wildlife Refuge.
Sec. 306. Authorization of appropriations.
Sec. 307. Effective date.

TITLE I—WILDLIFE AND SPORT FISH RESTORATION PROGRAMS

SEC. 101. SHORT TITLES.

(a) THIS TITLE.—This title may be cited as the ''Wildlife and Sport Fish Restoration Programs Improvement Act of 2000''.

(b) PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT.—The Act of September 2, 1937 (16 U.S.C. 669 et seq.), is amended by adding at the end the following:

''SEC. 13. SHORT TITLE.

''This Act may be cited as the 'Pittman-Robertson Wildlife Restoration Act'.''.

(c) DINGELL-JOHNSON SPORT FISH RESTORATION ACT.—The Act of August 9, 1950 (16 U.S.C. 777 et seq.), is amended by adding at the end the following:

''SEC. 15. SHORT TITLE.

''This Act may be cited as the 'Dingell-Johnson Sport Fish Restoration Act'.''.

Subtitle A—Wildlife Restoration

SEC. 111. EXPENSES FOR ADMINISTRATION.

(a) SET-ASIDE FOR EXPENSES FOR ADMINISTRATION OF THE PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT.—Section 4 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c) is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) by striking ''SEC. 4.'' and all that follows through the end of the first sentence of subsection (a) and inserting the following:

''SEC. 4. ALLOCATION AND APPORTIONMENT OF AVAILABLE AMOUNTS.

''(a) SET-ASIDE FOR EXPENSES FOR ADMINISTRATION OF THE PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT.—

''(1) IN GENERAL.—

''(A) SET-ASIDE.—For fiscal year 2001 and each fiscal year thereafter, of the revenues (excluding interest accruing under section 3(b)) covered into the fund for the fiscal year, the Secretary of the Interior may use not more than the available amount specified in subparagraph (B) for the fiscal year for expenses for administration incurred in implementation of this Act, in accordance with this subsection and section 9.

''(B) AVAILABLE AMOUNTS.—The available amount referred to in subparagraph (A) is—

''(i) for each of fiscal years 2001 and 2002, $9,000,000;

''(ii) for fiscal year 2003, $8,212,000; and

''(iii) for fiscal year 2004 and each fiscal year thereafter, the sum of—

''(I) the available amount for the preceding fiscal year; and

''(II) the amount determined by multiplying—

''(aa) the available amount for the preceding fiscal year; and

''(bb) the change, relative to the preceding fiscal year, in the Consumer Price Index for All Urban Consumers published by the Department of Labor.

''(2) PERIOD OF AVAILABILITY; APPORTIONMENT OF UNOBLIGATED AMOUNTS.—

''(A) PERIOD OF AVAILABILITY.—For each fiscal year, the available amount under paragraph (1) shall remain available for obligation for use under that paragraph until the end of the fiscal year.

''(B) APPORTIONMENT OF UNOBLIGATED AMOUNTS.—Not later than 60 days after the end of a fiscal year, the Secretary of the Interior shall apportion among the States any of the available amount under paragraph (1) that remains unobligated at the end of the fiscal year, on the same basis and in the same manner as other amounts made available under this Act are apportioned among the States for the fiscal year.

''(b) APPORTIONMENT TO STATES.—'';

(3) in subsection (b) (as designated by paragraph (2)), by striking ''after making the aforesaid deduction, shall apportion, except as provided in subsection (b) of this section,'' and inserting ''after deducting the available amount under subsection (a), the amount apportioned under subsection (c), any amount apportioned under section 8A, and amounts provided as grants under sections 10 and 11, shall apportion''; and

(4) in the first sentence of subsection (c) (as redesignated by paragraph (1)), by inserting ''Puerto Rico,'' after ''American Samoa,''.

(b) REQUIREMENTS AND RESTRICTIONS CONCERNING USE OF AMOUNTS FOR EXPENSES FOR ADMINISTRATION.—Section 9 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669h) is amended to read as follows:

''SEC. 9. REQUIREMENTS AND RESTRICTIONS CONCERNING USE OF AMOUNTS FOR EXPENSES FOR ADMINISTRATION.

''(a) AUTHORIZED EXPENSES FOR ADMINISTRATION.—Except as provided in subsection (b), the Secretary of the Interior may use available amounts under section 4(a)(1) only for expenses for administration that directly support the implementation of this Act that consist of—

''(1) personnel costs of employees who directly administer this Act on a full-time basis;

''(2) personnel costs of employees who directly administer this Act on a part-time basis for at least 20 hours each week, not to exceed the portion of those costs incurred with respect to the work hours of the employee during which the employee directly administers this Act, as those hours are certified by the supervisor of the employee;

''(3) support costs directly associated with personnel costs authorized under paragraphs (1) and (2), excluding costs associated with staffing and operation of regional offices of the United States Fish and Wildlife Service and the Department of the Interior other than for the purposes of this Act;

''(4) costs of determining under section 6(a) whether State comprehensive plans and projects are substantial in character and design;

''(5) overhead costs, including the costs of general administrative services, that are directly attributable to administration of this Act and are based on—

''(A) actual costs, as determined by a direct cost allocation methodology approved by the Director of the Office of Management and Budget for use by Federal agencies; and

''(B) in the case of costs that are not determinable under subparagraph (A), an amount per full-time equivalent employee authorized under paragraphs (1) and (2) that does not exceed the amount charged or assessed for costs per full-time equivalent employee for any other division or program of the United States Fish and Wildlife Service;

''(6) costs incurred in auditing, every 5 years, the wildlife and sport fish activities of each State fish and game department and the use of funds under section 6 by each State fish and game department;

''(7) costs of audits under subsection (d);

''(8) costs of necessary training of Federal and State full-time personnel who administer this Act to improve administration of this Act;

''(9) costs of travel to States, territories, and Canada by personnel who—

''(A) administer this Act on a full-time basis for purposes directly related to administration of State programs or projects; or

''(B) administer grants under section 6, 10, or 11;

''(10) costs of travel outside the United States (except travel to Canada), by personnel who administer this Act on a full-time basis, for purposes that directly relate to administration of

this Act and that are approved directly by the Assistant Secretary for Fish and Wildlife and Parks;

''(11) relocation expenses for personnel who, after relocation, will administer this Act on a full-time basis for at least 1 year, as certified by the Director of the United States Fish and Wildlife Service at the time at which the relocation expenses are incurred; and

''(12) costs to audit, evaluate, approve, disapprove, and advise concerning grants under sections 6, 10, and 11.

''(b) REPORTING OF OTHER USES.—

''(1) IN GENERAL.—Subject to paragraph (2), if the Secretary of the Interior determines that available amounts under section 4(a)(1) should be used for an expense for administration other than an expense for administration described in subsection (a), the Secretary—

''(A) shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives a report describing the expense for administration and stating the amount of the expense; and

''(B) may use any such available amounts for the expense for administration only after the end of the 30-day period beginning on the date of submission of the report under subparagraph (A).

''(2) MAXIMUM AMOUNT.—For any fiscal year, the Secretary of the Interior may use under paragraph (1) not more than $25,000.

''(c) RESTRICTION ON USE TO SUPPLEMENT GENERAL APPROPRIATIONS.—The Secretary of the Interior shall not use available amounts under subsection (b) to supplement the funding of any function for which general appropriations are made for the United States Fish and Wildlife Service or any other entity of the Department of the Interior.

''(d) AUDIT REQUIREMENT.—

''(1) IN GENERAL.—The Inspector General of the Department of the Interior shall procure the performance of biennial audits, in accordance with generally accepted accounting principles, of expenditures and obligations of amounts used by the Secretary of the Interior for expenses for administration incurred in implementation of this Act.

''(2) AUDITOR.—

''(A) IN GENERAL.—An audit under this subsection shall be performed under a contract that is awarded under competitive procedures (as defined in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)) by a person or entity that is not associated in any way with the Department of the Interior (except by way of a contract for the performance of an audit or other review).

''(B) SUPERVISION OF AUDITOR.—The auditor selected under subparagraph (A) shall report to, and be supervised by, the Inspector General of the Department of the Interior, except that the auditor shall submit a copy of the biennial audit findings to the Secretary of the Interior at the time at which the findings are submitted to the Inspector General of the Department of the Interior.

''(3) REPORT TO CONGRESS.—The Inspector General of the Department of the Interior shall promptly submit to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate—

''(A) a report on the results of each audit under this subsection; and

''(B) a copy of each audit under this subsection.''.

(c) CONFORMING AMENDMENT.—Section 8(b) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669g(b)) is amended in the first sentence by striking ''section 4(b) of this Act'' and inserting ''section 4(c)''.

SEC. 112. FIREARM AND BOW HUNTER EDUCATION AND SAFETY PROGRAM GRANTS.

The Pittman-Robertson Wildlife Restoration Act is amended—

(1) by redesignating section 10 (16 U.S.C. 669i) as section 12; and

(2) by inserting after section 9 (16 U.S.C. 669h) the following:

''SEC. 10. FIREARM AND BOW HUNTER EDUCATION AND SAFETY PROGRAM GRANTS.

''(a) IN GENERAL.—

''(1) GRANTS.—Of the revenues covered into the fund, $7,500,000 for each of fiscal years 2001 and 2002, and $8,000,000 for fiscal year 2003 and each fiscal year thereafter, shall be apportioned among the States in the manner specified in section 4(c) by the Secretary of the Interior and used to make grants to the States to be used for—

''(A) in the case of a State that has not used all of the funds apportioned to the State under section 4(c) for the fiscal year in the manner described in section 8(b)—

''(i) the enhancement of hunter education programs, hunter and sporting firearm safety programs, and hunter development programs;

''(ii) the enhancement of interstate coordination and development of hunter education and shooting range programs;

''(iii) the enhancement of bow hunter and archery education, safety, and development programs; and

''(iv) the enhancement of construction or development of firearm shooting ranges and archery ranges, and the updating of safety features of firearm shooting ranges and archery ranges; and

''(B) in the case of a State that has used all of the funds apportioned to the State under section 4(c) for the fiscal year in the manner described in section 8(b), any use authorized by this Act (including hunter safety programs and the construction, operation, and maintenance of public target ranges).

''(2) LIMITATION ON USE.—Under paragraph (1), a State shall not be required to use more than the amount described in section 8(b) for hunter safety programs and the construction, operation, and maintenance of public target ranges.

''(b) COST SHARING.—The Federal share of the cost of any activity carried out with a grant under this section shall not exceed 75 percent of the total cost of the activity.

''(c) PERIOD OF AVAILABILITY; REAPPORTIONMENT.—

''(1) PERIOD OF AVAILABILITY.—Amounts made available and apportioned for grants under this section shall remain available only for the fiscal year for which the amounts are apportioned.

''(2) REAPPORTIONMENT.—At the end of the period of availability under paragraph (1), the Secretary of the Interior shall apportion amounts made available that have not been used to make grants under this section among the States described in subsection (a)(1)(B) for use by those States in accordance with this Act.''.

SEC. 113. MULTISTATE CONSERVATION GRANT PROGRAM.

The Pittman-Robertson Wildlife Restoration Act (as amended by section 112) is amended by inserting after section 10 the following:

''SEC. 11. MULTISTATE CONSERVATION GRANT PROGRAM.

''(a) IN GENERAL.—

''(1) AMOUNT FOR GRANTS.—Not more than $3,000,000 of the revenues covered into the fund for a fiscal year shall be available to the Secretary of the Interior for making multistate conservation project grants in accordance with this section.

''(2) PERIOD OF AVAILABILITY; APPORTIONMENT.—

''(A) PERIOD OF AVAILABILITY.—Amounts made available under paragraph (1) shall remain available for making grants only for the first fiscal year for which the amount is made available and the following fiscal year.

''(B) APPORTIONMENT.—At the end of the period of availability under subparagraph (A), the Secretary of the Interior shall apportion any amounts that remain available among the States in the manner specified in section 4(b) for use by the States in the same manner as funds apportioned under section 4(b).

''(b) SELECTION OF PROJECTS.—

''(1) STATES OR ENTITIES TO BE BENEFITED.—A project shall not be eligible for a grant under this section unless the project will benefit—

''(A) at least 26 States;

''(B) a majority of the States in a region of the United States Fish and Wildlife Service; or

''(C) a regional association of State fish and game departments.

''(2) USE OF SUBMITTED PRIORITY LIST OF PROJECTS.—The Secretary of the Interior may make grants under this section only for projects identified on a priority list of wildlife restoration projects described in paragraph (3).

''(3) PRIORITY LIST OF PROJECTS.—A priority list referred to in paragraph (2) is a priority list of wildlife restoration projects that the International Association of Fish and Wildlife Agencies—

''(A) prepares through a committee comprised of the heads of State fish and game departments (or their designees), in consultation with—

''(i) nongovernmental organizations that represent conservation organizations;

''(ii) sportsmen organizations; and

''(iii) industries that support or promote hunting, trapping, recreational shooting, bow hunting, or archery;

''(B) approves by vote of a majority of the heads of State fish and game departments (or their designees); and

''(C) not later than October 1 of each fiscal year, submits to the Assistant Director for Wildlife and Sport Fish Restoration Programs.

''(4) PUBLICATION.—The Assistant Director for Wildlife and Sport Fish Restoration Programs shall publish in the Federal Register each priority list submitted under paragraph (3)(C).

''(c) ELIGIBLE GRANTEES.—

''(1) IN GENERAL.—The Secretary of the Interior may make a grant under this section only to—

''(A) a State or group of States;

''(B) the United States Fish and Wildlife Service, or a State or group of States, for the purpose of carrying out the National Survey of Fishing, Hunting, and Wildlife-Associated Recreation; and

''(C) subject to paragraph (2), a nongovernmental organization.

''(2) NONGOVERNMENTAL ORGANIZATIONS.—

''(A) IN GENERAL.—Any nongovernmental organization that applies for a grant under this section shall submit with the application to the International Association of Fish and Wildlife Agencies a certification that the organization—

''(i) will not use the grant funds to fund, in whole or in part, any activity of the organization that promotes or encourages opposition to the regulated hunting or trapping of wildlife; and

''(ii) will use the grant funds in compliance with subsection (d).

''(B) PENALTIES FOR CERTAIN ACTIVITIES.—Any nongovernmental organization that is found to use grant funds in violation of subparagraph (A) shall return all funds received under this section and be subject to any other applicable penalties under law.

''(d) USE OF GRANTS.—A grant under this section shall not be used, in whole or in part, for

an activity, project, or program that promotes or encourages opposition to the regulated hunting or trapping of wildlife.

''(e) NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to any activity carried out under this section.''.

SEC. 114. MISCELLANEOUS PROVISION.

Section 5 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669d) is amended in the first sentence—

(1) by inserting '', at the time at which a deduction or apportionment is made,'' after ''certify''; and

(2) by striking ''and executing''.

Subtitle B—Sport Fish Restoration

SEC. 121. EXPENSES FOR ADMINISTRATION.

(a) SET-ASIDE FOR EXPENSES FOR ADMINISTRATION OF THE DINGELL-JOHNSON SPORT FISH RESTORATION ACT.—Section 4 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c) is amended by striking subsection (d) and inserting the following:

''(d) SET-ASIDE FOR EXPENSES FOR ADMINISTRATION OF THE DINGELL-JOHNSON SPORT FISH RESTORATION ACT.—

''(1) IN GENERAL.—

''(A) SET-ASIDE.—For fiscal year 2001 and each fiscal year thereafter, of the balance of each such annual appropriation remaining after the distribution and use under subsections (a), (b), and (c) and section 14, the Secretary of the Interior may use not more than the available amount specified in subparagraph (B) for the fiscal year for expenses for administration incurred in implementation of this Act, in accordance with this subsection and section 9.

''(B) AVAILABLE AMOUNTS.—The available amount referred to in subparagraph (A) is—

''(i) for each of fiscal years 2001 and 2002, $9,000,000;

''(ii) for fiscal year 2003, $8,212,000; and

''(iii) for fiscal year 2004 and each fiscal year thereafter, the sum of—

''(I) the available amount for the preceding fiscal year; and

''(II) the amount determined by multiplying—

''(aa) the available amount for the preceding fiscal year; and

''(bb) the change, relative to the preceding fiscal year, in the Consumer Price Index for All Urban Consumers published by the Department of Labor.

''(2) PERIOD OF AVAILABILITY; APPORTIONMENT OF UNOBLIGATED AMOUNTS.—

''(A) PERIOD OF AVAILABILITY.—For each fiscal year, the available amount under paragraph (1) shall remain available for obligation for use under that paragraph until the end of the fiscal year.

''(B) APPORTIONMENT OF UNOBLIGATED AMOUNTS.—Not later than 60 days after the end of a fiscal year, the Secretary of the Interior shall apportion among the States any of the available amount under paragraph (1) that remains unobligated at the end of the fiscal year, on the same basis and in the same manner as other amounts made available under this Act are apportioned among the States under subsection (e) for the fiscal year.''.

(b) REQUIREMENTS AND RESTRICTIONS CONCERNING USE OF AMOUNTS FOR EXPENSES FOR ADMINISTRATION.—Section 9 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777h) is amended to read as follows:

''SEC. 9. REQUIREMENTS AND RESTRICTIONS CONCERNING USE OF AMOUNTS FOR EXPENSES FOR ADMINISTRATION.

''(a) AUTHORIZED EXPENSES FOR ADMINISTRATION.—Except as provided in subsection (b), the Secretary of the Interior may use available amounts under section 4(d)(1) only for expenses for administration that directly support the implementation of this Act that consist of—

''(1) personnel costs of employees who directly administer this Act on a full-time basis;

''(2) personnel costs of employees who directly administer this Act on a part-time basis for at least 20 hours each week, not to exceed the portion of those costs incurred with respect to the work hours of the employee during which the employee directly administers this Act, as those hours are certified by the supervisor of the employee;

''(3) support costs directly associated with personnel costs authorized under paragraphs (1) and (2), excluding costs associated with staffing and operation of regional offices of the United States Fish and Wildlife Service and the Department of the Interior other than for the purposes of this Act;

''(4) costs of determining under section 6(a) whether State comprehensive plans and projects are substantial in character and design;

''(5) overhead costs, including the costs of general administrative services, that are directly attributable to administration of this Act and are based on—

''(A) actual costs, as determined by a direct cost allocation methodology approved by the Director of the Office of Management and Budget for use by Federal agencies; and

''(B) in the case of costs that are not determinable under subparagraph (A), an amount per full-time equivalent employee authorized under paragraphs (1) and (2) that does not exceed the amount charged or assessed for costs per full-time equivalent employee for any other division or program of the United States Fish and Wildlife Service;

''(6) costs incurred in auditing, every 5 years, the wildlife and sport fish activities of each State fish and game department and the use of funds under section 6 by each State fish and game department;

''(7) costs of audits under subsection (d);

''(8) costs of necessary training of Federal and State full-time personnel who administer this Act to improve administration of this Act;

''(9) costs of travel to States, territories, and Canada by personnel who—

''(A) administer this Act on a full-time basis for purposes directly related to administration of State programs or projects; or

''(B) administer grants under section 6 or 14;

''(10) costs of travel outside the United States (except travel to Canada), by personnel who administer this Act on a full-time basis, for purposes that directly relate to administration of this Act and that are approved directly by the Assistant Secretary for Fish and Wildlife and Parks;

''(11) relocation expenses for personnel who, after relocation, will administer this Act on a full-time basis for at least 1 year, as certified by the Director of the United States Fish and Wildlife Service at the time at which the relocation expenses are incurred; and

''(12) costs to audit, evaluate, approve, disapprove, and advise concerning grants under sections 6 and 14.

''(b) REPORTING OF OTHER USES.—

''(1) IN GENERAL.—Subject to paragraph (2), if the Secretary of the Interior determines that available amounts under section 4(d)(1) should be used for an expense for administration other than an expense for administration described in subsection (a), the Secretary—

''(A) shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives a report describing the expense for administration and stating the amount of the expense; and

''(B) may use any such available amounts for the expense for administration only after the end of the 30-day period beginning on the date of submission of the report under subparagraph (A).

''(2) MAXIMUM AMOUNT.—For any fiscal year, the Secretary of the Interior may use under paragraph (1) not more than $25,000.

''(c) RESTRICTION ON USE TO SUPPLEMENT GENERAL APPROPRIATIONS.—The Secretary of the Interior shall not use available amounts under subsection (b) to supplement the funding of any function for which general appropriations are made for the United States Fish and Wildlife Service or any other entity of the Department of the Interior.

''(d) AUDIT REQUIREMENT.—

''(1) IN GENERAL.—The Inspector General of the Department of the Interior shall procure the performance of biennial audits, in accordance with generally accepted accounting principles, of expenditures and obligations of amounts used by the Secretary of the Interior for expenses for administration incurred in implementation of this Act.

''(2) AUDITOR.—

''(A) IN GENERAL.—An audit under this subsection shall be performed under a contract that is awarded under competitive procedures (as defined in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)) by a person or entity that is not associated in any way with the Department of the Interior (except by way of a contract for the performance of an audit or other review).

''(B) SUPERVISION OF AUDITOR.—The auditor selected under subparagraph (A) shall report to, and be supervised by, the Inspector General of the Department of the Interior, except that the auditor shall submit a copy of the biennial audit findings to the Secretary of the Interior at the time at which the findings are submitted to the Inspector General of the Department of the Interior.

''(3) REPORT TO CONGRESS.—The Inspector General of the Department of the Interior shall promptly submit to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate—

''(A) a report on the results of each audit under this subsection; and

''(B) a copy of each audit under this subsection.''.

(c) EXPENSES FOR ADMINISTRATION OF CERTAIN PROGRAMS.—Section 4 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c) is amended by adding at the end the following:

''(g) EXPENSES FOR ADMINISTRATION OF CERTAIN PROGRAMS.—

''(1) IN GENERAL.—For each fiscal year, of the amounts appropriated under section 3, the Secretary of the Interior shall use only funds authorized for use under subsections (a), (b)(3)(A), (b)(3)(B), and (c) to pay the expenses for administration incurred in carrying out the provisions of law referred to in those subsections, respectively.

''(2) MAXIMUM AMOUNT.—For each fiscal year, the Secretary of the Interior may use not more than $900,000 in accordance with paragraph (1).''.

SEC. 122. MULTISTATE CONSERVATION GRANT PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Dingell-Johnson Sport Fish Restoration Act is amended—

(1) by striking the section 13 relating to effective date (16 U.S.C. 777 note) and inserting the following:

''SEC. 14. MULTISTATE CONSERVATION GRANT PROGRAM.

''(a) IN GENERAL.—

''(1) AMOUNT FOR GRANTS.—Of the balance of each annual appropriation made under section 3 remaining after the distribution and use under subsections (a), (b), and (c) of section 4 in a fiscal year, not more than $3,000,000 shall be available to the Secretary of the Interior for making

multistate conservation project grants in accordance with this section.

''(2) PERIOD OF AVAILABILITY; APPORTIONMENT.—

''(A) PERIOD OF AVAILABILITY.—Amounts made available under paragraph (1) shall remain available for making grants only for the first fiscal year for which the amount is made available and the following fiscal year.

''(B) APPORTIONMENT.—At the end of the period of availability under subparagraph (A), the Secretary of the Interior shall apportion any amounts that remain available among the States in the manner specified in section 4(e) for use by the States in the same manner as funds apportioned under section 4(e).

''(b) SELECTION OF PROJECTS.—

''(1) STATES OR ENTITIES TO BE BENEFITED.—A project shall not be eligible for a grant under this section unless the project will benefit—

''(A) at least 26 States;

''(B) a majority of the States in a region of the United States Fish and Wildlife Service; or

''(C) a regional association of State fish and game departments.

''(2) USE OF SUBMITTED PRIORITY LIST OF PROJECTS.—The Secretary of the Interior may make grants under this section only for projects identified on a priority list of sport fish restoration projects described in paragraph (3).

''(3) PRIORITY LIST OF PROJECTS.—A priority list referred to in paragraph (2) is a priority list of sport fish restoration projects that the International Association of Fish and Wildlife Agencies—

''(A) prepares through a committee comprised of the heads of State fish and game departments (or their designees), in consultation with—

''(i) nongovernmental organizations that represent conservation organizations;

''(ii) sportsmen organizations; and

''(iii) industries that fund the sport fish restoration programs under this Act;

''(B) approves by vote of a majority of the heads of State fish and game departments (or their designees); and

''(C) not later than October 1 of each fiscal year, submits to the Assistant Director for Wildlife and Sport Fish Restoration Programs.

''(4) PUBLICATION.—The Assistant Director for Wildlife and Sport Fish Restoration Programs shall publish in the Federal Register each priority list submitted under paragraph (3)(C).

''(c) ELIGIBLE GRANTEES.—

''(1) IN GENERAL.—The Secretary of the Interior may make a grant under this section only to—

''(A) a State or group of States;

''(B) the United States Fish and Wildlife Service, or a State or group of States, for the purpose of carrying out the National Survey of Fishing, Hunting, and Wildlife-Associated Recreation; and

''(C) subject to paragraph (2), a nongovernmental organization.

''(2) NONGOVERNMENTAL ORGANIZATIONS.—

''(A) IN GENERAL.—Any nongovernmental organization that applies for a grant under this section shall submit with the application to the International Association of Fish and Wildlife Agencies a certification that the organization—

''(i) will not use the grant funds to fund, in whole or in part, any activity of the organization that promotes or encourages opposition to the regulated taking of fish; and

''(ii) will use the grant funds in compliance with subsection (d).

''(B) PENALTIES FOR CERTAIN ACTIVITIES.—Any nongovernmental organization that is found to use grant funds in violation of subparagraph (A) shall return all funds received under this section and be subject to any other applicable penalties under law.

''(d) USE OF GRANTS.—A grant under this section shall not be used, in whole or in part, for an activity, project, or program that promotes or encourages opposition to the regulated taking of fish.

''(e) FUNDING FOR OTHER ACTIVITIES.—Of the balance of each annual appropriation made under section 3 remaining after the distribution and use under subsections (a), (b), and (c) of section 4 for each fiscal year and after deducting amounts used for grants under subsection (a)—

''(1) $200,000 shall be made available for each of—

''(A) the Atlantic States Marine Fisheries Commission;

''(B) the Gulf States Marine Fisheries Commission;

''(C) the Pacific States Marine Fisheries Commission; and

''(D) the Great Lakes Fisheries Commission; and

''(2) $400,000 shall be made available for the Sport Fishing and Boating Partnership Council established by the United States Fish and Wildlife Service.

''(f) NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to any activity carried out under this section.''; and

(2) by moving that section to appear after the section 13 relating to State use of contributions (16 U.S.C. 777l).

(b) CONFORMING AMENDMENT.—Section 4(e) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(e)) is amended in the first sentence by inserting ''and after deducting amounts used for grants under section 14,'' after ''respectively,''.

SEC. 123. FUNDING OF THE COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT.

Section 4(a) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(a)) is amended in the second sentence by striking ''2000'' and inserting ''2009''.

SEC. 124. PERIOD OF AVAILABILITY.

Section 4(f) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(f)) is amended in the first sentence by striking '', and if'' and all that follows through ''recreation''.

SEC. 125. MISCELLANEOUS PROVISION.

Section 5 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777d) is amended—

(1) by inserting '', at the time at which a deduction or apportionment is made,'' after ''certify''; and

(2) by striking ''and executing''.

SEC. 126. CONFORMING AMENDMENT.

Section 9504(b)(2)(A) of the Internal Revenue Code of 1986 is amended by striking ''(as in effect on the date of the enactment of the TEA 21 Restoration Act)'' and inserting ''(as in effect on the date of enactment of the Wildlife and Sport Fish Restoration Programs Improvement Act of 2000)''.

Subtitle C—Wildlife and Sport Fish Restoration Programs

SEC. 131. DESIGNATION OF PROGRAMS.

The programs established under the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 et seq.) and the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777 et seq.) shall be known as the ''Federal Assistance Program for State Wildlife and Sport Fish Restoration''.

SEC. 132. ASSISTANT DIRECTOR FOR WILDLIFE AND SPORT FISH RESTORATION PROGRAMS.

(a) ESTABLISHMENT.—There is established in the United States Fish and Wildlife Service of the Department of the Interior the position of Assistant Director for Wildlife and Sport Fish Restoration Programs.

(b) SUPERIOR.—The Assistant Director for Wildlife and Sport Fish Restoration Programs shall report directly to the Director of the United States Fish and Wildlife Service.

(c) RESPONSIBILITIES.—The Assistant Director for Wildlife and Sport Fish Restoration Programs shall be responsible for the administration, management, and oversight of the Federal Assistance Program for State Wildlife and Sport Fish Restoration under the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 et seq.) and the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777 et seq.).

SEC. 133. REPORTS AND CERTIFICATIONS.

(a) IMPLEMENTATION REPORT.—

(1) IN GENERAL.—At the time at which the President submits to Congress a budget request for the Department of the Interior for fiscal year 2002, the Secretary of the Interior shall submit to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the steps that have been taken to comply with this title and the amendments made by this title.

(2) CONTENTS.—The report under paragraph (1) shall describe—

(A) the extent to which compliance with this title and the amendments made by this title has required a reduction in the number of personnel assigned to administer, manage, and oversee the Federal Assistance Program for State Wildlife and Sport Fish Restoration;

(B) any revisions to this title or the amendments made by this title that would be desirable in order for the Secretary of the Interior to adequately administer the Program and ensure that funds provided to State agencies are properly used; and

(C) any other information concerning the implementation of this title and the amendments made by this title that the Secretary of the Interior considers appropriate.

(b) PROJECTED SPENDING REPORT.—At the time at which the President submits a budget request for the Department of the Interior for fiscal year 2002 and each fiscal year thereafter, the Secretary of the Interior shall report in writing to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate the amounts, broken down by category, that are intended to be used for the fiscal year under section 4(a)(1) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c(a)(1)) and section 4(d)(1) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(d)(1)).

(c) SPENDING CERTIFICATION AND REPORT.—Not later than 60 days after the end of each fiscal year, the Secretary of the Interior shall certify and report in writing to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate—

(1) the amounts, broken down by category, that were used for the fiscal year under section 4(a)(1) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c(a)(1)) and section 4(d)(1) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(d)(1));

(2) the amounts apportioned to States for the fiscal year under section 4(a)(2) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c(a)(2)) and section 4(d)(2)(A) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(d)(2)(A));

(3) the results of the audits performed under section 9(d) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669h(d) and section 9(d) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777h(d));

(4) that all amounts used for the fiscal year under section 4(a)(1) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c(a)(1)) and section 4(d)(1) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(d)(1)) were

necessary for expenses for administration incurred in implementation of those Acts;

(5) that all amounts used for the fiscal year to administer those Acts by agency headquarters and by regional offices of the United States Fish and Wildlife Service were used in accordance with those Acts; and

(6) that the Secretary of the Interior, the Assistant Secretary for Fish and Wildlife and Parks, the Director of the United States Fish and Wildlife Service, and the Assistant Director for Wildlife and Sport Fish Restoration Programs each properly discharged their duties under those Acts.

(d) CERTIFICATIONS BY STATES.—

(1) IN GENERAL.—Not later than 60 days after the end of each fiscal year, each State that received amounts apportioned under the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 et seq.) or the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777 et seq.) for the fiscal year shall certify to the Secretary of the Interior in writing that the amounts were expended by the State in accordance with each of those Acts.

(2) TRANSMISSION TO CONGRESS.—Not later than December 31 of a fiscal year, the Secretary of the Interior shall transmit all certifications under paragraph (1) for the previous fiscal year to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(e) LIMITATION ON DELEGATION.—The Secretary of the Interior shall not delegate the responsibility for making a certification under subsection (c) to any person except the Assistant Secretary for Fish and Wildlife and Parks.

TITLE II—NATIONAL FISH AND WILDLIFE FOUNDATION

SEC. 201. SHORT TITLE.

This title may be cited as the ''National Fish and Wildlife Foundation Establishment Act Amendments of 2000''.

SEC. 202. PURPOSES.

Section 2(b) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701(b)) is amended by striking paragraph (1) and inserting the following:

''(1) to encourage, accept, and administer private gifts of property for the benefit of, or in connection with, the activities and services of the United States Fish and Wildlife Service and the National Oceanic and Atmospheric Administration, to further the conservation and management of fish, wildlife, plants, and other natural resources;''.

SEC. 203. BOARD OF DIRECTORS OF THE FOUNDATION.

(a) ESTABLISHMENT AND MEMBERSHIP.—Section 3 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3702) is amended by striking subsection (a) and inserting the following:

''(a) ESTABLISHMENT AND MEMBERSHIP.—

''(1) IN GENERAL.—The Foundation shall have a governing Board of Directors (referred to in this Act as the 'Board'), which shall consist of 25 Directors appointed in accordance with subsection (b), each of whom shall be a United States citizen.

''(2) REPRESENTATION OF DIVERSE POINTS OF VIEW.—To the maximum extent practicable, the membership of the Board shall represent diverse points of view relating to conservation and management of fish, wildlife, plants, and other natural resources.

''(3) NOT FEDERAL EMPLOYEES.—Appointment as a Director of the Foundation shall not constitute employment by, or the holding of an office of, the United States for the purpose of any Federal law.''.

(b) APPOINTMENT AND TERMS.—Section 3 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3702) is amended by striking subsection (b) and inserting the following:

''(b) APPOINTMENT AND TERMS.—

''(1) AGENCY HEADS.—The Director of the United States Fish and Wildlife Service and the Under Secretary of Commerce for Oceans and Atmosphere shall be Directors of the Foundation.

''(2) APPOINTMENTS BY THE SECRETARY OF THE INTERIOR.—

''(A) IN GENERAL.—Subject to subparagraph (B), after consulting with the Secretary of Commerce and considering the recommendations submitted by the Board, the Secretary of the Interior shall appoint 23 Directors who meet the criteria established by subsection (a), of whom—

''(i) at least 6 shall be educated or experienced in fish, wildlife, or other natural resource conservation;

''(ii) at least 4 shall be educated or experienced in the principles of fish, wildlife, or other natural resource management; and

''(iii) at least 4 shall be educated or experienced in ocean and coastal resource conservation.

''(B) TRANSITION PROVISION.—

''(i) CONTINUATION OF TERMS.—The 15 Directors serving on the Board as of the date of enactment of this paragraph shall continue to serve until the expiration of their terms.

''(ii) NEW DIRECTORS.—Subject to paragraph (3), the Secretary of the Interior shall appoint 8 new Directors.

''(3) TERMS.—

''(A) IN GENERAL.—Subject to subparagraph (B), each Director (other than a Director described in paragraph (1)) shall be appointed for a term of 6 years.

''(B) INITIAL APPOINTMENTS TO NEW MEMBER POSITIONS.—Of the Directors appointed by the Secretary of the Interior under paragraph (2)(B)(ii), the Secretary shall appoint, in fiscal year 2001, 3 Directors for a term of 6 years.

''(C) SUBSEQUENT APPOINTMENTS TO NEW MEMBER POSITIONS.—Of the Directors appointed by the Secretary of the Interior under paragraph (2)(B)(ii), the Secretary shall appoint, in fiscal year 2002—

''(i) 2 Directors for a term of 2 years; and

''(ii) 3 Directors for a term of 4 years.

''(4) VACANCIES.—

''(A) IN GENERAL.—The Secretary of the Interior shall fill a vacancy on the Board.

''(B) TERM OF APPOINTMENTS TO FILL UNEXPIRED TERMS.—An individual appointed to fill a vacancy that occurs before the expiration of the term of a Director shall be appointed for the remainder of the term.

''(5) REAPPOINTMENT.—An individual (other than an individual described in paragraph (1)) shall not serve more than 2 consecutive terms as a Director, excluding any term of less than 6 years.

''(6) REQUEST FOR REMOVAL.—The executive committee of the Board may submit to the Secretary of the Interior a letter describing the nonperformance of a Director and requesting the removal of the Director from the Board.

''(7) CONSULTATION BEFORE REMOVAL.—Before removing any Director from the Board, the Secretary of the Interior shall consult with the Secretary of Commerce.''.

(c) TECHNICAL AMENDMENTS.—

(1) Section 4(c)(5) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703(c)(5)) is amended by striking ''Directors of the Board'' and inserting ''Directors of the Foundation''.

(2) Section 6 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3705) is amended—

(A) by striking ''Secretary'' and inserting ''Secretary of the Interior or the Secretary of Commerce''; and

(B) by inserting ''or the Department of Commerce'' after ''Department of the Interior''.

SEC. 204. RIGHTS AND OBLIGATIONS OF THE FOUNDATION.

(a) PRINCIPAL OFFICE OF THE FOUNDATION.—Section 4(a)(3) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703(a)(3)) is amended by inserting after ''the District of Columbia'' the following: ''or in a county in the State of Maryland or Virginia that borders on the District of Columbia''.

(b) INVESTMENT AND DEPOSIT OF FEDERAL FUNDS.—Section 4(c) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703(c)) is amended—

(1) by redesignating paragraphs (3) through (7) as paragraphs (7) through (11), respectively; and

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

''(3) to invest any funds provided to the Foundation by the Federal Government in obligations of the United States or in obligations or securities that are guaranteed or insured by the United States;

''(4) to deposit any funds provided to the Foundation by the Federal Government into accounts that are insured by an agency or instrumentality of the United States;

''(5) to make use of any interest or investment income that accrues as a consequence of actions taken under paragraph (3) or (4) to carry out the purposes of the Foundation;

''(6) to use Federal funds to make payments under cooperative agreements entered into with willing private landowners to provide substantial long-term benefits for the restoration or enhancement of fish, wildlife, plants, and other natural resources on private land;''.

(c) AGENCY APPROVAL OF ACQUISITIONS OF PROPERTY.—Section 4(e)(1) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703(e)(1)) is amended by striking subparagraph (B) and inserting the following:

''(B) the Foundation notifies the Federal agency that administers the program under which the funds were provided of the proposed acquisition, and the agency does not object in writing to the proposed acquisition within 60 calendar days after the date of the notification.''.

(d) REPEAL.—Section 304 of Public Law 102–440 (16 U.S.C. 3703 note) is repealed.

(e) AGENCY APPROVAL OF CONVEYANCES AND GRANTS.—Section 4(e)(3)(B) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703(e)(3)(B)) is amended by striking clause (ii) and inserting the following:

''(ii) the Foundation notifies the Federal agency that administers the Federal program under which the funds were provided of the proposed conveyance or provision of Federal funds, and the agency does not object in writing to the proposed conveyance or provision of Federal funds within 60 calendar days after the date of the notification.''.

(f) RECONVEYANCE OF REAL PROPERTY.—Section 4(e) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703(e)) is amended by striking paragraph (5) and inserting the following:

''(5) RECONVEYANCE OF REAL PROPERTY.—The Foundation shall convey at not less than fair market value any real property acquired by the Foundation in whole or in part with Federal funds if the Foundation notifies the Federal agency that administers the Federal program under which the funds were provided, and the agency does not disagree within 60 calendar days after the date of the notification, that—

''(A) the property is no longer valuable for the purpose of conservation or management of fish, wildlife, plants, and other natural resources; and

''(B) the purposes of the Foundation would be better served by use of the proceeds of the conveyance for other authorized activities of the Foundation.''.

(g) EXPENDITURES FOR PRINTING SERVICES OR CAPITAL EQUIPMENT.—Section 4 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703) is amended by adding at the end the following:

''(h) EXPENDITURES FOR PRINTING SERVICES OR CAPITAL EQUIPMENT.—The Foundation shall not make any expenditure of Federal funds in connection with any 1 transaction for printing services or capital equipment that is greater than $10,000 unless the expenditure is approved by the Federal agency that administers the Federal program under which the funds were provided.''.

SEC. 205. ANNUAL REPORTING OF GRANT DETAILS.

Section 7(b) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3706(b)) is amended—

(1) by striking ''Congress'' and inserting ''the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate''; and

(2) by adding at the end the following: ''The report shall include a detailed statement of the recipient, amount, and purpose of each grant made by the Foundation in the fiscal year.''.

SEC. 206. NOTICE TO MEMBERS OF CONGRESS.

Section 4 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703) (as amended by section 204(g)) is amended by adding at the end the following:

''(i) NOTICE TO MEMBERS OF CONGRESS.—The Foundation shall not make a grant of funds unless, by not later than 30 days before the grant is made, the Foundation provides notice of the grant to the Member of Congress for the congressional district in which the project to be funded with the grant will be carried out.''.

SEC. 207. AUTHORIZATION OF APPROPRIATIONS.

Section 10 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3709) is amended by striking subsections (a), (b), and (c) and inserting the following:

''(a) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to carry out this Act for each of fiscal years 2001 through 2003—

''(A) $20,000,000 to the Department of the Interior; and

''(B) $5,000,000 to the Department of Commerce.

''(2) REQUIREMENT OF ADVANCE PAYMENT.—The amount made available for a fiscal year under paragraph (1) shall be provided to the Foundation in an advance payment of the entire amount on October 1, or as soon as practicable thereafter, of the fiscal year.

''(3) USE OF APPROPRIATED FUNDS.—Subject to paragraph (4), amounts made available under paragraph (1) shall be provided to the Foundation for use for matching, on a 1-to-1 basis, contributions (whether in currency, services, or property) made to the Foundation by private persons and State and local government agencies.

''(4) PROHIBITION ON USE FOR ADMINISTRATIVE EXPENSES.—No Federal funds made available under paragraph (1) shall be used by the Foundation for administrative expenses of the Foundation, including for salaries, travel and transportation expenses, and other overhead expenses.

''(b) ADDITIONAL AUTHORIZATION.—

''(1) IN GENERAL.—In addition to the amounts authorized to be appropriated under subsection (a), the Foundation may accept Federal funds from a Federal agency under any other Federal law for use by the Foundation to further the conservation and management of fish, wildlife, plants, and other natural resources in accordance with the requirements of this Act.

''(2) USE OF FUNDS ACCEPTED FROM FEDERAL AGENCIES.—Federal funds provided to the Foundation under paragraph (1) shall be used by the Foundation for matching, in whole or in part, contributions (whether in currency, services, or property) made to the Foundation by private persons and State and local government agencies.

''(c) PROHIBITION ON USE OF GRANT AMOUNTS FOR LITIGATION AND LOBBYING EXPENSES.—Amounts provided as a grant by the Foundation shall not be used for—

''(1) any expense related to litigation; or

''(2) any activity the purpose of which is to influence legislation pending before Congress.''.

SEC. 208. LIMITATION ON AUTHORITY.

The National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701 et seq.) is amended by adding at the end the following:

''SEC. 11. LIMITATION ON AUTHORITY.

''Nothing in this Act authorizes the Foundation to perform any function the authority for which is provided to the National Park Foundation by Public Law 90–209 (16 U.S.C. 19e et seq.).''.

TITLE III—NATIONAL WILDLIFE REFUGE SYSTEM CENTENNIAL

SEC. 301. SHORT TITLE.

This title may be cited as the ''National Wildlife Refuge System Centennial Act''.

SEC. 302. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) President Theodore Roosevelt began the National Wildlife Refuge System by establishing the first refuge at Pelican Island, Florida, on March 14, 1903;

(2) the National Wildlife Refuge System is comprised of more than 93,000,000 acres of Federal land managed by the United States Fish and Wildlife Service in more than 532 individual refuges and thousands of waterfowl production areas located in all 50 States and the territories of the United States;

(3) the System is the only network of Federal land dedicated singularly to wildlife conservation and where wildlife-dependent recreation and environmental education are priority public uses;

(4) the System serves a vital role in the conservation of millions of migratory birds, dozens of endangered species and threatened species, some of the premier fisheries of the United States, marine mammals, and the habitats on which such species of fish and wildlife depend;

(5) each year the System provides millions of Americans with opportunities to participate in wildlife-dependent recreation, including hunting, fishing, and wildlife observation;

(6)(A) public visitation to national wildlife refuges is growing, with more than 35,000,000 visitors annually; and

(B) it is essential that visitor centers and public use facilities be properly constructed, operated, and maintained;

(7) the National Wildlife Refuge System Volunteer and Community Partnership Enhancement Act of 1998 (16 U.S.C. 742f note; Public Law 105–242), and the amendments made by that Act, significantly enhance the ability of the United States Fish and Wildlife Service to incorporate volunteers and partnerships in refuge management;

(8) as of the date of enactment of this Act, the System has an unacceptable backlog of critical operation and maintenance needs; and

(9) the occasion of the centennial of the System, in 2003, presents a historic opportunity to enhance natural resource stewardship and expand public enjoyment of the national wildlife refuges of the United States.

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

(1) to establish a commission to promote awareness by the public of the National Wildlife Refuge System as the System celebrates its centennial in 2003;

(2) to develop a long-term plan to meet the priority operation, maintenance, and construction needs of the System;

(3) to require an annual report on the needs of the System prepared in the context of—

(A) the budget submission of the Department of the Interior to the President; and

(B) the President's budget request to Congress; and

(4) to improve public use programs and facilities of the System to meet the increasing needs of the public for wildlife-dependent recreation in the 21st century.

SEC. 303. NATIONAL WILDLIFE REFUGE SYSTEM CENTENNIAL COMMISSION.

(a) ESTABLISHMENT.—There is established the National Wildlife Refuge System Centennial Commission (referred to in this title as the ''Commission'').

(b) MEMBERS.—

(1) IN GENERAL.—The Commission shall be composed of—

(A) the Director of the United States Fish and Wildlife Service;

(B) up to 10 individuals appointed by the Secretary of the Interior;

(C) the chairman and ranking minority member of the Committee on Resources of the House of Representatives and of the Committee on Environment and Public Works of the Senate, who shall be nonvoting members; and

(D) the congressional representatives of the Migratory Bird Conservation Commission, who shall be nonvoting members.

(2) APPOINTMENTS.—

(A) DEADLINE.—The members of the Commission shall be appointed not later than 90 days after the effective date of this title.

(B) APPOINTMENTS BY THE SECRETARY OF THE INTERIOR.—

(i) IN GENERAL.—The members of the Commission appointed by the Secretary of the Interior under paragraph (1)(B)—

(I) shall not be officers or employees of the Federal Government; and

(II) shall, in the judgment of the Secretary—

(aa) represent the diverse beneficiaries of the System; and

(bb) have outstanding knowledge or appreciation of wildlife, natural resource management, or wildlife-dependent recreation.

(ii) REPRESENTATION OF VIEWS.—In making appointments under paragraph (1)(B), the Secretary of the Interior shall make every effort to ensure that the views of the hunting, fishing, and wildlife observation communities are represented on the Commission.

(3) VACANCIES.—Any vacancy in the Commission—

(A) shall not affect the power or duties of the Commission; and

(B) shall be expeditiously filled in the same manner as the original appointment was made.

(c) CHAIRPERSON.—The Secretary of the Interior shall appoint 1 of the members as the Chairperson of the Commission.

(d) COMPENSATION.—The members of the Commission shall receive no compensation for their service on the Commission.

(e) TRAVEL EXPENSES.—

(1) LEGISLATIVE BRANCH MEMBERS.—The members of the Commission from the legislative branch of the Federal Government shall be allowed necessary travel expenses, as authorized by other law for official travel, while away from their homes or regular places of business in the performance of services for the Commission.

(2) EXECUTIVE BRANCH MEMBERS.—The members of the Commission from the executive branch of the Federal Government shall be allowed necessary travel expenses in accordance

with section 5702 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(3) OTHER MEMBERS AND STAFF.—The members of the Commission appointed by the Secretary of the Interior and staff of the Commission may be allowed necessary travel expenses as authorized by section 5702 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(f) DUTIES.—The Commission shall—

(1) prepare, in cooperation with Federal, State, local, and nongovernmental partners, a plan to commemorate the centennial of the National Wildlife Refuge System beginning on March 14, 2003;

(2) coordinate the activities of the partners under the plan; and

(3) plan and host, in cooperation with the partners, a conference on the National Wildlife Refuge System, and assist in the activities of the conference.

(g) STAFF.—Subject to the availability of appropriations, the Commission may employ such staff as are necessary to carry out the duties of the Commission.

(h) DONATIONS.—

(1) IN GENERAL.—The Commission may, in accordance with criteria established under paragraph (2), accept and use donations of money, personal property, or personal services.

(2) CRITERIA.—The Commission shall establish written criteria to be used in determining whether the acceptance of gifts or donations under paragraph (1) would—

(A) reflect unfavorably on the ability of the Commission or any employee of the Commission to carry out its responsibilities or official duties in a fair and objective manner; or

(B) compromise the integrity or the appearance of the integrity of any person involved in the activities of the Commission.

(i) ADMINISTRATIVE SUPPORT.—Upon the request of the Commission—

(1) the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, may provide to the Commission such administrative support services as are necessary for the Commission to carry out the duties of the Commission under this title, including services relating to budgeting, accounting, financial reporting, personnel, and procurement; and

(2) the head of any other appropriate Federal agency may provide to the Commission such advice and assistance, with or without reimbursement, as are appropriate to assist the Commission in carrying out the duties of the Commission.

(j) REPORTS.—

(1) ANNUAL REPORTS.—Not later than 1 year after the effective date of this title, and annually thereafter, the Commission shall submit to Congress a report on the activities and plans of the Commission.

(2) FINAL REPORT.—Not later than September 30, 2004, the Commission shall submit to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate a final report on the activities of the Commission, including an accounting of all funds received and expended by the Commission.

(k) TERMINATION.—

(1) IN GENERAL.—The Commission shall terminate 90 days after the date on which the Commission submits the final report under subsection (j).

(2) DISPOSITION OF MATERIALS.—Upon termination of the Commission and after consultation with the Archivist of the United States and the Secretary of the Smithsonian Institution, the Secretary of the Interior may—

(A)(i) deposit all books, manuscripts, miscellaneous printed matter, memorabilia, relics, and other similar materials of the Commission relating to the centennial of the National Wildlife Refuge System in Federal, State, or local libraries or museums; or

(ii) otherwise dispose of such materials; and

(B)(i) use other property acquired by the Commission for the purposes of the National Wildlife Refuge System; or

(ii) treat such property as excess property.

SEC. 304. LONG-TERM PLANNING AND ANNUAL REPORTING REQUIREMENTS REGARDING THE OPERATION AND MAINTENANCE BACKLOG.

(a) UNIFIED LONG-TERM PLAN.—Not later than March 1, 2002, the Secretary of the Interior shall prepare and submit to Congress and the President a unified long-term plan to address priority operation, maintenance, and construction needs of the National Wildlife Refuge System, including—

(1) priority staffing needs of the System; and

(2) operation, maintenance, and construction needs as identified in—

(A) the Refuge Operating Needs System;

(B) the Maintenance Management System;

(C) the 5-year deferred maintenance list;

(D) the 5-year construction list;

(E) the United States Fish and Wildlife Service report entitled ''Fulfilling the Promise of America's National Wildlife Refuge System''; and

(F) individual refuge comprehensive conservation plans.

(b) ANNUAL SUBMISSION.—Beginning with the submission to Congress of the budget for fiscal year 2003, the Secretary of the Interior shall prepare and submit to Congress, in the context of each annual budget submission, a report that contains—

(1) an assessment of expenditures in the prior, current, and upcoming fiscal years to meet the operation and maintenance backlog as identified in the long-term plan under subsection (a); and

(2) a specification of transition costs, in the prior, current, and upcoming fiscal years, as identified in the analysis of newly acquired refuge land prepared by the Department of the Interior, and a description of the method used to determine the priority status of the transition costs.

SEC. 305. YEAR OF THE NATIONAL WILDLIFE REFUGE.

(a) FINDING.—Congress finds that designation of the year 2003 as the ''Year of the National Wildlife Refuge'' would promote the goal of increasing public appreciation of the importance of the National Wildlife Refuge System.

(b) PROCLAMATION.—The President is requested to issue a proclamation calling on the people of the United States to conduct appropriate programs, ceremonies, and activities to accomplish the goal of such a year.

SEC. 306. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out the activities of the Commission under this title—

(1) $100,000 for fiscal year 2001; and

(2) $250,000 for each of fiscal years 2002 through 2004.

SEC. 307. EFFECTIVE DATE.

This title takes effect on January 20, 2001.

Amend the title so as to read: ''An Act to amend the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act to enhance the funds available for grants to States for fish and wildlife conservation projects, to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act, to commemorate the centennial of the establishment of the first national wildlife refuge in the United States on March 14, 1903, and for other purposes.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

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

□ 1745

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

Mr. Speaker, I rise in support of H.R. 3671, which reforms the administration of the Pittman-Robertson and the Dingell-Johnson Acts. These acts established trust funds, paid for by sportsmen and women through taxes on guns, ammunition, archery equipment and fishing equipment for State fish and game departments to use for wildlife and sport fish restoration projects. Administration of these acts is the responsibility of the Fish and Wildlife Service.

Oversight conducted by the committee, which I chair, the Committee on Resources, uncovered waste, fraud, and abuse of the administration funds by the Fish and Wildlife Service. The House overwhelmingly passed H.R. 3671 on April 5 by a vote of 423–2.

H.R. 3671 puts in place reforms that will prevent abuse and misuse of administration funds in the future. It caps the amount of funds for administration, provides clear direction as to how these funds will be spent, establishes audits, reporting and certification requirements, and establishes an assistant director to oversee the administration of these programs.

The legislation also establishes a grant program for firearm and bow hunter safety and a grant program for multiple-state conservation projects that will enable States to work collectively on wildlife and sport fish restoration projects that cross State lines.

The Senate has suggested some modifications to H.R. 3671, and I have agreed to those changes. The Senate slightly increased funding for the administration. They also increased funding for the Firearm and Bow Hunter Educational Grant Program and a Multi-State Conservation Grant Program.

By stopping waste, fraud, and abuse and by cutting bureaucracy, the reforms in H.R. 3671 provide more dollars to State fishing and game departments on on-the-ground projects. They will ensure that the money paid into the trust fund by the sportsmen and the sportswomen in their district goes where it belongs, to State wildlife and sport fish restoration. Let us pass H.R. 3671 and safeguard the taxes paid by the hunters and anglers and guarantee continued wildlife and sports fish restoration as intended under the Pittman-Robertson and Dingell-Johnson Act.

H.R. 3671, the Wildlife and Sport Fish Restoration Improvement Act overwhelmingly passed the House 423 to 2 on April 5th. This reform bill amends the Pittman-Robertson and Dingell-Johnson Acts. It provides clear direction to the United States Fish and Wildlife Service on how to administer the wildlife and sport fish programs established under the Acts. Our oversight found that administration funds from the Pittman-Robertson and Dingell-Johnson programs were being used in ways not consistent with either Act. For example we found that administration funds were used to pay for expenses for the rest of the Fish and Wildlife Service and they were used to create grant programs that were not statutorily authorized under the Acts. This is clearly not how the administration funds are to be spent. We did not want to leave any ambiguity as to how the funds can or cannot be spent. When there is ambiguity, the United States Fish and Wildlife Service ''interprets'' what the law says, and the Pittman-Robertson and Dingell-Johnson programs suffer the consequences.

MANAGEMENT STUDY

On April 5th, Representative DINGELL and I engaged in a colloquy about the United States Fish and Wildlife Service and how they should undertake an independent, outside, top-to-bottom review to determine how many people are needed to administer the programs and what mixture of skills they should have. My only concern at the time was that any review be truly independent of undue influence. For that reason, I agreed with Representative DINGELL that the study should be conducted provided the United States Fish and Wildlife Service and the reviewer consult with the House Committee on Resources prior to and during the review, the Committee must agree with the parameters of the review and the Committee must be advised of the process of the review.

I am disappointed to report that the United States Fish and Wildlife Service did not listen to what Representative DINGELL and I said on April 5th. The United States Fish and Wildlife Service initiated and completed the management study without ever consulting with the Committee. In addition, the United States Fish and Wildlife Service instructed the consultant, The Center for Organizational Excellence (COE), to complete the project so that it could be used to impact this legislation. This sounds to me like lobbying legislation pending before Congress with Federal funds. It was not my intent, nor the intent of Representative DINGELL, that the Fish and Wildlife Service use administration funds to lobby Congress on the reform legislation. The management study was not to be used by the United States Fish and Wildlife Service to preserve the status quo, it was to be used to assist the United States Fish and Wildlife Service in deciding how best to restructure the staffing with individuals with the necessary skills to meet the true administration needs of the programs and the letter of the law.

I am further disappointed to report that the conclusions reached by COE on funding needs were not based on correct information. Information provided by the Fish and Wildlife Service to COE was inaccurate. Based on inaccurate information, COE reached the following conclusion regarding funding for administration:

> Although H.R. 3671 states that Federal Aid should continue conducting many of its current activities (such as training of States, travel to projects in-progress, consultation to States, etc.), the budget granted to Federal Aid under H.R. 3671 will not allow Federal Aid to continue all of these activities. This assessment is based on the data collected and analyzed by COE to date, including current workload and staffing levels and assessments provided by both Federal Aid and the IAFWA. (Federal Aid Division Resource Requirements Analysis, The Center for Organizational Excellence, September 29, 2000, page 5–2)

COE reported to Committee staff that the United States Fish and Wildlife Service did not provide them with the spending levels that were in H.R. 3671 when it passed the House. In addition, it seems that the United States Fish and Wildlife Service did not explain to COE that the current workload includes tasks that are not considered administration under H.R. 3671. COE was unable to accurately assess the funding needs since the data they were given does not reflect the new parameters for administration established in H.R. 3671.

COE was able to reach conclusions regarding how the programs were being administered by the Fish and Wildlife Service, and the conclusions they reached about the current administration of the programs is troubling. The management report confirms what we found during our oversight—the United States Fish and Wildlife Service is not properly administering the programs. Regarding the issue of how administration funds are used, the report stated:

> Resources are not allocated the Regions and functions based on any systematic framework. This relates to the lack of strategic planning described earlier. It is not apparent that Federal Aid currently deploys resources to a particular area on any basis other than that is where resources were deployed last year. There is no evidence that customer requirements, organizational priorities, or other issues are taken into account. (Federal Aid Division Resource Requirements Analysis, The Center for Organizational Excellence, September 29, 2000, page 4–9)

Regarding the grade of employees who are currently employed in the Regional Offices, the report stated:

''Our investigation of work processes revealed variations in how the core processes are performed and by whom, driven at least in part, by the different types of staff present in each Regional Office. For example, Region 2 and 6 have no staff in the grade range of GS 2–6. This raises the possibility that as all Regional Offices are performing the same core processes, Region 2 and 6 have core tasks performed by staff at too high a grade level (which leads to excessive payroll costs).'' (Federal Aid Division Resource Requirements Analysis, The Center for Organizational Excellence, September 29, 2000, page 3–1)

Regarding how the Regional Offices have decided what types of positions need to be in each Region:

''Over the years, Regional Offices have added staff in an ad-hoc fashion, based on their interpretation of how best to meet their States' requirements and interests. There was no centralized methodology for determining what types of jobs or at what level are required to perform the workload of the Regional Offices. This may have been the best approach at the time, as the Regional Offices sought to provide the desired level and type of systematic staffing patterns among Regions, with little clear relationship to the workload of the Regional Office. Most importantly, staffing per Region has not been examined strategically and systematically, to ensure that Regional Offices are staffed to meet the mission of Federal Aid.'' (Federal Aid Division Resource Requirements Analysis, The Center for Organizational Excellence, September 29, 2000, page 3–1)

The report shows us once again how much these reforms are needed. We suggest that the United States Fish and Wildlife Service provide accurate information to the COE and that the management study be continued and completed. In addition, that the management study be prepared for and issued to the House Committee on Resources and the Senate Committee on Environment and Public Works. Prior to continuation of the management study, and regularly thereafter, COE shall consult with the Committees on the information used for, the parameters of, and progress made in the study and management analysis.

FUNDS FOR ADMINISTRATION OF THE ACTS

It was very important to set out in this legislation exactly how the United States Fish and Wildlife Service can spend administration funds. For an expense to be considered an administration expense available for funding under this Act, the expense will have to directly support the implementation of the Act and also consist of one of the twelve categories outlined in the Act. This will ensure the sportsmen that the administration dollars are being spent only on administration of the Acts.

When we wrote this legislation we carefully thought out how administration funds should be spent and established twelve categories of allowable expenses. The United States Fish and Wildlife Service came back to us concerned that there could be another category that we had not thought of. Even though they could not come up with that ''other category'' or any additional expense, they expressed a need for spending flexibility for unforeseen expenses. We granted this flexibility up to a point. The United States Fish and Wildlife Service will be allowed to spend up to $25,000 of administration funds under each Act a year for an unforeseen expense, provided that they first inform the House Committee on Resources and the Senate Committee on Environment and Public Works with an explanation of how much of the $25,000 they are going to spend and on what they are going to spend it. The House and the Senate Committees will have 30 days to get back to the Fish and Wildlife Service with their concurrence of the expenditures. It is not the intention of this Act that the funds for unforeseen expenses become a source of income for the Fish and Wildlife Service.

The amount of funds available for administration of each Act will allow the Fish and Wildlife Service to maintain their current level of 120 employees and to ramp-down to 110 employees in FY 2003. It is apparent that the programs have not used a systematic or logical approach to meet the staffing needs of the

programs. It is important that the United States Fish and Wildlife Service has the ability to change staffing and skills to meet the needs of the programs. This will allow the United States Fish and Wildlife Service to determine how many individuals are needed in the Washington Office and each Region to efficiently and successfully implement the Wildlife and Sport Fish Restoration Program. Starting in 2004, the funds available for administration will increase according to the change in the Consumer Price Index for All Urban Consumers, allowing the United States Fish and Wildlife Service to keep pace with inflation and cost of living increases.

FIREARM AND BOW HUNTER EDUCATION AND SAFETY PROGRAM GRANTS

H.R. 3671 establishes Firearm and Bow Hunter Education and Safety Program Grants for the States. These funds are meant to be an enhancement of the Pittman-Robertson funds the States already spend on hunter education. For fiscal years 2001 and 2002, $7,500,000 will be available and in 2003 and every year thereafter, $8,000,000 will be available. This will enable states who can demonstrate that they have used the maximum amount of funds for hunter education under the formula in the law to have access to additional funds for hunter education and safety or for other uses authorized under the Act. The United States Fish and Wildlife Service shall continue to track how much States are spending for Hunter Education purposes. States who use the maximum amount of funds available under Section 4(c) of the law will have access to these funds. At the end of the year, any unexpected funds will be apportioned to the States who have used all of the funds available to them under Section 4(c) of the law. This program is meant to encourage States to fund hunter education and safety programs, construct or update shooting ranges and archery ranges and to enhance interstate coordination and development of hunter education and shooting range programs. The future of the shooting sports depends on the States taking a more active roll in hunter safety and education, providing shooting and archery ranges for the public and working with each other to accomplish these initiatives.

MULTI-STATE CONSERVATION GRANT PROGRAM

H.R. 3671 also establishes a Multi-State Conservation Grant Program that will allow States to work collectively on projects that cross state boundaries. These grants will be available to States, groups of States and Non-Governmental Organizations. The grants are only allowed to be used to fund projects that do not oppose the regulated hunting or trapping of wildlife or the regulated taking of fish. It is important that a ''firewall'' be kept between the grant fund awarded under the Multi-State Conservation Grant Program and all other funds of the organization. The grant funds are not meant to supplement any other activity of the organization. They are only to be used for the explicit purpose of the grant. Organizations who apply for the grants may not use the grant funds to support activities that in any way oppose the regulated hunting or trapping of wildlife or the regulated taking of fish. If an organization is found to use the grant funds inappropriately, the funds will have to be returned and the organization will be subject to any applicable penalties under law.

Under the Multi-State Conservation Grant Program, The United States Fish and Wildlife Service will be allowed to compete for the grants awarded to conduct the National Survey of Fishing, Hunting, and Wildlife-Associated Recreation. This is the only project the United States Fish and Wildlife Service can compete for. By allowing the United States Fish and Wildlife Service to compete for this grant, we do not intend that the Fish and Wildlife Service will automatically be awarded this grant. They will have to compete with others for this grant. We heard from many in the hunting, trapping and fishing community and the States that this survey wasn't the ''best product,'' but it was all they had. This bill will allow the States to have the opportunity to explore if another organization will be able to conduct the survey more efficiently and according to the parameters of the stakeholders. It is our intent that this legislation will put into the State's hands the control for this and all other Multi-State Conservation Grant Projects. And that when evaluating the merits of the United States Fish and Wildlife Service's proposal, as with all other proposals for this project and other projects, the Non-governmental organizations that represent conservation organizations, sportsmen organizations and industries that fund the Federal Assistance Program for State Wildlife and Sport Fish Restoration Programs will be consulted.

ADMINISTRATION COSTS FOR DINGELL-JOHNSON SMALL GRANT PROGRAMS

H.R. 3671 establishes that the administration costs of the Dingell-Johnson small grant programs (Clean Vessel Act pumpouts, Coastal Program Conservation Grants, Boating Infrastructure and the National Outreach and Communications Program) will be paid out of the funds for those programs. The administration costs of the small grant programs will not be funded through the administration funds for the Dingell-Johnson Sport Fish Restoration Act. A total of $900,000 is available for the administration of these programs.

ASSISTANT DIRECTOR FOR WILDLIFE AND SPORT FISH RESTORATION PROGRAMS

H.R. 3671 establishes within the Department of the Interior the position of Assistant Director for Wildlife and Sport Fish Restoration Programs. The funds collected from the excise taxes paid by sportsmen account for more than one-third of the whole budget of the Fish and Wildlife Service—in FY 2001 the amount to be collected is $528.7 million. Yet, these programs have had no presence at the Directorate level. In their Fiscal Year 2001 budget, the United States Fish and Wildlife Service budget requests for the following programs were:

Migratory Birds & State Programs—$22.8 million.

Fisheries & Habitat Conservation—$82.6 million.

Endangered Species & Marine Mammals—$199.1 million.

All of these programs have Assistant Directors and they each have responsibility for much smaller budgets than the Federal Assistance Program for State Wildlife and Sport Fish Programs. It is time that the Wildlife and Sport Fish Restoration Programs are elevated in the United States Fish and Wildlife Service and represented by an Assistant Director.

We also found that the managers of the Wildlife and Sport Fish Restoration programs lacked control over their own resources. Decisions on how to use personnel and administration funds were being made by individuals who did not have the best interests of the Wildlife and Sport Fish Restoration Programs in mind. The creation of the Assistant Director position will alleviate this problem. The Assistant Director is very important to the success of these programs. The Assistant Director will be necessary to guide the Wildlife and Sport Fish Restoration Programs under the new direction of this legislation. There will be important changes to how administration will be handled in the future. It will be crucial for this program, in order to establish a level of trust with the sportsmen who are paying the taxes, to show that the Fish and Wildlife Service truly wants the program to be run efficiently and according to the law.

We need to assure the sportsmen and women, who pay the excise taxes that provide the millions of dollars for State wildlife and sport fish restoration programs, that their money will be used as it is intended under the law. The trust needs to be restored between the sportsmen and women who fund the programs and the United States Fish and Wildlife Service. I urge you to pass H.R. 3671, the Wildlife and Sport Fish Restoration Programs Improvement Act, and put into place these much needed reforms of the Pittman-Robertson and Dingell-Johnson Acts.

The bill incorporates the text of H.R. 4442, the National Wildlife Refuge Centennial Act that overwhelmingly passed the House on July 11th. This legislation recognizes a great achievement in conservation—100 years of the National Wildlife Refuge System. While this is an important milestone, this measure recognizes that we still have work ahead of us to reduce the maintenance and operations backlog within the Refuge System.

It establishes a Commission to plan activities to commemorate the 100th Anniversary of the System. The bill also requires the Secretary to submit a comprehensive plan for addressing the maintenance and operations backlog within the Refuge System. The American people deserve the finest Refuge System in the world.

The bill also reauthorizes the National Fish and Wildlife Foundation. Since the Foundation was enacted into law in 1984, more than 3,850 conservation grants worth more than $490 million have been funded. These grants have been awarded to some 36 Federal agencies, 125 State and local municipalities, 92 colleges and institutions, and 852 different conservation groups.

I have received letters in support of reauthorizing the Foundation from the California Cattlemen's Association, Ducks Unlimited, the Foundation for North American Wild Sheep, the International Association of Fish and Wildlife Agencies, the National Rifle Association, the National Trappers Association, Quail Unlimited, the Rocky Mountain Elk Foundation, and the Wildlife Legislative Fund of America.

While there was no specific testimony on S. 1653, the Resources Committee did conduct several comprehensive oversight hearings on the operation of the Foundation.

Under the terms of this bill, the Foundation's Board of Directors would increase from 15 to

25 members; every dollar of Federal funding would be matched with a corresponding amount of non-Federal money; $20 million would be authorized for the U.S. Fish and Wildlife Service and $5 million for NOAA; an annual report would be required detailing each conservation grant; affected Members of Congress would be given a 30-day notice when a project is proposed within their district; and statutory language has been included stipulating that no grant money can be used by the Foundation or its grantees for lobbying or litigation activities.

This is a good bill that will allow the Foundation to continue to undertake a variety of valuable conservation projects throughout the United States.

It is important to reiterate that lands acquired with Pittman Robertson funds are used for an array of wildlife dependent recreation activities such as fishing, trapping, and hunting. This use properly includes field trials with dogs. We expect that these activities will continue on acquired lands subject to reasonable restrictions supported by evidence to conserve wildlife and related habitat. Any guidelines issued by the Fish and Wildlife Service regarding such uses must be reasonable, recognize the value of these activities, and be developed cooperatively with the states as well as affected user groups. Some elements within the Service appear to believe that intensive on-the-ground management actions are inconsistent with the purpose of Pittman Robertson Act conservation programs. The Committee strongly disagrees with any such conclusion. We remind the agency that intensive management is often the key to assuring that multiplicity of wildlife dependent recreation activities can coexist on wildlife lands and can occur with conservation objectives and purposes. This is the case with field trials. So I want no one to mistake that field trials are quite compatible on lands acquired using Pittman Robertson funds. The lands are for hunting and field trials facilitate hunting.

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

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, for years, and most recently during our CARA deliberations, we have heard about the success and the proven track record of Pittman-Robertson and the Dingell-Johnson Sport Fish and Wildlife Restoration Programs administered by the Fish and Wildlife Service.

It was the prospect of CARA contributing an additional $350 million a year in outer continental shelf oil revenues to Pittman-Robertson that first spurred the request of the gentleman from Alaska (Chairman YOUNG) of December 1999 for a General Accounting Office review of the Federal Aid Program. This in turn led to the gentleman from Alaska (Chairman YOUNG) initiating the majority's own investigation into the financial conduct of the program.

As it turned out, these investigations did identify problems concerning how the Fish and Wildlife Service administers and executes these programs, some considerable, several recurrent, but none criminal or even illegal. Nonetheless, I am convinced that the Federal Aid Program was long overdue for an administrative and financial overhaul. I believe all members of this committee share that view.

I think it is also important to note that the Fish and Wildlife Service has recognized and admitted that substantial errors have been made in the enforcement of financial policies and procedures. Serious reforms initiated by Fish and Wildlife Service Director Jamie Clark, including the termination of discretionary grant programs, the hiring of a new Federal aid expert to closely oversee the Federal Aid Office, and the establishment of strict new policies for travel and expenses indicate to me that the service is aggressively moving on reform.

The other body has improved this legislation. I am especially pleased that it will now provide approximately an increase of $4 million for administration, ensure some flexibility for unexpected administrative costs up to $25,000, streamline the reporting and certification requirements so that they are less cumbersome and tied into the annual budget process.

I am also pleased that additional provisions were accepted in the conference. Those provisions would require States to file annual certifications that they have spent their grant funds in accordance to the law, allow Puerto Rico to be eligible to receive hunter education funding. And finally, I support the additional changes made by the other body to attach to this legislation a clean reauthorization for the National Fish and Wildlife Foundation and a clean bill to establish a Centennial Commission for the National Wildlife Refuge System.

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.

Mr. Speaker, this has been a long process, and I agree with the gentleman from New Mexico (Mr. UDALL) that this was really instigated by the beginning of CARA legislation when it put in those millions of dollars in the Fish and Wildlife Service. That is why I instigated the investigation.

I want to thank my staff, Duane Gibson, who has worked very hard on this measure, and especially Christina Delmont-Small. For the record, she is now a Small instead of Delmont. She is on her honeymoon today and she cannot be here to actually enjoy the success of 2 years.

But this issue is one, and I said after the hearings that the GAO reported to us, that this is not about who is present and what happened because of those people involved, not individually, but because the agency itself, beginning in 1990, and the acceleration of the expenditures of monies. We believe there was a tremendous amount of money that was spent very frankly illegally. Of those people that voluntarily established the Dingell-Johnson and the Pittman-Robertson fund that voluntarily putting into that every day thinking as they buy a fishing rod or a package of ammunition or a firearm or a bow, that it was going into reestablishing State programs on the State level so that they could have fish and wildlife not only to view but to hunt and fish, and we find that the money is being misspent.

So what we are trying to do through this legislation, and even with the Senate provisions in it, is we have tried to say, okay, forget who has done it. Let us make sure it does not happen in the future. And we believe this has been done in this legislation, and we are strongly supportive of it. I urge all of my colleagues to support this legislation with a good aye vote.

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 concur in the Senate amendments to the bill, H.R. 3671.

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

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

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

The point of no quorum is considered withdrawn.

TRIBAL CONTRACT SUPPORT COST TECHNICAL AMENDMENTS OF 2000

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4148) to make technical amendments to the provisions of the Indian Self-Determination and Education Assistance Act relating to contract support costs, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4148

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 ''Tribal Contract Support Cost Technical Amendments of 2000''.

SEC. 2. AMENDMENT DETAILING CALCULATION AND PAYMENT OF CONTRACT SUPPORT COSTS.

The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) is amended by adding after section 106 the following new section:

"SEC. 106A. CONTRACT SUPPORT COSTS.

''(a) OTHER FEDERAL AGENCIES.—Except as otherwise provided by statute, an Indian tribe or tribal organization administering a contract or compact under this Act shall be entitled to recover its full indirect costs associated with any other Federal funding received by such tribe or tribal organization (other than funds paid under this Act), consistent with the tribe's or tribal organization's indirect cost rate agreement with its cognizant Federal agency. This subsection shall not independently entitle such tribe or tribal organization to be paid additional amounts associated with such other Federal funding.

''(b) ALLOWABLE USES OF FUNDS.—Notwithstanding any other provision of law (including regulation or circular), an Indian tribe or tribal organization (1) administering a contract or compact under this Act, and (2) employing an indirect cost pool that includes both funds paid under this Act and other Federal funds, shall be entitled to use or expend all Federal funds in such tribe's or tribal organization's indirect cost pool in the same manner as permitted in section 106(j) (relating to allowable uses of funds without approval of the Secretary), and for such purposes only the term 'Secretary' means the Secretary of any Federal agency providing funds to such tribe or tribal organization.

''(c) NEGOTIATION OF CONTRACT SUPPORT COST AMOUNTS.—Within the Indian Health Service of the Department of Health and Human Services, tribal contract support cost entitlements shall be the responsibility of the Office of Tribal Programs, subject to the tribe's or tribal organization's indirect cost rate agreement with the tribe's or tribal organization's cognizant Federal agency.

''(d) DIRECT CONTRACT SUPPORT COSTS AND FEDERAL EMPLOYEES.—The contract support costs that are eligible costs for the purposes of receiving funding under this Act shall include direct contract support costs associated with all Federal employees employed in connection with the program, service, function, or activity that is the subject of the contract, including all Federal employees paid with funds generated from third-party collections.''.

SEC. 3. AMENDMENTS CLARIFYING CONTRACT SUPPORT COST ENTITLEMENT.

Section 106(a)(5) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450j1(a)(5)) is amended by adding at the end thereof the following flush sentence: ''Notwithstanding any other provision of law, the Secretary shall fully pay preaward and startup costs without regard to the year in which such costs were incurred or will be incurred, including such costs payable to tribes and tribal organizations identified by the Indian Health Service as 'ISD Queue Tribes' in its September 17, 1999, report entitled 'FY 1999 IHS CSC Shortfall Data'.''.

SEC. 4. AMENDMENTS REGARDING JUDICIAL REMEDIES.

Section 110(c) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450m–1(c)) is amended by inserting after ''administrative appeals'' the following: '', and section 2412(d)(2)(A) of title 28, United States Code, shall apply to appeals filed with administrative appeals boards, in appeals''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from New Mexico (Mr. UDALL) 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. 4148 makes technical changes in the Indian Health Self-Determination Education Assistance Act, and particularly to the contract support costs for the Indian Health Service and Bureau of Indian Affairs programs previously administered by the two departments.

This bill is technical in nature to ensure that tribal contractors recover their full and direct costs associated with these Federal programs, to receive funding for all Federal employees previously under the employment of IHS and BIA, and to direct the Secretaries of Health and Human Services to fully pay preaward and start-up costs without regard to the year in which such cost occurred.

Many tribal contractors have paid their preaward and start-up costs out of their own funds and have not been reimbursed for these programs by IHS and BIA. This corrects this inequity and prevents tribes from using their own program funds to pay for these administrative costs.

In a recent presentation at the Indian National Self-Governance conference in Nashville, Tennessee, Dr. Trujillio of the Indian Health Service reportedly told tribal representatives that the IHS supports enactment of H.R. 4148, as amended.

Again, Mr. Speaker, this bill is technical in nature and has been supported by all tribal contractors. I urge an aye vote for this important bill for American Indians and Alaskan Natives.

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

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill we are bringing up this evening is vastly different from the bill we reported from the Committee on Resources a few weeks back. The funding problems that Indian tribes face when assuming responsibility for Federal programs is serious and complex.

Congress has time and again reiterated its support for Indian tribes to take over and run Federal programs that have previously been run by the Bureau of Indian Affairs and the Indian Health Service. We have found that tribes are able to run these programs more innovatively and often provide better services to their tribal members.

Unfortunately, not all start-up and costs are covered in these funds provided tribes for these programs. This bill was introduced and designed to address those shortfalls. But in its current form, I am not sure that it meets the honorable goal of its author, the gentleman from Alaska (Chairman YOUNG).

The administration has informed us they oppose the bill. And while I would like to pass contract support cost assistance, I will ask for a de novo vote so we will have an additional day to work on this bill.

I would also like to ask the gentleman from Alaska (Chairman YOUNG) if the cost of this bill has been worked out based on the new structure here.

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

Mr. UDALL of New Mexico. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Speaker, the gentleman I hope would support this legislation. He has a large native contingency in his district that strongly supports this legislation; and if he does not support it, I am sure they will be aware of it. If not, I will let them know about it.

The main thing is that the reason the bill is different is the way it was scored. And I believe it was $11 billion. And as much as I believe there is justification there, we could not get it to pass the muster of other parts of this House nor the administration.

What we are trying to do is make sure that any tribal group that enters into a forwarding of money to set up a program, which they have been guaranteed, that they are being paid retroactively if they are owed money and in fact will be paid in the future. I think that is only fair. Because what has happened many times is they entered into a contract and then the agency, BIA or IHS, do not pay the forwarded monies and in consequence they have to swallow it themselves, and that takes away from the health programs, very frankly, of the Native American people.

I do hope that the gentleman will recognize the importance of this legislation; and although he may ask for a vote, I do not really put much truck in this administration. Although he is one of the opposite parties, I hope he does not either when it comes to Indian affairs.

They have abused, misused, and misled the American Indians in the last 8 years. They have used them in the vote. They have used them for the money that they should have gotten and that they spent in other areas and very frankly that they are using now. There is over $2.5 billion that we cannot find that we know is there and the investigation shows it there. In fact, the Supreme Court has subpoenaed and filed in contempt Secretary Babbitt and I belief Secretary Rubin and the Treasury Department.

So anytime anybody talks about the Indians getting too much or not enough, I am saying, look at the facts. I think it is very inappropriate, very frankly, to have the administration even think about a veto of this.

Mr. UDALL of New Mexico. Mr. Speaker, reclaiming my time, I would like to ask the chairman the question again. I am unclear what the cost of the bill is now.

Mr. YOUNG of Alaska. Mr. Speaker, if the gentleman will continue to yield, it is between $80 million and $100 million from $11 billion. That is what we call the striking or the marking of the CBO.

Mr. UDALL of New Mexico. 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 bill, H.R. 4148, as amended.

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

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

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

The point of no quorum is considered withdrawn.

CHEYENNE RIVER SIOUX TRIBE EQUITABLE COMPENSATION ACT

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 964) to provide for equitable compensation for the Cheyenne River Sioux Tribe, and for other purposes, as amended.

The Clerk read as follows:

S. 964

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

TITLE I—CHEYENNE RIVER SIOUX TRIBE EQUITABLE COMPENSATION

SEC. 101. SHORT TITLE.

This title may be cited as the ''Cheyenne River Sioux Tribe Equitable Compensation Act''.

SEC. 102. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) by enacting the Act of December 22, 1944, (58 Stat. 887, chapter 665; 33 U.S.C. 701–1 et seq.), commonly known as the ''Flood Control Act of 1944'', Congress approved the Pick-Sloan Missouri River Basin program (referred to in this section as the ''Pick-Sloan program'')—

(A) to promote the general economic development of the United States;

(B) to provide for irrigation above Sioux City, Iowa;

(C) to protect urban and rural areas from devastating floods of the Missouri River; and

(D) for other purposes;

(2) the Oahe Dam and Reservoir project—

(A) is a major component of the Pick-Sloan program, and contributes to the economy of the United States by generating a substantial amount of hydropower and impounding a substantial quantity of water;

(B) overlies the eastern boundary of the Cheyenne River Sioux Indian Reservation; and

(C) has not only contributed little to the economy of the Tribe, but has severely damaged the economy of the Tribe and members of the Tribe by inundating the fertile, wooded bottom lands of the Tribe along the Missouri River that constituted the most productive agricultural and pastoral lands of the Tribe and the homeland of the members of the Tribe;

(3) the Secretary of the Interior appointed a Joint Tribal Advisory Committee that examined the Oahe Dam and Reservoir project and concluded that—

(A) the Federal Government did not justify, or fairly compensate the Tribe for, the Oahe Dam and Reservoir project when the Federal Government acquired 104,492 acres of land of the Tribe for that project; and

(B) the Tribe should be adequately compensated for the land acquisition described in subparagraph (A);

(4) after applying the same method of analysis as is used for the compensation of similarly situated Indian tribes, the Comptroller General of the United States (referred to in this title as the ''Comptroller General'') determined that the appropriate amount of compensation to pay the Tribe for the land acquisition described in paragraph (3)(A) would be $290,723,000;

(5) the Tribe is entitled to receive additional financial compensation for the land acquisition described in paragraph (3)(A) in a manner consistent with the determination of the Comptroller General described in paragraph (4); and

(6) the establishment of a trust fund to make amounts available to the Tribe under this title is consistent with the principles of self-governance and self-determination.

(b) PURPOSES.—The purposes of this title are as follows:

(1) To provide for additional financial compensation to the Tribe for the acquisition by the Federal Government of 104,492 acres of land of the Tribe for the Oahe Dam and Reservoir project in a manner consistent with the determinations of the Comptroller General described in subsection (a)(4).

(2) To provide for the establishment of the Cheyenne River Sioux Tribal Recovery Trust Fund, to be managed by the Secretary of the Treasury in order to make payments to the Tribe to carry out projects under a plan prepared by the Tribe.

SEC. 103. DEFINITIONS.

In this title:

(1) TRIBE.—The term ''Tribe'' means the Cheyenne River Sioux Tribe, which is comprised of the Itazipco, Siha Sapa, Minniconjou, and Oohenumpa bands of the Great Sioux Nation that reside on the Cheyenne River Reservation, located in central South Dakota.

(2) TRIBAL COUNCIL.—The term ''Tribal Council'' means the governing body of the Tribe.

SEC. 104. CHEYENNE RIVER SIOUX TRIBAL RECOVERY TRUST FUND.

(a) CHEYENNE RIVER SIOUX TRIBAL RECOVERY TRUST FUND.—There is established in the Treasury of the United States a fund to be known as the ''Cheyenne River Sioux Tribal Recovery Trust Fund'' (referred to in this title as the ''Fund''). The Fund shall consist of any amounts deposited into the Fund under this title.

(b) FUNDING.—On the first day of the 11th fiscal year that begins after the date of enactment of this Act, the Secretary of the Treasury shall, from the General Fund of the Treasury, deposit into the Fund established under subsection (a)—

(1) $290,722,958; and

(2) an additional amount that equals the amount of interest that would have accrued on the amount described in paragraph (1) if such amount had been invested in interest-bearing obligations of the United States, or in obligations guaranteed as to both principal and interest by the United States, on the first day of the first fiscal year that begins after the date of enactment of this Act and compounded annually thereafter.

(c) INVESTMENT OF TRUST FUND.—It shall be the duty of the Secretary of the Treasury to invest such portion of the Fund as is not, in the Secretary of Treasury's judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. The Secretary of the Treasury shall deposit interest resulting from such investments into the Fund.

(d) PAYMENT OF INTEREST TO TRIBE.—

(1) WITHDRAWAL OF INTEREST.—Beginning on the first day of the 11th fiscal year after the date of enactment of this Act and, on the first day of each fiscal year thereafter, the Secretary of the Treasury shall withdraw the aggregate amount of interest deposited into the Fund for that fiscal year and transfer that amount to the Secretary of the Interior for use in accordance with paragraph (2). Each amount so transferred shall be available without fiscal year limitation.

(2) PAYMENTS TO TRIBE.—

(A) IN GENERAL.—The Secretary of the Interior shall use the amounts transferred under paragraph (1) only for the purpose of making payments to the Tribe, as such payments are requested by the Tribe pursuant to tribal resolution.

(B) LIMITATION.—Payments may be made by the Secretary of the Interior under subparagraph (A) only after the Tribe has adopted a plan under subsection (f).

(C) USE OF PAYMENTS BY TRIBE.—The Tribe shall use the payments made under subparagraph (B) only for carrying out projects and programs under the plan prepared under subsection (f).

(e) TRANSFERS AND WITHDRAWALS.—Except as provided in subsections (c) and (d)(1), the Secretary of the Treasury may not transfer or withdraw any amount deposited under subsection (b).

(f) PLAN.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the governing body of the Tribe shall prepare a plan for the use of the payments to the Tribe under subsection (d) (referred to in this subsection as the ''plan'').

(2) CONTENTS OF PLAN.—The plan shall provide for the manner in which the Tribe shall expend payments to the Tribe under subsection (d) to promote—

(A) economic development;

(B) infrastructure development;

(C) the educational, health, recreational, and social welfare objectives of the Tribe and its members; or

(D) any combination of the activities described in subparagraphs (A) through (C).

(3) PLAN REVIEW AND REVISION.—

(A) IN GENERAL.—The Tribal Council shall make available for review and comment by the members of the Tribe a copy of the plan before the plan becomes final, in accordance with procedures established by the Tribal Council.

(B) UPDATING OF PLAN.—The Tribal Council may, on an annual basis, revise the plan to update the plan. In revising the plan under this subparagraph, the Tribal Council shall

provide the members of the Tribe opportunity to review and comment on any proposed revision to the plan.

(C) CONSULTATION.—In preparing the plan and any revisions to update the plan, the Tribal Council shall consult with the Secretary of the Interior and the Secretary of Health and Human Services.

(4) AUDIT.—

(A) IN GENERAL.—The activities of the Tribe in carrying out the plan shall be audited as part of the annual single-agency audit that the Tribe is required to prepare pursuant to the Office of Management and Budget circular numbered A–133.

(B) DETERMINATION BY AUDITORS.—The auditors that conduct the audit described in subparagraph (A) shall—

(i) determine whether funds received by the Tribe under this section for the period covered by the audit were expended to carry out the plan in a manner consistent with this section; and

(ii) include in the written findings of the audit the determination made under clause (i).

(C) INCLUSION OF FINDINGS WITH PUBLICATION OF PROCEEDINGS OF TRIBAL COUNCIL.—A copy of the written findings of the audit described in subparagraph (A) shall be inserted in the published minutes of the Tribal Council proceedings for the session at which the audit is presented to the Tribal Council.

(g) PROHIBITION ON PER CAPITA PAYMENTS.—No portion of any payment made under this title may be distributed to any member of the Tribe on a per capita basis.

SEC. 105. ELIGIBILITY OF TRIBE FOR CERTAIN PROGRAMS AND SERVICES.

No payment made to the Tribe under this title shall result in the reduction or denial of any service or program with respect to which, under Federal law—

(1) the Tribe is otherwise entitled because of the status of the Tribe as a federally recognized Indian tribe; or

(2) any individual who is a member of the Tribe is entitled because of the status of the individual as a member of the Tribe.

SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such funds as may be necessary to cover the administrative expenses of the Fund.

SEC. 107. EXTINGUISHMENT OF CLAIMS.

Upon the deposit of funds (together with interest) into the Fund under section 104(b), all monetary claims that the Tribe has or may have against the United States for the taking, by the United States, of the land and property of the Tribe for the Oahe Dam and Reservoir Project of the Pick-Sloan Missouri River Basin program shall be extinguished.

TITLE II—BOSQUE REDONDO MEMORIAL

SEC. 201. SHORT TITLE.

This title may be cited as the ''Bosque Redondo Memorial Act''.

SEC. 202. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) in 1863, the United States detained nearly 9,000 Navajo and forced their migration across nearly 350 miles of land to Bosque Redondo, a journey known as the ''Long Walk'';

(2) Mescalero Apache people were also incarcerated at Bosque Redondo;

(3) the Navajo and Mescalero Apache people labored to plant crops, dig irrigation ditches and build housing, but drought, cutworms, hail, and alkaline Pecos River water created severe living conditions for nearly 9,000 captives;

(4) suffering and hardships endured by the Navajo and Mescalero Apache people forged a new understanding of their strengths as Americans;

(5) the Treaty of 1868 was signed by the United States and the Navajo tribes, recognizing the Navajo Nation as it exists today;

(6) the State of New Mexico has appropriated a total of $123,000 for a planning study and for the design of the Bosque Redondo Memorial;

(7) individuals and businesses in DeBaca County donated $6,000 toward the production of a brochure relating to the Bosque Redondo Memorial;

(8) the Village of Fort Sumner donated 70 acres of land to the State of New Mexico contiguous to the existing 50 acres comprising Fort Sumner State Monument, contingent on the funding of the Bosque Redondo Memorial;

(9) full architectural plans and the exhibit design for the Bosque Redondo Memorial have been completed;

(10) the Bosque Redondo Memorial project has the encouragement of the President of the Navajo Nation and the President of the Mescalero Apache Tribe, who have each appointed tribal members to serve as project advisors;

(11) the Navajo Nation, the Mescalero Tribe and the National Park Service are collaborating to develop a symposium on the Bosque Redondo Long Walk and a curriculum for inclusion in the New Mexico school curricula;

(12) an interpretive center would provide important educational and enrichment opportunities for all Americans; and

(13) Federal financial assistance is needed for the construction of a Bosque Redondo Memorial.

(b) PURPOSES.—The purposes of this title are as follows:

(1) To commemorate the people who were interned at Bosque Redondo.

(2) To pay tribute to the native populations' ability to rebound from suffering, and establish the strong, living communities that have long been a major influence in the State of New Mexico and in the United States.

(3) To provide Americans of all ages a place to learn about the Bosque Redondo experience and how it resulted in the establishment of strong American Indian Nations from once divergent bands.

(4) To support the construction of the Bosque Redondo Memorial commemorating the detention of the Navajo and Mescalero Apache people at Bosque Redondo from 1863 to 1868.

SEC. 203. DEFINITIONS.

In this title:

(1) MEMORIAL.—The term ''Memorial'' means the building and grounds known as the Bosque Redondo Memorial.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Defense.

SEC. 204. BOSQUE REDONDO MEMORIAL.

(a) ESTABLISHMENT.— Upon the request of the State of New Mexico, the Secretary is authorized to establish a Bosque Redondo Memorial within the boundaries of Fort Sumner State Monument in New Mexico. No memorial shall be established without the consent of the Navajo Nation and the Mescalero Tribe.

(b) COMPONENTS OF THE MEMORIAL.—The memorial shall include—

(1) exhibit space, a lobby area that represents design elements from traditional Mescalero and Navajo dwellings, administrative areas that include a resource room, library, workrooms and offices, restrooms, parking areas, sidewalks, utilities, and other visitor facilities; and

(2) a venue for public education programs; and

(3) a location to commemorate the Long Walk of the Navajo people and the healing that has taken place since that event.

SEC. 205. CONSTRUCTION OF MEMORIAL.

(a) GRANT.—

(1) IN GENERAL.—The Secretary may award a grant to the State of New Mexico to provide up to 50 percent of the total cost of construction of the Memorial.

(2) NON-FEDERAL SHARE.—The non-Federal share of construction costs for the Memorial shall include funds previously expended by the State for the planning and design of the Memorial, and funds previously expended by non-Federal entities for the production of a brochure relating to the Memorial.

(b) REQUIREMENTS.—To be eligible to receive a grant under this section, the State shall—

(1) submit to the Secretary a proposal that—

(A) provides assurances that the Memorial will comply with all applicable laws, including building codes and regulations; and

(B) includes such other information and assurances as the Secretary may require; and

(2) enter into a Memorandum of Understanding with the Secretary that shall include—

(A) a timetable for the completion of construction and the opening of the Memorial;

(B) assurances that construction contracts will be competitively awarded;

(C) assurances that the State or Village of Fort Sumner will make sufficient land available for the Memorial;

(D) the specifications of the Memorial which shall comply with all applicable Federal, State, and local building codes and laws;

(E) arrangements for the operation and maintenance of the Memorial upon completion of construction;

(F) a description of Memorial collections and educational programming;

(G) a plan for the design of exhibits including the collections to be exhibited, security, preservation, protection, environmental controls, and presentations in accordance with professional standards;

(H) an agreement with the Navajo Nation and the Mescalero Tribe relative to the design and location of the Memorial; and

(I) a financing plan developed by the State that outlines the long-term management of the Memorial, including—

(i) the acceptance and use of funds derived from public and private sources to minimize the use of appropriated or borrowed funds;

(ii) the payment of the operating costs of the Memorial through the assessment of fees or other income generated by the Memorial;

(iii) a strategy for achieving financial self-sufficiency with respect to the Memorial by not later than 5 years after the date of enactment of this Act; and

(iv) a description of the business activities that would be permitted at the Memorial and appropriate vendor standards that would apply.

SEC. 206. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this title—

(1) $1,000,000 for fiscal year 2000; and

(2) $500,000 for each of fiscal years 2001 and 2002.

(b) CARRYOVER.—Any funds made available under this section that are unexpended at the end of the fiscal year for which those funds are appropriated, shall remain available for use by the Secretary through September 30, 2002 for the purposes for which those funds were made available.

TITLE III—SENSE OF THE CONGRESS REGARDING THE NEED FOR CATALOGING AND MAINTAINING CERTAIN PUBLIC MEMORIALS

SEC. 301. SENSE OF THE CONGRESS.

(a) FINDINGS.—Congress finds the following:

(1) There are many thousands of public memorials scattered throughout the United States and abroad that commemorate military conflicts of the United States and the service of individuals in the Armed Forces.

(2) These memorials have never been comprehensively cataloged.

(3) Many of these memorials suffer from neglect and disrepair, and many have been relocated or stored in facilities where they are unavailable to the public and subject to further neglect and damage.

(4) There exists a need to collect and centralize information regarding the location, status, and description of these memorials.

(5) The Federal Government maintains information on memorials only if they are Federally funded.

(6) Remembering Veterans Who Earned Their Stripes (a nonprofit corporation established as RVETS, Inc. under the laws of the State of Nevada) has undertaken a self-funded program to catalogue the memorials located in the United States that commemorate military conflicts of the United States and the service of individuals in the Armed Forces, and has already obtained information on more than 7000 memorials in 50 States.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) the people of the United States owe a debt of gratitude to veterans for their sacrifices in defending the Nation during times of war and peace;

(2) public memorials that commemorate military conflicts of the United States and the service of individuals in the Armed Forces should be maintained in good condition, so that future generations may know of the burdens borne by these individuals;

(3) Federal, State, and local agencies responsible for the construction and maintenance of these memorials should cooperate in cataloging these memorials and providing the resulting information to the Department of the Interior; and

(4) the Secretary of the Interior, acting through the Director of the National Park Service, should—

(A) collect and maintain information on public memorials that commemorate military conflicts of the United States and the service of individuals in the Armed Forces;

(B) coordinate efforts at collecting and maintaining this information with similar efforts by other entities, such as Remembering Veterans Who Earned Their Stripes (a nonprofit corporation established as RVETS, Inc. under the laws of the State of Nevada); and

(C) make this information available to the public.

TITLE IV—CEMETERY SITES AND HISTORIC PLACES

SEC. 401. FINDINGS; DEFINITIONS.

(a) FINDINGS.—The Congress finds the following:

(1) Pursuant to section 14(h)(1) of ANCSA, the Secretary has the authority to withdraw and convey to the appropriate regional corporation fee title to existing cemetery sites and historical places.

(2) Pursuant to section 14(h)(7) of ANCSA, lands located within a National Forest may be conveyed for the purposes set forth in section 14(h)(1) of ANCSA.

(3) Chugach Alaska Corporation, the Alaska Native Regional Corporation for the Chugach Region, applied to the Secretary for the conveyance of cemetery sites and historical places pursuant to section 14(h)(1) of ANCSA in accordance with the regulations promulgated by the Secretary.

(4) Among the applications filed were applications for historical places at Miners Lake (AA–41487), Coghill Point (AA–41488), College Fjord (AA–41489), Point Pakenham (AA–41490), College Point (AA–41491), Egg Island (AA–41492), and Wingham Island (AA–41494), which applications were substantively processed for 13 years and then rejected as having been untimely filed.

(5) In addition, as part of the Exxon Valdez Oil Spill Restoration Program, the Federal Government has acquired from a private party land comprising a portion of Kiniklik Village, 1 of 4 major historical Chugach villages, which land Chugach had applied for under section 14(h)(1) of ANCSA.

(6) The fulfillment of the intent, purpose, and promise of ANCSA requires that applications substantively processed for 13 years should be accepted as timely, subject only to a determination that such lands and applications meet the eligibility criteria for historical places or cemetery sites, as appropriate, set forth in the Secretary's regulations.

(b) DEFINITIONS.—For the purposes of this Act, the following definitions apply:

(1) ANCSA.—The term ''ANCSA'' means the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601 et seq.).

(2) FEDERAL GOVERNMENT.—The term ''Federal Government'' means any Federal agency of the United States.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 402. WITHDRAWAL OF LANDS.

Notwithstanding any other provision of law, the Secretary shall withdraw from all forms of appropriation all public lands described in the applications identified in section 401(a)(4) of this title.

SEC. 403. APPLICATION FOR CONVEYANCE OF WITHDRAWN LANDS.

With respect to lands withdrawn pursuant to section 402 of this title, the applications identified in section 401(a)(4) of this title are deemed to have been timely filed. In processing these applications on the merits, the Secretary shall incorporate and use any work done on these applications during the processing of these applications since 1980.

SEC. 404. AMENDMENTS.

Chugach Alaska Corporation may amend any application under section 403 of this title in accordance with the rules and regulations generally applicable to amending applications under section 14(h)(1) of ANCSA.

SEC. 405. PROCEDURE FOR EVALUATING APPLICATIONS.

All applications under section 403 of this title shall be evaluated in accordance with the criteria and procedures set forth in the regulations promulgated by the Secretary as of the date of the enactment of this title. To the extent that such criteria and procedures conflict with any provision of this title, the provisions of this title shall control.

SEC. 406. CONVEYANCE OF KINIKLIK VILLAGE.

Notwithstanding any other provision of law, within 1 year of enactment of this title, the Secretary shall sell to Chugach Alaska Corporation, for fair market value, all right, title, and interest of the United States in and to the following tract of land: All that portion of the property identified in United States Survey Number 628, Tract A containing 0.34 acres and Tract B containing 0.63 acres, located in Section 26, Township 9 North, Range 10 East, Seward Meridian, containing 0.97 acres, more or less and further described as Tracts A and B Russian Greek Church Mission Reserve according to United States Survey 628.

SEC. 407. APPLICABILITY.

(a) EFFECT ON ANCSA PROVISIONS.—Notwithstanding any other provision of law or of this title, any conveyance of land to Chugach Alaska Corporation pursuant to this title shall be charged to and deducted from the entitlement of Chugach Alaska Corporation under section 14(h)(8)(A) of ANCSA (43 U.S.C. 1613(h)(8)(A)), and no conveyance made pursuant to this title shall affect the distribution of lands to or the entitlement to land of any Regional Corporation other than Chugach Alaska Corporation under section 14(h)(8) of ANCSA (43 U.S.C. 1613(h)(8)).

(b) NO ENLARGEMENT OF ENTITLEMENT.—Nothing herein shall be deemed to enlarge Chugach Alaska Corporation's entitlement to subsurface estate under otherwise applicable law.

TITLE V—REVISION OF RICHMOND NATIONAL BATTLEFIELD PARK BOUNDARIES

SEC. 501. SHORT TITLE; DEFINITIONS.

(a) SHORT TITLE.—This title may be cited as the ''Richmond National Battlefield Park Act of 2000''.

(b) DEFINITIONS.—In this title:

(1) BATTLEFIELD PARK.—The term ''battlefield park'' means the Richmond National Battlefield Park.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 502. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) In the Act of March 2, 1936 (Chapter 113; 49 Stat. 1155; 16 U.S.C. 423j), Congress authorized the establishment of the Richmond National Battlefield Park, and the boundaries of the battlefield park were established to permit the inclusion of all military battlefield areas related to the battles fought during the Civil War in the vicinity of the city of Richmond, Virginia. The battlefield park originally included the area then known as the Richmond Battlefield State Park.–

(2) The total acreage identified in 1936 for consideration for inclusion in the battlefield park consisted of approximately 225,000 acres in and around the city of Richmond. A study undertaken by the congressionally authorized Civil War Sites Advisory Committee determined that of these 225,000 acres, the historically significant areas relating to the campaigns against and in defense of Richmond encompass approximately 38,000 acres.

(3) In a 1996 general management plan, the National Park Service identified approximately 7,121 acres in and around the city of Richmond that satisfy the National Park Service criteria of significance, integrity, feasibility, and suitability for inclusion in the battlefield park. The National Park Service later identified an additional 186 acres for inclusion in the battlefield park.

(4) There is a national interest in protecting and preserving sites of historical significance associated with the Civil War and the city of Richmond.

(5) The Commonwealth of Virginia and its local units of government have authority to prevent or minimize adverse uses of these historic resources and can play a significant role in the protection of the historic resources related to the campaigns against and in defense of Richmond.

(6) The preservation of the New Market Heights Battlefield in the vicinity of the city

of Richmond is an important aspect of American history that can be interpreted to the public. The Battle of New Market Heights represents a premier landmark in black military history as 14 black Union soldiers were awarded the Medal of Honor in recognition of their valor during the battle. According to National Park Service historians, the sacrifices of the United States Colored Troops in this battle helped to ensure the passage of the Thirteenth Amendment to the United States Constitution to abolish slavery.

(b) PURPOSE.—It is the purpose of this title—

(1) to revise the boundaries for the Richmond National Battlefield Park based on the findings of the Civil War Sites Advisory Committee and the National Park Service; and

(2) to direct the Secretary of the Interior to work in cooperation with the Commonwealth of Virginia, the city of Richmond, other political subdivisions of the Commonwealth, other public entities, and the private sector in the management, protection, and interpretation of the resources associated with the Civil War and the Civil War battles in and around the city of Richmond, Virginia.

SEC. 503. RICHMOND NATIONAL BATTLEFIELD PARK; BOUNDARIES.

(a) ESTABLISHMENT AND PURPOSE.—For the purpose of protecting, managing, and interpreting the resources associated with the Civil War battles in and around the city of Richmond, Virginia, there is established the Richmond National Battlefield Park consisting of approximately 7,307 acres of land, as generally depicted on the map entitled ''Richmond National Battlefield Park Boundary Revision'', numbered 367N.E.F.A.80026A, and dated September 2000. The map shall be on file in the appropriate offices of the National Park Service.

(b) BOUNDARY ADJUSTMENTS.—The Secretary may make minor adjustments in the boundaries of the battlefield park consistent with section 7(c) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–9(c)).

SEC. 504. LAND ACQUISITION.

(a) ACQUISITION AUTHORITY.—

(1) IN GENERAL.—The Secretary may acquire lands, waters, and interests in lands within the boundaries of the battlefield park from willing landowners by donation, purchase with donated or appropriated funds, or exchange. In acquiring lands and interests in lands under this title, the Secretary shall acquire the minimum interest necessary to achieve the purposes for which the battlefield is established.

(2) SPECIAL RULE FOR PRIVATE LANDS.—Privately owned lands or interests in lands may be acquired under this title only with the consent of the owner.

(b) EASEMENTS.—

(1) OUTSIDE BOUNDARIES.—The Secretary may acquire an easement on property outside the boundaries of the battlefield park and around the city of Richmond, with the consent of the owner, if the Secretary determines that the easement is necessary to protect core Civil War resources as identified by the Civil War Sites Advisory Committee. Upon acquisition of the easement, the Secretary shall revise the boundaries of the battlefield park to include the property subject to the easement.

(2) INSIDE BOUNDARIES.—To the extent practicable, and if preferred by a willing landowner, the Secretary shall use permanent conservation easements to acquire interests in land in lieu of acquiring land in fee simple and thereby removing land from non-Federal ownership.

(c) VISITOR CENTER.—The Secretary may acquire the Tredegar Iron Works buildings and associated land in the city of Richmond for use as a visitor center for the battlefield park.

SEC. 505. PARK ADMINISTRATION.

(a) APPLICABLE LAWS.—The Secretary, acting through the Director of the National Park Service, shall administer the battlefield park in accordance with this title and laws generally applicable to units of the National Park System, including the Act of August 25, 1916 (16 U.S.C. 1 et. seq.) and the Act of August 21, 1935 (16 U.S.C. 461 et. seq.).

(b) NEW MARKET HEIGHTS BATTLEFIELD.—The Secretary shall provide for the establishment of a monument or memorial suitable to honor the 14 Medal of Honor recipients from the United States Colored Troops who fought in the Battle of New Market Heights. The Secretary shall include the Battle of New Market Heights and the role of black Union soldiers in the battle in historical interpretations provided to the public at the battlefield park.

(c) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the Commonwealth of Virginia, its political subdivisions (including the city of Richmond), private property owners, and other members of the private sector to develop mechanisms to protect and interpret the historical resources within the battlefield park in a manner that would allow for continued private ownership and use where compatible with the purposes for which the battlefield is established.

(d) TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance to the Commonwealth of Virginia, its political subdivisions, nonprofit entities, and private property owners for the development of comprehensive plans, land use guidelines, special studies, and other activities that are consistent with the identification, protection, interpretation, and commemoration of historically significant Civil War resources located inside and outside of the boundaries of the battlefield park. The technical assistance does not authorize the Secretary to own or manage any of the resources outside the battlefield park boundaries.

SEC. 506. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

SEC. 507. REPEAL OF SUPERSEDED LAW.

The Act of March 2, 1936 (Chapter 113; 16 U.S.C. 423j–423*l*) is repealed.

TITLE VI—SOUTHEASTERN ALASKA INTERTIE SYSTEM CONSTRUCTION; NAVAJO ELECTRIFICATION DEMONSTRATION PROGRAM

SEC. 601. SOUTHEASTERN ALASKA INTERTIE AUTHORIZATION LIMIT.

Upon the completion and submission to the United States Congress by the Forest Service of the ongoing High Voltage Direct Current viability analysis pursuant to United States Forest Service Collection Agreement #00CO–111005–105 or no later than February 1, 2001, there is hereby authorized to be appropriated to the Secretary of Energy such sums as may be necessary to assist in the construction of the Southeastern Alaska Intertie system as generally identified in Report #97–01 of the Southeast Conference. Such sums shall equal 80 percent of the cost of the system and may not exceed $384,000,000. Nothing in this title shall be construed to limit or waive any otherwise applicable State or Federal law.

SEC. 602. NAVAJO ELECTRIFICATION DEMONSTRATION PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Energy shall establish a 5-year program to assist the Navajo Nation to meet its electricity needs. The purpose of the program shall be to provide electric power to the estimated 18,000 occupied structures on the Navajo Nation that lack electric power. The goal of the program shall be to ensure that every household on the Navajo Nation that requests it has access to a reliable and affordable source of electricity by the year 2006.

(b) SCOPE.—In order to meet the goal in subsection (a), the Secretary of Energy shall provide grants to the Navajo Nation to—

(1) extend electric transmission and distribution lines to new or existing structures that are not served by electric power and do not have adequate electric power service;

(2) purchase and install distributed power generating facilities, including small gas turbines, fuel cells, solar photovoltaic systems, solar thermal systems, geothermal systems, wind power systems, or biomass-fueled systems;

(3) purchase and install other equipment associated with the generation, transmission, distribution, and storage of electric power;

(4) provide training in the installation, operation, or maintenance of the lines, facilities, or equipment in paragraphs (1) through (3); or

(5) support other activities that the Secretary of Energy determines are necessary to meet the goal of the program.

(c) TECHNICAL SUPPORT.—At the request of the Navajo Nation, the Secretary of Energy may provide technical support through Department of Energy laboratories and facilities to the Navajo Nation to assist in achieving the goal of this program.

(d) ANNUAL REPORTS.—Not later than February 1, 2002 and for each of the five succeeding years, the Secretary of Energy shall submit a report to Congress on the status of the programs and the progress towards meeting its goal under subsection (a).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Energy to carry out this section $15,000,000 for each of the fiscal years 2002 through 2006.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from New Mexico (Mr. UDALL) 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. 964, the Cheyenne River Sioux Tribe Equitable Compensation Act, addresses a number of specific Indian and public land problems that will assist thousands of Americans.

Title 1 of this bill will establish a Development Trust Fund in the Treasury of the United States for the Cheyenne River Sioux Tribe as compensation for the taking by condemnation proceedings by the United States of 104,492 acres of tribal lands.

□ 1800

The Comptroller General has determined that the appropriate amount of compensation to pay the tribe would be $290,723,000 for this taking.

Pursuant to S. 964, that amount and certain interest would be deposited by the Secretary of the Treasury into the Cheyenne River Sioux Tribal Recovery Trust Fund on the first day of the 11th fiscal year that begins after the date of enactment of S. 964.

Annual payments will be made to the tribe consisting of the income generated from the investment of the corpus of the trust fund by the Secretary of the Treasury in interest-bearing obligations to the United States.

Recovery funds have been created by Congress for four other Missouri River tribes which were impacted by the Pick-Sloan Missouri River Basin program.

Title II of S. 964, the Bosque Redondo Memorial Act, authorizes the establishment of a Bosque Redondo Memorial in New Mexico to pay tribute to the 9,000 Navajo Indians forced in the 1800s to walk 350 miles to Bosque Redondo where they were incarcerated for 5 years.

Title III expresses the sense of the Congress that public memorials commemorating military conflicts should be maintained in good condition; and to this end, the Secretary of the Interior should coordinate with Federal, State, and local officials to catalog these memorials and use the resulting information to promote and maintain them. This is based on a concurrent resolution sponsored by our colleague, the gentleman from California (Mr. ROGAN).

Title IV requires the sale of a small historic site to the Chugach Alaska Natives and is noncontroversial.

Title V incorporates the provisions of legislation sponsored by the chairman of the Committee on Commerce, the gentleman from Virginia (Mr. BLILEY). It adjusts the boundaries of the Richmond National Battlefield Park, expanding and completing the existing battlefield to include historically significant areas relating to the campaigns against, and in defense of, Richmond, Virginia.

Title VI consists of two important sections addressing the needs of southeast Alaska and the Navajo Nation, respectively.

Section 601 authorizes Southeast Alaskan Intertie system, a project critical to the future of southeast Alaska communities. Construction of an intertie will give southeast Alaska access to cheap, plentiful energy afforded through a power grid linking present and future hydroelectric sites. The Southeast Conference and the U.S. Forest Service have conducted a thorough environmental and economic analysis of this project. This section authorizes such sums that may be necessary for construction of the intertie on an 80/20 Federal-local cost-share basis.

The other section establishes a program to assist the Navajo Nation. The problem here is not lack of cheap electricity. It is lack of any electricity in 18,000 structures. In this modern era, it is inconceivable that electricity is unavailable for any Americans. The Federal Government has a responsibility to ensure the welfare of Indians, and to this end the grant program established in Title VI is key to the future well-being of the Navajo Nation.

This is a solid bill. It has been worked out with Senator DASCHLE. It is his bill. It has been worked out with everybody involved, and I believe it is a bill that should be passed and sent to the President.

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

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the bill S. 964 as passed by the Senate. However, without notice to Members, a number of other bills and language have been added to this text. Some of these may have merit; others are controversial and expensive. One matter involves an issue that is within the jurisdiction of the Committee on Commerce, not the Committee on Resources. This is not the right approach. It is not the way to do business. I do not think it is fair to Members; nor is it fair to the public.

Mr. Speaker, I would ask the chairman, and yield him time to answer this question, of how much notice have Members had to study this bill and know what is coming up in these additional titles that have been added.

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

Mr. UDALL of New Mexico. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Unfortunately, the gentleman has not been here that long to recognize one thing: we try to notify everybody. Every one of the bills have had direct notification to the persons involved. The Committee on Commerce, the chairman signed off on this legislation. It directly affects his district.

Everybody that is in this bill that affects someone's district has signed off. If the gentleman believes in a representative form of government, that is the criteria. To my information, there has been nobody who has objected to these. We have been in contact with the White House. We have been in contact with Senator DASCHLE on a daily basis. We have been in contact with every Member dealing with a provision in this bill.

Now, if some staff do not like this, just keep in mind this is about representation of those people elected. It is about nothing else. This is getting into the waning hours, and if the gentleman does not want to pass this legislation, fine. It does not bother me a bit, but I have been trying to work with Senator DASCHLE, and if the gentleman does not want to vote for this bill talk to Senator DASCHLE. He asked me to do this. I am doing it for him. I am doing it for those people involved in this bill, and that is what a chairman is supposed to do.

This is not a process that we go through that takes a long period of time. One tries to get it done; notify those people who are affected; ask them whether they like it or not. If they like it, it works well, nobody objects to it, including the administration, then we do it.

Mr. UDALL of New Mexico. Mr. Speaker, I would ask the gentleman from Alaska (Mr. YOUNG) if it is his understanding that Senator DASCHLE supports this bill in its entirety.

Mr. YOUNG of Alaska. In its entirety, he supports this bill. If he does not, I will not move it. I talked to him last week. He has been talked to every day; and if he does not support the bill, let me know now and I will bring the bill down right now.

Mr. UDALL of New Mexico. Mr. Speaker, I thank the gentleman from Alaska (Mr. YOUNG) for that answer. I appreciate very much his response.

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. 964, as amended.

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

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

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

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. YOUNG of Alaska. 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. 4148 and S. 964, the bills just debated.

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

There was no objection.

HOUR OF MEETING ON TOMORROW

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 4 p.m. tomorrow.

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

There was no objection.

REAPPOINTMENT AS MEMBER TO COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of section 206 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616), the Chair announces the Speaker's reappointment of the following member on the part of the House to the Coordinating Council on Juvenile Justice and Delinquency Prevention:

Mr. Gordon A. Martin, Roxbury, Massachusetts, to a 2-year term.

There was no objection.

ANNUAL REPORT OF RAILROAD RETIREMENT BOARD—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Transportation and Infrastructure and the Committee on Ways and Means.

To the Congress of the United States:

I transmit herewith the Annual Report of the Railroad Retirement Board for Fiscal Year 1999, pursuant to the provisions of section 7(b)(6) of the Railroad Retirement Act and section 12(l) of the Railroad Unemployment Insurance Act.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 17, 2000.*

SCIENCE SHOWS IT IS NOT SAFE

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

Mr. GIBBONS. Madam Speaker, this Wednesday, scientists will present a research paper on Alloy 22, the material the Department of Energy has proposed to be used for the disposal canister for spent nuclear fuel and high-level waste at Yucca Mountain, Nevada.

The DOE has based the safety of storing high-level waste at Yucca Mountain almost solely on the performance of these waste canisters, since the existing conditions at Yucca Mountain are so poor.

However, this latest research shows that the safety of the canister itself proves to be just as poor.

In fact, scientists induced significant corrosion on the Alloy 22 within only 15 days, raising serious questions whether the material would survive even the first 1,000 years in Yucca Mountain, let alone the 10,000 years needed for safe storage.

It seems that yet again that science is proving that storing high-level nuclear waste at Yucca Mountain would be a disastrous and deadly decision.

I yield back this administration's nuclear storage plan, which is obviously based on trying to put a square peg in a round hole.

Madam Speaker, I include the following advisory for the RECORD:

OFFICE OF THE GOVERNOR,
AGENCY FOR NUCLEAR PROJECTS,
Carson City, NV,

ADVISORY

Scientists working for the State of Nevada will present the results of preliminary research on Alloy 22, the material the Department of Energy (DOE) has proposed to be used for the disposal canister for spent nuclear fuel and high level waste in the proposed repository at Yucca Mountain, Nevada. The presentation will be made to the U.S. Nuclear Regulatory Commission's Advisory Committee on Nuclear Waste at their 122nd meeting Wednesday, October 18, 2000 at Two White Flint North, Room 2B3 11545, Rockville Pike, Maryland.

The Department of Energy has assigned more than 95% of the performance of Yucca Mountain to the waste packages because the existing conditions at the Yucca Mountain Site are so poor. In preliminary tests, scientists working for the State of Nevada have, within 15 days, induced significant corrosion on the Alloy 22 which raises questions whether the material will survive even the first 1,000 years in the Yucca Mountain environment. The Department of Energy has conceded that Yucca Mountain itself cannot contain the wastes and that if the metal containers fail rapidly in the Mountain's environment, DOE will be back to square one in their attempts to make Yucca Mountain work as a repository for high level waste and spent nuclear fuel.

If you would like additional information concerning the Advisory Committee meeting or the Alloy 22 research, please contact the State of Nevada Governor's Agency for Nuclear Projects at the above phone number or address.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

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. UDALL of New Mexico) to revise and extend their remarks and include extraneous material:)

Ms. LEE, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

(The following Members (at the request of Mr. YOUNG of Alaska) to revise and extend their remarks and include extraneous material:)

Mr. CANADY of Florida, for 5 minutes, October 18 and 19.

Mr. SHAYS, for 5 minutes, October 18.

Ms. PRYCE of Ohio, for 5 minutes, October 19.

Mrs. MORELLA, for 5 minutes, October 18.

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. 1848. An act to authorize the Secretary of the Interior, pursuant to the provisions of the Reclamation Wastewater and Groundwater Study and Facilities Act to participate in the design, planning, and construction of the Denver Water Reuse project; to the Committee on Resources.

S. 2195. An act to authorize the Secretary of the Interior, pursuant to the provisions of the Reclamation Wastewater and Groundwater Study and Facilities Act to participate in the design, planning, and construction of the Truckee watershed reclamation project for the reclamation and reuse of water; to the Committee on Resources.

S. 2301. An act to authorize the Secretary of the Interior, pursuant to the provisions of the Reclamation Wastewater and Groundwater Study and Facilities Act to participate in the design, planning, and construction of the Lakehaven water reclamation project for the reclamation and reuse of water; to the Committee on Resources.

S. 2425. An act to authorize the Bureau of Reclamation to participate in the design, planning, and construction of the Bend Feed Canal Pipeline Project, Oregon, and for other purposes; to the Committee on Resources.

S. 2594. An act to authorize the Secretary of the Interior to contract with the Mancos Water Conservancy District to use the Mancos Project facilities for impounding, storage, diverting, and carriage of non-project water for the purpose of irrigation, domestic, municipal, industrial, and any other beneficial purposes; to the Committee on Resources.

S. 2688. An act to amend the Native American Languages Act to provide for the support of Native American Language Survival Schools, and for other purposes; to the Committee on Education and the Workforce.

S. 2877. An act to authorize the Secretary of the Interior to conduct feasibility studies on water optimization in the Burnt River basin, Malheur River basin, Owyhee River basin, and Powder River basin, Oregon; to the Committee on Resources.

S. 2882. An act 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; to the Committee on Resources.

S. 2951. An act 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, to the Committee on Resources.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, a joint resolution of the House of the following title:

On October 13, 2000:

H.J. Res. 111. Making further continuing appropriations for the fiscal year 2001, and for other purposes.

ADJOURNMENT

Mr. YOUNG of Alaska. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 8 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, October 18, 2000, at 4 p.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for official foreign travel during the third quarter of 2000, by Committees of the House of Representatives, pursuant to Public Law 95–384, are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2000

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. James T. Walsh	8/25	8/27	France	1,168	594.00		(3)				594.00
	8/27	8/31	Russia		1,398.00		(3)				1,398.00
	8/31	9/1	Ireland	248.12	281.00		(3)				281.00
Committee total					2,273.00						2,273.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

JAMES T. WALSH, Chairman, Sept. 7, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOUSE ADMINISTRATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2000

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

FOR HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BILL THOMAS, Chairman, Oct. 4, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RESOURCES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2000

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
David Whaley	7/2	7/7	Australia		815.42		7,661.35				8,476.77
David Jansen	7/2	7/7	Australia		995.00		7,999.05				8,994.05
Committee total					1,810.42		15,660.40				17,470.82

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DON YOUNG, Chairman, Oct. 7, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2000

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Tony P. Hall	4/15	4/22	Jordan/Iraq		1,378.00		5,268.03		1,465.33		8,111.36
Hon. John Linder	8/22	8/25	Ireland		843.00						843.00
	8/25	8/28	Russia		1,029.00						1,029.00
	8/28	8/30	Estonia		434.00						434.00
	8/30	8/31	Netherlands		492.00						492.00
	8/31	9/3	United Kingdom		815.00						815.00
Vincent Randazzo	2/21	2/22	England		381.00						381.00
	2/22	2/24	Switzerland		500.32						500.32
	2/25	2/26	Germany		166.00						166.00
Committee total					6,038.32		5,268.03		1,465.33		12,771.68

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAVID DREIER, Chairman, Oct. 4, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON VETERANS AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2000

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
FOR HOUSE COMMITTEES											
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒											

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BOB STUMP, Chairman, Oct. 10, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2000

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
FOR HOUSE COMMITTEES											
Please Note: If there were no expenditures during the canlendar quarter noted above, please check the box at right to so indicate and return. ☒											

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BILL ARCHER, Chairman, Oct. 4, 2000.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

10593. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Zinc phosphide; Extension of Tolerances for Emergency Exemptions [OPP–301065; FRL–6748–1] (RIN: 2070–AB78) received October 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10594. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Tebuconazole; Extension of Tolerances for Emergency Exemptions [OPP–301070; FRL–6749–5] (RIN: 2070–AB78) received October 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10595. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Norflurazon; Extension of Tolerances for Emergency Exemptions [OPP–301066; FRL–6748–2] (RIN: 2070–AB78) received October 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10596. A letter from the Acting Under Secretary of the Navy, Department of Defense, transmitting a report on a decision to award a contract for Navy Marine Corps Intranet services; to the Committee on Armed Services.

10597. A letter from the Director, Office for Equal Opportunity, Department of the Interior, transmitting the Department's final rule—Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance; Final Common Rule—received October 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10598. 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; Designation of Areas for Air Quality Planning Purposes, Dent Township [MO 114–1114a; FRL–6885–6] received October 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10599. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maryland; Nitrogen Oxides Budget Program [MD 096–3053a; FRL–6878–4} received October 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10600. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Colorado and Utah; 1996 Periodic Carbon Monoxide Emission Inventories [CO–001–0041a, CO–001–0042a, UT–001–0032a; FRL–6889–2] received October 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10601. A letter from the Deputy Associate Administrator, Environmental Protection Agnecy, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Virginia; Approval of Removal of TSP Ambient Air Quality Standards [VA109–5050; FRL–6887–7] received October 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10602. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

10603. A letter from the Senior Benefits Programs Planning Analyst, AgAmerica Western Farm Credit Bank, transmitting a report on the Eleventh Farm Credit District Employees' Retirement Plan for the Plan Year Ending December 31, 1999, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform.

10604. A letter from the Interim Director, Court Services and Offender Supervision Agency, The District of Columbia, transmitting a report on the District of Columbia Pretrial Services Agency's Strategic Plan for 2000–2005; to the Committee on Government Reform.

10605. A letter from the Interim Director, Court Services and Offender Supervision Agency, The District of Columbia, transmitting a report on the Court Services and Offender Supervision Agency's Summary Strategic Plan 2000–2005; to the Committee on Government Reform.

10606. A letter from the Assistant for Congressional and Intergovernmental Affairs, Department of Energy, transmitting a report on the Strategic Plan ''Strength Through Science Powering the 21st Century''; to the Committee on Government Reform.

10607. A letter from the Acting Director of Communications and Legislative Affairs, U.S. Equal Employment Opportunity Commission, transmitting a report on the Commission's FY 2000 Commercial Activities Inventory; to the Committee on Government Reform.

10608. A letter from the the Chief Administrative Officer, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period July 1, 2000 through September 30, 2000 as compiled by the Chief Administrative Officer, pursuant to 2 U.S.C. 104a; (H. Doc. No. 106–301); to the Committee on House Administration and ordered to be printed.

10609. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Final Determination of Critical Habitat for the Coastal California Gnatcatcher (RIN: 1018–AF32) received October 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10610. A letter from the Deputy Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands Area; Amendment 58 to Revise the Chinook Salmon Savings Area [Docket No. 991210329–0273–02; I.D. 102699B] (RIN: 0648–AM63) received October 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

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. SMITH of Texas: Committee on the Judiciary. H.R. 2121. A bill to ensure that no alien is removed, denied a benefit under the Immigration and Nationality Act, or otherwise deprived of liberty, based on evidence that is kept secret from the alien; with an

amendment (Rept. 106–981). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 4548. A bill to establish a pilot program creating a system of registries of temporary agricultural workers to provide for a sufficient supply of such workers, to amend the Immigration and Nationality Act to streamline procedures for the temporary admission and extension of stay of nonimmigrant agricultural workers under the pilot program, and for other purposes; with an amendment (Rept. 106–982, Pt. 1). Ordered to be printed.

Mr. LEACH: Committee on Banking and Financial Services. H.R. 4209. A bill to amend the Federal Reserve Act to require the payment of interest on reserves maintained at Federal Reserve banks by insured depository institutions, and for other purposes; with amendments (Rept. 106–983). Referred to the Committee of the Whole House on the State of the Union.

Mr. SESSIONS: Committee on Rules. House Resolution 633. Resolution providing for consideration of motions to suspend the rules (Rept. 106–984). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 634. Resolution providing for consideration of the bill (H.R. 4656) to authorize the Forest Service to convey certain lands in the Lake Tahoe Basin to the Washoe County School District for use as an elementary school site (Rept. 106–985). Referred to the House Calendar.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 4548. Referral to the Committee on Education and the Workforce extended for a period ending not later than October 20, 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 Mrs. MINK of Hawaii:

H.R. 5474. A bill to amend title 38, United States Code, to revise the effective date for an award of disability compensation by the Secretary of Veterans Affairs under section 1151 of such title for persons disabled by treatment or vocational rehabilitation; to the Committee on Veterans' Affairs.

By Ms. BALDWIN:

H.R. 5475. A bill to extend for 18 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted; to the Committee on the Judiciary.

By Mr. BLILEY (for himself, Mr. KLINK, and Mr. UPTON):

H.R. 5476. A bill to amend the Federal Food, Drug, and Cosmetic Act to enhance consumer protection in the purchase of prescription drugs from interstate Internet sellers; to the Committee on Commerce.

By Mr. HUNTER (for himself, Mr. CUNNINGHAM, and Mr. FILNER):

H.R. 5477. A bill to provide that gaming shall not be allowed on certain Indian trust lands in California that were purchased with certain Federal grant funds; to the Committee on Resources.

By Mr. RANGEL:

H.R. 5478. A bill to authorize the Secretary of the Interior to acquire by donation suitable land to serve as the new location for the home of Alexander Hamilton, commonly known as the Hamilton Grange, and to authorize the relocation of the Hamilton Grange to the acquired land; to the Committee on Resources.

By Mr. THOMPSON of California (for himself, Mrs. CAPPS, and Mr. FILNER):

H.R. 5479. A bill to prohibit certain discriminatory pricing policies in wholesale motor fuel sales, and for other purposes; to the Committee on Commerce.

By Mr. YOUNG of Alaska:

H. Res. 630. A resolution providing for the concurrence by the House with an amendment in the Senate amendment to H.R. 1444; considered and agreed to.

By Mr. SPENCE (for himself and Mr. SKELTON):

H. Res. 631. A resolution honoring the members of the crew of the guided missile destroyer U.S.S. COLE (DDG–67) who were killed or wounded in the terrorist bombing attack on that vessel in Aden, Yemen, on October 12, 2000, expressing the sympathies of the House of Representatives to the families of those crew members, commending the ship's crew for their heroic damage control efforts, and condemning the bombing of that ship; to the Committee on Armed Services.

By Mr. BARRETT of Nebraska:

H. Res. 632. A resolution providing for the concurrence by the House with an amendment in the Senate amendment to H.R. 4788, the Grain Standards and Warehouse Improvement Act of 2000; considered and agreed to.

By Mr. MOLLOHAN (for himself, Mr. QUINN, Mr. WISE, Mr. NEY, Mr. KLINK, Mr. REGULA, Mr. HOLT, Mr. SHERWOOD, Mr. EVANS, Mr. LOBIONDO, Mr. HOEFFEL, Mr. LAZIO, Mr. MALONEY of Connecticut, Mr. MCHUGH, Mr. MURTHA, Mr. ENGLISH, Mr. VISCLOSKY, Mr. BUYER, Ms. CARSON, Mr. SMITH of New Jersey, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ADERHOLT, Mr. BARCIA, Mr. BARRETT of Wisconsin, Mr. BECERRA, Ms. BERKLEY, Mr. BERRY, Mr. BILIRAKIS, Mr. BISHOP, Mr. BLAGOJEVICH, Mr. BONIOR, Mr. BORSKI, Mr. BOSWELL, Mr. BOUCHER, Mr. BOYD, Mr. BRADY of Pennsylvania, Ms. BROWN of Florida, Mr. BROWN of Ohio, Mr. CALLAHAN, Mr. CANNON, Mr. CAPUANO, Mr. CARDIN, Mr. CLAY, Mr. CLYBURN, Mr. COSTELLO, Mr. COYNE, Mr. CRAMER, Mr. CROWLEY, Mr. CUMMINGS, Ms. DANNER, Mr. DAVIS of Illinois, Mr. DEFAZIO, Ms. DELAURO, Mr. DELAHUNT, Mr. DINGELL, Mr. DIXON, Mr. DOYLE, Mr. EDWARDS, Mr. EHRLICH, Mrs. EMERSON, Mr. EVERETT, Mr. FARR of California, Mr. FATTAH, Mr. FORBES, Mr. FORD, Mr. GEKAS, Mr. GEPHARDT, Mr. GILCHREST, Mr. GORDON, Mr. GREEN of Texas, Mr. GREEN of Wisconsin, Mr. GREENWOOD, Mr. GUTIERREZ, Mr. HALL of Texas, Mr. HASTINGS of Florida, Mr. HILL of Indiana, Mr. HILLIARD, Mr. HINCHEY, Mr. HOBSON, Mr. HOLDEN, Mr. HORN, Mr. HOSTETTLER, Mr. HOYER, Mr. HUNTER, Mr. INSLEE, Mr. JACKSON of Illinois, Mrs. JONES of Ohio, Mr. KANJORSKI, Ms. KAPTUR, Mrs. KELLY, Mr. KILDEE, Ms. KILPATRICK, Mr. KLECZKA, Mr. KUCINICH, Mr. LAFALCE, Mr. LARSON, Mr. LATOURETTE, Mr. LEACH, Mr. LEVIN, Mr. LIPINSKI, Mr. LUCAS of Kentucky, Mr. MARKEY, Mr. MASCARA, Mr. MATSUI, Mrs. MCCARTHY of New York, Ms. MCCARTHY of Missouri, Mr. MCGOVERN, Mr. MCINTOSH, Mr. MCINTYRE, Ms. MCKINNEY, Mr. MCNULTY, Mrs. MEEK of Florida, Mr. MEEKS of New York, Mr. MENENDEZ, Ms. MILLENDER-MCDONALD, Mr. GARY MILLER of California, Mrs. MINK of Hawaii, Mr. MOAKLEY, Mr. MOORE, Mrs. MYRICK, Mr. NADLER, Ms. NORTON, Mr. NORWOOD, Mr. OBERSTAR, Mr. PALLONE, Mr. PASCRELL, Mr. PASTOR, Mr. PETERSON of Pennsylvania, Mr. PHELPS, Mr. PITTS, Mr. POMEROY, Mr. RAHALL, Mr. REYES, Mr. RILEY, Ms. RIVERS, Mr. RODRIGUEZ, Mr. ROEMER, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. SABO, Mr. SANDERS, Mr. SANDLIN, Mr. SAXTON, Mr. SAWYER, Ms. SCHAKOWSKY, Mr. SHOWS, Mr. SKEEN, Ms. SLAUGHTER, Mr. SOUDER, Ms. STABENOW, Mr. STENHOLM, Mr. STRICKLAND, Mr. STUPAK, Mr. SWEENEY, Mrs. THURMAN, Mr. TIERNEY, Mr. THOMPSON of California, Mr. TRAFICANT, Mr. TURNER, Mr. UDALL of New Mexico, Mr. WALSH, Mr. WELDON of Pennsylvania, Mr. WEXLER, Mr. WEYGAND, Ms. WOOLSEY, Mr. WU, and Mr. WYNN):

H. Res. 635. A resolution calling on the President to take all appropriate action within his power to provide relief from injury caused by steel imports and to immediately request the United States International Trade Commission to commence an expedited investigation for positive adjustment under section 201 of the Trade Act of 1974 of those steel imports; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. CHABOT:

H.R. 5480. A bill for the relief of Michael and Julie Schindler; to the Committee on the Judiciary.

By Mr. COX:

H.R. 5481. A bill for the relief of Sarabeth M. Davis, Robert S. Borders, Victor Maron, Irving Berke, and Adele E. Conrad; to the Committee on the Judiciary.

By Mr. COX:

H. Res. 636. A resolution referring the bill (H.R. 5481), entitled ''A bill for the relief of Sarabeth M. Davis, Robert S. Borders, Victor Maron, Irving Berke, and Adele E. Conrad'', to the chief judge of the United States Court of Federal Claims for a report thereon; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 218: Mr. THOMAS.
H.R. 220: Mr. FILNER.
H.R. 742: Mr. GEKAS.
H.R. 860: Mr. WELLER.
H.R. 920: Mr. FARR of California.
H.R. 1591: Ms. CARSON, Mr. RANGEL, and Mrs. LOWEY.
H.R. 1657: Mrs. NAPOLITANO and Ms. VELÁZQUEZ.
H.R. 2000: Ms. CARSON.
H.R. 2273: Ms. VELÁZQUEZ.
H.R. 2308: Mr. ORTIZ.
H.R. 2362: Mr. MCKEON.

H.R. 2457: Mr. KUYKENDALL and Mr. RUSH.
H.R. 2620: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 2741: Mr. SERRANO.
H.R. 3321: Ms. BERKLEY.
H.R. 3463: Mrs. NAPOLITANO, Mr. BRADY of Pennsylvania, Mr. ENGEL, and Mr. ACKERMAN.
H.R. 3514: Mr. CLYBURN and Mr. DEAL of Georgia.
H.R. 3650: Mr. MCGOVERN.
H.R. 3677: Mr. GUTKNECHT.
H.R. 3700: Ms. PRYCE of Ohio and Mr. LAZIO.
H.R. 4333: Mr. JEFFERSON.
H.R. 4428: Mr. RUSH.
H.R. 4431: Mrs. THURMAN and Mr. WEXLER.
H.R. 4481: Mr. NADLER.
H.R. 4488: Mr. LATOURETTE.
H.R. 4634: Ms. CARSON.
H.R. 4707: Ms. CARSON, Mr. RANGEL, Mr. DAVIS of Florida, Mr. BRADY of Pennsylvania, Mr. LAFALCE, and Ms. MCKINNEY.
H.R. 4728: Mr. DIXON, Mr. BAKER, Mr. OLVER, and Mr. BAIRD.
H.R. 4740: Mr. WATT of North Carolina and Ms. BERKLEY.
H.R. 4778: Mr. CARDIN, Mr. CALVERT, and Ms. CARSON.
H.R. 4949: Mr. MCGOVERN.
H.R. 4950: Ms. DANNER and Ms. CARSON.
H.R. 4966: Mr. BLAGOJEVICH.
H.R. 5151: Mr. HILLIARD.
H.R. 5179: Ms. CARSON and Mr. DELAHUNT.
H.R. 5219: Mr. MCDERMOTT.
H.R. 5291: Mr. WHITFIELD, Mrs. CAPPS, Ms. DEGETTE, Mr. DEUTSCH, Mr. GREEN OF TEXAS, Mr. RUSH, Mr. SAWYER, and Mr. STRICKLAND.
H.R. 5309: Mr. BOYD, Mrs. FOWLER, Mr. STEARNS, Mr. MICA, Mr. YOUNG of Florida, Mr. DAVIS of Florida, Mr. MILLER of Florida, Mr. GOSS, Mr. FOLEY, Mrs. MEEK of Florida, Ms. ROS-LEHTINEN, Mr. WEXLER, Mr. DEUTSCH, Mr. DIAZ-BALART, and Mr. HASTINGS of Florida.
H.R. 5345: Mr. FROST and Ms. ESHOO.
H.R. 5385: Mr. WELDON of Florida and Mr. MCINTOSH.
H.R. 5472: Mr. MCDERMOTT.
H.J. Res. 48: Mr. BONIOR.
H.J. Res. 55: Mr. FILNER.
H.J. Res. 64: Mr. THOMPSON of California.
H. Con. Res. 159: Mr. SAXTON.
H. Con. Res. 177: Mr. CAMPBELL.
H. Con. Res. 338: Ms. WOOLSEY.
H. Con. Res. 341: Mr. WEXLER.
H. Con. Res. 398: Mrs. LOWEY.
H. Con. Res. 412: Mrs. LOWEY.
H. Con. Res. 418: Mrs. NORTHUP.
H. Con. Res. 426: Mr. BILBRAY, Mr. BORSKI, Mr. MATSUI, Mr. VISCLOSKY, Ms. WOOLSEY, Mr. WATTS of Oklahoma, Mr. SAXTON, Mr. CALVERT, Mr. EWING, Ms. BALDWIN, Mr. MEEHAN, Mr. HOLDEN, Mr. TAUZIN, Mr. TANCREDO, Mr. BRAYANT, Mr. BLILEY, Mr. COYNE, Mr. RAMSTAD, Mr. HANSEN, Mr. MCNULTY, Mr. BLAGOJEVICH, Mr. ANDREWS, Mr. FRELINGHUYSEN, Mr. UPTON, Mr. LOBIONDO, Mr. SWEENEY, Mr. SMITH of Washington, Mr. SHAYS, Mr. MCDERMOTT, Mrs. TAUSCHER, Mr. VITTER, Mr. FORD, Mr. WALDEN of Oregon, Mr. HORN, Mr. GREENWOOD, Mr. SHIMKUS, Mr. KING, and Mr. BENTSEN.
H. Res. 605: Mr. GREEN of Texas.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

S. 2796

OFFERED BY: MR. SHUSTER

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 1: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

(b) TABLE OF CONTENTS.—

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

TITLE I—WATER RESOURCES PROJECTS

Sec. 101. Project authorization.
Sec. 102. Small projects for flood damage reduction.
Sec. 103. Small project for bank stabilization.
Sec. 104. Small projects for navigation.
Sec. 105. Small project for improvement of the quality of the environment.
Sec. 106. Small projects for aquatic ecosystem restoration.
Sec. 107. Small project for shoreline protection.
Sec. 108. Small project for snagging and sediment removal.
Sec. 109. Petaluma River, Petaluma, California.

TITLE II—GENERAL PROVISIONS

Sec. 201. Cost sharing of certain flood damage reduction projects.
Sec. 202. Harbor cost sharing.
Sec. 203. Nonprofit entities.
Sec. 204. Rehabilitation of Federal flood control levees.
Sec. 205. Flood mitigation and riverine restoration program.
Sec. 206. Tribal partnership program.
Sec. 207. Native American reburial and transfer authority.
Sec. 208. Ability to pay.
Sec. 209. Interagency and international support authority.
Sec. 210. Property protection program.
Sec. 211. Engineering consulting services.
Sec. 212. Beach recreation.
Sec. 213. Performance of specialized or technical services.
Sec. 214. Design-build contracting.
Sec. 215. Independent review pilot program.
Sec. 216. Enhanced public participation.
Sec. 217. Monitoring.
Sec. 218. Reconnaissance studies.
Sec. 219. Fish and wildlife mitigation.
Sec. 220. Wetlands mitigation.
Sec. 221. Credit toward non-Federal share of navigation projects.
Sec. 222. Maximum program expenditures for small flood control projects.
Sec. 223. Feasibility studies and planning, engineering, and design.
Sec. 224. Administrative costs of land conveyances.
Sec. 225. Dam safety.

TITLE III—PROJECT-RELATED PROVISIONS

Sec. 301. Nogales Wash and Tributaries, Nogales, Arizona.
Sec. 302. John Paul Hammerschmidt Visitor Center, Fort Smith, Arkansas.
Sec. 303. Greers Ferry Lake, Arkansas.
Sec. 304. Ten- and Fifteen-Mile Bayous, Arkansas.
Sec. 305. Cache Creek basin, California.
Sec. 306. Larkspur Ferry Channel, Larkspur, California.
Sec. 307. Norco Bluffs, Riverside County, California.
Sec. 308. Sacramento deep water ship channel, California.
Sec. 309. Sacramento River, Glenn-Colusa, California.
Sec. 310. Upper Guadalupe River, California.
Sec. 311. Brevard County, Florida.
Sec. 312. Fernandina Harbor, Florida.
Sec. 313. Tampa Harbor, Florida.
Sec. 314. East Saint Louis and vicinity, Illinois.
Sec. 315. Kaskaskia River, Kaskaskia, Illinois.
Sec. 316. Waukegan Harbor, Illinois.
Sec. 317. Cumberland, Kentucky.
Sec. 318. Lock and Dam 10, Kentucky River, Kentucky.
Sec. 319. Saint Joseph River, South Bend, Indiana.
Sec. 320. Mayfield Creek and tributaries, Kentucky.
Sec. 321. Amite River and tributaries, East Baton Rouge Parish, Louisiana.
Sec. 322. Atchafalaya Basin Floodway System, Louisiana.
Sec. 323. Atchafalaya River, Bayous Chene, Boeuf, and Black Louisiana.
Sec. 324. Red River Waterway, Louisiana.
Sec. 325. Thomaston Harbor, Georges River, Maine.
Sec. 326. Breckenridge, Minnesota.
Sec. 327. Duluth Harbor, Minnesota.
Sec. 328. Little Falls, Minnesota.
Sec. 329. Poplar Island, Maryland.
Sec. 330. Green Brook Sub-Basin, Raritan River basin, New Jersey.
Sec. 331. New York Harbor and adjacent channels, Port Jersey, New Jersey.
Sec. 332. Passaic River basin flood management, New Jersey.
Sec. 333. Times Beach nature preserve, Buffalo, New York.
Sec. 334. Garrison Dam, North Dakota.
Sec. 335. Duck Creek, Ohio.
Sec. 336. Astoria, Columbia River, Oregon.
Sec. 337. Nonconnah Creek, Tennessee and Mississippi.
Sec. 338. Bowie County levee, Texas.
Sec. 339. San Antonio Channel, San Antonio, Texas.
Sec. 340. Buchanan and Dickenson Counties, Virginia.
Sec. 341. Buchanan, Dickenson, and Russell Counties, Virginia.
Sec. 342. Sandbridge Beach, Virginia Beach, Virginia.
Sec. 343. Wallops Island, Virginia.
Sec. 344. Columbia River, Washington.
Sec. 345. Mount St. Helens sediment control, Washington.
Sec. 346. Renton, Washington.
Sec. 347. Greenbrier Basin, West Virginia.
Sec. 348. Lower Mud River, Milton, West Virginia.
Sec. 349. Water quality projects.
Sec. 350. Project reauthorizations.
Sec. 351. Continuation of project authorizations.
Sec. 352. Declaration of nonnavigability for Lake Erie, New York.
Sec. 353. Project deauthorizations.

TITLE IV—STUDIES

Sec. 401. Studies of completed projects.
Sec. 402. Watershed and river basin assessments.
Sec. 403. Lower Mississippi River resource assessment.
Sec. 404. Upper Mississippi River basin sediment and nutrient study.
Sec. 405. Upper Mississippi River comprehensive plan.
Sec. 406. Ohio River System.
Sec. 407. Eastern Arkansas.
Sec. 408. Russell, Arkansas.
Sec. 409. Estudillo Canal, San Leandro, California.
Sec. 410. Laguna Creek, Fremont, California.
Sec. 411. Lake Merritt, Oakland, California.
Sec. 412. Lancaster, California.
Sec. 413. Napa County, California.
Sec. 414. Oceanside, California.
Sec. 415. Suisun Marsh, California.
Sec. 416. Lake Allatoona Watershed, Georgia.

Sec. 417. Chicago River, Chicago, Illinois.
Sec. 418. Chicago sanitary and ship canal system, Chicago, Illinois.
Sec. 419. Long Lake, Indiana.
Sec. 420. Brush and Rock Creeks, Mission Hills and Fairway, Kansas.
Sec. 421. Coastal areas of Louisiana.
Sec. 422. Iberia Port, Louisiana.
Sec. 423. Lake Pontchartrain seawall, Louisiana.
Sec. 424. Lower Atchafalaya basin, Louisiana.
Sec. 425. St. John the Baptist Parish, Louisiana.
Sec. 426. Las Vegas Valley, Nevada.
Sec. 427. Southwest Valley, Albuquerque, New Mexico.
Sec. 428. Buffalo Harbor, Buffalo, New York.
Sec. 429. Hudson River, Manhattan, New York.
Sec. 430. Jamesville Reservoir, Onondaga County, New York.
Sec. 431. Steubenviille, Ohio.
Sec. 432. Grand Lake, Oklahoma.
Sec. 433. Columbia Slough, Oregon.
Sec. 434. Reedy River, Greenville, South Carolina.
Sec. 435. Germantown, Tennessee.
Sec. 436. Houston ship channel, Galveston, Texas.
Sec. 437. Park City, Utah.
Sec. 438. Milwaukee, Wisconsin.
Sec. 439. Upper Des Plaines River and tributaries, Illinois and Wisconsin.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Bridgeport, Alabama.
Sec. 502. Duck River, Cullman, Alabama.
Sec. 503. Seward, Alaska.
Sec. 504. Augusta and Devalls Bluff, Arkansas.
Sec. 505. Beaver Lake, Arkansas.
Sec. 506. McClellan-Kerr Arkansas River navigation system, Arkansas and Oklahoma.
Sec. 507. Calfed Bay Delta program assistance, California.
Sec. 508. Clear Lake basin, California.
Sec. 509. Contra Costa Canal, Oakley and Knightsen, California.
Sec. 510. Huntington Beach, California.
Sec. 511. Mallard Slough, Pittsburg, California.
Sec. 512. Penn Mine, Calaveras County, California.
Sec. 513. Port of San Francisco, California.
Sec. 514. San Gabriel basin, California.
Sec. 515. Stockton, California.
Sec. 516. Port Everglades, Florida.
Sec. 517. Florida Keys water quality improvements.
Sec. 518. Ballard's Island, La Salle County, Illinois.
Sec. 519. Lake Michigan Diversion, Illinois.
Sec. 520. Koontz Lake, Indiana.
Sec. 521. Campbellsville Lake, Kentucky.
Sec. 522. West View Shores, Cecil County, Maryland.
Sec. 523. Conservation of fish and wildlife, Chesapeake Bay, Maryland and Virginia.
Sec. 524. Muddy River, Brookline and Boston, Massachusetts.
Sec. 525. Soo Locks, Sault Ste. Marie, Michigan.
Sec. 526. Duluth, Minnesota, alternative technology project.
Sec. 527. Minneapolis, Minnesota.
Sec. 528. St. Louis County, Minnesota.
Sec. 529. Wild Rice River, Minnesota.
Sec. 530. Coastal Mississippi wetlands restoration projects.
Sec. 531. Missouri River Valley improvements.
Sec. 532. New Madrid County, Missouri.
Sec. 533. Pemiscot County, Missouri.
Sec. 534. Las Vegas, Nevada.
Sec. 535. Newark, New Jersey.
Sec. 536. Urbanized peak flood management research, New Jersey.
Sec. 537. Black Rock Canal, Buffalo, New York.
Sec. 538. Hamburg, New York.
Sec. 539. Nepperhan River, Yonkers, New York.
Sec. 540. Rochester, New York.
Sec. 541. Upper Mohawk River basin, New York.
Sec. 542. Eastern North Carolina flood protection.
Sec. 543. Cuyahoga River, Ohio.
Sec. 544. Crowder Point, Crowder, Oklahoma.
Sec. 545. Oklahoma-tribal commission.
Sec. 546. Columbia River, Oregon and Washington.
Sec. 547. John Day Pool, Oregon and Washington.
Sec. 548. Lower Columbia River and Tillamook Bay estuary program, Oregon and Washington.
Sec. 549. Skinner Butte Park, Eugene, Oregon.
Sec. 550. Willamette River basin, Oregon.
Sec. 551. Lackawanna River, Pennsylvania.
Sec. 552. Philadelphia, Pennsylvania.
Sec. 553. Access improvements, Raystown Lake, Pennsylvania.
Sec. 554. Upper Susquehanna River basin, Pennsylvania and New York.
Sec. 555. Chickamauga Lock, Chattanooga, Tennessee.
Sec. 556. Joe Pool Lake, Texas.
Sec. 557. Benson Beach, Fort Canby State Park, Washington.
Sec. 558. Puget Sound and adjacent waters restoration, Washington.
Sec. 559. Shoalwater Bay Indian Tribe, Willapa Bay, Washington.
Sec. 560. Wynoochee Lake, Wynoochee River, Washington.
Sec. 561. Snohomish River, Washington.
Sec. 562. Bluestone, West Virginia.
Sec. 563. Lesage/Greenbottom Swamp, West Virginia.
Sec. 564. Tug Fork River, West Virginia.
Sec. 565. Virginia Point Riverfront Park, West Virginia.
Sec. 566. Southern West Virginia.
Sec. 567. Fox River system, Wisconsin.
Sec. 568. Surfside/Sunset and Newport Beach, California.
Sec. 569. Illinois River basin restoration.
Sec. 570. Great Lakes.
Sec. 571. Great Lakes remedial action plans and sediment remediation.
Sec. 572. Great Lakes dredging levels adjustment.
Sec. 573. Dredged material recyling.
Sec. 574. Watershed management, restoration, and development.
Sec. 575. Maintenance of navigation channels.
Sec. 576. Support of Army civil works program.
Sec. 577. National recreation reservation service.
Sec. 578. Hydrographic survey.
Sec. 579. Lakes program.
Sec. 580. Perchlorate.
Sec. 581. Abandoned and inactive noncoal mine restoration.
Sec. 582. Release of use restriction.
Sec. 583. Comprehensive environmental resources protection.
Sec. 584. Modification of authorizations for environmental projects.
Sec. 585. Land transfers.
Sec. 586. Bruce F. Vento Unit of the Boundary Waters Canoe Area Wilderness, Minnesota.

TITLE VI—COMPREHENSIVE EVERGLADES RESTORATION

Sec. 601. Comprehensive Everglades restoration plan.
Sec. 602. Sense of Congress concerning Homestead Air Force Base.

TITLE VIII—MISSOURI RIVER RESTORATION

Sec. 701. Definitions.
Sec. 702. Missouri River Trust.
Sec. 703. Missouri River Task Force.
Sec. 704. Administration.
Sec. 705. Authorization of appropriations.

SEC. 2. DEFINITION OF SECRETARY.

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

TITLE I—WATER RESOURCES PROJECTS

SEC. 101. PROJECT AUTHORIZATION.

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

(1) BARNEGAT INLET TO LITTLE EGG INLET, NEW JERSEY.—The project for hurricane and storm damage reduction, Barnegat Inlet to Little Egg Inlet, New Jersey: Report of the Chief of Engineers dated July 26, 2000, at a total cost of $51,203,000, with an estimated Federal cost of $33,282,000 and an estimated non-Federal cost of $17,921,000.

(2) PORT OF NEW YORK AND NEW JERSEY, NEW YORK AND NEW JERSEY.—

(A) IN GENERAL.—The project for navigation, Port of New York and New Jersey, New York and New Jersey: Report of the Chief of Engineers dated May 2, 2000, at a total cost of $1,781,235,000, with an estimated Federal cost of $738,631,000 and an estimated non-Federal cost of $1,042,604,000.

(B) CREDIT.—The Secretary may provide the non-Federal interests credit toward cash contributions required—

(i) before, during, and after construction for planning, engineering and design, and construction management work that is performed by the non-Federal interests and that the Secretary determines is necessary to implement the project; and

(ii) during and after construction for the costs of the construction that the non-Federal interests carry out on behalf of the Secretary and that the Secretary determines is necessary to implement the project.

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

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

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

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

(4) TRES RIOS, ARIZONA.—The project ecosystem restoration, Tres Rios, Arizona, at a

total cost of $99,320,000, with an estimated Federal cost of $62,755,000 and an estimated non-Federal cost of $36,565,000.

(5) LOS ANGELES HARBOR, CALIFORNIA.—The project for navigation, Los Angeles Harbor, California, at a total cost of $153,313,000, with an estimated Federal cost of $43,735,000 and an estimated non-Federal cost of $109,578,000.

(6) MURRIETTA CREEK, CALIFORNIA.—The project for flood damage reduction and ecosystem restoration, Murrietta Creek, California, described as alternative 6, based on the District Engineer's Murrietta Creek feasibility report and environmental impact statement dated October 2000, at a total cost of $89,850,000, with an estimated Federal cost of $57,735,000 and an estimated non-Federal cost of $32,115,000. The locally preferred plan described as alternative 6 shall be treated as a final favorable report of the Chief Engineer's for purposes of this subsection.

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

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

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

(10) DELAWARE COAST FROM CAPE HENLOPEN TO FENWICK ISLAND.—The project for hurricane and storm damage reduction, Delaware Coast from Cape Henlopen to Fenwick Island, at a total cost of $5,633,000, with an estimated Federal cost of $3,661,000 and an estimated non-Federal cost of $1,972,000.

(11) PORT SUTTON, FLORIDA.—The project for navigation, Port Sutton, Florida, at a total cost of $6,000,000, with an estimated Federal cost of $4,000,000 and an estimated non-Federal cost of $2,000,000.

(12) BARBERS POINT HARBOR, HAWAII.—The project for navigation, Barbers Point Harbor, Hawaii, at a total cost of $30,003,000, with an estimated Federal cost of $18,524,000 and an estimated non-Federal cost of $11,479,000.

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

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

(15) OHIO RIVER MAINSTEM, KENTUCKY, ILLINOIS, INDIANA, OHIO, PENNSYLVANIA, AND WEST VIRGINIA.—Projects for ecosystem restoration, Ohio River Mainstem, Kentucky, Illinois, Indiana, Ohio, Pennsylvania, and West Virginia, at a total cost of $307,700,000, with an estimated Federal cost of $200,000,000 and an estimated non-Federal cost of $107,700,000.

(16) MONARCH-CHESTERFIELD, MISSOURI.—The project for flood damage reduction, Monarch-Chesterfield, Missouri, at a total cost of $67,700,000, with an estimated Federal cost of $44,000,000 and an estimated non-Federal cost of $23,700,000.

(17) ANTELOPE CREEK, LINCOLN, NEBRASKA.—The project for flood damage reduction, Antelope Creek, Lincoln, Nebraska, at a total cost of $49,788,000, with an estimated Federal cost of $24,894,000 and an estimated non-Federal cost of $24,894,000.

(18) SAND CREEK WATERSHED, WAHOO, NEBRASKA.—The project for ecosystem restoration and flood damage reduction, Sand Creek watershed, Wahoo, Nebraska, at a total cost of $29,212,000, with an estimated Federal cost of $17,586,000 and an estimated non-Federal cost of $11,626,000.

(19) WESTERN SARPY AND CLEAR CREEK, NEBRASKA.—The project for flood damage reduction, Western Sarpy and Clear Creek, Nebraska, at a total cost of $20,600,000, with an estimated Federal cost of $13,390,000 and an estimated non-Federal cost of $7,210,000.

(20) RARITAN BAY AND SANDY HOOK BAY, CLIFFWOOD BEACH, NEW JERSEY.—The project for hurricane and storm damage reduction, Raritan Bay and Sandy Hook Bay, Cliffwood Beach, New Jersey, at a total cost of $5,219,000, with an estimated Federal cost of $3,392,000 and an estimated non-Federal cost of $1,827,000.

(21) RARITAN BAY AND SANDY HOOK BAY, PORT MONMOUTH, NEW JERSEY.—The project for hurricane and storm damage reduction, Raritan Bay and Sandy Hook Bay, Port Monmouth, New Jersey, at a total cost of $32,064,000, with an estimated Federal cost of $20,842,000 and an estimated non-Federal cost of $11,222,000.

(22) DARE COUNTY BEACHES, NORTH CAROLINA.—The project for hurricane and storm damage reduction, Dare County beaches, North Carolina, at a total cost of $69,518,000, with an estimated Federal cost of $49,846,000 and an estimated non-Federal cost of $19,672,000.

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

(24) DUWAMISH/GREEN, WASHINGTON.—The project for ecosystem restoration, Duwamish/Green, Washington, at a total cost of $115,879,000, with an estimated Federal cost of $75,322,000 and an estimated non-Federal cost of $40,557,000.

(25) STILLAGUMAISH RIVER BASIN, WASHINGTON.—The project for ecosystem restoration, Stillagumaish River basin, Washington, at a total cost of $24,223,000, with an estimated Federal cost of $16,097,000 and an estimated non-Federal cost of $8,126,000.

(26) JACKSON HOLE, WYOMING.—The project for ecosystem restoration, Jackson Hole, Wyoming, at a total cost of $52,242,000, with an estimated Federal cost of $33,957,000 and an estimated non-Federal cost of $18,285,000.

SEC. 102. SMALL PROJECTS FOR FLOOD DAMAGE REDUCTION.

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

(1) BUFFALO ISLAND, ARKANSAS.—Project for flood damage reduction, Buffalo Island, Arkansas.

(2) ANAVERDE CREEK, PALMDALE, CALIFORNIA.—Project for flood damage reduction, Anaverde Creek, Palmdale, California.

(3) CASTAIC CREEK, OLD ROAD BRIDGE, SANTA CLARITA, CALIFORNIA.—Project for flood damage reduction, Castaic Creek, Old Road bridge, Santa Clarita, California.

(4) SANTA CLARA RIVER, OLD ROAD BRIDGE, SANTA CLARITA, CALIFORNIA.—Project for flood damage reduction, Santa Clara River, Old Road bridge, Santa Clarita, California.

(5) COLUMBIA LEVEE, COLUMBIA, ILLINOIS.—Project for flood damage reduction, Columbia Levee, Columbia, Illinois.

(6) EAST-WEST CREEK, RIVERTON, ILLINOIS.—Project for flood damage reduction, East-West Creek, Riverton, Illinois.

(7) PRAIRIE DU PONT, ILLINOIS.—Project for flood damage reduction, Prairie Du Pont, Illinois.

(8) MONROE COUNTY, ILLINOIS.—Project for flood damage reduction, Monroe County, Illinois.

(9) WILLOW CREEK, MEREDOSIA, ILLINOIS.—Project for flood damage reduction, Willow Creek, Meredosia, Illinois.

(10) DYKES BRANCH CHANNEL, LEAWOOD, KANSAS.—Project for flood damage reduction, Dykes Branch channel improvements, Leawood, Kansas.

(11) DYKES BRANCH TRIBUTARIES, LEAWOOD, KANSAS.—Project for flood damage reduction, Dykes Branch tributary improvements, Leawood, Kansas.

(12) KENTUCKY RIVER, FRANKFORT, KENTUCKY.—Project for flood damage reduction, Kentucky River, Frankfort, Kentucky.

(13) LAKES MAUREPAS AND PONTCHARTRAIN CANALS, ST. JOHN THE BAPTIST PARISH, LOUISIANA.—Project for flood damage reduction, Lakes Maurepas and Pontchartrain Canals, St. John the Baptist Parish, Louisiana.

(14) PENNSVILLE TOWNSHIP, SALEM COUNTY, NEW JERSEY.—The project for flood damage reduction, Pennsville Township, Salem County, New Jersey.

(15) HEMPSTEAD, NEW YORK.—Project for flood damage reduction, Hempstead, New York.

(16) HIGHLAND BROOK, HIGHLAND FALLS, NEW YORK.—Project for flood damage reduction, Highland Brook, Highland Falls, New York.

(17) LAFAYETTE TOWNSHIP, OHIO.—Project for flood damage reduction, Lafayette Township, Ohio.

(18) WEST LAFAYETTE, OHIO.—Project for flood damage reduction, West LaFayette, Ohio.

(19) BEAR CREEK AND TRIBUTARIES, MEDFORD, OREGON.—Project for flood damage reduction, Bear Creek and tributaries, Medford, Oregon.

(20) DELAWARE CANAL AND BROCK CREEK, YARDLEY BOROUGH, PENNSYLVANIA.—Project for flood damage reduction, Delaware Canal and Brock Creek, Yardley Borough, Pennsylvania.

(21) FIRST CREEK, FOUNTAIN CITY, KNOXVILLE, TENNESSEE.—Project for flood damage reduction, First Creek, Fountain City, Knoxville, Tennessee.

(22) MISSISSIPPI RIVER, RIDGELY, TENNESSEE.—Project for flood damage reduction, Mississippi River, Ridgely, Tennessee.

(b) MAGPIE CREEK, SACRAMENTO COUNTY, CALIFORNIA.—In formulating the project for Magpie Creek, California, authorized by section 102(a)(4) of the Water Resources Development Act of 1999 (113 Stat. 281) to be carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), the Secretary shall consider benefits from the full utilization of existing improvements at McClellan Air Force Base that would result from the project after conversion of the base to civilian use.

SEC. 103. SMALL PROJECTS FOR BANK STABILIZATION.

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

(1) MAUMEE RIVER, FORT WAYNE, INDIANA.—Project for bank stabilization, Maumee River, Fort Wayne, Indiana.

(2) BAYOU SORRELL, IBERVILLE PARISH, LOUISIANA.—Project for bank stabilization, Bayou Sorrell, Iberville Parish, Louisiana.

SEC. 104. SMALL PROJECTS FOR NAVIGATION.

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

(1) WHITTIER, ALASKA.—Project for navigation, Whittier, Alaska.

(2) CAPE CORAL, FLORIDA.—Project for navigation, Cape Coral, Florida.

(3) EAST TWO LAKES, TOWER, MINNESOTA.—Project for navigation, East Two Lakes, Tower, Minnesota.

(4) ERIE BASIN MARINA, BUFFALO, NEW YORK.—Project for navigation, Erie Basin marina, Buffalo, New York.

(5) LAKE MICHIGAN, LAKESHORE STATE PARK, MILWAUKEE, WISCONSIN.—Project for navigation, Lake Michigan, Lakeshore State Park, Milwaukee, Wisconsin.

(6) SAXON HARBOR, FRANCIS, WISCONSIN.—Project for navigation, Saxon Harbor, Francis, Wisconsin.

SEC. 105. SMALL PROJECT FOR IMPROVEMENT OF THE QUALITY OF THE ENVIRONMENT.

The Secretary shall conduct a study for a project for improvement of the quality of the environment, Nahant Marsh, Davenport, Iowa, and, if the Secretary determines that the project is appropriate, may carry out the project under section 1135(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2309a(a)).

SEC. 106. SMALL PROJECTS FOR AQUATIC ECOSYSTEM RESTORATION.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is appropriate, may carry out the project under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330):

(1) ARKANSAS RIVER, PUEBLO, COLORADO.—Project for aquatic ecosystem restoration, Arkansas River, Pueblo, Colorado.

(2) HAYDEN DIVERSION PROJECT, YAMPA RIVER, COLORADO.—Project for aquatic ecosystem restoration, Hayden Diversion Project, Yampa River, Colorado.

(3) LITTLE ECONLOCKHATCHEE RIVER BASIN, FLORIDA.—Project for aquatic ecosystem restoration, Little Econlockhatchee River basin, Florida.

(4) LOXAHATCHEE SLOUGH, PALM BEACH COUNTY, FLORIDA.—Project for aquatic ecosystem restoration, Loxahatchee Slough, Palm Beach County, Florida.

(5) STEVENSON CREEK ESTUARY, FLORIDA.—Project for aquatic ecosystem restoration, Stevenson Creek estuary, Florida.

(6) CHOUTEAU ISLAND, MADISON COUNTY, ILLINOIS.—Project for aquatic ecosystem restoration, Chouteau Island, Madison County, Illinois.

(7) SAGINAW BAY, BAY CITY, MICHIGAN.—Project for aquatic ecosystem restoration, Saginaw Bay, Bay City, Michigan.

(8) RAINWATER BASIN, NEBRASKA.—Project for aquatic ecosystem restoration, Rainwater Basin, Nebraska.

(9) CAZENOVIA LAKE, MADISON COUNTY, NEW YORK.—Project for aquatic ecosystem restoration, Cazenovia Lake, Madison County, New York, including efforts to address aquatic invasive plant species.

(10) CHENANGO LAKE, CHENANGO COUNTY, NEW YORK.—Project for aquatic ecosystem restoration, Chenango Lake, Chenango County, New York, including efforts to address aquatic invasive plant species.

(11) EAGLE LAKE, NEW YORK.—Project for aquatic ecosystem restoration, Eagle Lake, New York.

(12) OSSINING, NEW YORK.—Project for aquatic ecosystem restoration, Ossining, New York.

(13) SARATOGA LAKE, NEW YORK.—Project for aquatic ecosystem restoration, Saratoga Lake, New York.

(14) SCHROON LAKE, NEW YORK.—Project for aquatic ecosystem restoration, Schroon Lake, New York.

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

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

(17) LONE PINE AND LAZY CREEKS, MEDFORD, OREGON.—Project for aquatic ecosystem restoration, Lone Pine and Lazy Creeks, Medford, Oregon.

(18) TULLYTOWN BOROUGH, PENNSYLVANIA.—Project for aquatic ecosystem restoration, Tullytown Borough, Pennsylvania.

SEC. 107. SMALL PROJECT FOR SHORELINE PROTECTION.

The Secretary shall conduct a study for a project for shoreline protection, Hudson River, Dutchess County, New York, and, if the Secretary determines that the project is feasible, may carry out the project under section 3 of the Act entitled ''An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property'', approved August 13, 1946 (33 U.S.C. 426g; 60 Stat. 1056).

SEC. 108. SMALL PROJECT FOR SNAGGING AND SEDIMENT REMOVAL.

The Secretary shall conduct a study for a project for clearing, snagging, and sediment removal, Sangamon River and tributaries, Riverton, Illinois. If the Secretary determines that the project is feasible, the Secretary may carry out the project under section 2 of the Flood Control Act of August 28, 1937 (50 Stat. 177).

SEC. 109. PETALUMA RIVER, PETALUMA, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall carry out the Petaluma River project, at the city of Petaluma, Sonoma County, California, to provide a 100-year level of flood protection to the city in accordance with the detailed project report of the San Francisco District Engineer, dated March 1995, at a total cost of $32,227,000.

(b) COST SHARING.—Cost sharing for the project shall be determined in accordance with section 103(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(a)), as in effect on October 11, 1996.

(c) REIMBURSEMENT.—The Secretary shall reimburse the non-Federal sponsor for any project costs that the non-Federal sponsor has incurred in excess of the non-Federal share of project costs, regardless of the date such costs were incurred.

TITLE II—GENERAL PROVISIONS

SEC. 201. COST SHARING OF CERTAIN FLOOD DAMAGE REDUCTION PROJECTS.

Section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213) is amended by adding at the end the following:

''(n) LEVEL OF FLOOD PROTECTION.—If the Secretary determines that it is technically sound, environmentally acceptable, and economically justified, to construct a flood control project for an area using an alternative that will afford a level of flood protection sufficient for the area not to qualify as an area having special flood hazards for the purposes of the national flood insurance program under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Secretary, at the request of the non-Federal interest, shall recommend the project using the alternative. The non-Federal share of the cost of the project assigned to providing the minimum amount of flood protection required for the area not to qualify as an area having special flood hazards shall be determined under subsections (a) and (b).''.

SEC. 202. HARBOR COST SHARING.

(a) IN GENERAL.—Sections 101 and 214 of the Water Resources Development Act of 1986 (33 U.S.C. 2211 and 2241; 100 Stat. 4082–4084 and 4108–4109) are each amended by striking ''45 feet'' each place it appears and inserting ''53 feet''.

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply only to a project, or separable element of a project, on which a contract for physical construction has not been awarded before the date of enactment of this Act.

SEC. 203. NONPROFIT ENTITIES.

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

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

(b) PROJECT MODIFICATIONS FOR IMPROVEMENT OF ENVIRONMENT.—Section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following:

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

(c) LAKES PROGRAM.—Section 602 of the Water Resources Development Act of 1986 (100 Stat. 4148–4149) is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following:

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

SEC. 204. REHABILITATION OF FEDERAL FLOOD CONTROL LEVEES.

Section 110(e) of the Water Resources Development Act of 1990 (104 Stat. 4622) is amended by striking ''1992,'' and all that follows through ''1996'' and inserting ''2001 through 2005''.

SEC. 205. FLOOD MITIGATION AND RIVERINE RESTORATION PROGRAM.

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

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

(2) by striking the period at end of paragraph (23) and inserting a semicolon;

(3) by adding at the end the following:

''(24) Lester, St. Louis, East Savanna, and Floodwood Rivers, Duluth, Minnesota;

''(25) Lower Hudson River and tributaries, New York;

''(26) Susquehanna River watershed, Bradford County, Pennsylvania; and

''(27) Clear Creek, Harris, Galveston, and Brazoria Counties, Texas.''.

SEC. 206. TRIBAL PARTNERSHIP PROGRAM.

(a) IN GENERAL.—The Secretary is authorized, in cooperation with Indian tribes and other Federal agencies, to study and determine the feasibility of implementing water resources development projects that will substantially benefit Indian tribes, and are located primarily within Indian country (as defined in section 1151 of title 18, United States Code), or in proximity to an Alaska Native village (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)).

(b) CONSULTATION AND COORDINATION.—The Secretary shall consult with the Secretary of the Interior on studies conducted under this section.

(c) CREDITS.—For any study conducted under this section, the Secretary may provide credit to the Indian tribe for services, studies, supplies, and other in-kind consideration where the Secretary determines that such services, studies, supplies, and other in-kind consideration will facilitate completion of the study. In no event shall such credit exceed the Indian tribe's required share of the cost of the study.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2002 through 2006. Not more than $1,000,000 appropriated to carry out this section for a fiscal year may be used to substantially benefit any one Indian tribe.

(e) INDIAN TRIBE DEFINED.—In this section, the term ''Indian tribe'' means any tribe, band, nation, or other organized group or community of Indians, including any Alaska Native village, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

SEC. 207. NATIVE AMERICAN REBURIAL AND TRANSFER AUTHORITY.

(a) IN GENERAL.—The Secretary, in consultation with appropriate Indian tribes, may identify and set aside land at civil works projects managed by the Secretary for use as a cemetery for the remains of Native Americans that have been discovered on project lands and that have been rightfully claimed by a lineal descendant or Indian tribe in accordance with applicable Federal law. The Secretary, in consultation with and with the consent of the lineal descendant or Indian tribe, may recover and rebury the remains at such cemetery at Federal expense.

(b) TRANSFER AUTHORITY.—Notwithstanding any other provision of law, the Secretary may transfer to an Indian tribe land identified and set aside by the Secretary under subsection (a) for use as a cemetery. The Secretary shall retain any necessary rights-of-way, easements, or other property interests that the Secretary determines necessary to carry out the purpose of the project.

(c) DEFINITIONS.—In this section, the terms ''Indian tribe'' and ''Native American'' have the meaning such terms have under section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001).

SEC. 208. ABILITY TO PAY.

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

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

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

''(2) CRITERIA AND PROCEDURES.—The ability of a non-Federal interest to pay shall be determined by the Secretary in accordance with criteria and procedures in effect under paragraph (3) on the day before the date of enactment of the Water Resources Development Act of 2000; except that such criteria and procedures shall be revised, and new criteria and procedures shall be developed, within 180 days after such date of enactment to reflect the requirements of such paragraph (3).''; and

(2) in paragraph (3)—

(A) by inserting ''and'' after the semicolon at the end of subparagraph (A)(ii);

(B) by striking subparagraph (B); and

(C) by redesignating subparagraph (C) as subparagraph (B).

SEC. 209. INTERAGENCY AND INTERNATIONAL SUPPORT AUTHORITY.

The first sentence of section 234(d) of the Water Resources Development Act of 1996 (33 U.S.C. 2323a(d)) is amended to read as follows: ''There is authorized to be appropriated to carry out this section $250,000 per fiscal year for fiscal years beginning after September 30, 2000.''.

SEC. 210. PROPERTY PROTECTION PROGRAM.

(a) IN GENERAL.—The Secretary is authorized to implement a program to reduce vandalism and destruction of property at water resources development projects under the jurisdiction of the Department of the Army. In carrying out the program, the Secretary may provide rewards to individuals who provide information or evidence leading to the arrest and prosecution of individuals causing damage to Federal property, including the payment of cash rewards.

(b) REPORT.—Not later than 4 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the program.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000 per fiscal year for fiscal years beginning after September 30, 2000.

SEC. 211. ENGINEERING CONSULTING SERVICES.

In conducting a feasibility study for a water resources project, the Secretary, to the maximum extent practicable, should not employ a person for engineering and consulting services if the same person is also employed by the non-Federal interest for such services unless there is only 1 qualified and responsive bidder for such services.

SEC. 212. BEACH RECREATION.

(a) IN GENERAL.—In studying the feasibility of and making recommendations concerning potential beach restoration projects, the Secretary may not implement any policy that has the effect of disadvantaging any such project solely because 50 percent or more of its benefits are recreational in nature.

(b) PROCEDURES FOR CONSIDERATION AND REPORTING OF BENEFITS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop and implement procedures to ensure that all of the benefits of a beach restoration project, including those benefits attributable to recreation, hurricane and storm damage reduction, and environmental protection and restoration, are adequately considered and displayed in reports for such projects.

SEC. 213. PERFORMANCE OF SPECIALIZED OR TECHNICAL SERVICES.

(a) IN GENERAL.—Before entering into an agreement to perform specialized or technical services for a State (including the District of Columbia), a territory, or a local government of a State or territory under section 6505 of title 31, United States Code, the Secretary shall certify that—

(1) the services requested are not reasonably and expeditiously available through ordinary business channels; and

(2) the Corps of Engineers is especially equipped to perform such services.

(b) SUPPORTING MATERIALS.—The Secretary shall develop materials supporting such certification under subsection (a).

(c) ANNUAL REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than December 31 of each calendar year, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the requests described in subsection (a) that the Secretary received during such calendar year.

(2) CONTENTS.—With respect to each request, the report transmitted under paragraph (1) shall include a copy of the certification and supporting materials developed under this section and information on each of the following:

(A) The scope of services requested.

(B) The status of the request.

(C) The estimated and final cost of the requested services.

(D) Each district and division office of the Corps of Engineers that has supplied or will supply the requested services.

(E) The number of personnel of the Corps of Engineers that have performed or will perform any of the requested services.

(F) The status of any reimbursement.

SEC. 214. DESIGN-BUILD CONTRACTING.

(a) PILOT PROGRAM.—The Secretary may conduct a pilot program consisting of not more than 5 projects to test the design-build method of project delivery on various civil engineering projects of the Corps of Engineers, including levees, pumping plants, revetments, dikes, dredging, weirs, dams, retaining walls, generation facilities, mattress laying, recreation facilities, and other water resources facilities.

(b) DESIGN-BUILD DEFINED.—In this section, the term ''design-build'' means an agreement between the Federal Government and a contractor that provides for both the design and construction of a project by a single contract.

(c) REPORT.—Not later than 2 years after the date of enactment of this section, the Secretary shall report on the results of the pilot program.

SEC. 215. INDEPENDENT REVIEW PILOT PROGRAM.

Title IX of the Water Resources Development Act of 1986 (100 Stat. 4183 et seq.) is amended by adding at the end the following:

''SEC. 952. INDEPENDENT REVIEW PILOT PROGRAM.

''(a) PROJECTS SUBJECT TO INDEPENDENT REVIEW.—The Secretary shall undertake a pilot program in fiscal years 2001 through 2003 to determine the practicality and efficacy of having feasibility reports of the Corps of Engineers for eligible projects reviewed by an independent panel of experts. The pilot program shall be limited to the establishment of panels for not to exceed 5 eligible projects.

''(b) ESTABLISHMENT OF PANELS.—

''(1) IN GENERAL.—The Secretary shall establish a panel of experts for an eligible

project under this section upon identification of a preferred alternative in the development of the feasibility report.

''(2) MEMBERSHIP.—A panel established under this section shall be composed of not less than 5 and not more than 9 independent experts who represent a balance of areas of expertise, including biologists, engineers, and economists.

''(3) LIMITATION ON APPOINTMENTS.—The Secretary shall not appoint an individual to serve on a panel of experts for a project under this section if the individual has a financial interest in the project or has with any organization a professional relationship that the Secretary determines may constitute a conflict of interest or the appearance of impropriety.

''(4) CONSULTATION.—The Secretary shall consult the National Academy of Sciences in developing lists of individuals to serve on panels of experts under this section.

''(5) COMPENSATION.—An individual serving on a panel of experts under this section may not be compensated but may receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

''(c) DUTIES OF PANELS.—A panel of experts established for a project under this section shall—

''(1) review feasibility reports prepared for the project after the identification of a preferred alternative;

''(2) receive written and oral comments of a technical nature concerning the project from the public; and

''(3) transmit to the Secretary an evaluation containing the panel's economic, engineering, and environmental analyses of the project, including the panel's conclusions on the feasibility report, with particular emphasis on areas of public controversy.

''(d) DURATION OF PROJECT REVIEWS.—A panel of experts shall complete its review of a feasibility report for an eligible project and transmit a report containing its evaluation of the project to the Secretary not later than 180 days after the date of establishment of the panel.

''(e) RECOMMENDATIONS OF PANEL.—After receiving a timely report on a project from a panel of experts under this section, the Secretary shall—

''(1) consider any recommendations contained in the evaluation;

''(2) make the evaluation available for public review; and

''(3) include a copy of the evaluation in any report transmitted to Congress concerning the project.

''(f) COSTS.—The cost of conducting a review of a project under this section shall not exceed $250,000 and shall be a Federal expense.

''(g) REPORT.—Not later than December 31, 2003, the Secretary shall transmit to Congress a report on the results of the pilot program together with the recommendations of the Secretary regarding continuation, expansion, and modification of the pilot program, including an assessment of the impact that a peer review program would have on the overall cost and length of project analyses and reviews associated with feasibility reports and an assessment of the benefits of peer review.

''(h) ELIGIBLE PROJECT DEFINED.—In this section, the term 'eligible project' means—

''(1) a water resources project that has an estimated total cost of more than $25,000,000, including mitigation costs; and

''(2) a water resources project—

''(A) that has an estimated total cost of $25,000,000 or less, including mitigation costs; and

''(B)(i) that the Secretary determines is subject to a substantial degree of public controversy; or

''(ii) to which an affected State objects.''.

SEC. 216. ENHANCED PUBLIC PARTICIPATION.

(a) IN GENERAL.—Section 905 of the Water Resources Development Act of 1986 (33 U.S.C. 2282) is amended by adding at the end the following:

''(e) ENHANCED PUBLIC PARTICIPATION.—

''(1) IN GENERAL.—The Secretary shall establish procedures to enhance public participation in the development of each feasibility study under subsection (a), including, if appropriate, establishment of a stakeholder advisory group to assist the Secretary with the development of the study.

''(2) MEMBERSHIP.—If the Secretary provides for the establishment of a stakeholder advisory group under this subsection, the membership of the advisory group shall include balanced representation of social, economic, and environmental interest groups, and such members shall serve on a voluntary, uncompensated basis.

''(3) LIMITATION.—Procedures established under this subsection shall not delay development of any feasibility study under subsection (a).''.

SEC. 217. MONITORING.

(a) IN GENERAL.—The Secretary shall conduct a monitoring program of the economic and environmental results of up to 5 eligible projects selected by the Secretary.

(b) DURATION.—The monitoring of a project selected by the Secretary under this section shall be for a period of not less than 12 years beginning on the date of its selection.

(c) REPORTS.—The Secretary shall transmit to Congress every 3 years a report on the performance of each project selected under this section.

(d) ELIGIBLE WATER RESOURCES PROJECT DEFINED.—In this section, the term ''eligible project'' means a water resources project, or separable element thereof—

(1) for which a contract for physical construction has not been awarded before the date of enactment of this Act;

(2) that has a total cost of more than $25,000,000; and

(3)(A) that has as a benefit-to-cost ratio of less than 1.5 to 1; or

(B) that has significant environmental benefits or significant environmental mitigation components.

(e) COSTS.—The cost of conducting monitoring under this section shall be a Federal expense.

SEC. 218. RECONNAISSANCE STUDIES.

Section 905(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2282(b)) is amended—

(1) in the second sentence by inserting after ''environmental impacts'' the following: ''(including whether a proposed project is likely to have environmental impacts that cannot be successfully or cost-effectively mitigated)''; and

(2) by inserting after the second sentence the following: ''The Secretary shall not recommend that a feasibility study be conducted for a project based on a reconnaissance study if the Secretary determines that the project is likely to have environmental impacts that cannot be successfully or cost-effectively mitigated.''.

SEC. 219. FISH AND WILDLIFE MITIGATION.

(a) DESIGN OF MITIGATION PROJECTS.—Section 906(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(a)) is amended—

(1) by striking ''(1)'' and inserting ''(A)''; and

(2) by striking ''(2)'' and inserting ''(B)'';

(3) by striking ''(d) After the date'' and inserting the following:

''(d) MITIGATION PLANS AS PART OF PROJECT PROPOSALS.—

''(1) IN GENERAL.—After the date'';

(4) by adding at the end the following:

''(2) DESIGN OF MITIGATION PROJECTS.—The Secretary shall design mitigation projects to reflect contemporary understanding of the science of mitigating the adverse environmental impacts of water resources projects.

''(3) RECOMMENDATION OF PROJECTS.—The Secretary shall not recommend a water resources project unless the Secretary determines that the adverse impacts of the project on aquatic resources and fish and wildlife can be cost-effectively and successfully mitigated.''; and

(5) by aligning the remainder of the text of paragraph (1) (as designated by paragraph (3) of this subsection) with paragraph (2) (as added by paragraph (4) of this subsection).

(b) CONCURRENT MITIGATION.—

(1) INVESTIGATION.—The Comptroller General shall conduct an investigation of the effectiveness of the concurrent mitigation requirements of section 906 of the Water Resources Development Act of 1986 (33 U.S.C. 2283). In conducting the investigation, the Comptroller General shall determine whether or not there are instances in which less than 50 percent of required mitigation is completed before initiation of project construction and the number of such instances.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall transmit to Congress a report on the results of the investigation.

SEC. 220. WETLANDS MITIGATION.

In carrying out a water resources project that involves wetlands mitigation and that has an impact that occurs within the service area of a mitigation bank, the Secretary, to the maximum extent practicable and where appropriate, shall give preference to the use of the mitigation bank if the bank contains sufficient available credits to offset the impact and the bank is approved in accordance with the Federal Guidance for the Establishment, Use and Operation of Mitigation Banks (60 Fed. Reg. 58605 (November 28, 1995)) or other applicable Federal law (including regulations).

SEC. 221. CREDIT TOWARD NON-FEDERAL SHARE OF NAVIGATION PROJECTS.

The second sentence of section 101(a)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(a)(2)) is amended—

(1) by striking ''paragraph (3) and'' and inserting ''paragraph (3),''; and

(2) by striking ''paragraph (4)'' and inserting ''paragraph (4), and the costs borne by the non-Federal interests in providing additional capacity at dredged material disposal areas, providing community access to the project (including such disposal areas), and meeting applicable beautification requirements''.

SEC. 222. MAXIMUM PROGRAM EXPENDITURES FOR SMALL FLOOD CONTROL PROJECTS.

Section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) is amended by striking ''$40,000,000'' and inserting ''$50,000,000''.

SEC. 223. FEASIBILITY STUDIES AND PLANNING, ENGINEERING, AND DESIGN.

Section 105(a)(1)(E) of the Water Resources Development Act of 1986 (33 U.S.C. 2215(a)(1)(E)) is amended by striking ''Not more than ½ of the'' and inserting ''The''.

SEC. 224. ADMINISTRATIVE COSTS OF LAND CONVEYANCES.

(a) IN GENERAL.—Notwithstanding any other provision of law, the administrative costs associated with the conveyance of property to a non-Federal governmental or nonprofit entity shall be limited to not more than 5 percent of the value of the property to be conveyed to such entity if the Secretary determines, based on the entity's ability to pay, that such limitation is necessary to complete the conveyance. The Federal cost associated with such limitation shall not exceed $70,000 for any one conveyance.

(b) SPECIFIC CONVEYANCE.—In carrying out subsection (a), the Secretary shall give priority consideration to the conveyance of 10 acres of Wister Lake project land to the Summerfield Cemetery Association, Wister, Oklahoma, authorized by section 563(f) of the Water Resources Development Act of 1999 (113 Stat. 359–360).

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $150,000 for fiscal years 2001 through 2003.

SEC. 225. DAM SAFETY.

(a) INVENTORY AND ASSESSMENT OF OTHER DAMS.—

(1) INVENTORY.—The Secretary shall establish an inventory of dams constructed by and using funds made available through the Works Progress Administration, the Works Projects Administration, and the Civilian Conservation Corps.

(2) ASSESSMENT OF REHABILITATION NEEDS.—In establishing the inventory required under paragraph (1), the Secretary shall also assess the condition of the dams on such inventory and the need for rehabilitation or modification of the dams.

(b) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report containing the inventory and assessment required by this section.

(c) INTERIM ACTIONS.—

(1) IN GENERAL.—If the Secretary determines that a dam referred to in subsection (a) presents an imminent and substantial risk to public safety, the Secretary is authorized to carry out measures to prevent or mitigate against such risk.

(2) EXCLUSION.—The assistance authorized under paragraph (1) shall not be available to dams under the jurisdiction of the Department of the Interior.

(3) FEDERAL SHARE.—The Federal share of the cost of assistance provided under this subsection shall be 65 percent of such cost.

(d) COORDINATION.—In carrying out this section, the Secretary shall coordinate with the appropriate State dam safety officials and the Director of the Federal Emergency Management Agency.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section a total of $25,000,000 for fiscal years beginning after September 30, 1999, of which not more than $5,000,000 may be expended on any one dam.

TITLE III—PROJECT-RELATED PROVISIONS

SEC. 301. NOGALES WASH AND TRIBUTARIES, NOGALES, ARIZONA.

The project for flood control, Nogales Wash and Tributaries, Nogales, Arizona, authorized by section 101(a)(4) of the Water Resources Development Act of 1990 (104 Stat. 4606), and modified by section 303 of the Water Resources Development Act of 1996 (110 Stat. 3711), is further modified to provide that the Federal share of the costs associated with addressing flood control problems in Nogales, Arizona, arising from floodwater flows originating in Mexico shall be 100 percent.

SEC. 302. JOHN PAUL HAMMERSCHMIDT VISITOR CENTER, FORT SMITH, ARKANSAS.

Section 103(e) of the Water Resources Development Act of 1992 (106 Stat. 4813) is amended—

(1) in the subsection heading by striking ''LAKE'' and inserting ''VISITOR CENTER''; and

(2) in paragraph (1) by striking ''at the John Paul Hammerschmidt Lake, Arkansas River, Arkansas'' and inserting ''on property provided by the city of Fort Smith, Arkansas, in such city''.

SEC. 303. GREERS FERRY LAKE, ARKANSAS.

The project for flood control, Greers Ferry Lake, Arkansas, authorized by the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and other purposes'', approved June 28, 1938 (52 Stat. 1218), is modified to authorize the Secretary to construct water intake facilities for the benefit of Lonoke and White Counties, Arkansas.

SEC. 304. TEN- AND FIFTEEN-MILE BAYOUS, ARKANSAS.

The project for flood control, Saint Francis River Basin, Missouri and Arkansas, authorized by section 204 of the Flood Control Act of 1950 (64 Stat. 172), is modified to expand the boundaries of the project to include Ten- and Fifteen-Mile Bayous near West Memphis, Arkansas. Notwithstanding section 103(f) of the Water Resources Development Act of 1986 (100 Stat. 4086), the flood control work at Ten- and Fifteen-Mile Bayous shall not be considered separable elements of the project.

SEC. 305. CACHE CREEK BASIN, CALIFORNIA.

The project for flood control, Cache Creek Basin, California, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4112), is modified to direct the Secretary to evaluate the impacts of the new south levee of the Cache Creek settling basin on the city of Woodland's storm drainage system and to mitigate such impacts at Federal expense and a total cost of $2,800,000.

SEC. 306. LARKSPUR FERRY CHANNEL, LARKSPUR, CALIFORNIA.

The project for navigation, Larkspur Ferry Channel, Larkspur, California, authorized by section 601(d) of the Water Resources Development Act of 1986 (100 Stat. 4148), is modified to direct the Secretary to prepare a limited reevaluation report to determine whether maintenance of the project is technically sound, environmentally acceptable, and economically justified. If the Secretary determines that maintenance of the project is technically sound, environmentally acceptable, and economically justified, the Secretary shall carry out the maintenance.

SEC. 307. NORCO BLUFFS, RIVERSIDE COUNTY, CALIFORNIA.

Section 101(b)(4) of the Water Resources Development Act of 1996 (110 Stat. 3667) is amended by striking ''$8,600,000'' and all that follows through ''$2,150,000'' and inserting ''$15,000,000, with an estimated Federal cost of $11,250,000 and an estimated non-Federal cost of $3,750,000''.

SEC. 308. SACRAMENTO DEEP WATER SHIP CHANNEL, CALIFORNIA.

The project for navigation, Sacramento Deep Water Ship Channel, California, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4092), is modified to authorize the Secretary to provide credit to the non-Federal interest toward the non-Federal share of the cost of the project for the value of dredged material from the project that is purchased by public agencies or nonprofit entities for environmental restoration or other beneficial uses.

SEC. 309. SACRAMENTO RIVER, GLENN-COLUSA, CALIFORNIA.

The project for flood control, Sacramento River, California, authorized by section 2 of the Act entitled ''An Act to provide for the control of the floods of the Mississippi River and of the Sacramento River, California, and for other purposes'', approved March 1, 1917 (39 Stat. 949), and modified by section 102 of the Energy and Water Development Appropriations Act, 1990 (103 Stat. 649), section 301(b)(3) of the Water Resources Development Act of 1996 (110 Stat. 3110), title I of the Energy and Water Development Appropriations Act, 1999 (112 Stat. 1841), and section 305 of the Water Resources Development Act of 1999 (113 Stat. 299), is further modified to direct the Secretary to provide the non-Federal interest a credit of up to $4,000,000 toward the non-Federal share of the cost of the project for direct and indirect costs incurred by the non-Federal interest in carrying out activities (including the provision of lands, easements, rights-of-way, relocations, and dredged material disposal areas) associated with environmental compliance for the project if the Secretary determines that the activities are integral to the project. If any of such costs were incurred by the non-Federal interests before execution of the project cooperation agreement, the Secretary may reimburse the non-Federal interest for such pre-agreement costs instead of providing a credit for such pre-agreement costs to the extent that the amount of the credit exceeds the remaining non-Federal share of the cost of the project.

SEC. 310. UPPER GUADALUPE RIVER, CALIFORNIA.

The project for flood damage reduction and recreation, Upper Guadalupe River, California, authorized by section 101(a)(9) of the Water Resources Development Act of 1999 (113 Stat. 275), is modified to provide that the non-Federal share of the cost of the project shall be 50 percent, with an estimated Federal cost and non-Federal cost of $70,164,000 each.

SEC. 311. BREVARD COUNTY, FLORIDA.

(a) INCLUSION OF REACH.—The project for shoreline protection, Brevard County, Florida, authorized by section 101(b)(7) of the Water Resources Development Act of 1996 (110 Stat. 3667), is modified to provide that, notwithstanding section 902 of the Water Resources Development Act of 1986, the Secretary may incorporate in the project any or all of the 7.1-mile reach of the project that was deleted from the south reach of the project, as described in paragraph (5) of the Report of the Chief of Engineers, dated December 23, 1996, if the Secretary determines, in coordination with appropriate local, State, and Federal agencies, that the project as modified is technically sound, environmentally acceptable, and economically justified.

(b) CLARIFICATION.—Section 310(a) of the Water Resources Development Act of 1999 (113 Stat. 301) is amended by inserting ''shoreline associated with the'' after ''damage to the''.

SEC. 312. FERNANDINA HARBOR, FLORIDA.

The project for navigation, Fernandina Harbor, Florida, authorized by the first section of the Act entitled ''An Act making appropriations for the construction, repair, completion, and preservation of certain works on rivers and harbors, and for other purposes'', approved June 14, 1880 (21 Stat.

186), is modified to authorize the Secretary to realign the access channel in the vicinity of the Fernandina Beach Municipal Marina 100 feet to the west. The cost of the realignment, including acquisition of lands, easements, rights-of-way, and dredged material disposal areas and relocations, shall be a non-Federal expense.

SEC. 313. TAMPA HARBOR, FLORIDA.

The project for navigation, Tampa Harbor, Florida, authorized by section 4 of the Rivers and Harbors Act of September 22, 1922 (42 Stat. 1042), is modified to authorize the Secretary to deepen and widen the Alafia Channel in accordance with the plans described in the Draft Feasibility Report, Alafia River, Tampa Harbor, Florida, dated May 2000, at a total cost of $61,592,000, with an estimated Federal cost of $39,621,000 and an estimated non-Federal cost of $21,971,000.

SEC. 314. EAST SAINT LOUIS AND VICINITY, ILLINOIS.

The project for flood protection, East Saint Louis and vicinity, Illinois (East Side levee and sanitary district), authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1082), is modified to include ecosystem restoration as a project purpose.

SEC. 315. KASKASKIA RIVER, KASKASKIA, ILLINOIS.

The project for navigation, Kaskaskia River, Kaskaskia, Illinois, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1175), is modified to include recreation as a project purpose.

SEC. 316. WAUKEGAN HARBOR, ILLINOIS.

The project for navigation, Waukegan Harbor, Illinois, authorized by the first section of the Act entitled ''An Act making appropriations for the construction, repair, completion, and preservation of certain works on rivers and harbors, and for other purposes'', approved June 14, 1880 (21 Stat. 192), is modified to authorize the Secretary to extend the upstream limit of the project 275 feet to the north at a width of 375 feet if the Secretary determines that the extension is feasible.

SEC. 317. CUMBERLAND, KENTUCKY.

Using continuing contracts, the Secretary shall initiate construction of the flood control project, Cumberland, Kentucky, authorized by section 202(a) of the Energy and Water Development Appropriations Act, 1981 (94 Stat. 1339), in accordance with option 4 contained in the draft detailed project report of the Nashville District, dated September 1998, to provide flood protection from the 100-year frequency flood event and to share all costs in accordance with section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).

SEC. 318. LOCK AND DAM 10, KENTUCKY RIVER, KENTUCKY.

(a) IN GENERAL.—The Secretary may take all necessary measures to further stabilize and renovate Lock and Dam 10 at Boonesborough, Kentucky, with the purpose of extending the design life of the structure by an additional 50 years, at a total cost of $24,000,000, with an estimated Federal cost of $12,000,000 and an estimated non-Federal cost of $12,000,000.

(b) DEFINITIONS.—For purposes of this section, the term ''stabilize and renovate'' includes the following activities: stabilization of the main dam, auxiliary dam and lock; renovation of all operational aspects of the lock; and elevation of the main and auxiliary dams.

SEC. 319. SAINT JOSEPH RIVER, SOUTH BEND, INDIANA.

Section 321(a) of the Water Resources Development Act of 1999 (113 Stat. 303) is amended—

(1) in the subsection heading by striking ''TOTAL'' and inserting ''FEDERAL''; and

(2) by striking ''total'' and inserting ''Federal''.

SEC. 320. MAYFIELD CREEK AND TRIBUTARIES, KENTUCKY.

The project for flood control, Mayfield Creek and tributaries, Kentucky, carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), is modified to provide that the non-Federal interest shall not be required to pay the unpaid balance, including interest, of the non-Federal share of the cost of the project.

SEC. 321. AMITE RIVER AND TRIBUTARIES, EAST BATON ROUGE PARISH, LOUISIANA.

The project for flood damage reduction and recreation, Amite River and Tributaries, East Baton Rouge Parish, Louisiana, authorized by section 101(a)(21) of the Water Resources Development Act of 1999 (113 Stat. 277), is modified to provide that cost sharing for the project shall be determined in accordance with section 103(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2213), as in effect on October 11, 1996.

SEC. 322. ATCHAFALAYA BASIN FLOODWAY SYSTEM, LOUISIANA.

The Atchafalaya Basin Floodway System project, authorized by section 601 of the Water Resources Development Act of 1986 (100 Stat. 4142), is modified to authorize the Secretary to construct the visitor center and other recreational features identified in the 1982 project feasibility report of the Corps of Engineers at or near the Lake End Park in Morgan City, Louisiana.

SEC. 323. ATCHAFALAYA RIVER, BAYOUS CHENE, BOEUF, AND BLACK, LOUISIANA.

The project for navigation Atchafalaya River and Bayous Chene, Boeuf, and Black, Louisiana, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731), is modified to direct the Secretary to investigate the problems associated with the mixture of freshwater, saltwater, and fine river silt in the channel and to develop and carry out a solution to the problem if the Secretary determines that the work is technically sound, environmentally acceptable, and economically justified.

SEC. 324. RED RIVER WATERWAY, LOUISIANA.

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

SEC. 325. THOMASTON HARBOR, GEORGES RIVER, MAINE.

The project for navigation, Georges River, Maine (Thomaston Harbor), authorized by the first section of the Act entitled ''An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved June 3, 1896 (29 Stat. 215), is modified to redesignate the following portion of the project as an anchorage area: The portion lying northwesterly of a line commencing at point N86,946.770, E321,303.830 thence running northeasterly about 203.67 feet to a point N86,994.750, E321,501.770.

SEC. 326. BRECKENRIDGE, MINNESOTA.

(a) MAXIMUM FEDERAL EXPENDITURE.—The maximum amount of Federal funds that may be expended for the project for flood control, Breckenridge, Minnesota, carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), shall be $10,500,000.

(b) REVISION OF PROJECT COOPERATION AGREEMENT.—The Secretary shall revise the project cooperation agreement for the project described in subsection (a) to take into account the change in the Federal participation in the project in accordance with this section.

SEC. 327. DULUTH HARBOR, MINNESOTA.

The project for navigation, Duluth Harbor, Minnesota, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), is modified to include the relocation of Scenic Highway 61, including any required bridge construction.

SEC. 328. LITTLE FALLS, MINNESOTA.

The project for clearing, snagging, and sediment removal, East Bank of the Mississippi River, Little Falls, Minnesota, authorized under section 3 of the Act entitled ''An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved March 2, 1945 (33 U.S.C. 603a), is modified to direct the Secretary to construct the project substantially in accordance with the plans contained in the feasibility report of the District Engineer, dated June 2000.

SEC. 329. POPLAR ISLAND, MARYLAND.

(a) IN GENERAL.—The project for beneficial use of dredged material at Poplar Island, Maryland, authorized by section 537 of the Water Resources Development Act of 1996 (110 Stat. 3776), is modified to authorize the Secretary to provide the non-Federal interest credit toward cash contributions required—

(1) before and during construction of the project, for the costs of planning, engineering, and design and for construction management work that is performed by the non-Federal interest and that the Secretary determines is necessary to implement the project; and

(2) during construction of the project, for the costs of the construction that the non-Federal interest carries out on behalf of the Secretary and that the Secretary determines is necessary to carry out the project.

(b) REDUCTION.—The private sector performance goals for engineering work of the Baltimore District of the Corps of Engineers shall be reduced by the amount of the credit under paragraph (1).

SEC. 330. GREEN BROOK SUB-BASIN, RARITAN RIVER BASIN, NEW JERSEY.

The project for flood control, Green Brook Sub-Basin, Raritan River Basin, New Jersey, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4119), is modified to direct the Secretary to prepare a limited reevaluation report to determine the feasibility of carrying out a nonstructural flood damage reduction project at the Green Brook Sub-Basin. If the Secretary determines that the nonstructural project is feasible, the Secretary may carry out the nonstructural project.

SEC. 331. NEW YORK HARBOR AND ADJACENT CHANNELS, PORT JERSEY, NEW JERSEY.

The project for navigation, New York Harbor and adjacent channels, Port Jersey, New Jersey, authorized by section 202(b) of the Water Resources Development Act of 1986 (100 Stat. 4098) and modified by section 337 of the Water Resources Development Act of

1999 (113 Stat. 306–307), is further modified to authorize the Secretary to provide the non-Federal interests credit toward cash contributions required—

(1) before, during, and after construction for planning, engineering and design, and construction management work that is performed by the non-Federal interests and that the Secretary determines is necessary to implement the project; and

(2) during and after construction for the costs of construction that the non-Federal interests carry out on behalf of the Secretary and that the Secretary determines is necessary to implement the project.

SEC. 332. PASSAIC RIVER BASIN FLOOD MANAGEMENT, NEW JERSEY.

(a) REEVALUATION OF FLOODWAY STUDY.—The Secretary shall review the Passaic River Floodway Buyout Study, dated October 1995, conducted as part of the project for flood control, Passaic River Main Stem, New Jersey and New York, authorized by section 101(a)(18) of the Water Resources Development Act of 1990 (104 Stat. 4607–4610), to calculate the benefits of a buyout and environmental restoration using the method used to calculate the benefits of structural projects under section 308(b) of the Water Resources Development Act of 1990 (33 U.S.C. 2318(b)).

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

(c) PRESERVATION OF NATURAL STORAGE AREAS.—

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

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

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

(e) PASSAIC RIVER FLOOD MANAGEMENT TASK FORCE.—

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

(2) MEMBERSHIP.—The task force shall be composed of 22 members, appointed as follows:

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

(B) APPOINTMENTS BY GOVERNOR OF NEW JERSEY.—The Governor of New Jersey shall appoint 20 members to the task force, as follows:

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

(ii) 3 representatives of the State of New Jersey.

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

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

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

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

(vii) 1 representative of each of—

(I) the Association of New Jersey Environmental Commissions;

(II) the Passaic River Coalition; and

(III) the Sierra Club.

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

(3) MEETINGS.—

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

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

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

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

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

(f) ACQUISITION OF LANDS IN THE FLOODWAY.—Section 1148 of the Water Resources Development Act of 1986 (100 Stat. 4254; 110 Stat. 3718–3719), is amended by adding at the end the following:

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

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

(h) RESTRICTION ON USE OF FUNDS.—The Secretary shall not obligate any funds to carry out design or construction of the tunnel element of the Passaic River Main Stem project.

SEC. 333. TIMES BEACH NATURE PRESERVE, BUFFALO, NEW YORK.

The project for improving the quality of the environment, Times Beach Nature Preserve, Buffalo, New York, carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), is modified to include recreation as a project purpose.

SEC. 334. GARRISON DAM, NORTH DAKOTA.

The Garrison Dam, North Dakota, feature of the project for flood control, Missouri River Basin, authorized by section 9(a) of the Flood Control Act of December 22, 1944 (58 Stat. 891), is modified to direct the Secretary to mitigate damage to the water transmission line for Williston, North Dakota, at Federal expense and a total cost of $3,900,000.

SEC. 335. DUCK CREEK, OHIO.

The project for flood control, Duck Creek, Ohio, authorized by section 101(a)(24) of the Water Resources Development Act of 1996 (110 Stat. 3665), is modified to authorize the Secretary carry out the project at a total cost of $36,323,000, with an estimated Federal cost of $27,242,000 and an estimated non-Federal cost of $9,081,000.

SEC. 336. ASTORIA, OREGON.

The project for navigation, Columbia River, Astoria, Oregon, authorized by the first section of the Act entitled ''An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved July 24, 1946 (60 Stat. 637), is modified to provide that the Federal share of the cost of relocating causeway and mooring facilities located at the Astoria East Boat Basin shall be 100 percent but shall not exceed $500,000.

SEC. 337. NONCONNAH CREEK, TENNESSEE AND MISSISSIPPI.

The project for flood control, Nonconnah Creek, Tennessee and Mississippi, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4124), is modified to authorize the Secretary, if the Secretary determines that it is feasible—

(1) to extend the area protected by the flood control element of the project upstream approximately 5 miles to Reynolds Road; and

(2) to extend the hiking and biking trails of the recreational element of the project from 8.8 to 27 miles.

SEC. 338. BOWIE COUNTY LEVEE, TEXAS.

The project for flood control, Red River below Denison Dam, Texas and Oklahoma, authorized by section 10 of the Flood Control Act of 1946 (60 Stat. 647), is modified to direct the Secretary to implement the Bowie County levee feature of the project in accordance with the plan described as Alternative B in the draft document entitled ''Bowie County Local Flood Protection, Red River, Texas Project Design Memorandum No. 1, Bowie County Levee'', dated April 1997. In evaluating and implementing the modification, the Secretary shall allow the non-Federal interest to participate in the financing of the project in accordance with section 903(c) of the Water Resources Development Act of 1986 (100 Stat. 4184) to the extent that the Secretary's evaluation of the modification indicates that applying such section is necessary to implement the modification.

SEC. 339. SAN ANTONIO CHANNEL, SAN ANTONIO, TEXAS.

The project for flood control, San Antonio channel, Texas, authorized by section 203 of the Flood Control Act of 1954 (68 Stat. 1259) as part of the comprehensive plan for flood protection on the Guadalupe and San Antonio Rivers in Texas, and modified by section 103 of the Water Resources Development Act of 1976 (90 Stat. 2921), is further modified to include environmental restoration and recreation as project purposes.

SEC. 340. BUCHANAN AND DICKENSON COUNTIES, VIRGINIA.

The project for flood control, Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River, authorized by section 202 of the Energy and Water Development Appropriations Act, 1981 (94 Stat. 1339), and modified by section 352 of the Water Resources Development Act of 1996 (110 Stat. 3724–3725), is further modified to direct the

Secretary to determine the ability of Buchanan and Dickenson Counties, Virginia, to pay the non-Federal share of the cost of the project based solely on the criteria specified in section 103(m)(3)(A)(i) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)(3)(A)(i)).

SEC. 341. BUCHANAN, DICKENSON, AND RUSSELL COUNTIES, VIRGINIA.

At the request of the John Flannagan Water Authority, Dickenson County, Virginia, the Secretary may reallocate, under section 322 of the Water Resources Development Act of 1990 (104 Stat. 4643–4644), water supply storage space in the John Flannagan Reservoir, Dickenson County, Virginia, sufficient to yield water withdrawals in amounts not to exceed 3,000,000 gallons per day in order to provide water for the communities in Buchanan, Dickenson, and Russell Counties, Virginia, notwithstanding the limitation in section 322(b) of such Act.

SEC. 342. SANDBRIDGE BEACH, VIRGINIA BEACH, VIRGINIA.

The project for beach erosion control and hurricane protection, Sandbridge Beach, Virginia Beach, Virginia, authorized by section 101(22) of the Water Resources Development Act of 1992 (106 Stat. 4804), is modified to direct the Secretary to provide 50 years of periodic beach nourishment beginning on the date on which construction of the project was initiated in 1998.

SEC. 343. WALLOPS ISLAND, VIRGINIA.

Section 567(c) of the Water Resources Development Act of 1999 (113 Stat. 367) is amended by striking ''$8,000,000'' and inserting ''$20,000,000''.

SEC. 344. COLUMBIA RIVER, WASHINGTON.

(a) IN GENERAL.—The project for navigation, Columbia River, Washington, authorized by the first section of the Act entitled ''An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved June 13, 1902 (32 Stat. 369), is modified to direct the Secretary, in the operation and maintenance of the project, to mitigate damages to the shoreline of Puget Island, at a total cost of $1,000,000.

(b) ALLOCATION.—The cost of the mitigation shall be allocated as an operation and maintenance cost of the Federal navigation project.

SEC. 345. MOUNT ST. HELENS, WASHINGTON.

The project for sediment control, Mount St. Helens, Washington, authorized by chapter IV of title I of the Supplemental Appropriations Act, 1985 (99 Stat. 318–319), is modified to authorize the Secretary to provide such cost-effective, environmentally acceptable measures as are necessary to maintain the flood protection levels for Longview, Kelso, Lexington, and Castle Rock on the Cowlitz River, Washington, identified in the October 1985 report of the Chief of Engineers entitled ''Mount St. Helens, Washington, Decision Document (Toutle, Cowlitz, and Columbia Rivers)'', printed as House Document number 99–135.

SEC. 346. RENTON, WASHINGTON.

(a) MAXIMUM FEDERAL EXPENDITURE.—The maximum amount of Federal funds that may be expended for the project for flood control, Renton, Washington, carried out under section 205 of the Flood Control Act of 1948, shall be $5,300,000.

(b) REVISION OF PROJECT COOPERATION AGREEMENT.—The Secretary shall revise the project cooperation agreement for the project described in subsection (a) to take into account the change in the Federal participation in the project in accordance with this section.

(c) REIMBURSEMENT.—The Secretary may reimburse the non-Federal interest for the project described in subsection (a) for costs incurred to mitigate overdredging.

SEC. 347. GREENBRIER BASIN, WEST VIRGINIA.

Section 579(c) of the Water Resources Development Act of 1996 (110 Stat. 3790) is amended by striking ''$12,000,000'' and inserting ''$73,000,000''.

SEC. 348. LOWER MUD RIVER, MILTON, WEST VIRGINIA.

The project for flood damage reduction, Lower Mud River, Milton, West Virginia, authorized by section 580 of the Water Resources Development Act of 1996 (110 Stat. 3790), is modified to direct the Secretary to carry out the project substantially in accordance with the plans, and subject to the conditions, described in the watershed plan prepared by the Natural Resources Conservation Service for the project, dated 1992.

SEC. 349. WATER QUALITY PROJECTS.

Section 307(a) of the Water Resources Development Act of 1992 (106 Stat. 4841) is amended by striking ''Jefferson and Orleans Parishes'' and inserting ''Jefferson, Orleans, and St. Tammany Parishes''.

SEC. 350. PROJECT REAUTHORIZATIONS.

(a) IN GENERAL.—Each of the following projects may be carried out by the Secretary, and no construction on any such project may be initiated until the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified, as appropriate:

(1) NARRAGUAGUS RIVER, MILBRIDGE, MAINE.—Only for the purpose of maintenance as anchorage, those portions of the project for navigation, Narraguagus River, Milbridge, Maine, authorized by section 2 of the Act entitled ''An Act making appropriations for the construction, repair, completion, and preservation of certain works on rivers and harbors, and for other purposes'', approved June 14, 1880 (21 Stat. 195), and deauthorized under section 101 of the River and Harbor Act of 1962 (75 Stat. 1173), lying adjacent to and outside the limits of the 11-foot and 9-foot channel authorized as part of the project for navigation, authorized by such section 101, as follows:

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

(B) An area located west of the 9-foot channel starting at a point with coordinates N249,673.29, E667,537.73, thence running south 20 degrees 09 minutes 57.8 seconds east 1341.616 feet to a point N248,413.92, E668,000.24, thence running south 01 degrees 04 minutes 26.8 seconds east 371.688 feet to a point N248,042.30, E668,007.21, thence running north 22 degrees 21 minutes 20.8 seconds west 474.096 feet to a point N248,480.76, E667,826.88, thence running north 79 degrees 09 minutes 31.6 seconds east 100.872 feet to a point N248,499.73, E667,925.95, thence running north 13 degrees 47 minutes 27.6 seconds west 95.126 feet to a point N248,592.12, E667,903.28, thence running south 79 degrees 09 minutes 31.6 seconds west 115.330 feet to a point N248,570.42, E667,790.01, thence running north 22 degrees 21 minutes 20.8 seconds west 816.885 feet to a point N249,325.91, E667,479.30, thence running north 07 degrees 03 minutes 00.3 seconds west 305.680 feet to a point N249,629.28, E667,441.78, thence running north 65 degrees 21 minutes 33.8 seconds east 105.561 feet to the point of origin.

(2) CEDAR BAYOU, TEXAS.—The project for navigation, Cedar Bayou, Texas, authorized by the first section of the Act entitled ''An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved September 19, 1890 (26 Stat. 444), and modified by the first section of the Act entitled ''An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved July 3, 1930 (46 Stat. 926), and deauthorized by section 1002 of the Water Resources Development Act of 1986 (100 Stat. 4219), except that the project is authorized only for construction of a navigation channel 12 feet deep by 125 feet wide from mile −2.5 (at the junction with the Houston Ship Channel) to mile 11.0 on Cedar Bayou.

(b) REDESIGNATION.—The following portion of the 11-foot channel of the project for navigation, Narraguagus River, Milbridge, Maine, referred to in subsection (a)(1) is redesignated as anchorage: starting at a point with coordinates N248,413.92, E668,000.24, thence running south 20 degrees 09 minutes 57.8 seconds east 1325.205 feet to a point N247,169.95, E668,457.09, thence running north 51 degrees 30 minutes 05.7 seconds west 562.33 feet to a point N247,520.00, E668,017.00, thence running north 01 degrees 04 minutes 26.8 seconds west 894.077 feet to the point of origin.

SEC. 351. CONTINUATION OF PROJECT AUTHORIZATIONS.

(a) IN GENERAL.—Notwithstanding section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)), the following projects shall remain authorized to be carried out by the Secretary:

(1) The projects for flood control, Sacramento River, California, modified by section 10 of the Flood Control Act of December 22, 1944 (58 Stat. 900–901).

(2) The project for flood protection, Sacramento River from Chico Landing to Red Bluff, California, authorized by section 203 of the Flood Control Act of 1958 (72 Stat. 314).

(b) LIMITATION.—A project described in subsection (a) shall not be authorized for construction after the last day of the 7-year period beginning on the date of enactment of this Act, unless, during such period, funds have been obligated for the construction (including planning and design) of the project.

SEC. 352. DECLARATION OF NONNAVIGABILITY FOR LAKE ERIE, NEW YORK.

(a) AREA TO BE DECLARED NONNAVIGABLE; PUBLIC INTEREST.—Unless the Secretary finds, after consultation with local and regional public officials (including local and regional public planning organizations), that the proposed projects to be undertaken within the boundaries in the portions of Erie County, New York, described in subsection (b), are not in the public interest then, subject to subsection (c), those portions of such county that were once part of Lake Erie and are now filled are declared to be nonnavigable waters of the United States.

(b) BOUNDARIES.—The portion of Erie County, New York, referred to in subsection (a) are all that tract or parcel of land, situate in the Town of Hamburg and the City of Lackawanna, County of Erie, State of New York, being part of Lots 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, and 25 of the Ogden Gore Tract and part of Lots 23, 24, and 36 of the Buffalo Creek Reservation, Township 10,

Range 8 of the Holland Land Company's Survey and more particularly bounded and described as follows:

Beginning at a point on the westerly highway boundary of Hamburg Turnpike (66.0 feet wide), said point being 547.89 feet South 19°36′46″ East from the intersection of the westerly highway boundary of Hamburg Turnpike (66.0 feet wide) and the northerly line of the City of Lackawanna (also being the southerly line of the City of Buffalo); thence South 19°36′46″ East along the westerly highway boundary of Hamburg Turnpike (66.0 feet wide) a distance of 628.41 feet; thence along the westerly highway boundary of Hamburg Turnpike as appropriated by the New York State Department of Public Works as shown on Map No. 40–R2, Parcel No. 44 the following 20 courses and distances:

(1) South 10°00′07″ East a distance of 164.30 feet;

(2) South 18°40′45″ East a distance of 355.00 feet;

(3) South 71°23′35″ West a distance of 2.00 feet;

(4) South 18°40′45″ East a distance of 223.00 feet;

(5) South 22°29′36″ East a distance of 150.35 feet;

(6) South 18°40′45″ East a distance of 512.00 feet;

(7) South 16°49′53″ East a distance of 260.12 feet;

(8) South 18°34′20″ East a distance of 793.00 feet;

(9) South 71°23′35″ West a distance of 4.00 feet;

(10) South 18°13′24″ East a distance of 132.00 feet;

(11) North 71°23′35″ East a distance of 4.67 feet;

(12) South 18°30′00″ East a distance of 38.00 feet;

(13) South 71°23′35″ West a distance of 4.86 feet;

(14) South 18°13′24″ East a distance of 160.00 feet;

(15) South 71°23′35″ East a distance of 9.80 feet;

(16) South 18°36′25″ East a distance of 159.00 feet;

(17) South 71°23′35″ West a distance of 3.89 feet;

(18) South 18°34′20″ East a distance of 180.00 feet;

(19) South 20°56′05″ East a distance of 138.11 feet;

(20) South 22°53′55″ East a distance of 272.45 feet to a point on the westerly highway boundary of Hamburg Turnpike.

Thence southerly along the westerly highway boundary of Hamburg Turnpike, South 18°36′25″ East, a distance of 2228.31 feet; thence along the westerly highway boundary of Hamburg Turnpike as appropriated by the New York State Department of Public Works as shown on Map No. 27 Parcel No. 31 the following 2 courses and distances:

(1) South 16°17′25″ East a distance of 74.93 feet;

(2) along a curve to the right having a radius of 1004.74 feet; a chord distance of 228.48 feet along a chord bearing of South 08°12′16″ East, a distance of 228.97 feet to a point on the westerly highway boundary of Hamburg Turnpike.

Thence southerly along the westerly highway boundary of Hamburg Turnpike, South 4°35′35″ West a distance of 940.87 feet; thence along the westerly highway boundary of Hamburg Turnpike as appropriated by the New York State Department of Public Works as shown on Map No. 1 Parcel No. 1 and Map No. 5 Parcel No. 7 the following 18 courses and distances:

(1) North 85°24′25″ West a distance of 1.00 feet;

(2) South 7°01′17″ West a distance of 170.15 feet;

(3) South 5°02′54″ West a distance of 180.00 feet;

(4) North 85°24′25″ West a distance of 3.00 feet;

(5) South 5°02′54″ West a distance of 260.00 feet;

(6) South 5°09′11″ West a distance of 110.00 feet;

(7) South 0°34′35″ West a distance of 110.27 feet;

(8) South 4°50′37″ West a distance of 220.00 feet;

(9) South 4°50′37″ West a distance of 365.00 feet;

(10) South 85°24′25″ East a distance of 5.00 feet;

(11) South 4°06′20″ West a distance of 67.00 feet;

(12) South 6°04′35″ West a distance of 248.08 feet;

(13) South 3°18′27″ West a distance of 52.01 feet;

(14) South 4°55′58″ West a distance of 133.00 feet;

(15) North 85°24′25″ West a distance of 1.00 feet;

(16) South 4°55′58″ West a distance of 45.00 feet;

(17) North 85°24′25″ West a distance of 7.00 feet;

(18) South 4°56′12″ West a distance of 90.00 feet.

Thence continuing along the westerly highway boundary of Lake Shore Road as appropriated by the New York State Department of Public Works as shown on Map No. 7, Parcel No. 7 the following 2 courses and distances:

(1) South 4°55′58″ West a distance of 127.00 feet;

(2) South 2°29′25″ East a distance of 151.15 feet to a point on the westerly former highway boundary of Lake Shore Road.

Thence southerly along the westerly formerly highway boundary of Lake Shore Road, South 4°35′35″ West a distance of 148.90 feet; thence along the westerly highway boundary of Lake Shore Road as appropriated by the New York State Department of Public Works as shown on Map No. 7, Parcel No. 8 the following 3 courses and distances:

(1) South 55°34′35″ West a distance of 12.55 feet;

(2) South 4°35′35″ West a distance of 118.50 feet;

(3) South 3°04′00″ West a distance of 62.95 feet to a point on the south line of the lands of South Buffalo Railway Company.

Thence southerly and easterly along the lands of South Buffalo Railway Company the following 5 courses and distances:

(1) North 89°25′14″ West a distance of 697.64 feet;

(2) along a curve to the left having a radius of 645.0 feet; a chord distance of 214.38 feet along a chord bearing of South 40°16′48″ West, a distance of 215.38 feet;

(3) South 30°42′49″ West a distance of 76.96 feet;

(4) South 22°06′03″ West a distance of 689.43 feet;

(5) South 36°09′23″ West a distance of 30.93 feet to the northerly line of the lands of Buffalo Crushed Stone, Inc.

Thence North 87°13′38″ West a distance of 2452.08 feet to the shore line of Lake Erie; thence northerly along the shore of Lake Erie the following 43 courses and distances:

(1) North 16°29′53″ West a distance of 267.84 feet;

(2) North 24°25′00″ West a distance of 195.01 feet;

(3) North 26°45′00″ West a distance of 250.00 feet;

(4) North 31°15′00″ West a distance of 205.00 feet;

(5) North 21°35′00″ West a distance of 110.00 feet;

(6) North 44°00′53″ West a distance of 26.38 feet;

(7) North 33°49′18″ West a distance of 74.86 feet;

(8) North 34°26′26″ West a distance of 12.00 feet;

(9) North 31°06′16″ West a distance of 72.06 feet;

(10) North 22°35′00″ West a distance of 150.00 feet;

(11) North 16°35′00″ West a distance of 420.00 feet;

(12) North 21°10′00″ West a distance of 440.00 feet;

(13) North 17°55′00″ West a distance of 340.00 feet;

(14) North 28°05′00″ West a distance of 375.00 feet;

(15) North 16°25′00″ West a distance of 585.00 feet;

(16) North 22°10′00″ West a distance of 160.00 feet;

(17) North 2°46′36″ West a distance of 65.54 feet;

(18) North 16°01′08″ West a distance of 70.04 feet;

(19) North 49°07′00″ West a distance of 79.00 feet;

(20) North 19°16′00″ West a distance of 425.00 feet;

(21) North 16°37′00″ West a distance of 285.00 feet;

(22) North 25°20′00″ West a distance of 360.00 feet;

(23) North 33°00′00″ West a distance of 230.00 feet;

(24) North 32°40′00″ West a distance of 310.00 feet;

(25) North 27°10′00″ West a distance of 130.00 feet;

(26) North 23°20′00″ West a distance of 315.00 feet;

(27) North 18°20′04″ West a distance of 302.92 feet;

(28) North 20°15′48″ West a distance of 387.18 feet;

(29) North 14°20′00″ West a distance of 530.00 feet;

(30) North 16°40′00″ West a distance of 260.00 feet;

(31) North 28°35′00″ West a distance of 195.00 feet;

(32) North 18°30′00″ West a distance of 170.00 feet;

(33) North 26°30′00″ West a distance of 340.00 feet;

(34) North 32°07′52″ West a distance of 232.38 feet;

(35) North 30°04′26″ West a distance of 17.96 feet;

(36) North 23°19′13″ West a distance of 111.23 feet;

(37) North 7°07′58″ West a distance of 63.90 feet;

(38) North 8°11′02″ West a distance of 378.90 feet;

(39) North 15°01′02″ West a distance of 190.64 feet;

(40) North 2°55′00″ West a distance of 170.00 feet;

(41) North 6°45′00″ West a distance of 240.00 feet;

(42) North 0°10′00″ East a distance of 465.00 feet;

(43) North 2°00′38″ West a distance of 378.58 feet to the northerly line of Letters Patent dated February 21, 1968 and recorded in the Erie County Clerk's Office under Liber 7453 of Deeds at Page 45.

Thence North 71°23′35″ East along the north line of the aforementioned Letters Patent a distance of 154.95 feet to the shore line; thence along the shore line the following 6 courses and distances:

(1) South 80°14′01″ East a distance of 119.30 feet;

(2) North 46°15′13″ East a distance of 47.83 feet;

(3) North 59°53′02″ East a distance of 53.32 feet;

(4) North 38°20′43″ East a distance of 27.31 feet;

(5) North 68°12′46″ East a distance of 48.67 feet;

(6) North 26°11′47″ East a distance of 11.48 feet to the northerly line of the aforementioned Letters Patent.

Thence along the northerly line of said Letters Patent, North 71°23′35″ East a distance of 1755.19 feet; thence South 35°27′25″ East a distance of 35.83 feet to a point on the U.S. Harbor Line; thence, North 54°02′35″ East along the U.S. Harbor Line a distance of 200.00 feet; thence continuing along the U.S. Harbor Line, North 50°01′45″ East a distance of 379.54 feet to the westerly line of the lands of Gateway Trade Center, Inc.; thence along the lands of Gateway Trade Center, Inc. the following 27 courses and distances:

(1) South 18°44′53″ East a distance of 623.56 feet;

(2) South 34°33′00″ East a distance of 200.00 feet;

(3) South 26°18′55″ East a distance of 500.00 feet;

(4) South 19°06′40″ East a distance of 1074.29 feet;

(5) South 28°03′18″ East a distance of 242.44 feet;

(6) South 18°38′50″ East a distance of 1010.95 feet;

(7) North 71°20′51″ East a distance of 90.42 feet;

(8) South 18°49′20″ East a distance of 158.61 feet;

(9) South 80°55′10″ East a distance of 45.14 feet;

(10) South 18°04′45″ East a distance of 52.13 feet;

(11) North 71°07′23″ East a distance of 102.59 feet;

(12) South 18°41′40″ East a distance of 63.00 feet;

(13) South 71°07′23″ West a distance of 240.62 feet;

(14) South 18°38′50″ East a distance of 668.13 feet;

(15) North 71°28′46″ East a distance of 958.68 feet;

(16) North 18°42′31″ West a distance of 1001.28 feet;

(17) South 71°17′29″ West a distance of 168.48 feet;

(18) North 18°42′31″ West a distance of 642.00 feet;

(19) North 71°17′37″ East a distance of 17.30 feet;

(20) North 18°42′31″ West a distance of 574.67 feet;

(21) North 71°17′29″ East a distance of 151.18 feet;

(22) North 18°42′31″West a distance of 1156.43 feet;

(23) North 71°29′21″ East a distance of 569.24 feet;

(24) North 18°30′39″ West a distance of 314.71 feet;

(25) North 70°59′36″ East a distance of 386.47 feet;

(26) North 18°30′39″ West a distance of 70.00 feet;

(27) North 70°59′36″ East a distance of 400.00 feet to the place or point of beginning.

Containing 1,142.958 acres.

(c) LIMITS ON APPLICABILITY; REGULATORY REQUIREMENTS.—The declaration under subsection (a) shall apply to those parts of the areas described in subsection (b) which are filled portions of Lake Erie. Any work on these filled portions is subject to all applicable Federal statutes and regulations, including sections 9 and 10 of the Act of March 3, 1899 (30 Stat. 1151; 33 U.S.C. 401 and 403), commonly known as the River and Harbors Appropriation Act of 1899, section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344), and the National Environmental Policy Act of 1969.

(d) EXPIRATION DATE.—If, 20 years from the date of enactment of this Act, any area or part thereof described in subsection (a) of this section is not occupied by permanent structures in accordance with the requirements set out in subsection (c) of this section, or if work in connection with any activity permitted in subsection (c) is not commenced within 5 years after issuance of such permits, then the declaration of nonnavigability for such area or part thereof shall expire.

SEC. 353. PROJECT DEAUTHORIZATIONS.

(a) IN GENERAL.—The following projects or portions of projects are not authorized after the date of enactment of this Act:

(1) BLACK WARRIOR AND TOMBIGBEE RIVERS, JACKSON, ALABAMA.—The project for navigation, Black Warrior and Tombigbee Rivers, vicinity of Jackson, Alabama, authorized by section 106 of the Energy and Water Development Appropriations Act, 1987 (100 Stat. 3341–199).

(2) SACRAMENTO DEEP WATER SHIP CHANNEL, CALIFORNIA.—The portion of the project for navigation, Sacramento Deep Water Ship Channel, California, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4092), beginning from the confluence of the Sacramento River and the Barge Canal to a point 3,300 feet west of the William G. Stone Lock western gate (including the William G. Stone Lock and the Bascule Bridge and Barge Canal). All waters within such portion of the project are declared to be nonnavigable waters of the United States solely for purposes of the General Bridge Act of 1946 (33 U.S.C. 525 et seq.) and section 9 of the Act of March 3, 1899 (33 U.S.C. 401), commonly known as the Rivers and Harbors Appropriation Act of 1899.

(3) BAY ISLAND CHANNEL, QUINCY, ILLINOIS.—The access channel across Bay Island into Quincy Bay at Quincy, Illinois, constructed under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577).

(4) WARSAW BOAT HARBOR, ILLINOIS.—The portion of the project for navigation, Illinois Waterway, Illinois and Indiana, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1175), known as the Warsaw Boat Harbor, Illinois.

(5) ROCKPORT HARBOR, ROCKPORT, MASSACHUSETTS.—The following portions of the project for navigation, Rockport Harbor, Massachusetts, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577):

(A) The portion of the 10-foot harbor channel the boundaries of which begin at a point with coordinates N605,741.948, E838,031.378, thence running north 36 degrees 04 minutes 40.9 seconds east 123.386 feet to a point N605,642.226, E838,104.039, thence running south 05 degrees 08 minutes 35.1 seconds east 24.223 feet to a point N605,618.100, E838,106.210, thence running north 41 degrees 05 minutes 10.9 seconds west 141.830 feet to a point N605,725.000, E838,013.000, thence running north 47 degrees 19 minutes 04.1 seconds east 25.000 feet to the point of origin.

(B) The portion of the 8-foot north basin entrance channel the boundaries of which begin at a point with coordinates N605,742.699, E837,977.129, thence running south 89 degrees 12 minutes 27.1 seconds east 54.255 feet to a point N605,741.948, E838,031.378, thence running south 47 degrees 19 minutes 04.1 seconds west 25.000 feet to a point N605,725.000, E838,013.000, thence running north 63 degrees 44 minutes 19.0 seconds west 40.000 feet to the point of origin.

(C) The portion of the 8-foot south basin anchorage the boundaries of which begin at a point with coordinates N605,563.770, E838,111.100, thence running south 05 degrees 08 minutes 35.1 seconds east 53.460 feet to a point N605,510.525, E838,115.892, thence running south 52 degrees 10 minutes 55.5 seconds west 145.000 feet to a point N605,421.618, E838,001.348, thence running north 37 degrees 49 minutes 04.5 seconds west feet to a point N605,480.960, E837,955.287, thence running south 64 degrees 52 minutes 33.9 seconds east 33.823 feet to a point N605,466.600, E837,985.910, thence running north 52 degrees 10 minutes 55.5 seconds east 158.476 feet to the point of origin.

(6) SCITUATE HARBOR, MASSACHUSETTS.—The portion of the project for navigation, Scituate Harbor, Massachusetts, authorized by section 101 of the River and Harbor Act of 1954 (68 Stat. 1249), consisting of an 8-foot anchorage basin and described as follows: Beginning at a point with coordinates N438,739.53, E810,354.75, thence running northwesterly about 200.00 feet to coordinates N438,874.02, E810,206.72, thence running northeasterly about 400.00 feet to coordinates N439,170.07, E810,475,70, thence running southwesterly about 447.21 feet to the point of origin.

(7) DULUTH-SUPERIOR HARBOR, MINNESOTA AND WISCONSIN.—The portion of the project for navigation, Duluth-Superior Harbor, Minnesota and Wisconsin, authorized by the first section of the Act entitled ''An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved June 3, 1896 (29 Stat. 212), known as the 21st Avenue West Channel, beginning at the most southeasterly point of the channel N423074.09, E2871635.43 thence running north-northwest about 1854.83 feet along the easterly limit of the project to a point N424706.69, E2870755.48, thence running northwesterly about 111.07 feet to a point on the northerly limit of the project N424777.27, E2870669.46, thence west-southwest 157.88 feet along the north limit of the project to a point N424703.04, E2870530.38, thence south-southeast 1978.27 feet to the most southwesterly point N422961.45, E2871469.07, thence northeasterly 201.00 feet along the southern limit of the project to the point of origin.

(8) TREMLEY POINT, NEW JERSEY.—The portion of the Federal navigation channel, New York and New Jersey Channels, New York and New Jersey, authorized by the first section of the Act entitled ''An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved August 30, 1935 (49 Stat. 1028), and modified by section

101 of the River and Harbor Act of 1950 (64 Stat. 164), that consists of a 35-foot deep channel beginning at a point along the western limit of the authorized project, N644100.411, E129256.91, thence running southeasterly about 38.25 feet to a point N644068.885, E129278.565, thence running southerly about 1,163.86 feet to a point N642912.127, E129150.209, thence running southwesterly about 56.89 feet to a point N642864.09, E2129119.725, thence running northerly along the existing western limit of the existing project to the point of origin.

(9) ANGOLA, NEW YORK.—The project for erosion protection, Angola Water Treatment Plant, Angola, New York, constructed under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r).

(10) WALLABOUT CHANNEL, BROOKLYN, NEW YORK.—The portion of the project for navigation, Wallabout Channel, Brooklyn, New York, authorized by the first section of the Act entitled ''An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved March 3, 1899 (30 Stat. 1124), that is located at the northeast corner of the project and is described as follows:

Beginning at a point forming the northeast corner of the project and designated with the coordinate of North N 682,307.40; East 638,918.10; thence along the following 6 courses and distances:

(A) South 85 degrees, 44 minutes, 13 seconds East 87.94 feet (coordinate: N 682,300.86 E 639,005.80).

(B) North 74 degrees, 41 minutes, 30 seconds East 271.54 feet (coordinate: N 682,372.55 E 639,267.71).

(C) South 4 degrees, 46 minutes, 02 seconds West 170.95 feet (coordinate: N 682,202.20 E 639,253.50).

(D) South 4 degrees, 46 minutes, 02 seconds West 239.97 feet (coordinate: N 681,963.06 E 639,233.56).

(E) North 50 degrees, 48 minutes, 26 seconds West 305.48 feet (coordinate: N 682,156.10 E 638,996.80).

(F) North 3 degrees, 33 minutes, 25 seconds East 145.04 feet (coordinate: N 682,300.86 E 639,005.80).

(b) ROCKPORT HARBOR, MASSACHUSETTS.—The project for navigation, Rockport Harbor, Massachusetts, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), is modified—

(1) to redesignate a portion of the 8-foot north outer anchorage as part of the 8-foot approach channel to the north inner basin described as follows: the perimeter of the area starts at a point with coordinates N605,792.110, E838,020.009, thence running south 89 degrees 12 minutes 27.1 seconds east 64.794 feet to a point N605,791.214, E838,084.797, thence running south 47 degrees 18 minutes 54.0 seconds west 40.495 feet to a point N605,763.760, E838,055.030, thence running north 68 degrees 26 minutes 49.0 seconds west 43.533 feet to a point N605,779.750, E838,014.540, thence running north 23 degrees 52 minutes 08.4 seconds east 13.514 feet to the point of origin; and

(2) to realign a portion of the 8-foot north inner basin approach channel by adding an area described as follows: the perimeter of the area starts at a point with coordinates N605,792.637, E837,981.920, thence running south 89 degrees 12 minutes 27.1 seconds east 38.093 feet to a point N605,792.110, E838,020.009, thence running south 23 degrees 52 minutes 08.4 seconds west 13.514 feet to a point N605,779.752, E838,014.541, thence running north 68 degrees 26 minutes 49.0 seconds west 35.074 feet to the point of origin.

TITLE IV—STUDIES

SEC. 401. STUDIES OF COMPLETED PROJECTS.

The Secretary shall conduct a study under section 216 of the Flood Control Act of 1970 (84 Stat. 1830) of each of the following completed projects:

(1) ESCAMBIA BAY AND RIVER, FLORIDA.—Project for navigation, Escambia Bay and River, Florida.

(2) ILLINOIS RIVER, HAVANA, ILLINOIS.—Project for flood control, Illinois River, Havana, Illinois, authorized by section 5 of the Flood Control Act of June 22, 1936 (49 Stat. 1583).

(3) SPRING LAKE, ILLINOIS.—Project for flood control, Spring Lake, Illinois, authorized by section 5 of the Flood Control Act of June 22, 1936 (49 Stat. 1584).

(4) PORT ORFORD, OREGON.—Project for flood control, Port Orford, Oregon, authorized by section 301 of River and Harbor Act of 1965 (79 Stat. 1092).

SEC. 402. WATERSHED AND RIVER BASIN ASSESSMENTS.

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

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

''(a) IN GENERAL.—The Secretary may assess the water resources needs of interstate river basins and watersheds of the United States. The assessments shall be undertaken in cooperation and coordination with the Departments of the Interior, Agriculture, and Commerce, the Environmental Protection Agency, and other appropriate agencies, and may include an evaluation of ecosystem protection and restoration, flood damage reduction, navigation and port needs, watershed protection, water supply, and drought preparedness.

''(b) CONSULTATION.—The Secretary shall consult with Federal, tribal, State, interstate, and local governmental entities in carrying out the assessments authorized by this section. In conducting the assessments, the Secretary may accept contributions of services, materials, supplies and cash from Federal, tribal, State, interstate, and local governmental entities where the Secretary determines that such contributions will facilitate completion of the assessments.

''(c) PRIORITY CONSIDERATION.—The Secretary shall give priority consideration to the following interstate river basins and watersheds:

''(1) Delaware River.

''(2) Potomac River.

''(3) Susquehanna River.

''(4) Kentucky River.

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

SEC. 403. LOWER MISSISSIPPI RIVER RESOURCE ASSESSMENT.

(a) ASSESSMENTS.—The Secretary, in cooperation with the Secretary of the Interior and the States of Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee, shall undertake, at Federal expense, for the Lower Mississippi River system—

(1) an assessment of information needed for river-related management;

(2) an assessment of natural resource habitat needs; and

(3) an assessment of the need for river-related recreation and access.

(b) PERIOD.—Each assessment referred to in subsection (a) shall be carried out for 2 years.

(c) REPORTS.—Before the last day of the second year of an assessment under subsection (a), the Secretary, in cooperation with the Secretary of the Interior and the States of Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee, shall transmit to Congress a report on the results of the assessment to Congress. The report shall contain recommendations for—

(1) the collection, availability, and use of information needed for river-related management;

(2) the planning, construction, and evaluation of potential restoration, protection, and enhancement measures to meet identified habitat needs; and

(3) potential projects to meet identified river access and recreation needs.

(d) LOWER MISSISSIPPI RIVER SYSTEM DEFINED.—In this section, the term ''Lower Mississippi River system'' means those river reaches and adjacent floodplains within the Lower Mississippi River alluvial valley having commercial navigation channels on the Mississippi mainstem and tributaries south of Cairo, Illinois, and the Atchafalaya basin floodway system.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $1,750,000 to carry out this section.

SEC. 404. UPPER MISSISSIPPI RIVER BASIN SEDIMENT AND NUTRIENT STUDY.

(a) IN GENERAL.—The Secretary shall conduct, at Federal expense, a study—

(1) to identify significant sources of sediment and nutrients in the Upper Mississippi River basin; and

(2) to describe and evaluate the processes by which the sediments and nutrients move, on land and in water, from their sources to the Upper Mississippi River and its tributaries.

(b) CONSULTATION.—In conducting the study, the Secretary shall consult the Departments of Agriculture and the Interior.

(c) COMPONENTS OF THE STUDY.—

(1) COMPUTER MODELING.—As part of the study, the Secretary shall develop computer models at the subwatershed and basin level to identify and quantify the sources of sediment and nutrients and to examine the effectiveness of alternative management measures.

(2) RESEARCH.—As part of the study, the Secretary shall conduct research to improve understanding of—

(A) the processes affecting sediment and nutrient (with emphasis on nitrogen and phosphorus) movement;

(B) the influences of soil type, slope, climate, vegetation cover, and modifications to the stream drainage network on sediment and nutrient losses; and

(C) river hydrodynamics in relation to sediment and nutrient transformations, retention, and movement.

(d) USE OF INFORMATION.—Upon request of a Federal agency, the Secretary may provide information to the agency for use in sediment and nutrient reduction programs associated with land use and land management practices.

(e) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study, including findings and recommendations.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000.

SEC. 405. UPPER MISSISSIPPI RIVER COMPREHENSIVE PLAN.

Section 459(e) of the Water Resources Development Act of 1999 (113 Stat. 333) is amended by striking ''date of enactment of this Act'' and inserting ''first date on which

funds are appropriated to carry out this section.''.

SEC. 406. OHIO RIVER SYSTEM.

The Secretary may conduct a study of commodity flows on the Ohio River system at Federal expense. The study shall include an analysis of the commodities transported on the Ohio River system, including information on the origins and destinations of these commodities and market trends, both national and international.

SEC. 407. EASTERN ARKANSAS.

(a) IN GENERAL.—The Secretary shall reevaluate the recommendations in the Eastern Arkansas Region Comprehensive Study of the Memphis District Engineer, dated August 1990, to determine whether the plans outlined in the study for agricultural water supply from the Little Red River, Arkansas, are feasible and in the Federal interest.

(b) REPORT.—Not later than September 30, 2001, the Secretary shall transmit to Congress a report on the results of the reevaluation.

SEC. 408. RUSSELL, ARKANSAS.

(a) IN GENERAL.—The Secretary shall evaluate the preliminary investigation report for agricultural water supply, Russell, Arkansas, entitled ''Preliminary Investigation: Lone Star Management Project'', prepared for the Lone Star Water Irrigation District, to determine whether the plans contained in the report are feasible and in the Federal interest.

(b) REPORT.—Not later than September 30, 2001, the Secretary shall transmit to Congress a report on the results of the evaluation.

SEC. 409. ESTUDILLO CANAL, SAN LEANDRO, CALIFORNIA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction along the Estudillo Canal, San Leandro, California.

SEC. 410. LAGUNA CREEK, FREMONT, CALIFORNIA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction in the Laguna Creek watershed, Fremont, California.

SEC. 411. LAKE MERRITT, OAKLAND, CALIFORNIA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for ecosystem restoration, flood damage reduction, and recreation at Lake Merritt, Oakland, California.

SEC. 412. LANCASTER, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall evaluate the report of the city of Lancaster, California, entitled ''Master Plan of Drainage'', to determine whether the plans contained in the report are feasible and in the Federal interest, including plans relating to drainage corridors located at 52nd Street West, 35th Street West, North Armargosa, and 20th Street East.

(b) REPORT.—Not later than September 30, 2001, the Secretary shall transmit to Congress a report on the results of the evaluation.

SEC. 413. NAPA COUNTY, CALIFORNIA.

(a) STUDY.—The Secretary shall conduct a study to determine the feasibility of carrying out a project to address water supply, water quality, and groundwater problems at Miliken, Sarco, and Tulocay Creeks in Napa County, California.

(b) USE OF EXISTING DATA.—In conducting the study, the Secretary shall use data and information developed by the United States Geological Survey in the report entitled ''Geohydrologic Framework and Hydrologic Budget of the Lower Miliken-Sarco-Tulocay Creeks Area of Napa, California''.

SEC. 414. OCEANSIDE, CALIFORNIA.

The Secretary shall conduct a study, at Federal expense, to determine the feasibility of carrying out a project for shoreline protection at Oceanside, California. In conducting the study, the Secretary shall determine the portion of beach erosion that is the result of a Navy navigation project at Camp Pendleton Harbor, California.

SEC. 415. SUISUN MARSH, CALIFORNIA.

The investigation for Suisun Marsh, California, authorized under the Energy and Water Development Appropriations Act, 2000 (Public Law 106–60), shall be limited to evaluating the feasibility of the levee enhancement and managed wetlands protection program for Suisun Marsh, California.

SEC. 416. LAKE ALLATOONA WATERSHED, GEORGIA.

Section 413 of the Water Resources Development Act of 1999 (113 Stat. 324) is amended to read as follows:

''SEC. 413. LAKE ALLATOONA WATERSHED, GEORGIA.

''(a) IN GENERAL.—The Secretary shall conduct a comprehensive study of the Lake Allatoona watershed, Georgia, to determine the feasibility of undertaking ecosystem restoration and resource protection measures.

''(b) MATTERS TO BE ADDRESSED.—The study shall address streambank and shoreline erosion, sedimentation, water quality, fish and wildlife habitat degradation and other problems relating to ecosystem restoration and resource protection in the Lake Allatoona watershed.''.

SEC. 417. CHICAGO RIVER, CHICAGO, ILLINOIS.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of carrying out a project for shoreline protection along the Chicago River, Chicago, Illinois.

(b) CONSULTATION.—In conducting the study, the Secretary shall consult, and incorporate information available from, appropriate Federal, State, and local government agencies.

SEC. 418. CHICAGO SANITARY AND SHIP CANAL SYSTEM, CHICAGO, ILLINOIS.

The Secretary shall conduct a study to determine the advisability of reducing the use of the waters of Lake Michigan to support navigation in the Chicago sanitary and ship canal system, Chicago, Illinois.

SEC. 419. LONG LAKE, INDIANA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for environmental restoration and protection, Long Lake, Indiana.

SEC. 420. BRUSH AND ROCK CREEKS, MISSION HILLS AND FAIRWAY, KANSAS.

(a) IN GENERAL.—The Secretary shall evaluate the preliminary engineering report for the project for flood control, Mission Hills and Fairway, Kansas, entitled ''Preliminary Engineering Report: Brush Creek/Rock Creek Drainage Improvements, 66th Street to State Line Road'', to determine whether the plans contained in the report are feasible and in the Federal interest.

(b) REPORT.—Not later than September 30, 2001, the Secretary shall transmit to Congress a report on the results of the evaluation.

SEC. 421. COASTAL AREAS OF LOUISIANA.

The Secretary shall conduct a study to determine the feasibility of developing measures to floodproof major hurricane evacuation routes in the coastal areas of Louisiana.

SEC. 422. IBERIA PORT, LOUISIANA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for navigation, Iberia Port, Louisiana.

SEC. 423. LAKE PONTCHARTRAIN SEAWALL, LOUISIANA.

Not later than 180 days after the date of enactment of this Act, the Secretary shall complete a post-authorization change report on the project for hurricane-flood protection, Lake Pontchartrain, Louisiana, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1077), to incorporate and accomplish structural modifications to the seawall providing protection along the south shore of Lake Pontchartrain from the New Basin Canal on the west to the Inner Harbor Navigation Canal on the east.

SEC. 424. LOWER ATCHAFALAYA BASIN, LOUISIANA.

As part of the Lower Atchafalaya basin reevaluation study, the Secretary shall determine the feasibility of carrying out a project for flood damage reduction, Stephensville, Louisiana.

SEC. 425. ST. JOHN THE BAPTIST PARISH, LOUISIANA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction on the east bank of the Mississippi River in St. John the Baptist Parish, Louisiana.

SEC. 426. LAS VEGAS VALLEY, NEVADA.

Section 432(b) of the Water Resources Development Act of 1999 (113 Stat. 327) is amended by inserting ''recreation,'' after ''runoff),''.

SEC. 427. SOUTHWEST VALLEY, ALBUQUERQUE, NEW MEXICO.

Section 433 of the Water Resources Development Act of 1999 (113 Stat. 327) is amended—

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

(2) by adding at the end the following:

''(b) EVALUATION OF FLOOD DAMAGE REDUCTION MEASURES.—In conducting the study, the Secretary shall evaluate flood damage reduction measures that would otherwise be excluded from the feasibility analysis based on policies of the Corps of Engineers concerning the frequency of flooding, the drainage area, and the amount of runoff.''.

SEC. 428. BUFFALO HARBOR, BUFFALO, NEW YORK.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the advisability and potential impacts of declaring as nonnavigable a portion of the channel at Control Point Draw, Buffalo Harbor, Buffalo New York.

(b) CONTENTS.—The study conducted under this section shall include an examination of other options to meet intermodal transportation needs in the area.

SEC. 429. HUDSON RIVER, MANHATTAN, NEW YORK.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of establishing a Hudson River Park in Manhattan, New York City, New York. The study shall address the issues of shoreline protection, environmental protection and restoration, recreation, waterfront access, and open space for the area between Battery Place and West 59th Street.

(b) CONSULTATION.—In conducting the study under subsection (a), the Secretary shall consult the Hudson River Park Trust.

(c) REPORT.—Not later than 1 year after the date of enactment of this section, the Secretary shall transmit to Congress a report on the result of the study, including a master plan for the park.

SEC. 430. JAMESVILLE RESERVOIR, ONONDAGA COUNTY, NEW YORK.

The Secretary shall conduct a study to determine the feasibility of carrying out a

project for aquatic ecosystem restoration, flood damage reduction, and water quality, Jamesville Reservoir, Onondaga County, New York.

SEC. 431. STEUBENVIILLE, OHIO.

The Secretary shall conduct a study to determine the feasibility of developing a public port along the Ohio River in the vicinity of Steubenville, Ohio.

SEC. 432. GRAND LAKE, OKLAHOMA.

Section 560(a) of the Water Resources Development Act of 1996 (110 Stat. 3783) is amended—

(1) by striking ''date of enactment of this Act'' and inserting ''date of enactment of the Water Resources Development Act of 2000''; and

(2) by inserting ''and Miami'' after ''Pensacola Dam''.

SEC. 433. COLUMBIA SLOUGH, OREGON.

Not later than 180 days after the date of enactment of this Act, the Secretary shall complete under section 1135 of the Water Resource Development Act of 1986 (33 U.S.C. 2309a) a feasiblility study for the ecosystem restoration project at Columbia Slough, Oregon. If the Secretary determines that the project is feasible, the Secretary may carry out the project on an expedited basis under such section.

SEC. 434. REEDY RIVER, GREENVILLE, SOUTH CAROLINA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for aquatic ecosystem restoration, flood damage reduction, and streambank stabilization on the Reedy River, Cleveland Park West, Greenville, South Carolina.

SEC. 435. GERMANTOWN, TENNESSEE.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood control and related purposes along Miller Farms Ditch, Howard Road Drainage, and Wolf River Lateral D, Germantown, Tennessee.

(b) COST SHARING.—The Secretary—

(1) shall credit toward the non-Federal share of the costs of the feasibility study the value of the in-kind services provided by the non-Federal interests relating to the planning, engineering, and design of the project, whether carried out before or after execution of the feasibility study cost-sharing agreement if the Secretary determines the work is necessary for completion of the study; and

(2) for the purposes of paragraph (1), shall consider the feasibility study to be conducted as part of the Memphis Metro Tennessee and Mississippi study authorized by resolution of the Committee on Transportation and Infrastructure, dated March 7, 1996.

(c) LIMITATION.—The Secretary may not reject the project under the feasibility study based solely on a minimum amount of stream runoff.

SEC. 436. HOUSTON SHIP CHANNEL, GALVESTON, TEXAS.

The Secretary shall conduct a study to determine the feasibility of constructing barge lanes adjacent to the Houston Ship Channel from Redfish Reef to Morgan Point in Galveston, Texas.

SEC. 437. PARK CITY, UTAH.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply, Park City, Utah.

SEC. 438. MILWAUKEE, WISCONSIN.

(a) IN GENERAL.—The Secretary shall evaluate the report for the project for flood damage reduction and environmental restoration, Milwaukee, Wisconsin, entitled ''Interim Executive Summary: Menominee River Flood Management Plan'', dated September 1999, to determine whether the plans contained in the report are cost-effective, technically sound, environmentally acceptable, and in the Federal interest.

(b) REPORT.—Not later than September 30, 2001, the Secretary shall transmit to Congress a report on the results of the evaluation.

SEC. 439. UPPER DES PLAINES RIVER AND TRIBUTARIES, ILLINOIS AND WISCONSIN.

Section 419 of the Water Resources Development Act of 1999 (113 Stat. 324–325) is amended by adding at the end the following:

''(d) CREDIT.—The Secretary shall provide the non-Federal interest credit toward the non-Federal share of the cost of the study for work performed by the non-Federal interest before the date of the study's feasibility cost-share agreement if the Secretary determines that the work is integral to the study.''.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. BRIDGEPORT, ALABAMA.

(a) DETERMINATION.—The Secretary shall review the construction of a channel performed by the non-Federal interest at the project for navigation, Tennessee River, Bridgeport, Alabama, to determine the Federal navigation interest in such work.

(b) REIMBURSEMENT.—If the Secretary determines under subsection (a) that the work performed by the non-Federal interest is consistent with the Federal navigation interest, the Secretary shall reimburse the non-Federal interest an amount equal to the Federal share of the cost of construction of the channel.

SEC. 502. DUCK RIVER, CULLMAN, ALABAMA.

The Secretary shall provide technical assistance to the city of Cullman, Alabama, in the management of construction contracts for the reservoir project on the Duck River.

SEC. 503. SEWARD, ALASKA.

The Secretary shall carry out, on an emergency one-time basis, necessary repairs of the Lowell Creek Tunnel in Seward, Alaska, at Federal expense and a total cost of $3,000,000.

SEC. 504. AUGUSTA AND DEVALLS BLUFF, ARKANSAS.

(a) IN GENERAL.—The Secretary may operate, maintain, and rehabilitate 37 miles of levees in and around Augusta and Devalls Bluff, Arkansas.

(b) REIMBURSEMENT.—After incurring any cost for operation, maintenance, or rehabilitation under subsection (a), the Secretary may seek reimbursement from the Secretary of the Interior of an amount equal to the portion of such cost that the Secretary determines is a benefit to a Federal wildlife refuge.

SEC. 505. BEAVER LAKE, ARKANSAS.

The contract price for additional storage for the Carroll-Boone Water District beyond that which is provided for in section 521 of the Water Resources Development Act of 1999 (113 Stat. 345) shall be based on the original construction cost of Beaver Lake and adjusted to the 2000 price level net of inflation between the date of initiation of construction and the date of enactment of this Act.

SEC. 506. McCLELLAN-KERR ARKANSAS RIVER NAVIGATION SYSTEM, ARKANSAS AND OKLAHOMA.

Taking into account the need to realize the total economic potential of the McClellan-Kerr Arkansas River navigation system, the Secretary shall expedite completion of the Arkansas River navigation study, including the feasibility of increasing the authorized channel from 9 feet to 12 feet and, if justified, proceed directly to project preconstruction engineering and design.

SEC. 507. CALFED BAY DELTA PROGRAM ASSISTANCE, CALIFORNIA.

(a) IN GENERAL.—The Secretary may participate with appropriate Federal and State agencies in planning and management activities associated with the CALFED Bay Delta Program (in this section referred to as the ''Program'') and shall, to the maximum extent practicable and in accordance with all applicable laws, integrate the activities of the Corps of Engineers in the San Joaquin and Sacramento River basins with the long-term goals of the Program.

(b) COOPERATIVE ACTIVITIES.—In carrying out this section, the Secretary—

(1) may accept and expend funds from other Federal agencies and from public, private, and non-profit entities to carry out ecosystem restoration projects and activities associated with the Program; and

(2) may enter into contracts, cooperative research and development agreements, and cooperative agreements, with Federal and public, private, and non-profit entities to carry out such projects and activities.

(c) GEOGRAPHIC SCOPE.—For the purposes of the participation of the Secretary under this section, the geographic scope of the Program shall be the San Francisco Bay and the Sacramento-San Joaquin Delta Estuary and their watershed (also known as the ''Bay-Delta Estuary''), as identified in the agreement entitled the ''Framework Agreement Between the Governor's Water Policy Council of the State of California and the Federal Ecosystem Directorate''.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for fiscal years 2002 through 2005.

SEC. 508. CLEAR LAKE BASIN, CALIFORNIA.

Amounts made available to the Secretary by the Energy and Water Appropriations Act, 2000 (113 Stat. 483 et seq.) for the project for aquatic ecosystem restoration, Clear Lake basin, California, to be carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), may only be used for the wetlands restoration and creation elements of the project.

SEC. 509. CONTRA COSTA CANAL, OAKLEY AND KNIGHTSEN, CALIFORNIA.

The Secretary shall carry out a project for flood damage reduction under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) at the Contra Costa Canal, Oakley and Knightsen, California, if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified.

SEC. 510. HUNTINGTON BEACH, CALIFORNIA.

The Secretary shall carry out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) a project for flood damage reduction in Huntington Beach, California, if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified.

SEC. 511. MALLARD SLOUGH, PITTSBURG, CALIFORNIA.

The Secretary shall carry out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) a project for flood damage reduction in Mallard Slough, Pittsburg, California, if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified.

SEC. 512. PENN MINE, CALAVERAS COUNTY, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall reimburse the non-Federal interest for the

project for aquatic ecosystem restoration, Penn Mine, Calaveras County, California, carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), $4,100,000 for the Federal share of costs incurred by the non-Federal interest for work carried out by the non-Federal interest for the project.

(b) SOURCE OF FUNDING.—Reimbursement under subsection (a) shall be from amounts appropriated before the date of enactment of this Act for the project described in subsection (a).

SEC. 513. PORT OF SAN FRANCISCO, CALIFORNIA.

(a) EMERGENCY MEASURES.—The Secretary shall carry out, on an emergency basis, measures to address health, safety, and environmental risks posed by floatables and floating debris originating from Piers 24 and 64 in the Port of San Francisco, California, by removing such floatables and debris.

(b) STUDY.—The Secretary shall conduct a study to determine the risk to navigation posed by floatables and floating debris originating from Piers 24 and 64 in the Port of San Francisco, California, and the cost of removing such floatables and debris.

(c) FUNDING.—There is authorized to be appropriated $3,000,000 to carry out this section.

SEC. 514. SAN GABRIEL BASIN, CALIFORNIA.

(a) SAN GABRIEL BASIN RESTORATION.—

(1) ESTABLISHMENT OF FUND.—There shall be established within the Treasury of the United States an interest bearing account to be known as the San Gabriel Basin Restoration Fund (in this section referred to as the ''Restoration Fund'').

(2) ADMINISTRATION OF FUND.—The Restoration Fund shall be administered by the Secretary, in cooperation with the San Gabriel Basin Water Quality Authority or its successor agency.

(3) PURPOSES OF FUND.—

(A) IN GENERAL.—Subject to subparagraph (B), the amounts in the Restoration Fund, including interest accrued, shall be utilized by the Secretary—

(i) to design and construct water quality projects to be administered by the San Gabriel Basin Water Quality Authority and the Central Basin Water Quality Project to be administered by the Central Basin Municipal Water District; and

(ii) to operate and maintain any project constructed under this section for such period as the Secretary determines, but not to exceed 10 years, following the initial date of operation of the project.

(B) COST-SHARING LIMITATION.—The Secretary may not obligate any funds appropriated to the Restoration Fund in a fiscal year until the Secretary has deposited in the Fund an amount provided by non-Federal interests sufficient to ensure that at least 35 percent of any funds obligated by the Secretary are from funds provided to the Secretary by the non-Federal interests. The San Gabriel Basin Water Quality Authority shall be responsible for providing the non-Federal amount required by the preceding sentence. The State of California, local government agencies, and private entities may provide all or any portion of such amount.

(b) COMPLIANCE WITH APPLICABLE LAW.—In carrying out the activities described in this section, the Secretary shall comply with any applicable Federal and State laws.

(c) RELATIONSHIP TO OTHER ACTIVITIES.—Nothing in this section shall be construed to affect other Federal or State authorities that are being used or may be used to facilitate the cleanup and protection of the San Gabriel and Central groundwater basins. In carrying out the activities described in this section, the Secretary shall integrate such activities with ongoing Federal and State projects and activities. None of the funds made available for such activities pursuant to this section shall be counted against any Federal authorization ceiling established for any previously authorized Federal projects or activities.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Restoration Fund established under subsection (a) $85,000,000. Such funds shall remain available until expended.

(2) SET-ASIDE.—Of the amounts appropriated under paragraph (1), no more than $10,000,000 shall be available to carry out the Central Basin Water Quality Project.

(e) ADJUSTMENT.—Of the $25,000,000 made available for San Gabriel Basin Groundwater Restoration, California, under the heading ''Construction, General'' in title I of the Energy and Water Development Appropriations Act, 2001—

(1) $2,000,000 shall be available only for studies and other investigative activities and planning and design of projects determined by the Secretary to offer a long-term solution to the problem of groundwater contamination caused by perchlorates at sites located in the city of Santa Clarita, California; and

(2) $23,000,000 shall be deposited in the Restoration Fund, of which $4,000,000 shall be used for remediation in the Central Basin, California.

SEC. 515. STOCKTON, CALIFORNIA.

The Secretary shall evaluate the feasibility of the Lower Mosher Slough element and the levee extensions on the Upper Calaveras River element of the project for flood control, Stockton Metropolitan Area, California, carried out under section 211(f)(3) of the Water Resources Development Act of 1996 (110 Stat. 3683), to determine the eligibility of such elements for reimbursement under section 211 of such Act (33 U.S.C. 701b–13). If the Secretary determines that such elements are technically sound, environmentally acceptable, and economically justified, the Secretary shall reimburse under section 211 of such Act the non-Federal interest for the Federal share of the cost of such elements.

SEC. 516. PORT EVERGLADES, FLORIDA.

Notwithstanding the absence of a project cooperation agreement, the Secretary shall reimburse the non-Federal interest for the project for navigation, Port Everglades Harbor, Florida, $15,003,000 for the Federal share of costs incurred by the non-Federal interest in carrying out the project and determined by the Secretary to be eligible for reimbursement under the limited reevaluation report of the Corps of Engineers, dated April 1998.

SEC. 517. FLORIDA KEYS WATER QUALITY IMPROVEMENTS.

(a) IN GENERAL.—In coordination with the Florida Keys Aqueduct Authority, appropriate agencies of municipalities of Monroe County, Florida, and other appropriate public agencies of the State of Florida or Monroe County, the Secretary may provide technical and financial assistance to carry out projects for the planning, design, and construction of treatment works to improve water quality in the Florida Keys National Marine Sanctuary.

(b) CRITERIA FOR PROJECTS.—Before entering into a cooperation agreement to provide assistance with respect to a project under this section, the Secretary shall ensure that—

(1) the non-Federal sponsor has completed adequate planning and design activities, as applicable;

(2) the non-Federal sponsor has completed a financial plan identifying sources of non-Federal funding for the project;

(3) the project complies with—

(A) applicable growth management ordinances of Monroe County, Florida;

(B) applicable agreements between Monroe County, Florida, and the State of Florida to manage growth in Monroe County, Florida; and

(C) applicable water quality standards; and

(4) the project is consistent with the master wastewater and stormwater plans for Monroe County, Florida.

(c) CONSIDERATION.—In selecting projects under subsection (a), the Secretary shall consider whether a project will have substantial water quality benefits relative to other projects under consideration.

(d) CONSULTATION.—In carrying out this section, the Secretary shall consult with—

(1) the Water Quality Steering Committee established under section 8(d)(2)(A) of the Florida Keys National Marine Sanctuary and Protection Act (106 Stat. 5054);

(2) the South Florida Ecosystem Restoration Task Force established by section 528(f) of the Water Resources Development Act of 1996 (110 Stat. 3771–3773);

(3) the Commission on the Everglades established by executive order of the Governor of the State of Florida; and

(4) other appropriate State and local government officials.

(e) NON-FEDERAL SHARE.—The non-Federal share of the cost of a project carried out under this section shall not be less than 35 percent.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $100,000,000. Such sums shall remain available until expended.

SEC. 518. BALLARD'S ISLAND, LASALLE COUNTY, ILLINOIS.

The Secretary may provide the non-Federal interest for the project for the improvement of the quality of the environment, Ballard's Island, LaSalle County, Illinois, carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C 2309a), credit toward the non-Federal share of the cost of the project for work performed by the non-Federal interest after July 1, 1999, if the Secretary determines that the work is integral to the project.

SEC. 519. LAKE MICHIGAN DIVERSION, ILLINOIS.

Section 1142(b) of the Water Resources Development Act of 1986 (110 Stat. 4253; 113 Stat. 339) is amended by inserting after ''2003'' the following: ''and $800,000 for each fiscal year beginning after September 30, 2003,''.

SEC. 520. KOONTZ LAKE, INDIANA.

The Secretary shall provide the non-Federal interest for the project for aquatic ecosystem restoration, Koontz Lake, Indiana, carried out under section 206 of the Water Resources Development Act of 1996 (22 U.S.C. 2330), credit toward the non-Federal share of the cost of the project for work performed by the non-Federal interest before the date of execution of the project cooperation agreement if the Secretary determines that the work is integral to the project.

SEC. 521. CAMPBELLSVILLE LAKE, KENTUCKY.

The Secretary shall repair the retaining wall and dam at Campbellsville Lake, Kentucky, to protect the public road on top of the dam at Federal expense and a total cost of $200,000.

SEC. 522. WEST VIEW SHORES, CECIL COUNTY, MARYLAND.

Not later than 1 year after the date of enactment of this Act, the Secretary shall carry out an investigation of the contamination of the well system in West View Shores, Cecil County, Maryland. If the Secretary determines that a disposal site for a Federal navigation project has contributed to the contamination of the well system, the Secretary may provide alternative water supplies, including replacement of wells, at Federal expense.

SEC. 523. CONSERVATION OF FISH AND WILDLIFE, CHESAPEAKE BAY, MARYLAND AND VIRGINIA.

Section 704(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2263(b)) is amended by adding at the end the following: ''In addition, there is authorized to be appropriated $20,000,000 to carry out paragraph (4).''.

SEC. 524. MUDDY RIVER, BROOKLINE AND BOSTON, MASSACHUSETTS.

The Secretary shall carry out the project for flood damage reduction and environmental restoration, Muddy River, Brookline and Boston, Massachusetts, substantially in accordance with the plans, and subject to the conditions, described in the draft evaluation report of the New England District Engineer entitled ''Phase I Muddy River Master Plan'', dated June 2000.

SEC. 525. SOO LOCKS, SAULT STE. MARIE, MICHIGAN.

The Secretary may not require a cargo vessel equipped with bow thrusters and friction winches that is transiting the Soo Locks in Sault Ste. Marie, Michigan, to provide more than 2 crew members to serve as line handlers on the pier of a lock, except in adverse weather conditions or if there is a mechanical failure on the vessel.

SEC. 526. DULUTH, MINNESOTA, ALTERNATIVE TECHNOLOGY PROJECT.

(a) PROJECT AUTHORIZATION.—Section 541(a) of the Water Resources Development Act of 1996 (110 Stat. 3777) is amended—

(1) by striking ''implement'' and inserting ''conduct full scale demonstrations of''; and

(2) by inserting before the period the following: '', including technologies evaluated for the New York/New Jersey Harbor under section 405 of the Water Resources Development Act of 1992 (33 U.S.C. 2239 note; 106 Stat. 4863)''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 541(b) of such Act is amended by striking ''$1,000,000'' and inserting ''$3,000,000''.

SEC. 527. MINNEAPOLIS, MINNESOTA.

(a) IN GENERAL.—The Secretary, in cooperation with the State of Minnesota, shall design and construct the project for environmental restoration and recreation, Minneapolis, Minnesota, substantially in accordance with the plans described in the report entitled ''Feasibility Study for Mississippi Whitewater Park, Minneapolis, Minnesota'', prepared for the Minnesota department of natural resources, dated June 30, 1999.

(b) COST SHARING.—

(1) IN GENERAL.—The non-Federal share of the cost of the project shall be determined in accordance with title I of the Water Resources Development Act of 1986 (33 U.S.C. 2211 et seq.).

(2) LANDS, EASEMENTS, AND RIGHTS-OF-WAY.—The non-Federal interest shall provide all lands, easements, rights-of-way, relocations, and dredged material disposal areas necessary for construction of the project and shall receive credit for the cost of providing such lands, easements, rights-of-way, relocations, and dredged material disposal areas toward the non-Federal share of the cost of the project.

(3) OPERATION, MAINTENANCE, REPAIR, REHABILITATION, AND REPLACEMENT.—The operation, maintenance, repair, rehabilitation, and replacement of the project shall be a non-Federal responsibility.

(4) CREDIT FOR NON-FEDERAL WORK.—The non-Federal interest shall receive credit toward the non-Federal share of the cost of the project for work performed by the non-Federal interest before the date of execution of the project cooperation agreement if the Secretary determines that the work is integral to the project.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $10,000,000 to carry out this section.

SEC. 528. ST. LOUIS COUNTY, MINNESOTA.

The Secretary shall carry out under section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) a project in St. Louis County, Minnesota, by making beneficial use of dredged material from a Federal navigation project.

SEC. 529. WILD RICE RIVER, MINNESOTA.

The Secretary shall prepare a general reevaluation report on the project for flood control, Wild Rice River, Minnesota, authorized by section 201 of the Flood Control Act of 1970 (84 Stat. 1825), and, if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified, shall carry out the project. In carrying out the reevaluation, the Secretary shall include river dredging as a component of the study.

SEC. 530. COASTAL MISSISSIPPI WETLANDS RESTORATION PROJECTS.

(a) IN GENERAL.—In order to further the purposes of section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) and section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), the Secretary shall participate in restoration projects for critical coastal wetlands and coastal barrier islands in the State of Mississippi that will produce, consistent with existing Federal programs, projects, and activities, immediate and substantial restoration, preservation, and ecosystem protection benefits, including the beneficial use of dredged material if such use is a cost-effective means of disposal of such material.

(b) PROJECT SELECTION.—The Secretary, in coordination with other Federal, tribal, State, and local agencies, may identify and implement projects described in subsection (a) after entering into an agreement with an appropriate non-Federal interest in accordance with this section.

(c) COST SHARING.—Before implementing any project under this section, the Secretary shall enter into a binding agreement with the non-Federal interests. The agreement shall provide that the non-Federal responsibility for the project shall be as follows:

(1) To acquire any lands, easements, rights-of-way, relocations, and dredged material disposal areas necessary for implementation of the project.

(2) To hold and save harmless the United States free from claims or damages due to implementation of the project, except for the negligence of the Federal Government or its contractors.

(3) To pay 35 percent of project costs.

(d) NONPROFIT ENTITY.—For any project undertaken under this section, a non-Federal interest may include a nonprofit entity with the consent of the affected local government.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000.

SEC. 531. MISSOURI RIVER VALLEY IMPROVEMENTS.

(a) MISSOURI RIVER MITIGATION PROJECT.—The project for mitigation of fish and wildlife losses, Missouri River Bank Stabilization and Navigation Project, Missouri, Kansas, Iowa, and Nebraska authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4143) and modified by section 334 of the Water Resources Development Act of 1999 (113 Stat. 306), is further modified to authorize $200,000,000 for fiscal years 2001 through 2010 to be appropriated to the Secretary for acquisition of 118,650 acres of land and interests in land for the project.

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

(1) IN GENERAL.—

(A) STUDY.—The Secretary shall complete a study that analyzes the need for additional measures for mitigation of losses of aquatic and terrestrial habitat from Fort Peck Dam to Sioux City, Iowa, resulting from the operation of the Missouri River Mainstem Reservoir project in the States of Nebraska, South Dakota, North Dakota, and Montana.

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

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

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

(B) involves the monitoring of the response of fish to, and the effectiveness toward the preservation of native fish and wildlife habitat as a result of, such releases; and

(C) requires the Secretary to provide compensation for any loss of hydropower at Fort Peck Dam resulting from implementation of the pilot program; and

(D) does not effect a change in the Missouri River Master Water Control Manual.

(3) RESERVOIR FISH LOSS STUDY.—

(A) IN GENERAL.—The Secretary, in consultation with the North Dakota Game and Fish Department and the South Dakota Department of Game, Fish and Parks, shall complete a study to analyze and recommend measures to avoid or reduce the loss of fish, including rainbow smelt, through Garrison Dam in North Dakota and Oahe Dam in South Dakota.

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

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated—

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

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

(c) MISSOURI AND MIDDLE MISSISSIPPI RIVERS ENHANCEMENT PROJECT.—Section 514(g) of the Water Resources Development Act of 1999 (113 Stat. 342) is amended to read as follows:

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to pay the Federal share of the cost of carrying out activities under this section $5,000,000 for each of fiscal years 2001 through 2010.''.

SEC. 532. NEW MADRID COUNTY, MISSOURI.

For purposes of determining the non-Federal share for the project for navigation, New

Madrid County Harbor, Missouri, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), the Secretary shall consider Phases 1 and 2 as described in the report of the District Engineer, dated February 2000, as one project and provide credit to the non-Federal interest toward the non-Federal share of the combined project for work performed by the non-Federal interest on Phase 1 of the project.

SEC. 533. PEMISCOT COUNTY, MISSOURI.

The Secretary shall provide the non-Federal interest for the project for navigation, Caruthersville Harbor, Pemiscot County, Missouri, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), credit toward the non-Federal share of the cost of the project for in-kind work performed by the non-Federal interest after December 1, 1997, if the Secretary determines that the work is integral to the project.

SEC. 534. LAS VEGAS, NEVADA.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) COMMITTEE.—The term ''Committee'' means the Las Vegas Wash Coordinating Committee.

(2) PLAN.—The term ''Plan'' means the Las Vegas Wash comprehensive adaptive management plan, developed by the Committee and dated January 20, 2000.

(3) PROJECT.—The term ''Project'' means the Las Vegas Wash wetlands restoration and Lake Mead water quality improvement project and includes the programs, features, components, projects, and activities identified in the Plan.

(b) PARTICIPATION IN PROJECT.—

(1) IN GENERAL.—The Secretary, in conjunction with the Administrator of the Environmental Protection Agency, the Secretary of Agriculture, and the Secretary of the Interior and in partnership with the Committee, shall participate in the implementation of the Project to restore wetlands at Las Vegas Wash and to improve water quality in Lake Mead in accordance with the Plan.

(2) COST SHARING REQUIREMENTS.—

(A) IN GENERAL.—The non-Federal interests shall pay 35 percent of the cost of any project carried out under this section.

(B) OPERATION AND MAINTENANCE.—The non-Federal interests shall be responsible for all costs associated with operating, maintaining, replacing, repairing, and rehabilitating all projects carried out under this section.

(C) FEDERAL LANDS.—Notwithstanding any other provision of this subsection, the Federal share of the cost of a project carried out under this section on Federal lands shall be 100 percent, including the costs of operation and maintenance.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $10,000,000 to carry out this section.

SEC. 535. NEWARK, NEW JERSEY.

(a) IN GENERAL.—Using authorities under law in effect on the date of enactment of this Act, the Secretary, the Director of the Federal Emergency Management Agency, the Administrator of the Environmental Protection Agency, and the heads of other appropriate Federal agencies shall assist the State of New Jersey in developing and implementing a comprehensive basinwide strategy in the Passaic, Hackensack, Raritan, and Atlantic Coast floodplain areas for coordinated and integrated management of land and water resources to improve water quality, reduce flood hazards, and ensure sustainable economic activity.

(b) TECHNICAL ASSISTANCE, STAFF, AND FINANCIAL SUPPORT.—The heads of the Federal agencies referred to in subsection (a) may provide technical assistance, staff, and financial support for the development of the floodplain management strategy.

(c) FLEXIBILITY.—The heads of the Federal agencies referred to in subsection (a) shall exercise flexibility to reduce barriers to efficient and effective implementation of the floodplain management strategy.

(d) RESEARCH.—In coordination with academic and research institutions for support, the Secretary may conduct a study to carry out this section.

SEC. 536. URBANIZED PEAK FLOOD MANAGEMENT RESEARCH, NEW JERSEY.

(a) IN GENERAL.—The Secretary shall develop and implement a research program to evaluate opportunities to manage peak flood flows in urbanized watersheds located in the State of New Jersey.

(b) SCOPE OF RESEARCH.—The research program authorized by subsection (a) shall be accomplished through the New York District of Corps of Engineers. The research shall include the following:

(1) Identification of key factors in the development of an urbanized watershed that affect peak flows in the watershed and downstream.

(2) Development of peak flow management models for 4 to 6 watersheds in urbanized areas with widely differing geology, shapes, and soil types that can be used to determine optimal flow reduction factors for individual watersheds.

(c) LOCATION.—The activities authorized by this section shall be carried out at the facility authorized by section 103(d) of the Water Resources Development Act of 1992 106 Stat. 4812–4813, which may be located on the campus of the New Jersey Institute of Technology.

(d) REPORT TO CONGRESS.—The Secretary shall evaluate policy changes in the planning process for flood damage reduction projects based on the results of the research under this section and transmit to Congress a report on such results not later than 3 years after the date of enactment of this Act.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $11,000,000 for fiscal years beginning after September 30, 2000.

SEC. 537. BLACK ROCK CANAL, BUFFALO, NEW YORK.

The Secretary shall provide technical assistance in support of activities of non-Federal interests related to the dredging of Black Rock Canal in the area between the Ferry Street Overpass and the Peace Bridge Overpass in Buffalo, New York.

SEC. 538. HAMBURG, NEW YORK.

The Secretary shall complete the study of a project for shoreline erosion, Old Lake Shore Road, Hamburg, New York, and, if the Secretary determines that the project is feasible, the Secretary shall carry out the project.

SEC. 539. NEPPERHAN RIVER, YONKERS, NEW YORK.

The Secretary shall provide technical assistance to the city of Yonkers, New York, in support of activities relating to the dredging of the Nepperhan River outlet, New York.

SEC. 540. ROCHESTER, NEW YORK.

The Secretary shall complete the study of a project for navigation, Rochester Harbor, Rochester, New York, and, if the Secretary determines that the project is feasible, the Secretary shall carry out the project.

SEC. 541. UPPER MOHAWK RIVER BASIN, NEW YORK.

(a) IN GENERAL.—The Secretary, in cooperation with the Secretary of Agriculture and the State of New York, shall conduct a study, develop a strategy, and implement a project to reduce flood damages, improve water quality, and create wildlife habitat through wetlands restoration, soil and water conservation practices, nonstructural measures, and other appropriate means in the Upper Mohawk River Basin, at an estimated Federal cost of $10,000,000.

(b) IMPLEMENTATION OF STRATEGY.—The Secretary shall implement the strategy under this section in cooperation with local landowners and local government. Projects to implement the strategy shall be designed to take advantage of ongoing or planned actions by other agencies, local municipalities, or nonprofit, nongovernmental organizations with expertise in wetlands restoration that would increase the effectiveness or decrease the overall cost of implementing recommended projects and may include the acquisition of wetlands, from willing sellers, that contribute to the Upper Mohawk River basin ecosystem.

(c) COOPERATION AGREEMENTS.—In carrying out activities under this section, the Secretary shall enter into cooperation agreements to provide financial assistance to appropriate Federal, State, and local government agencies as well as appropriate nonprofit, nongovernmental organizations with expertise in wetlands restoration, with the consent of the affected local government. Financial assistance provided may include activities for the implementation of wetlands restoration projects and soil and water conservation measures.

(d) NON-FEDERAL SHARE.—The non-Federal share of the cost of activities carried out under this section shall be 25 percent and may be provided through in-kind services and materials.

(e) UPPER MOHAWK RIVER BASIN DEFINED.—In this section, the term ''Upper Mohawk River basin'' means the Mohawk River, its tributaries, and associated lands upstream of the confluence of the Mohawk River and Canajoharie Creek, and including Canajoharie Creek, New York.

SEC. 542. EASTERN NORTH CAROLINA FLOOD PROTECTION.

(a) IN GENERAL.—In order to assist the State of North Carolina and local governments in mitigating damages resulting from a major disaster, the Secretary shall carry out flood damage reduction projects in eastern North Carolina by protecting, clearing, and restoring channel dimensions (including removing accumulated snags and other debris) in the following rivers and tributaries:

(1) New River and tributaries.

(2) White Oak River and tributaries.

(3) Neuse River and tributaries.

(4) Pamlico River and tributaries.

(b) COST SHARE.—The non-Federal interest for a project under this section shall—

(1) pay 35 percent of the cost of the project; and

(2) provide any lands, easements, rights-of-way, relocations, and material disposal areas necessary for implementation of the project.

(c) CONDITIONS.—The Secretary may not reject a project based solely on a minimum amount of stream runoff.

(d) MAJOR DISASTER DEFINED.—In this section, the term ''major disaster'' means a major disaster declared under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.) and includes any major disaster declared before the date of enactment of this Act.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,000,000 for fiscal years 2001 through 2003.

SEC. 543. CUYAHOGA RIVER, OHIO.

(a) IN GENERAL.—The Secretary shall provide technical assistance to non-Federal interests for an evaluation of the structural integrity of the bulkhead system located along the Cuyahoga River in the vicinity of Cleveland, Ohio, at a total cost of $500,000.

(b) EVALUATION.—The evaluation described in subsection (a) shall include design analysis, plans and specifications, and cost estimates for repair or replacement of the bulkhead system.

SEC. 544. CROWDER POINT, CROWDER, OKLAHOMA.

At the request of the city of Crowder, Oklahoma, the Secretary shall enter into a long-term lease, not to exceed 99 years, with the city under which the city may develop, operate, and maintain as a public park all or a portion of approximately 260 acres of land known as Crowder Point on Lake Eufaula, Oklahoma. The lease shall include such terms and conditions as the Secretary determines are necessary to protect the interest of the United States and project purposes and shall be made without consideration to the United States.

SEC. 545. OKLAHOMA-TRIBAL COMMISSION.

(a) FINDINGS.—The House of Representatives makes the following findings:

(1) The unemployment rate in southeastern Oklahoma is 23 percent greater than the national average.

(2) The per capita income in southeastern Oklahoma is 62 percent of the national average.

(3) Reflecting the inadequate job opportunities and dwindling resources in poor rural communities, southeastern Oklahoma is experiencing an out-migration of people.

(4) Water represents a vitally important resource in southeastern Oklahoma. Its abundance offers an opportunity for the residents to benefit from their natural resources.

(5) Trends as described in paragraphs (1), (2), and (3) are not conducive to local economic development, and efforts to improve the management of water in the region would have a positive outside influence on the local economy, help reverse these trends, and improve the lives of local residents.

(b) SENSE OF HOUSE OF REPRESENTATIVES.—In view of the findings described in subsection (a), and in order to assist communities in southeastern Oklahoma in benefiting from their local resources, it is the sense of the House of Representatives that—

(1) the State of Oklahoma and the Choctaw Nation of Oklahoma and the Chickasaw Nation, Oklahoma, should establish a State-tribal commission composed equally of representatives of such Nations and residents of the water basins within the boundaries of such Nations for the purpose of administering and distributing from the sale of water any benefits and net revenues to the tribes and local entities within the respective basins;

(2) any sale of water to entities outside the basins should be consistent with the procedures and requirements established by the commission; and

(3) if requested, the Secretary should provide technical assistance, as appropriate, to facilitate the efforts of the commission.

SEC. 546. COLUMBIA RIVER, OREGON AND WASHINGTON.

(a) MODELING AND FORECASTING SYSTEM.—The Secretary shall develop and implement a modeling and forecasting system for the Columbia River estuary, Oregon and Washington, to provide real-time information on existing and future wave, current, tide, and wind conditions.

(b) USE OF CONTRACTS AND GRANTS.—In carrying out this section, the Secretary is encouraged to use contracts, cooperative agreements, and grants with colleges and universities and other non-Federal entities.

SEC. 547. JOHN DAY POOL, OREGON AND WASHINGTON.

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

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

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

(3) the use of fill material to raise areas above the standard project flood elevation, without increasing the risk of flooding in or outside of the floodplain, is authorized, except in any area constituting wetland for which a permit under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) would be required.

(b) AFFECTED DEEDS.—The following deeds are referred to in subsection (a):

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

(2) The deed executed by the United States and bearing Benton County, Washington, Auditor's File Number 601766, but only as that deed applies to the following portion of lands conveyed by that deed:

A tract of land lying in Section 7, Township 5 north, Range 28 east of the Willamette meridian, Benton County, Washington, said tract being more particularly described as follows:

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

thence westerly along the said centerline of Third Avenue, a distance of 565 feet;

thence south 54° 10′ west, to a point on the west line of Tract 18 of said Addition and the true point of beginning;

thence north, parallel with the west line of said Section 7, to a point on the north line of said Section 7;

thence west along the north line thereof to the northwest corner of said Section 7;

thence south along the west line of said Section 7 to a point on the ordinary high water line of the Columbia River;

thence northeasterly along said high water line to a point on the north and south coordinate line of the Oregon Coordinate System, North Zone, said coordinate line being east 2,291,000 feet;

thence north along said line to a point on the south line of First Avenue of said Addition;

thence westerly along First Avenue to a point on southerly extension of the west line of Tract 18;

thence northerly along said west line of Tract 18 to the point of beginning.

(3) The deed recorded October 17, 1967, in book 291, page 148, Deed of Records of Umatilla County, Oregon, executed by the United States.

(c) NO EFFECT ON OTHER NEEDS.—Nothing in this section affects the remaining rights and interests of the Corps of Engineers for authorized project purposes.

SEC. 548. LOWER COLUMBIA RIVER AND TILLAMOOK BAY ESTUARY PROGRAM, OREGON AND WASHINGTON.

(a) IN GENERAL.—The Secretary shall conduct studies and ecosystem restoration projects for the lower Columbia River and Tillamook Bay estuaries, Oregon and Washington.

(b) USE OF MANAGEMENT PLANS.—

(1) LOWER COLUMBIA RIVER ESTUARY.—

(A) IN GENERAL.—In carrying out ecosystem restoration projects under this section, the Secretary shall use as a guide the Lower Columbia River estuary program's comprehensive conservation and management plan developed under section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330).

(B) CONSULTATION.—The Secretary shall carry out ecosystem restoration projects under this section for the lower Columbia River estuary in consultation with the States of Oregon and Washington, the Environmental Protection Agency, the United States Fish and Wildlife Service, the National Marine Fisheries Service, and the Forest Service.

(2) TILLAMOOK BAY ESTUARY.—

(A) IN GENERAL.—In carrying out ecosystem restoration projects under this section, the Secretary shall use as a guide the Tillamook Bay national estuary project's comprehensive conservation and management plan developed under section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330).

(B) CONSULTATION.—The Secretary shall carry out ecosystem restoration projects under this section for the Tillamook Bay estuary in consultation with the State of Oregon, the Environmental Protection Agency, the United States Fish and Wildlife Service, the National Marine Fisheries Service, and the Forest Service.

(c) AUTHORIZED ACTIVITIES.—

(1) IN GENERAL.—In carrying out ecosystem restoration projects under this section, the Secretary shall undertake activities necessary to protect, monitor, and restore fish and wildlife habitat.

(2) LIMITATIONS.—The Secretary may not carry out any activity under this section that adversely affects—

(A) the water-related needs of the lower Columbia River estuary or the Tillamook Bay estuary, including navigation, recreation, and water supply needs; or

(B) private property rights.

(d) PRIORITY.—In determining the priority of projects to be carried out under this section, the Secretary shall consult with the Implementation Committee of the Lower Columbia River Estuary Program and the Performance Partnership Council of the Tillamook Bay National Estuary Project, and shall consider the recommendations of such entities.

(e) COST-SHARING REQUIREMENTS.—

(1) STUDIES.—Studies conducted under this section shall be subject to cost sharing in accordance with section 105 of the Water Resources Development Act of 1986 (33 U.S.C. 2215).

(2) ECOSYSTEM RESTORATION PROJECTS.—

(A) IN GENERAL.—Non-Federal interests shall pay 35 percent of the cost of any ecosystem restoration project carried out under this section.

(B) ITEMS PROVIDED BY NON-FEDERAL INTERESTS.—Non-Federal interests shall provide all land, easements, rights-of-way, dredged material disposal areas, and relocations necessary for ecosystem restoration projects to be carried out under this section. The value of such land, easements, rights-of-way, dredged material disposal areas, and relocations shall be credited toward the payment required under this paragraph.

(C) IN-KIND CONTRIBUTIONS.—Not more than 50 percent of the non-Federal share required

under this subsection may be satisfied by the provision of in-kind services.

(3) OPERATION AND MAINTENANCE.—Non-Federal interests shall be responsible for all costs associated with operating, maintaining, replacing, repairing, and rehabilitating all projects carried out under this section.

(4) FEDERAL LANDS.—Notwithstanding any other provision of this subsection, the Federal share of the cost of a project carried out under this section on Federal lands shall be 100 percent, including costs of operation and maintenance.

(f) DEFINITIONS.—In this section, the following definitions apply:

(1) LOWER COLUMBIA RIVER ESTUARY.—The term ''lower Columbia River estuary'' means those river reaches having navigation channels on the mainstem of the Columbia River in Oregon and Washington west of Bonneville Dam, and the tributaries of such reaches to the extent such tributaries are tidally influenced.

(2) TILLAMOOK BAY ESTUARY.—The term ''Tillamook Bay estuary'' means those waters of Tillamook Bay in Oregon and its tributaries that are tidally influenced.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $40,000,000.

SEC. 549. SKINNER BUTTE PARK, EUGENE, OREGON.

Section 546(b) of the Water Resources Development Act of 1999 (113 Stat. 351) is amended by adding at the end the following: ''If the Secretary participates in the project, the Secretary shall carry out a monitoring program for 3 years after construction to evaluate the ecological and engineering effectiveness of the project and its applicability to other sites in the Willamette Valley.''

SEC. 550. WILLAMETTE RIVER BASIN, OREGON.

Section 547 of the Water Resources Development Act of 1999 (113 Stat. 351–352) is amended by adding at the end the following:

''(d) RESEARCH.—In coordination with academic and research institutions for support, the Secretary may conduct a study to carry out this section.''.

SEC. 551. LACKAWANNA RIVER, PENNSYLVANIA.

(a) IN GENERAL.—Section 539(a) of the Water Resources Development Act of 1996 (110 Stat. 3776) is amended—

(1) by striking ''and'' at the end of paragraph (1)(A);

(2) by striking the period at the end of paragraph (1)(B) and inserting ''; and''; and

(3) by adding at the end the following:

''(C) the Lackawanna River, Pennsylvania.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 539(d) of such Act (110 Stat. 3776–3777) is amended—

(1) by striking ''(a)(1)(A) and'' and inserting ''(a)(1)(A),''; and

(2) by inserting '', and $5,000,000 for projects undertaken under subsection (a)(1)(C)'' before the period at the end.

SEC. 552. PHILADELPHIA, PENNSYLVANIA.

(a) IN GENERAL.—The Secretary shall provide assistance to the Delaware River Port Authority to deepen the Delaware River at Pier 122 in Philadelphia, Pennsylvania.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $1,000,000 to carry out this section.

SEC. 553. ACCESS IMPROVEMENTS, RAYSTOWN LAKE, PENNSYLVANIA.

The Commonwealth of Pennsylvania may transfer any unobligated funds made available to the Commonwealth for item number 1278 of the table contained in section 1602 of Public Law 105–178, to the Secretary for access improvements at the Raystown Lake project, Pennsylvania.

SEC. 554. UPPER SUSQUEHANNA RIVER BASIN, PENNSYLVANIA AND NEW YORK.

Section 567 of the Water Resources Development Act of 1996 (110 Stat. 3787–3788) is amended—

(1) by striking subsection (a)(2) and inserting the following:

''(2) The Susquehanna River watershed upstream of the Chemung River, New York, at an estimated Federal cost of $10,000,000.''; and

(2) by striking subsections (c) and (d) and inserting the following:

''(c) COOPERATION AGREEMENTS.—In conducting the study and developing the strategy under this section, the Secretary shall enter into cooperation agreements to provide financial assistance to appropriate Federal, State, and local government agencies as well as appropriate nonprofit, nongovernmental organizations with expertise in wetlands restoration, with the consent of the affected local government. Financial assistance provided may include activities for the implementation of wetlands restoration projects and soil and water conservation measures.

''(d) IMPLEMENTATION OF STRATEGY.—The Secretary shall undertake development and implementation of the strategy under this section in cooperation with local landowners and local government officials. Projects to implement the strategy shall be designed to take advantage of ongoing or planned actions by other agencies, local municipalities, or nonprofit, nongovernmental organizations with expertise in wetlands restoration that would increase the effectiveness or decrease the overall cost of implementing recommended projects and may include the acquisition of wetlands, from willing sellers, that contribute to the Upper Susquehanna River basin ecosystem.''.

SEC. 555. CHICKAMAUGA LOCK, CHATTANOOGA, TENNESSEE.

(a) TRANSFER FROM TVA.—The Tennessee Valley Authority shall transfer $200,000 to the Secretary for the preparation of a report of the Chief of Engineers for a replacement lock at Chickamauga Lock and Dam, Chattanooga, Tennessee.

(b) REPORT.—The Secretary shall accept and use the funds transferred under subsection (a) to prepare the report referred to in subsection (a).

SEC. 556. JOE POOL LAKE, TEXAS.

If the city of Grand Prairie, Texas, enters into a binding agreement with the Secretary under which—

(1) the city agrees to assume all of the responsibilities (other than financial responsibilities) of the Trinity River Authority of Texas under Corps of Engineers contract #DACW63–76–C–0166, including operation and maintenance of the recreation facilities included in the contract; and

(2) to pay the Federal Government a total of $4,290,000 in 2 installments, 1 in the amount of $2,150,000, which shall be due and payable no later than December 1, 2000, and 1 in the amount of $2,140,000, which shall be due and payable no later than December 1, 2003,

the Trinity River Authority shall be relieved of all of its financial responsibilities under the contract as of the date the Secretary enters into the agreement with the city.

SEC. 557. BENSON BEACH, FORT CANBY STATE PARK, WASHINGTON.

The Secretary shall place dredged material at Benson Beach, Fort Canby State Park, Washington, in accordance with section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326).

SEC. 558. PUGET SOUND AND ADJACENT WATERS RESTORATION, WASHINGTON.

(a) IN GENERAL.—The Secretary may participate in critical restoration projects in the area of the Puget Sound and its adjacent waters, including the watersheds that drain directly into Puget Sound, Admiralty Inlet, Hood Canal, Rosario Strait, and the eastern portion of the Strait of Juan de Fuca.

(b) PROJECT SELECTION.—The Secretary, in consultation with appropriate Federal, tribal, State, and local agencies, (including the Salmon Recovery Funding Board, Northwest Straits Commission, Hood Canal Coordinating Council, county watershed planning councils, and salmon enhancement groups) may identify critical restoration projects and may implement those projects after entering into an agreement with an appropriate non-Federal interest in accordance with the requirements of section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) and this section.

(c) PROJECT COST LIMITATION.—Of amounts appropriated to carry out this section, not more than $2,500,000 may be allocated to carry out any project.

(d) COST SHARING.—

(1) IN GENERAL.—The non-Federal interest for a critical restoration project under this section shall—

(A) pay 35 percent of the cost of the project;

(B) provide any lands, easements, rights-of-way, relocations, and dredged material disposal areas necessary for implementation of the project;

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

(D) hold the United States harmless from liability due to implementation of the project, except for the negligence of the Federal Government or its contractors.

(2) CREDIT.—The Secretary shall provide credit to the non-Federal interest for a critical restoration project under this section for the value of any lands, easements, rights-of-way, relocations, and dredged material disposal areas provided by the non-Federal interest for the project.

(3) MEETING NON-FEDERAL COST SHARE.—The non-Federal interest may provide up to 50 percent of the non-Federal share of the cost of a project under this section through the provision of services, materials, supplies, or other in-kind services.

(e) CRITICAL RESTORATION PROJECT DEFINED.—In this section, the term ''critical restoration project'' means a water resource project that will produce, consistent with existing Federal programs, projects, and activities, immediate and substantial environmental protection and restoration benefits.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $40,000,000.

SEC. 559. SHOALWATER BAY INDIAN TRIBE, WILLAPA BAY, WASHINGTON.

(a) PLACEMENT OF DREDGED MATERIAL ON SHORE.—For the purpose of addressing coastal erosion, the Secretary shall place, on an emergency one-time basis, dredged material from a Federal navigation project on the shore of the tribal reservation of the Shoalwater Bay Indian Tribe, Willapa Bay, Washington, at Federal expense.

(b) PLACEMENT OF DREDGED MATERIAL ON PROTECTIVE DUNES.—The Secretary shall place dredged material from Willapa Bay on the remaining protective dunes on the tribal reservation of the Shoalwater Bay Indian Tribe, at Federal expense.

(c) STUDY OF COASTAL EROSION.—The Secretary shall conduct a study to develop long-term solutions to coastal erosion problems at the tribal reservation of the Shoalwater Bay Indian Tribe at Federal expense.

SEC. 560. WYNOOCHEE LAKE, WYNOOCHEE RIVER, WASHINGTON.

(a) IN GENERAL.—The city of Aberdeen, Washington, may transfer its rights, interests, and title in the land transferred to the city under section 203 of the Water Resources Development Act of 1990 (104 Stat. 4632) to the city of Tacoma, Washington.

(b) CONDITIONS.—The transfer under this section shall be subject to the conditions set forth in section 203(b) of the Water Resources Development Act of 1990 (104 Stat. 4632); except that the condition set forth in paragraph (1) of such section shall apply to the city of Tacoma only for so long as the city of Tacoma has a valid license with the Federal Energy Regulatory Commission relating to operation of the Wynoochee Dam, Washington.

(c) LIMITATION.—The transfer under subsection (a) may be made only after the Secretary determines that the city of Tacoma will be able to operate, maintain, repair, replace, and rehabilitate the project for Wynoochee Lake, Wynoochee River, Washington, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1193), in accordance with such regulations as the Secretary may issue to ensure that such operation, maintenance, repair, replacement, and rehabilitation is consistent with project purposes.

(d) WATER SUPPLY CONTRACT.—The water supply contract designated as DACWD 67–68–C–0024 shall be null and void if the Secretary exercises the reversionary right set forth in section 203(b)(3) of the Water Resources Development Act of 1990 (104 Stat. 4632).

SEC. 561. SNOHOMISH RIVER, WASHINGTON.

In coordination with appropriate Federal, tribal, and State agencies, the Secretary may carry out a project to address data needs regarding the outmigration of juvenile chinook salmon in the Snohomish River, Washington.

SEC. 562. BLUESTONE, WEST VIRGINIA.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Tri-Cities Power Authority of West Virginia is authorized to design and construct hydroelectric generating facilities at the Bluestone Lake facility, West Virginia, under the terms and conditions of the agreement referred to in subsection (b).

(b) AGREEMENT.—

(1) AGREEMENT TERMS.—Conditioned upon the parties agreeing to mutually acceptable terms and conditions, the Secretary and the Secretary of Energy, acting through the Southeastern Power Administration, may enter into a binding agreement with the Tri-Cities Power Authority under which the Tri-Cities Power Authority agrees to each of the following:

(A) To design and construct the generating facilities referred to in subsection (a) within 4 years after the date of such agreement.

(B) To reimburse the Secretary for—

(i) the cost of approving such design and inspecting such construction;

(ii) the cost of providing any assistance authorized under subsection (c)(2); and

(iii) the redistributed costs associated with the original construction of the dam and dam safety if all parties agree with the method of the development of the chargeable amounts associated with hydropower at the facility.

(C) To release and indemnify the United States from any claims, causes of action, or liabilities which may arise from such design and construction of the facilities referred to in subsection (a), including any liability that may arise out of the removal of the facility if directed by the Secretary.

(2) ADDITIONAL TERMS.—The agreement shall also specify each of the following:

(A) The procedures and requirements for approval and acceptance of design, construction, and operation and maintenance of the facilities referred in subsection (a).

(B) The rights, responsibilities, and liabilities of each party to the agreement.

(C) The amount of the payments under subsection (f) of this section and the procedures under which such payments are to be made.

(c) OTHER REQUIREMENTS.—

(1) PROHIBITION.—No Federal funds may be expended for the design, construction, and operation and maintenance of the facilities referred to in subsection (a) prior to the date on which such facilities are accepted by the Secretary under subsection (d).

(2) REIMBURSEMENT.—Notwithstanding any other provision of law, if requested by the Tri-Cities Power Authority, the Secretary may provide, on a reimbursable basis, assistance in connection with the design and construction of the generating facilities referred to in subsection (a).

(d) COMPLETION OF CONSTRUCTION.—

(1) TRANSFER OF FACILITIES.—Notwithstanding any other provision of law, upon completion of the construction of the facilities referred to in subsection (a) and final approval of such facility by the Secretary, the Tri-Cities Power Authority shall transfer without consideration title to such facilities to the United States, and the Secretary shall—

(A) accept the transfer of title to such facilities on behalf of the United States; and

(B) operate and maintain the facilities referred to in subsection (a).

(2) CERTIFICATION.—The Secretary is authorized to accept title to the facilities pursuant to paragraph (1) only after certifying that the quality of the construction meets all standards established for similar facilities constructed by the Secretary.

(3) AUTHORIZED PROJECT PURPOSES.—The operation and maintenance of the facilities shall be conducted in a manner that is consistent with other authorized project purposes of the Bluestone Lake facility.

(e) EXCESS POWER.—Pursuant to any agreement under subsection (b), the Southeastern Power Administration shall market the excess power produced by the facilities referred to in subsection (a) in accordance with section 5 of the Rivers and Harbors Act of December 22, 1944 (16 U.S.C. 825s; 58 Stat. 890).

(f) PAYMENTS.—Notwithstanding any other provision of law, the Secretary of Energy, acting through the Southeastern Power Administration, is authorized to pay in accordance with the terms of the agreement entered into under subsection (b) out of the revenues from the sale of power produced by the generating facility of the interconnected systems of reservoirs operated by the Secretary and marketed by the Southeastern Power Administration—

(1) to the Tri-Cities Power Authority all reasonable costs incurred by the Tri-Cities Power Authority in the design and construction of the facilities referred to in subsection (a), including the capital investment in such facilities and a reasonable rate of return on such capital investment; and

(2) to the Secretary, in accordance with the terms of the agreement entered into under subsection (b) out of the revenues from the sale of power produced by the generating facility of the interconnected systems of reservoirs operated by the Secretary and marketed by the Southeastern Power Administration, all reasonable costs incurred by the Secretary in the operation and maintenance of facilities referred to in subsection (a).

(g) AUTHORITY OF SECRETARY OF ENERGY.—Notwithstanding any other provision of law, the Secretary of Energy, acting through the Southeastern Power Administration, is authorized—

(1) to construct such transmission facilities as necessary to market the power produced at the facilities referred to in subsection (a) with funds contributed by the Tri-Cities Power Authority; and

(2) to repay those funds, including interest and any administrative expenses, directly from the revenues from the sale of power produced by such facilities of the interconnected systems of reservoirs operated by the Secretary and marketed by the Southeastern Power Administration.

(h) SAVINGS CLAUSE.—Nothing in this section affects any requirement under Federal or State environmental law relating to the licensing or operation of such facilities.

SEC. 563. LESAGE/GREENBOTTOM SWAMP, WEST VIRGINIA.

Section 30 of the Water Resources Development Act of 1988 (102 Stat. 4030) is amended by adding at the end the following:

''(d) HISTORIC STRUCTURE.—The Secretary shall ensure the stabilization and preservation of the structure known as the Jenkins House located within the Lesage/Greenbottom Swamp in accordance with standards for sites listed on the National Register of Historic Places.''.

SEC. 564. TUG FORK RIVER, WEST VIRGINIA.

(a) IN GENERAL.—The Secretary may provide planning, design, and construction assistance to non-Federal interests for projects located along the Tug Fork River in West Virginia and identified by the master plan developed pursuant to section 114(t) of the Water Resources Development Act of 1992 (106 Stat. 4820).

(b) PRIORITIES.—In providing assistance under this section, the Secretary shall give priority to the primary development demonstration sites in West Virginia identified by the master plan referred to in subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000.

SEC. 565. VIRGINIA POINT RIVERFRONT PARK, WEST VIRGINIA.

(a) IN GENERAL.—The Secretary may provide planning, design, and construction assistance to non-Federal interests for the project at Virginia Point, located at the confluence of the Ohio and Big Sandy Rivers in West Virginia, identified by the preferred plan set forth in the feasibility study dated September 1999, and carried out under the West Virginia-Ohio River Comprehensive Study authorized by a resolution dated September 8, 1988, by the Committee on Public Works and Transportation of the House of Representatives.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,100,000.

SEC. 566. SOUTHERN WEST VIRGINIA.

Section 340(a) of the Water Resources Development Act of 1992 (106 Stat. 4856) is amended by inserting ''environmental restoration,'' after ''distribution facilities,''.

SEC. 567. FOX RIVER SYSTEM, WISCONSIN.

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

amended by adding at the end the following: ''Such terms and conditions may include a payment or payments to the State of Wisconsin to be used toward the repair and rehabilitation of the locks and appurtenant features to be transferred.''.

SEC. 568. SURFSIDE/SUNSET AND NEWPORT BEACH, CALIFORNIA.

The Secretary shall treat the Surfside/Sunset Newport Beach element of the project for beach erosion, Orange County, California, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1177), as continuing construction.

SEC. 569. ILLINOIS RIVER BASIN RESTORATION.

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

(b) COMPREHENSIVE PLAN.—

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

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

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

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

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

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

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

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

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

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

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

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

(5) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report containing the comprehensive plan.

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

(c) CRITICAL RESTORATION PROJECTS.—

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

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out projects under this subsection $100,000,000 for fiscal years 2001 through 2004.

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

(d) GENERAL PROVISIONS.—

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

(2) PUBLIC PARTICIPATION.—In developing the comprehensive plan under subsection (b) and carrying out projects under subsection (c), the Secretary shall implement procedures to facilitate public participation, including providing advance notice of meetings, providing adequate opportunity for public input and comment, maintaining appropriate records, and making a record of the proceedings of meetings available for public inspection.

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

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

(2) Upper Mississippi River Illinois Waterway System Study.

(3) Kankakee River Basin General Investigation.

(4) Peoria Riverfront Development General Investigation.

(5) Illinois River Ecosystem Restoration General Investigation.

(6) Conservation Reserve Program and other farm programs of the Department of Agriculture.

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

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

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

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

(f) JUSTIFICATION.—

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

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

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

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

(g) COST SHARING.—

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

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

(3) IN-KIND SERVICES.—The value of in-kind services provided by the non-Federal interest for a project or activity carried out under this section may be credited toward not more than 80 percent of the non-Federal share of the cost of the project or activity. In-kind services shall include all State funds expended on programs and projects which accomplish the goals of this section, as determined by the Secretary. Such programs and projects may include the Illinois River Conservation Reserve Program, the Illinois Conservation 2000 Program, the Open Lands Trust Fund, and other appropriate programs carried out in the Illinois River basin.

(4) CREDIT.—

(A) VALUE OF LANDS.—If the Secretary determines that lands or interests in land acquired by a non-Federal interest, regardless of the date of acquisition, are integral to a project or activity carried out under this section, the Secretary may credit the value of the lands or interests in land toward the non-Federal share of the cost of the project or activity. Such value shall be determined by the Secretary.

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

SEC. 570. GREAT LAKES.

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

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

''(3) REPORT.—Not later than December 31, 2003, the Secretary shall transmit to Congress a report on the Secretary's activities under this subsection.''; and

(2) in subsection (g)—

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

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

(B) by adding at the end the following:

''(2) GREAT LAKES TRIBUTARY MODEL.—In addition to amounts made available under paragraph (1), there is authorized to be appropriated to carry out subsection (e) $5,000,000 for each of fiscal years 2002 through 2006.''; and

(C) by aligning the remainder of the text of paragraph (1) (as designated by subparagraph (A) of this paragraph) with paragraph (2) (as added by subparagraph (B) of this paragraph).

(b) ALTERNATIVE ENGINEERING TECHNOLOGIES.—

(1) DEVELOPMENT OF PLAN.—The Secretary shall develop and transmit to Congress a plan to enhance the application of ecological principles and practices to traditional engineering problems at Great Lakes shores.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $200,000. Activities under this subsection shall be carried out at Federal expense.

(c) FISHERIES AND ECOSYSTEM RESTORATION.—

(1) DEVELOPMENT OF PLAN.—The Secretary shall develop and transmit to Congress a plan for implementing Corps of Engineers activities, including ecosystem restoration, to enhance the management of Great Lakes fisheries.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $300,000. Activities

under this subsection shall be carried out at Federal expense.

SEC. 571. GREAT LAKES REMEDIAL ACTION PLANS AND SEDIMENT REMEDIATION.

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

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

(2) in subsection (b)—

(A) by striking paragraph (3);

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

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

(3) in subsection (c) by striking ''$5,000,000 for each of fiscal years 1998 through 2000.'' and inserting ''$10,000,000 for each of fiscal years 2001 through 2005.''.

SEC. 572. GREAT LAKES DREDGING LEVELS ADJUSTMENT.

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

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

SEC. 573. DREDGED MATERIAL RECYCLING.

(a) PILOT PROGRAM.—The Secretary shall conduct a pilot program to provide incentives for the removal of dredged material from a confined disposal facility associated with a harbor on the Great Lakes or the Saint Lawrence River and a harbor on the Delaware River in Pennsylvania for the purpose of recycling the dredged material and extending the life of the confined disposal facility.

(b) REPORT.—Not later than 90 days after the date of completion of the pilot program, the Secretary shall transmit to Congress a report on the results of the program.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,000,000.

SEC. 574. WATERSHED MANAGEMENT, RESTORATION, AND DEVELOPMENT.

Section 503(d) of the Water Resources Development Act of 1996 (110 Stat. 3756–3757; 113 Stat. 288) is amended by adding at the end the following:

''(28) Tomales Bay watershed, California.

''(29) Kaskaskia River watershed, Illinois.

''(30) Sangamon River watershed, Illinois.

''(31) Lackawanna River watershed, Pennsylvania.

''(32) Upper Charles River watershed, Massachusetts.

''(33) Brazos River watershed, Texas.''.

SEC. 575. MAINTENANCE OF NAVIGATION CHANNELS.

Section 509(a) of the Water Resources Development Act of 1996 (110 Stat. 3759; 113 Stat. 339) is amended by adding at the end the following:

''(16) Cameron Loop, Louisiana, as part of the Calcasieu River and Pass Ship Channel.

''(17) Morehead City Harbor, North Carolina.''.

SEC. 576. SUPPORT OF ARMY CIVIL WORKS PROGRAM.

The requirements of section 2361 of title 10, United States Code, shall not apply to any contract, cooperative research and development agreement, cooperative agreement, or grant entered into under section 229 of the Water Resources Development Act of 1996 (110 Stat. 3703) between the Secretary and Marshall University or entered into under section 350 of the Water Resources Development Act of 1999 (113 Stat. 310) between the Secretary and Juniata College.

SEC. 577. NATIONAL RECREATION RESERVATION SERVICE.

Notwithstanding section 611 of the Treasury and General Government Appropriations Act, 1999 (112 Stat. 2861–515), the Secretary may participate in the National Recreation Reservation Service on an interagency basis and fund the Department of the Army's share of the cost of activities required for implementing, operating, and maintaining the Service.

SEC. 578. HYDROGRAPHIC SURVEY.

The Secretary shall enter into an agreement with the Administrator of the National Oceanographic and Atmospheric Administration to require the Secretary, not later than 60 days after the Corps of Engineers completes a project involving dredging of a channel, to provide data to the Administration in a standard digital format on the results of a hydrographic survey of the channel conducted by the Corps of Engineers.

SEC. 579. PERCHLORATE.

(a) IN GENERAL.—The Secretary, in cooperation with Federal, State, and local government agencies, may participate in studies and other investigative activities and in the planning and design of projects determined by the Secretary to offer a long-term solution to the problem of groundwater contamination caused by perchlorates.

(b) INVESTIGATIONS AND PROJECTS.—

(1) BOSQUE AND LEON RIVERS.—The Secretary, in coordination with other Federal agencies and the Brazos River Authority, shall participate under subsection (a) in investigations and projects in the Bosque and Leon River watersheds in Texas to assess the impact of the perchlorate associated with the former Naval ''Weapons Industrial Reserve Plant'' at McGregor, Texas.

(2) CADDO LAKE.—The Secretary, in coordination with other Federal agencies and the Northeast Texas Municipal Water District, shall participate under subsection (a) in investigations and projects relating to perchlorate contamination in Caddo Lake, Texas.

(3) EASTERN SANTA CLARA BASIN.—The Secretary, in coordination with other Federal, State, and local government agencies, shall participate under subsection (a) in investigations and projects related to sites that are sources of perchlorates and that are located in the city of Santa Clarita, California.

(c) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of carrying out this section, there is authorized to be appropriated to the Secretary $25,000,000, of which not to exceed $8,000,000 shall be available to carry out subsection (b)(1), not to exceed $3,000,000 shall be available to carry out subsection (b)(2), and not to exceed $7,000,000 shall be available to carry out subsection (b)(3).

SEC. 580. ABANDONED AND INACTIVE NONCOAL MINE RESTORATION.

Section 560 of the Water Resources Development Act of 1999 (33 USC 2336; 113 Stat. 354–355) is amended—

(1) in subsection (a) by striking ''and design'' and inserting ''design, and construction'';

(2) in subsection (c) by striking ''50'' and inserting ''35'';

(3) in subsection (e) by inserting ''and colleges and universities, including the members of the Western Universities Mine-Land Reclamation and Restoration Consortium, for the purposes of assisting in the reclamation of abandoned noncoal mines and'' after ''entities''; and

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

''(f) NON-FEDERAL INTERESTS.—In this section, the term 'non-Federal interests' includes, with the consent of the affected local government, nonprofit entities, notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b).

''(g) OPERATION AND MAINTENANCE.—The non-Federal share of the costs of operation and maintenance for a project carried out under this section shall be 100 percent.

''(h) CREDIT.—A non-Federal interest shall receive credit toward the non-Federal share of the cost of a project under this section for design and construction services and other in-kind consideration provided by the non-Federal interest if the Secretary determines that such design and construction services and other in-kind consideration are integral to the project.

''(i) COST LIMITATION.—Not more than $10,000,000 of the amounts appropriated to carry out this section may be allotted for projects in a single locality, but the Secretary may accept funds voluntarily contributed by a non-Federal or Federal entity for the purpose of expanding the scope of the services requested by the non-Federal or Federal entity.

''(j) NO EFFECT ON LIABILITY.—The provision of assistance under this section shall not relieve from liability any person that would otherwise be liable under Federal or State law for damages, response costs, natural resource damages, restitution, equitable relief, or any other relief.

''(k) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $45,000,000. Such sums shall remain available until expended.''.

SEC. 581. LAKES PROGRAM.

Section 602 of the Water Resources Development Act of 1986 (100 Stat. 4148–4149) is further amended—

(1) in subsection (b) by inserting ''and activity'' after ''project'';

(2) in subsection (c) by inserting ''and activities under subsection (f)'' before the comma; and

(3) by adding at the end the following:

''(f) CENTER FOR LAKE EDUCATION AND RESEARCH, OTSEGO LAKE, NEW YORK.—

''(1) IN GENERAL.—The Secretary shall construct an environmental education and research facility at Otsego Lake, New York. The purpose of the Center shall be to—

''(A) conduct nationwide research on the impacts of water quality and water quantity on lake hydrology and the hydrologic cycle;

''(B) develop technologies and strategies for monitoring and improving water quality in the Nation's lakes; and

''(C) provide public education regarding the biological, economic, recreational, and aesthetic value of the Nation's lakes.

''(2) USE OF RESEARCH.—The results of research and education activities carried out at the Center shall be applied to the program under subsection (a) and to other Federal programs, projects, and activities that are intended to improve or otherwise affect lakes.

''(3) BIOLOGICAL MONITORING STATION.—A central function of the Center shall be to research, develop, test, and evaluate biological monitoring technologies and techniques for potential use at lakes listed in subsection (a) and throughout the Nation.

''(4) CREDIT.—The non-Federal sponsor shall receive credit for lands, easements, rights-of-way, and relocations toward its share of project costs.

''(5) AUTHORIZATION OF APPROPRIATIONS.—In addition to sums authorized by subsection (d), there is authorized to be appropriated to carry out this subsection $6,000,000. Such sums shall remain available until expended.''.

SEC. 582. RELEASE OF USE RESTRICTION.

(a) RELEASE.—Notwithstanding any other provision of law, the Tennessee Valley Authority shall grant a release or releases, without monetary consideration, from the restriction covenant which requires that property described in subsection (b) shall at all times be used solely for the purpose of erecting docks and buildings for shipbuilding purposes or for the manufacture or storage of products for the purpose of trading or shipping in transportation.

(b) DESCRIPTION OF PROPERTY.—This section shall apply only to those lands situated in the city of Decatur, Morgan County, Alabama, and running along the easterly boundary of a tract of land described in an indenture conveying such lands to the Ingalls Shipbuilding Corporation dated July 29, 1954, and recorded in deed book 535 at page 6 in the office of the Probate Judge of Morgan County, Alabama, which are owned or may hereafter be acquired by the Alabama Farmers Cooperative, Inc.

SEC. 583. COMPREHENSIVE ENVIRONMENTAL RESOURCES PROTECTION.

(a) IN GENERAL.—Under section 219(a) of the Water Resources Development Act of 1992 (106 Stat. 4835), the Secretary may provide technical, planning, and design assistance to non-Federal interests to carry out water-related projects described in this section.

(b) NON-FEDERAL SHARE.—Notwithstanding section 219(b) of the Water Resources Development Act of 1992 (106 Stat. 4835), the non-Federal share of the cost of each project assisted in accordance with this section shall be 25 percent.

(c) PROJECT DESCRIPTIONS.—The Secretary may provide assistance in accordance with subsection (a) to each of the following projects:

(1) MARANA, ARIZONA.—Wastewater treatment and distribution infrastructure, Marana, Arizona.

(2) EASTERN ARKANSAS ENTERPRISE COMMUNITY, ARKANSAS.—Water-related infrastructure, Eastern Arkansas Enterprise Community, Cross, Lee, Monroe, and St. Francis Counties, Arkansas.

(3) CHINO HILLS, CALIFORNIA.—Storm water and sewage collection infrastructure, Chino Hills, California.

(4) CLEAR LAKE BASIN, CALIFORNIA.—Water-related infrastructure and resource protection, Clear Lake Basin, California.

(5) DESERT HOT SPRINGS, CALIFORNIA.—Resource protection and wastewater infrastructure, Desert Hot Springs, California.

(6) EASTERN MUNICIPAL WATER DISTRICT, CALIFORNIA.—Regional water-related infrastructure, Eastern Municipal Water District, California.

(7) HUNTINGTON BEACH, CALIFORNIA.—Water supply and wastewater infrastructure, Huntington Beach, California.

(8) INGLEWOOD, CALIFORNIA.—Water infrastructure, Inglewood, California.

(9) LOS OSOS COMMUNITY SERVICE DISTRICT, CALIFORNIA.—Wastewater infrastructure, Los Osos Community Service District, California.

(10) NORWALK, CALIFORNIA.—Water-related infrastructure, Norwalk, California.

(11) KEY BISCAYNE, FLORIDA.—Sanitary sewer infrastructure, Key Biscayne, Florida.

(12) SOUTH TAMPA, FLORIDA.—Water supply and aquifer storage and recovery infrastructure, South Tampa, Florida.

(13) FORT WAYNE, INDIANA.—Combined sewer overflow infrastructure and wetlands protection, Fort Wayne, Indiana.

(14) INDIANAPOLIS, INDIANA.—Combined sewer overflow infrastructure, Indianapolis, Indiana.

(15) ST. CHARLES, ST. BERNARD, AND PLAQUEMINES PARISHES, LOUISIANA.—Water and wastewater infrastructure, St. Charles, St. Bernard, and Plaquemines Parishes, Louisiana.

(16) ST. JOHN THE BAPTIST AND ST. JAMES PARISHES, LOUISIANA.—Water and sewer improvements, St. John the Baptist and St. James Parishes, Louisiana.

(17) UNION COUNTY, NORTH CAROLINA.—Water infrastructure, Union County, North Carolina.

(18) HOOD RIVER, OREGON.—Water transmission infrastructure, Hood River, Oregon.

(19) MEDFORD, OREGON.—Sewer collection infrastructure, Medford, Oregon.

(20) PORTLAND, OREGON.—Water infrastructure and resource protection, Portland, Oregon.

(21) COUDERSPORT, PENNSYLVANIA.—Sewer system extensions and improvements, Coudersport, Pennsylvania.

(22) PARK CITY, UTAH.—Water supply infrastructure, Park City, Utah.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $25,000,000 for providing assistance in accordance with subsection (a) to the projects described in subsection (c).

(2) AVAILABILITY.—Sums authorized to be appropriated under this subsection shall remain available until expended.

(e) ADDITIONAL ASSISTANCE FOR CRITICAL RESOURCE PROJECTS.—The Secretary may provide assistance in accordance with subsection (a) and assistance for construction for each the following projects:

(1) DUCK RIVER, CULLMAN, ALABAMA.—$5,000,000 for water supply infrastructure, Duck River, Cullman, Alabama.

(2) UNION COUNTY, ARKANSAS.—$52,000,000 for water supply infrastructure, including facilities for withdrawal, treatment, and distribution, Union County, Arkansas.

(3) CAMBRIA, CALIFORNIA.—$10,300,000 for desalination infrastructure, Cambria, California.

(4) LOS ANGELES HARBOR/TERMINAL ISLAND, CALIFORNIA.—$6,500,000 for wastewater recycling infrastructure, Los Angeles Harbor/Terminal Island, California.

(5) NORTH VALLEY REGION, LANCASTER, CALIFORNIA.—$14,500,000 for water infrastructure, North Valley Region, Lancaster, California.

(6) SAN DIEGO COUNTY, CALIFORNIA.—$10,000,000 for water-related infrastructure, San Diego County, California.

(7) SOUTH PERRIS, CALIFORNIA.—$25,000,000 for water supply desalination infrastructure, South Perris, California.

(8) AURORA, ILLINOIS.—$8,000,000 for wastewater infrastructure to reduce or eliminate combined sewer overflows, Aurora, Illinois.

(9) COOK COUNTY, ILLINOIS.—$35,000,000 for water-related infrastructure and resource protection and development, Cook County, Illinois.

(10) MADISON AND ST. CLAIR COUNTIES, ILLINOIS.—$10,000,000 for water and wastewater assistance, Madison and St. Clair Counties, Illinois.

(11) IBERIA PARISH, LOUISIANA.—$5,000,000 for water and wastewater infrastructure, Iberia Parish, Louisiana.

(12) KENNER, LOUISIANA.—$5,000,000 for wastewater infrastructure, Kenner, Louisiana.

(13) GARRISON AND KATHIO TOWNSHIP, MINNESOTA.—$11,000,000 for a wastewater infrastructure project for the city of Garrison and Kathio Township, Minnesota.

(14) NEWTON, NEW JERSEY.—$7,000,000 for water filtration infrastructure, Newton, New Jersey.

(15) LIVERPOOL, NEW YORK.—$2,000,000 for water infrastructure, including a pump station, Liverpool, New York.

(16) STANLY COUNTY, NORTH CAROLINA.—$8,900,000 for wastewater infrastructure, Stanly County, North Carolina.

(17) YUKON, OKLAHOMA.—$5,500,000 for water-related infrastructure, including wells, booster stations, storage tanks, and transmission lines, Yukon, Oklahoma.

(18) ALLEGHENY COUNTY, PENNSYLVANIA.—$20,000,000 for water-related environmental infrastructure, Allegheny County, Pennsylvania.

(19) MOUNT JOY TOWNSHIP AND CONEWAGO TOWNSHIP, PENNSYLVANIA.—$8,300,000 for water and wastewater infrastructure, Mount Joy Township and Conewago Township, Pennsylvania.

(20) PHOENIXVILLE BOROUGH, CHESTER COUNTY, PENNSYLVANIA.—$2,400,000 for water and sewer infrastructure, Phoenixville Borough, Chester County, Pennsylvania.

(21) TITUSVILLE, PENNSYLVANIA.—$7,300,000 for storm water separation and treatment plant upgrades, Titusville, Pennsylvania.

(22) WASHINGTON, GREENE, AND FAYETTE COUNTIES, PENNSYLVANIA.—$8,000,000 for water and wastewater infrastructure, Washington, Greene, and Fayette Counties, Pennsylvania.

SEC. 584. MODIFICATION OF AUTHORIZATIONS FOR ENVIRONMENTAL PROJECTS.

Section 219 of the Water Resources Development Act of 1992 (106 Stat. 4835, 4836) is amended—

(1) in subsection (e)(6) by striking ''$20,000,000'' and inserting ''$30,000,000'';

(2) in subsection (f)(4) by striking ''$15,000,000'' and inserting ''$35,000,000'';

(3) in subsection (f)(21) by striking ''$10,000,000'' and inserting ''$20,000,000'';

(4) in subsection (f)(25) by striking ''$5,000,000'' and inserting ''$15,000,000'';

(5) in subsection (f)(30) by striking ''$10,000,000'' and inserting ''$20,000,000'';

(6) in subsection (f)(43) by striking ''$15,000,000'' and inserting ''$35,000,000''; and

(7) in subsection (f) by adding at the end the following new paragraph:

''(44) WASHINGTON, D.C., AND MARYLAND.—$15,000,000 for the project described in subsection (c)(1), modified to include measures to eliminate or control combined sewer overflows in the Anacostia River watershed.''.

SEC. 585. LAND CONVEYANCES.

(a) THOMPSON, CONNECTICUT.—

(1) IN GENERAL.—The Secretary shall convey by quitclaim deed without consideration to the town of Thompson, Connecticut, all right, title, and interest of the United States in and to the approximately 1.36-acre parcel of land described in paragraph (2) for public ownership and use by the town for fire fighting and related emergency services purposes.

(2) LAND DESCRIPTION.—The parcel of land referred to in paragraph (1) is in the town of Thompson, county of Windham, State of Connecticut, on the northerly side of West Thompson Road owned by the United States and shown as Parcel A on a plan by Provost, Rovero, Fitzback entitled ''Property Survey Prepared for West Thompson Independent Firemen Association #1'' dated August 24, 1998, bounded and described as follows:

Beginning at a bound labeled WT–276 on the northerly side line of West Thompson Road, so called, at the most south corner of the Parcel herein described and at land now or formerly of West Thompson Independent Firemen Association No. 1;

Thence in a generally westerly direction by said northerly side line of West Thompson Road, by a curve to the left, having a radius of 640.00 feet a distance of 169.30 feet to a point;

Thence North 13 degrees, 08 minutes, 37 seconds East by the side line of said West Thompson Road a distance of 10.00 feet to a point;

Thence in a generally westerly direction by the northerly side line of said West Thompson Road, by a curve to the left having a radius of 650.00 feet a distance of 109.88 feet to a bound labeled WT–123, at land now or formerly of the United States of America;

Thence North 44 degrees, 43 minutes, 07 seconds East by said land now or formerly of the United States of America a distance of 185.00 feet to a point;

Thence North 67 degrees, 34 minutes, 13 seconds East by said land now or formerly of the United States of America a distance of 200.19 feet to a point in a stonewall;

Thence South 20 degrees, 49 minutes, 17 seconds East by a stonewall and by said land now or formerly of the United States of America a distance of 253.10 feet to a point at land now or formerly of West Thompson Independent Firemen Association No. 1;

Thence North 57 degrees, 45 minutes, 25 seconds West by land now or formerly of said West Thompson Independent Firemen Association No. 1 a distance of 89.04 feet to a bound labeled WT–277;

Thence South 32 degrees, 14 minutes, 35 seconds West by land now or formerly of said West Thompson Independent Firemen Association No. 1 a distance of 123.06 feet to the point of beginning.

(3) REVERSION.—If the Secretary determines that the parcel described in paragraph (2) ceases to be held in public ownership or used for fire fighting and related emergency services, all right, title, and interest in and to the parcel shall revert to the United States.

(b) SIBLEY MEMORIAL HOSPITAL, WASHINGTON, DISTRICT OF COLUMBIA.—

(1) IN GENERAL.—The Secretary shall convey to the Lucy Webb Hayes National Training School for Deaconesses and Missionaries Conducting Sibley Memorial Hospital (in this subsection referred to as the ''Hospital'') by quitclaim deed under the terms of a negotiated sale, all right, title, and interest of the United States in and to the 8.864-acre parcel of land described in paragraph (2) for medical care and parking purposes. The consideration paid under such negotiated sale shall reflect the value of the parcel, taking into consideration the terms and conditions of the conveyance imposed under this subsection.

(2) LAND DESCRIPTION.—The parcel of land referred to in paragraph (1) is the parcel described as follows: Beginning at a point on the westerly right-of-way line of Dalecarlia Parkway, said point also being on the southerly division line of part of Square N1448, A&T Lot 801 as recorded in A&T 2387 and part of the property of the United States Government, thence with said southerly division line now described:

(A) North 35° 05′ 40″ West—436.31 feet to a point, thence

(B) South 89° 59′ 30″ West—550 feet to a point, thence

(C) South 53° 48′ 00″ West—361.08 feet to a point, thence

(D) South 89° 59′ 30″ West—466.76 feet to a point at the southwesterly corner of the aforesaid A&T Lot 801, said point also being on the easterly right-of-way line of MacArthur Boulevard, thence with a portion of the westerly division line of said A&T Lot 801 and the easterly right-of-way line of MacArthur Boulevard, as now described.

(E) 78.62 feet along the arc of a curve to the right having a radius of 650.98 feet, chord bearing and distance of North 06° 17′ 20″ West—78.57 feet to a point, thence crossing to include a portion of aforesaid A&T Lot 801 and a portion of the aforesaid Dalecarlia Reservoir Grounds, as now described

(F) North 87° 18′ 21″ East—258.85 feet to a point, thence

(G) North 02° 49′ 16″ West—214.18 feet to a point, thence

(H) South 87° 09′ 00″ West—238.95 feet to a point on the aforesaid easterly right-of-way line of MacArthur Boulevard, thence with said easterly right-of-way line, as now described

(I) North 08° 41′ 30″ East—30.62 feet to a point, thence crossing to include a portion of aforesaid A&T Lot 801 and a portion of the aforesaid Dalecarlia Reservoir Grounds, as now described

(J) North 87° 09′ 00″ East—373.96 feet to a point, thence

(K) North 88° 42′ 48″ East—374.92 feet to a point, thence

(L) North 56° 53′ 40″ East—53.16 feet to a point, thence

(M) North 86° 00′ 15″ East—26.17 feet to a point, thence

(N) South 87° 24′ 50″ East—464.01 feet to a point, thence

(O) North 83° 34′ 31″ East—212.62 feet to a point, thence

(P) South 30° 16′ 12″ East—108.97 feet to a point, thence

(Q) South 38° 30′ 23″ East—287.46 feet to a point, thence

(R) South 09° 03′ 38″ West—92.74 feet to the point on the aforesaid westerly right-of-way line of Dalecarlia Parkway, thence with said westerly right-of-way line, as now described

(S) 197.74 feet along the arc of a curve to the right having a radius of 916.00 feet, chord bearing and distance of South 53° 54′ 43″ West—197.35 feet to the place of beginning.

(3) TERMS AND CONDITIONS.—The conveyance under this subsection shall be subject to the following terms and conditions:

(A) LIMITATION ON THE USE OF CERTAIN PORTIONS OF THE PARCEL.—The Secretary shall include in any deed conveying the parcel under this section a restriction to prevent the Hospital, and its successors and assigns, from constructing any structure, other than a structure used exclusively for the parking of motor vehicles, on the portion of the parcel that lies between the Washington Aqueduct and Little Falls Road.

(B) LIMITATION ON CERTAIN LEGAL CHALLENGES.—The Secretary shall require the Hospital, and its successors and assigns, to refrain from raising any legal challenge to the operations of the Washington Aqueduct arising from any impact such operations may have on the activities conducted by the Hospital on the parcel.

(C) EASEMENT.—The Secretary shall require that the conveyance be subject to the retention of an easement permitting the United States, and its successors and assigns, to use and maintain the portion of the parcel described as follows: Beginning at a point on the easterly or South 35° 05′ 40″ East—436.31 foot plat line of Lot 25 as shown on a subdivision plat recorded in book 175 page 102 among the records of the Office of the Surveyor of the District of Columbia, said point also being on the northerly right-of-way line of Dalecarlia Parkway, thence running with said easterly line of Lot 25 and crossing to include a portion of the aforsaid Dalecarlia Reservoir Grounds as now described:

(i) North 35° 05′ 40″ West—495.13 feet to a point, thence

(ii) North 87° 24′ 50″ West—414.43 feet to a point, thence

(iii) South 81° 08′ 00″ West—69.56 feet to a point, thence

(iv) South 88° 42′ 48″ West—367.50 feet to a point, thence

(v) South 87° 09′ 00″ West—379.68 feet to a point on the easterly right-of-way line of MacArthur Boulevard, thence with said easterly right-of-way line, as now described

(vi) North 08° 41′ 30″ East—30.62 feet to a point, thence crossing to include a portion of the aforesaid Dalecarlia Reservoir Grounds, as now described

(vii) North 87° 09′ 00″ East—373.96 feet to a point, thence

(viii) North 88° 42′ 48″ East—374.92 feet to a point, thence

(ix) North 56° 53′ 40″ East—53.16 feet to a point, thence

(x) North 86° 00′ 15″ East—26.17 feet to a point, thence

(xi) South 87° 24′ 50″ East—464.01 feet to a point, thence

(xii) North 83° 34′ 31″ East—50.62 feet to a point, thence

(xiii) South 02° 35′ 10″ West—46.46 feet to a point, thence

(xiv) South 13° 38′ 12″ East—107.83 feet to a point, thence

(xv) South 35° 05′ 40″ East—347.97 feet to a point on the aforesaid northerly right-of-way line of Dalecarlia Parkway, thence with said right-of-way line, as now described

(xvi) 44.12 feet along the arc of a curve to the right having a radius of 855.00 feet, chord bearing and distance of South 58° 59′ 22″ West—44.11 feet to the place of beginning containing 1.7157 acres of land more or less as now described by Maddox Engineers and Surveyors, Inc., June 2000, Job #00015.

(4) APPRAISAL.—Before conveying any right, title, or interest under this subsection, the Secretary shall obtain an appraisal of the fair market value of the parcel.

(c) ONTONAGON, MICHIGAN.—

(1) IN GENERAL.—The Secretary shall convey by quitclaim deed without consideration to the Ontonagon County Historical Society all right, title, and interest of the United States in and to the parcel of land underlying and immediately surrounding the lighthouse at Ontonagon, Michigan, consisting of approximately 1.8 acres, together with any improvements thereon, for public ownership and for public purposes.

(2) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The exact acreage and the legal description of the real property described in paragraph (1) shall be determined by a survey that is satisfactory to the Secretary.

(3) REVERSION.—If the Secretary determines that the real property described in paragraph (1) ceases to be held in public ownership or used for public purposes, all right, title, and interest in and to the property shall revert to the United States.

(d) PIKE COUNTY, MISSOURI.—

(1) LAND EXCHANGE.—Subject to paragraphs (3) and (4), at such time as S.S.S., Inc. conveys all right, title, and interest in and to the parcel of land described in paragraph (2)(A) to the United States, the Secretary shall convey by quitclaim deed all right, title, and interest in the parcel of land described in paragraph (2)(B) to S.S.S., Inc.

(2) LAND DESCRIPTION.—The parcels of land referred to in paragraph (1) are the following:

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

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

(3) CONDITIONS.—The exchange of land under paragraph (1) shall be subject to the following conditions:

(A) DEEDS.—

(i) NON-FEDERAL LAND.—The conveyance of the land described in paragraph (2)(A) to the Secretary shall be by a quitclaim deed acceptable to the Secretary.

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

(B) REMOVAL OF IMPROVEMENTS.—S.S.S., Inc. may remove any improvements on the land described in paragraph (2)(A). The Secretary may require S.S.S., Inc. to remove any improvements on the land described in paragraph (2)(A). In either case, S.S.S., Inc. shall hold the United States harmless from liability, and the United States shall not incur costs associated with the removal or relocation of any of the improvements.

(C) TIME LIMIT FOR EXCHANGE.—The land exchange under paragraph (1) shall be completed not later than 2 years after the date of enactment of this Act.

(D) LEGAL DESCRIPTION.—The Secretary shall provide the legal description of the lands described in paragraph (2). The legal description shall be used in the instruments of conveyance of the lands.

(4) VALUE OF PROPERTIES.—If the appraised fair market value, as determined by the Secretary, of the land conveyed to S.S.S., Inc. by the Secretary under paragraph (1) exceeds the appraised fair market value, as determined by the Secretary, of the land conveyed to the United States by S.S.S., Inc. under paragraph (1), S.S.S., Inc. shall make a payment equal to the excess in cash or a cash equivalent to the United States.

(e) CANDY LAKE PROJECT, OSAGE COUNTY, OKLAHOMA.—Section 563(c)(1)(B) of the Water Resources Development Act of 1999 (113 Stat. 357) is amended by striking ''a deceased individual'' and inserting ''an individual''.

(f) MANOR TOWNSHIP, PENNSYLVANIA.—

(1) IN GENERAL.—In accordance with this subsection, the Secretary shall convey by quitclaim deed to the township of Manor, Pennsylvania, all right, title, and interest of the United States in and to the approximately 113 acres of real property located at Crooked Creek Lake, together with any improvements on the land.

(2) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The exact acreage and the legal description of the real property described in paragraph (1) shall be determined by a survey that is satisfactory to the Secretary.

(3) CONSIDERATION.—The Secretary may convey under this subsection without consideration any portion of the real property described in paragraph (1) if the portion is to be retained in public ownership and be used for public park and recreation or other public purposes.

(4) REVERSION.—If the Secretary determines that any portion of the property conveyed under paragraph (3) ceases to be held in public ownership or to be used for public park and recreation or other public purposes, all right, title, and interest in and to such portion of property shall revert to the Secretary.

(5) PAYMENT OF COSTS.—The township of Manor, Pennsylvania shall be responsible for all costs associated with a conveyance under this subsection, including the cost of conducting the survey referred to in paragraph (2).

(g) NEW SAVANNAH BLUFF LOCK AND DAM, SAVANNAH RIVER, SOUTH CAROLINA, BELOW AUGUSTA.—

(1) IN GENERAL.—The Secretary shall convey by quitclaim deed to the city of North Augusta and Aiken County, South Carolina, the lock, dam, and appurtenant features at New Savannah Bluff, including the adjacent approximately 50-acre park and recreation area with improvements of the navigation project, Savannah River Below Augusta, Georgia, authorized by the first section of the River and Harbor Act of July 3, 1930 (46 Stat. 924), subject to the execution of an agreement by the Secretary and the city of North Augusta and Aiken County, South Carolina, that specifies the terms and conditions for such conveyance.

(2) TREATMENT OF LOCK, DAM, APPURTENANT FEATURES, AND PARK AND RECREATION AREA.—The lock, dam, appurtenant features, adjacent park and recreation area, and other project lands, to be conveyed under paragraph (1) shall not be treated as part of any Federal water resources project after the effective date of the transfer.

(3) OPERATION AND MAINTENANCE.—Operation and maintenance of all features of the navigation project, other than the lock, dam, appurtenant features, adjacent park and recreation area, and other project lands to be conveyed under paragraph (1), shall continue to be a Federal responsibility after the effective date of the transfer under paragraph (1).

(h) TRI-CITIES AREA, WASHINGTON.—Section 501(i) of the Water Resources Development Act of 1996 (110 Stat. 3752–3753) is amended—

(1) by inserting before the period at the end of paragraph (1) the following: ''; except that any of such local governments, with the agreement of the appropriate district engineer, may exempt from the conveyance to the local government all or any part of the lands to be conveyed to the local government''; and

(2) by inserting before the period at the end of paragraph (2)(C) the following: ''; except that approximately 7.4 acres in Columbia Park, Kennewick, Washington, consisting of the historic site located in the Park and known and referred to as the Kennewick Man Site and such adjacent wooded areas as the Secretary determines are necessary to protect the historic site, shall remain in Federal ownership''.

(i) BAYOU TECHE, LOUISIANA.—

(1) IN GENERAL.—After renovations of the Keystone Lock facility have been completed, the Secretary may convey by quitclaim deed without consideration to St. Martin Parish, Louisiana, all rights, interests, and title of the United States in the approximately 12.03 acres of land under the administrative jurisdiction of the Secretary in Bayou Teche, Louisiana, together with improvements thereon. The dam and the authority to retain upstream pool elevations shall remain under the jurisdiction of the Secretary. The Secretary shall relinquish all operations and maintenance of the lock to St. Martin Parish.

(2) CONDITIONS.—The following conditions apply to the transfer under paragraph (1):

(A) St. Martin Parish shall operate, maintain, repair, replace, and rehabilitate the lock in accordance with regulations prescribed by the Secretary which are consistent with the project's authorized purposes.

(B) The Parish shall provide the Secretary access to the dam whenever the Secretary notifies the Parish of a need for access to the dam.

(C) If the Parish fails to comply with subparagraph (A), the Secretary shall notify the Parish of such failure. If the parish does not correct such failure during the 1-year period beginning on the date of such notification, the Secretary shall have a right of reverter to reclaim possession and title to the land and improvements conveyed under this section or, in the case of a failure to make necessary repairs, the Secretary may effect the repairs and require payment from the Parish for the repairs made by the Secretary.

(j) JOLIET, ILLINOIS.—

(1) IN GENERAL.—The Secretary shall convey by quitclaim deed without consideration to the Joliet Park District in Joliet, Illinois, all right, title, and interest of the United States in and to the parcel of real property located at 622 Railroad Street in the city of Joliet, consisting of approximately 2 acres, together with any improvements thereon, for public ownership and use as the site of the headquarters of the park district.

(2) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The exact acreage and the legal description of the real property described in paragraph (1) shall be determined by a survey that is satisfactory to the Secretary.

(3) REVERSION.—If the Secretary determines that the property conveyed under paragraph (1) ceases to be held in public ownership or to be used as headquarters of the park district or for other purposes, all right, title, and interest in and to such property shall revert to the United States.

(k) OTTAWA, ILLINOIS.—

(1) CONVEYANCE OF PROPERTY.—Subject to the terms, conditions, and reservations of paragraph (2), the Secretary shall convey by quitclaim deed to the Young Men's Christian Association of Ottawa, Illinois (in this subsection referred to as the ''YMCA''), all right, title, and interest of the United States in and to a portion of the easements acquired for the improvement of the Illinois Waterway project over a parcel of real property owned by the YMCA, known as the ''Ottawa, Illinois YMCA Site'', and located at 201 E. Jackson Street, Ottawa, La Salle County, Illinois (portion of NE ¼, S11, T33N, R3E 3PM), except that portion lying below the elevation of 461 feet National Geodetic Vertical Datum.

(2) CONDITIONS.—The following conditions apply to the conveyance under paragraph (1):

(A) The exact acreage and the legal description of the real property described in paragraph (1) shall be determined by a survey that is satisfactory to the Secretary.

(B) The YMCA shall agree to hold and save the United States harmless from liability associated with the operation and maintenance of the Illinois Waterway project on the property desscribed in paragraph (1).

(C) If the Secretary determines that any portion of the property that is the subject of the easement conveyed under paragraph (1) ceases to be used as the YMCA, all right, title, and interest in and to such easement shall revert to the Secretary.

(l) ST. CLAIR AND BENTON COUNTIES, MISSOURI.—

(1) IN GENERAL.—The Secretary shall convey to the Iconium Fire Protection District,

St. Clair and Benton counties, Missouri, by quitclaim deed and without consideration, all right, title, and interest of the United States in and to the parcel of land described in paragraph (2).

(2) LAND DESCRIPTION.—The parcel of land to be conveyed under paragraph (1) is the tract of land located in the Southeast ¼ of Section 13, Township 39 North, Range 25 West, of the Fifth Principal Meridian, St. Clair County, Missouri, more particularly described as follows: Commencing at the Southwest corner of Section 18, as designated by Corps survey marker AP 18–1, thence northerly 11.22 feet to the southeast corner of Section 13, thence 657.22 feet north along the east line of Section 13 to Corps monument 18 1–C lying within the right-of-way of State Highway C, being the point of beginning of the tract of land herein described; thence westerly approximately 210 feet, thence northerly 150 feet, thence easterly approximately 210 feet to the east line of Section 13, thence southerly along said east line, 150 feet to the point of beginning, containing 0.723 acres, more or less.

(3) REVERSION.—If the Secretary determines that the property conveyed under paragraph (1) ceases to be held in public ownership or to be used as a site for a fire station, all right, title, and interest in and to such property shall revert to the United States.

(m) GENERALLY APPLICABLE PROVISIONS.—

(1) APPLICABILITY OF PROPERTY SCREENING PROVISIONS.—Section 2696 of title 10, United States Code, shall not apply to any conveyance under this section.

(2) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require that any conveyance under this section be subject to such additional terms and conditions as the Secretary considers appropriate and necessary to protect the interests of the United States.

(3) COSTS OF CONVEYANCE.—An entity to which a conveyance is made under this section shall be responsible for all reasonable and necessary costs, including real estate transaction and environmental compliance costs, associated with the conveyance.

(4) LIABILITY.—An entity to which a conveyance is made under this section shall hold the United States harmless from any liability with respect to activities carried out, on or after the date of the conveyance, on the real property conveyed. The United States shall remain responsible for any liability with respect to activities carried out, before such date, on the real property conveyed.

SEC. 586. BRUCE F. VENTO UNIT OF THE BOUNDARY WATERS CANOE AREA WILDERNESS, MINNESOTA.

(a) DESIGNATION.—The portion of the Boundary Waters Canoe Area Wilderness, Minnesota, situated north and cast of the Gunflint Corridor and that is bounded by the United States border with Canada to the north shall be known and designated as the ''Bruce F. Vento Unit of the Boundary Waters Canoe Area Wilderness''.

(b) LEGAL REFERENCE.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the area referred to in paragraph (1) shall be deemed to be a reference to the ''Bruce F. Vento Unit of the Boundary Waters Canoe Area Wilderness''.

TITLE VI—COMPREHENSIVE EVERGLADES RESTORATION

SEC. 601. COMPREHENSIVE EVERGLADES RESTORATION PLAN.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) CENTRAL AND SOUTHERN FLORIDA PROJECT.—

(A) IN GENERAL.—The term ''Central and Southern Florida Project'' means the project for Central and Southern Florida authorized under the heading ''CENTRAL AND SOUTHERN FLORIDA'' in section 203 of the Flood Control Act of 1948 (62 Stat. 1176).

(B) INCLUSION.—The term ''Central and Southern Florida Project'' includes any modification to the project authorized by this section or any other provision of law.

(2) GOVERNOR.—The term ''Governor'' means the Governor of the State of Florida.

(3) NATURAL SYSTEM.—

(A) IN GENERAL.—The term ''natural system'' means all land and water managed by the Federal Government or the State within the South Florida ecosystem.

(B) INCLUSIONS.—The term ''natural system'' includes—

(i) water conservation areas;

(ii) sovereign submerged land;

(iii) Everglades National Park;

(iv) Biscayne National Park;

(v) Big Cypress National Preserve;

(vi) other Federal or State (including a political subdivision of a State) land that is designated and managed for conservation purposes; and

(vii) any tribal land that is designated and managed for conservation purposes, as approved by the tribe.

(4) PLAN.—The term ''Plan'' means the Comprehensive Everglades Restoration Plan contained in the ''Final Integrated Feasibility Report and Programmatic Environmental Impact Statement'', dated April 1, 1999, as modified by this section.

(5) SOUTH FLORIDA ECOSYSTEM.—

(A) IN GENERAL.—The term ''South Florida ecosystem'' means the area consisting of the land and water within the boundary of the South Florida Water Management District in effect on July 1, 1999.

(B) INCLUSIONS.—The term ''South Florida ecosystem'' includes—

(i) the Everglades;

(ii) the Florida Keys; and

(iii) the contiguous near-shore coastal water of South Florida.

(6) STATE.—The term ''State'' means the State of Florida.

(b) COMPREHENSIVE EVERGLADES RESTORATION PLAN.—

(1) APPROVAL.—

(A) IN GENERAL.—Except as modified by this section, the Plan is approved as a framework for modifications and operational changes to the Central and Southern Florida Project that are needed to restore, preserve, and protect the South Florida ecosystem while providing for other water-related needs of the region, including water supply and flood protection. The Plan shall be implemented to ensure the protection of water quality in, the reduction of the loss of fresh water from, and the improvement of the environment of the South Florida ecosystem and to achieve and maintain the benefits to the natural system and human environment described in the Plan, and required pursuant to this section, for as long as the project is authorized.

(B) INTEGRATION.—In carrying out the Plan, the Secretary shall integrate the activities described in subparagraph (A) with ongoing Federal and State projects and activities in accordance with section 528(c) of the Water Resources Development Act of 1996 (110 Stat. 3769). Unless specifically provided herein, nothing in this section shall be construed to modify any existing cost share or responsibility for projects as listed in subsection (c) or (e) of section 528 of the Water Resources Development Act of 1996 (110 Stat. 3769).

(2) SPECIFIC AUTHORIZATIONS.—

(A) IN GENERAL.—

(i) PROJECTS.—The Secretary shall carry out the projects included in the Plan in accordance with subparagraphs (B), (C), (D), and (E).

(ii) CONSIDERATIONS.—In carrying out activities described in the Plan, the Secretary shall—

(I) take into account the protection of water quality by considering applicable State water quality standards; and

(II) include such features as the Secretary determines are necessary to ensure that all ground water and surface water discharges from any project feature authorized by this subsection will meet all applicable water quality standards and applicable water quality permitting requirements.

(iii) REVIEW AND COMMENT.—In developing the projects authorized under subparagraph (B), the Secretary shall provide for public review and comment in accordance with applicable Federal law.

(B) PILOT PROJECTS.—The following pilot projects are authorized for implementation, after review and approval by the Secretary, at a total cost of $69,000,000, with an estimated Federal cost of $34,500,000 and an estimated non-Federal cost of $34,500,000:

(i) Caloosahatchee River (C–43) Basin ASR, at a total cost of $6,000,000, with an estimated Federal cost of $3,000,000 and an estimated non-Federal cost of $3,000,000.

(ii) Lake Belt In-Ground Reservoir Technology, at a total cost of $23,000,000, with an estimated Federal cost of $11,500,000 and an estimated non-Federal cost of $11,500,000.

(iii) L–31N Seepage Management, at a total cost of $10,000,000, with an estimated Federal cost of $5,000,000 and an estimated non-Federal cost of $5,000,000.

(iv) Wastewater Reuse Technology, at a total cost of $30,000,000, with an estimated Federal cost of $15,000,000 and an estimated non-Federal cost of $15,000,000.

(C) INITIAL PROJECTS.—The following projects are authorized for implementation, after review and approval by the Secretary, subject to the conditions stated in subparagraph (D), at a total cost of $1,100,918,000, with an estimated Federal cost of $550,459,000 and an estimated non-Federal cost of $550,459,000:

(i) C–44 Basin Storage Reservoir, at a total cost of $112,562,000, with an estimated Federal cost of $56,281,000 and an estimated non-Federal cost of $56,281,000.

(ii) Everglades Agricultural Area Storage Reservoirs—Phase I, at a total cost of $233,408,000, with an estimated Federal cost of $116,704,000 and an estimated non-Federal cost of $116,704,000.

(iii) Site 1 Impoundment, at a total cost of $38,535,000, with an estimated Federal cost of $19,267,500 and an estimated non-Federal cost of $19,267,500.

(iv) Water Conservation Areas 3A/3B Levee Seepage Management, at a total cost of $100,335,000, with an estimated Federal cost of $50,167,500 and an estimated non-Federal cost of $50,167,500.

(v) C–11 Impoundment and Stormwater Treatment Area, at a total cost of $124,837,000, with an estimated Federal cost of $62,418,500 and an estimated non-Federal cost of $62,418,500.

(vi) C–9 Impoundment and Stormwater Treatment Area, at a total cost of $89,146,000, with an estimated Federal cost of $44,573,000 and an estimated non-Federal cost of $44,573,000.

(vii) Taylor Creek/Nubbin Slough Storage and Treatment Area, at a total cost of

$104,027,000, with an estimated Federal cost of $52,013,500 and an estimated non-Federal cost of $52,013,500.

(viii) Raise and Bridge East Portion of Tamiami Trail and Fill Miami Canal within Water Conservation Area 3, at a total cost of $26,946,000, with an estimated Federal cost of $13,473,000 and an estimated non-Federal cost of $13,473,000.

(ix) North New River Improvements, at a total cost of $77,087,000, with an estimated Federal cost of $38,543,500 and an estimated non-Federal cost of $38,543,500.

(x) C–111 Spreader Canal, at a total cost of $94,035,000, with an estimated Federal cost of $47,017,500 and an estimated non-Federal cost of $47,017,500.

(xi) Adaptive Assessment and Monitoring Program, at a total cost of $100,000,000, with an estimated Federal cost of $50,000,000 and an estimated non-Federal cost of $50,000,000.

(D) CONDITIONS.—

(i) PROJECT IMPLEMENTATION REPORTS.—Before implementation of a project described in any of clauses (i) through (x) of subparagraph (C), the Secretary shall review and approve for the project a project implementation report prepared in accordance with subsections (f) and (h).

(ii) SUBMISSION OF REPORT.—The Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate the project implementation report required by subsections (f) and (h) for each project under this paragraph (including all relevant data and information on all costs).

(iii) FUNDING CONTINGENT ON APPROVAL.—No appropriation shall be made to construct any project under this paragraph if the project implementation report for the project has not been approved by resolutions adopted by the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(iv) MODIFIED WATER DELIVERY.—No appropriation shall be made to construct the Water Conservation Area 3 Decompartmentalization and Sheetflow Enhancement Project (including component AA, Additional S–345 Structures; component QQ Phase 1, Raise and Bridge East Portion of Tamiami Trail and Fill Miami Canal within WCA 3; component QQ Phase 2, WCA 3 Decompartmentalization and Sheetflow Enhancement; and component SS, North New River Improvements) or the Central Lakebelt Storage Project (including components S and EEE, Central Lake Belt Storage Area) until the completion of the project to improve water deliveries to Everglades National Park authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r–8).

(E) MAXIMUM COST OF PROJECTS.—Section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280) shall apply to each project feature authorized under this subsection.

(c) ADDITIONAL PROGRAM AUTHORITY.—

(1) IN GENERAL.—To expedite implementation of the Plan, the Secretary may implement modifications to the Central and Southern Florida Project that—

(A) are described in the Plan; and

(B) will produce a substantial benefit to the restoration, preservation and protection of the South Florida ecosystem.

(2) PROJECT IMPLEMENTATION REPORTS.—Before implementation of any project feature authorized under this subsection, the Secretary shall review and approve for the project feature a project implementation report prepared in accordance with subsections (f) and (h).

(3) FUNDING.—

(A) INDIVIDUAL PROJECT FUNDING.—

(i) FEDERAL COST.—The total Federal cost of each project carried out under this subsection shall not exceed $12,500,000.

(ii) OVERALL COST.—The total cost of each project carried out under this subsection shall not exceed $25,000,000.

(B) AGGREGATE COST.—The total cost of all projects carried out under this subsection shall not exceed $206,000,000, with an estimated Federal cost of $103,000,000 and an estimated non-Federal cost of $103,000,000.

(d) AUTHORIZATION OF FUTURE PROJECTS.—

(1) IN GENERAL.—Except for a project authorized by subsection (b) or (c), any project included in the Plan shall require a specific authorization by Congress.

(2) SUBMISSION OF REPORT.—Before seeking congressional authorization for a project under paragraph (1), the Secretary shall submit to Congress—

(A) a description of the project; and

(B) a project implementation report for the project prepared in accordance with subsections (f) and (h).

(e) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the cost of carrying out a project authorized by subsection (b), (c), or (d) shall be 50 percent.

(2) NON-FEDERAL RESPONSIBILITIES.—The non-Federal sponsor with respect to a project described in subsection (b), (c), or (d), shall be—

(A) responsible for all land, easements, rights-of-way, and relocations necessary to implement the Plan; and

(B) afforded credit toward the non-Federal share of the cost of carrying out the project in accordance with paragraph (5)(A).

(3) FEDERAL ASSISTANCE.—

(A) IN GENERAL.—The non-Federal sponsor with respect to a project authorized by subsection (b), (c), or (d) may use Federal funds for the purchase of any land, easement, rights-of-way, or relocation that is necessary to carry out the project if any funds so used are credited toward the Federal share of the cost of the project.

(B) AGRICULTURE FUNDS.—Funds provided to the non-Federal sponsor under the Conservation Restoration and Enhancement Program (CREP) and the Wetlands Reserve Program (WRP) for projects in the Plan shall be credited toward the non-Federal share of the cost of the Plan if the Secretary of Agriculture certifies that the funds provided may be used for that purpose. Funds to be credited do not include funds provided under section 390 of the Federal Agriculture Improvement and Reform Act of 1996 (110 Stat. 1022).

(4) OPERATION AND MAINTENANCE.—Notwithstanding section 528(e)(3) of the Water Resources Development Act of 1996 (110 Stat. 3770), the non-Federal sponsor shall be responsible for 50 percent of the cost of operation, maintenance, repair, replacement, and rehabilitation activities authorized under this section. Furthermore, the Seminole Tribe of Florida shall be responsible for 50 percent of the cost of operation, maintenance, repair, replacement, and rehabilitation activities for the Big Cypress Seminole Reservation Water Conservation Plan Project.

(5) CREDIT.—

(A) IN GENERAL.—Notwithstanding section 528(e)(4) of the Water Resources Development Act of 1996 (110 Stat. 3770) and regardless of the date of acquisition, the value of lands or interests in lands and incidental costs for land acquired by a non-Federal sponsor in accordance with a project implementation report for any project included in the Plan and authorized by Congress shall be—

(i) included in the total cost of the project; and

(ii) credited toward the non-Federal share of the cost of the project.

(B) WORK.—The Secretary may provide credit, including in-kind credit, toward the non-Federal share for the reasonable cost of any work performed in connection with a study, preconstruction engineering and design, or construction that is necessary for the implementation of the Plan if—

(i)(I) the credit is provided for work completed during the period of design, as defined in a design agreement between the Secretary and the non-Federal sponsor; or

(II) the credit is provided for work completed during the period of construction, as defined in a project cooperation agreement for an authorized project between the Secretary and the non-Federal sponsor;

(ii) the design agreement or the project cooperation agreement prescribes the terms and conditions of the credit; and

(iii) the Secretary determines that the work performed by the non-Federal sponsor is integral to the project.

(C) TREATMENT OF CREDIT BETWEEN PROJECTS.—Any credit provided under this paragraph may be carried over between authorized projects in accordance with subparagraph (D).

(D) PERIODIC MONITORING.—

(i) IN GENERAL.—To ensure that the contributions of the non-Federal sponsor equal 50 percent proportionate share for projects in the Plan, during each 5-year period, beginning with commencement of design of the Plan, the Secretary shall, for each project—

(I) monitor the non-Federal provision of cash, in-kind services, and land; and

(II) manage, to the maximum extent practicable, the requirement of the non-Federal sponsor to provide cash, in-kind services, and land.

(ii) OTHER MONITORING.—The Secretary shall conduct monitoring under clause (i) separately for the preconstruction engineering and design phase and the construction phase.

(E) AUDITS.—Credit for land (including land value and incidental costs) or work provided under this subsection shall be subject to audit by the Secretary.

(f) EVALUATION OF PROJECTS.—

(1) IN GENERAL.—Before implementation of a project authorized by subsection (c) or (d) or any of clauses (i) through (x) of subsection (b)(2)(C), the Secretary, in cooperation with the non-Federal sponsor, shall complete, after notice and opportunity for public comment and in accordance with subsection (h), a project implementation report for the project.

(2) PROJECT JUSTIFICATION.—

(A) IN GENERAL.—Notwithstanding section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962–2) or any other provision of law, in carrying out any activity authorized under this section or any other provision of law to restore, preserve, or protect the South Florida ecosystem, the Secretary may determine that—

(i) the activity is justified by the environmental benefits derived by the South Florida ecosystem; and

(ii) no further economic justification for the activity is required, if the Secretary determines that the activity is cost-effective.

(B) APPLICABILITY.—Subparagraph (A) shall not apply to any separable element intended to produce benefits that are predominantly unrelated to the restoration, preservation, and protection of the natural system.

(g) EXCLUSIONS AND LIMITATIONS.—The following Plan components are not approved for implementation:

(1) WATER INCLUDED IN THE PLAN.—

(A) IN GENERAL.—Any project that is designed to implement the capture and use of the approximately 245,000 acre-feet of water described in section 7.7.2 of the Plan shall not be implemented until such time as—

(i) the project-specific feasibility study described in subparagraph (B) on the need for and physical delivery of the approximately 245,000 acre-feet of water, conducted by the Secretary, in cooperation with the non-Federal sponsor, is completed;

(ii) the project is favorably recommended in a final report of the Chief of Engineers; and

(iii) the project is authorized by Act of Congress.

(B) PROJECT-SPECIFIC FEASIBILITY STUDY.—The project-specific feasibility study referred to in subparagraph (A) shall include—

(i) a comprehensive analysis of the structural facilities proposed to deliver the approximately 245,000 acre-feet of water to the natural system;

(ii) an assessment of the requirements to divert and treat the water;

(iii) an assessment of delivery alternatives;

(iv) an assessment of the feasibility of delivering the water downstream while maintaining current levels of flood protection to affected property; and

(v) any other assessments that are determined by the Secretary to be necessary to complete the study.

(2) WASTEWATER REUSE.—

(A) IN GENERAL.—On completion and evaluation of the wastewater reuse pilot project described in subsection (b)(2)(B)(iv), the Secretary, in an appropriately timed 5-year report, shall describe the results of the evaluation of advanced wastewater reuse in meeting, in a cost-effective manner, the requirements of restoration of the natural system.

(B) SUBMISSION.—The Secretary shall submit to Congress the report described in subparagraph (A) before congressional authorization for advanced wastewater reuse is sought.

(3) PROJECTS APPROVED WITH LIMITATIONS.—The following projects in the Plan are approved for implementation with limitations:

(A) LOXAHATCHEE NATIONAL WILDLIFE REFUGE.—The Federal share for land acquisition in the project to enhance existing wetland systems along the Loxahatchee National Wildlife Refuge, including the Stazzulla tract, should be funded through the budget of the Department of the Interior.

(B) SOUTHERN CORKSCREW REGIONAL ECOSYSTEM.—The Southern Corkscrew regional ecosystem watershed addition should be accomplished outside the scope of the Plan.

(h) ASSURANCE OF PROJECT BENEFITS.—

(1) IN GENERAL.—The overarching objective of the Plan is the restoration, preservation, and protection of the South Florida Ecosystem while providing for other water-related needs of the region, including water supply and flood protection. The Plan shall be implemented to ensure the protection of water quality in, the reduction of the loss of fresh water from, the improvement of the environment of the South Florida Ecosystem and to achieve and maintain the benefits to the natural system and human environment described in the Plan, and required pursuant to this section, for as long as the project is authorized.

(2) AGREEMENT.—

(A) IN GENERAL.—In order to ensure that water generated by the Plan will be made available for the restoration of the natural system, no appropriations, except for any pilot project described in subsection (b)(2)(B), shall be made for the construction of a project contained in the Plan until the President and the Governor enter into a binding agreement under which the State shall ensure, by regulation or other appropriate means, that water made available by each project in the Plan shall not be permitted for a consumptive use or otherwise made unavailable by the State until such time as sufficient reservations of water for the restoration of the natural system are made under State law in accordance with the project implementation report for that project and consistent with the Plan.

(B) ENFORCEMENT.—

(i) IN GENERAL.—Any person or entity that is aggrieved by a failure of the United States or any other Federal Government instrumentality or agency, or the Governor or any other officer of a State instrumentality or agency, to comply with any provision of the agreement entered into under subparagraph (A) may bring a civil action in United States district court for an injunction directing the United States or any other Federal Government instrumentality or agency or the Governor or any other officer of a State instrumentality or agency, as the case may be, to comply with the agreement.

(ii) LIMITATIONS ON COMMENCEMENT OF CIVIL ACTION.—No civil action may be commenced under clause (i)—

(I) before the date that is 60 days after the Secretary and the Governor receive written notice of a failure to comply with the agreement; or

(II) if the United States has commenced and is diligently prosecuting an action in a court of the United States or a State to redress a failure to comply with the agreement.

(C) TRUST RESPONSIBILITIES.—In carrying out his responsibilities under this subsection with respect to the restoration of the South Florida ecosystem, the Secretary of the Interior shall fulfill his obligations to the Indian tribes in South Florida under the Indian trust doctrine as well as other applicable legal obligations.

(3) PROGRAMMATIC REGULATIONS.—

(A) ISSUANCE.—Not later than 2 years after the date of enactment of this Act, the Secretary shall, after notice and opportunity for public comment, with the concurrence of the Governor and the Secretary of the Interior, and in consultation with the Seminole Tribe of Florida, the Miccosukee Tribe of Indians of Florida, the Administrator of the Environmental Protection Agency, the Secretary of Commerce, and other Federal, State, and local agencies, promulgate programmatic regulations to ensure that the goals and purposes of the Plan are achieved.

(B) CONCURRENCY STATEMENT.—The Secretary of the Interior and the Governor shall, not later than 180 days from the end of the public comment period on proposed programmatic regulations, provide the Secretary with a written statement of concurrence or nonconcurrence. A failure to provide a written statement of concurrence or nonconcurrence within such time frame will be deemed as meeting the concurrency requirements of subparagraph (A)(i). A copy of any concurrency or nonconcurrency statements shall be made a part of the administrative record and referenced in the final programmatic regulations. Any nonconcurrency statement shall specifically detail the reason or reasons for the nonconcurrence.

(C) CONTENT OF REGULATIONS.—

(i) IN GENERAL.—Programmatic regulations promulgated under this paragraph shall establish a process—

(I) for the development of project implementation reports, project cooperation agreements, and operating manuals that ensure that the goals and objectives of the Plan are achieved;

(II) to ensure that new information resulting from changed or unforeseen circumstances, new scientific or technical information or information that is developed through the principles of adaptive management contained in the Plan, or future authorized changes to the Plan are integrated into the implementation of the Plan; and

(III) to ensure the protection of the natural system consistent with the goals and purposes of the Plan, including the establishment of interim goals to provide a means by which the restoration success of the Plan may be evaluated throughout the implementation process.

(ii) LIMITATION ON APPLICABILITY OF PROGRAMMATIC REGULATIONS.—Programmatic regulations promulgated under this paragraph shall expressly prohibit the requirement for concurrence by the Secretary of the Interior or the Governor on project implementation reports, project cooperation agreements, operating manuals for individual projects undertaken in the Plan, and any other documents relating to the development, implementation, and management of individual features of the Plan, unless such concurrence is provided for in other Federal or State laws.

(D) SCHEDULE AND TRANSITION RULE.—

(i) IN GENERAL.—All project implementation reports approved before the date of promulgation of the programmatic regulations shall be consistent with the Plan.

(ii) PREAMBLE.—The preamble of the programmatic regulations shall include a statement concerning the consistency with the programmatic regulations of any project implementation reports that were approved before the date of promulgation of the regulations.

(E) REVIEW OF PROGRAMMATIC REGULATIONS.—Whenever necessary to attain Plan goals and purposes, but not less often than every 5 years, the Secretary, in accordance with subparagraph (A), shall review the programmatic regulations promulgated under this paragraph.

(4) PROJECT-SPECIFIC ASSURANCES.—

(A) PROJECT IMPLEMENTATION REPORTS.—

(i) IN GENERAL.—The Secretary and the non-Federal sponsor shall develop project implementation reports in accordance with section 10.3.1 of the Plan.

(ii) COORDINATION.—In developing a project implementation report, the Secretary and the non-Federal sponsor shall coordinate with appropriate Federal, State, tribal, and local governments.

(iii) REQUIREMENTS.—A project implementation report shall—

(I) be consistent with the Plan and the programmatic regulations promulgated under paragraph (3);

(II) describe how each of the requirements stated in paragraph (3)(B) is satisfied;

(III) comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(IV) identify the appropriate quantity, timing, and distribution of water dedicated and managed for the natural system;

(V) identify the amount of water to be reserved or allocated for the natural system necessary to implement, under State law, subclauses (IV) and (VI);

(VI) comply with applicable water quality standards and applicable water quality permitting requirements under subsection (b)(2)(A)(ii);

(VII) be based on the best available science; and

(VIII) include an analysis concerning the cost-effectiveness and engineering feasibility of the project.

(B) PROJECT COOPERATION AGREEMENTS.—

(i) IN GENERAL.—The Secretary and the non-Federal sponsor shall execute project cooperation agreements in accordance with section 10 of the Plan.

(ii) CONDITION.—The Secretary shall not execute a project cooperation agreement until any reservation or allocation of water for the natural system identified in the project implementation report is executed under State law.

(C) OPERATING MANUALS.—

(i) IN GENERAL.—The Secretary and the non-Federal sponsor shall develop and issue, for each project or group of projects, an operating manual that is consistent with the water reservation or allocation for the natural system described in the project implementation report and the project cooperation agreement for the project or group of projects.

(ii) MODIFICATIONS.—Any significant modification by the Secretary and the non-Federal sponsor to an operating manual after the operating manual is issued shall only be carried out subject to notice and opportunity for public comment.

(5) SAVINGS CLAUSE.—

(A) NO ELIMINATION OR TRANSFER.—Until a new source of water supply of comparable quantity and quality as that available on the date of enactment of this Act is available to replace the water to be lost as a result of implementation of the Plan, the Secretary and the non-Federal sponsor shall not eliminate or transfer existing legal sources of water, including those for—

(i) an agricultural or urban water supply;

(ii) allocation or entitlement to the Seminole Indian Tribe of Florida under section 7 of the Seminole Indian Land Claims Settlement Act of 1987 (25 U.S.C. 1772e);

(iii) the Miccosukee Tribe of Indians of Florida;

(iv) water supply for Everglades National Park; or

(v) water supply for fish and wildlife.

(B) MAINTENANCE OF FLOOD PROTECTION.—Implementation of the Plan shall not reduce levels of service for flood protection that are—

(i) in existence on the date of enactment of this Act; and

(ii) in accordance with applicable law.

(C) NO EFFECT ON TRIBAL COMPACT.—Nothing in this section amends, alters, prevents, or otherwise abrogates rights of the Seminole Indian Tribe of Florida under the compact among the Seminole Tribe of Florida, the State, and the South Florida Water Management District, defining the scope and use of water rights of the Seminole Tribe of Florida, as codified by section 7 of the Seminole Indian Land Claims Settlement Act of 1987 (25 U.S.C. 1772e).

(i) DISPUTE RESOLUTION.—

(1) IN GENERAL.—The Secretary and the Governor shall within 180 days from the date of enactment of this Act develop an agreement for resolving disputes between the Corps of Engineers and the State associated with the implementation of the Plan. Such agreement shall establish a mechanism for the timely and efficient resolution of disputes, including—

(A) a preference for the resolution of disputes between the Jacksonville District of the Corps of Engineers and the South Florida Water Management District;

(B) a mechanism for the Jacksonville District of the Corps of Engineers or the South Florida Water Management District to initiate the dispute resolution process for unresolved issues;

(C) the establishment of appropriate timeframes and intermediate steps for the elevation of disputes to the Governor and the Secretary; and

(D) a mechanism for the final resolution of disputes, within 180 days from the date that the dispute resolution process is initiated under subparagraph (B).

(2) CONDITION FOR REPORT APPROVAL.—The Secretary shall not approve a project implementation report under this section until the agreement established under this subsection has been executed.

(3) NO EFFECT ON LAW.—Nothing in the agreement established under this subsection shall alter or amend any existing Federal or State law, or the responsibility of any party to the agreement to comply with any Federal or State law.

(j) INDEPENDENT SCIENTIFIC REVIEW.—

(1) IN GENERAL.—The Secretary, the Secretary of the Interior, and the Governor, in consultation with the South Florida Ecosystem Restoration Task Force, shall establish an independent scientific review panel convened by a body, such as the National Academy of Sciences, to review the Plan's progress toward achieving the natural system restoration goals of the Plan.

(2) REPORT.—The panel described in paragraph (1) shall produce a biennial report to Congress, the Secretary, the Secretary of the Interior, and the Governor that includes an assessment of ecological indicators and other measures of progress in restoring the ecology of the natural system, based on the Plan.

(k) OUTREACH AND ASSISTANCE.—

(1) SMALL BUSINESS CONCERNS OWNED AND OPERATED BY SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—In executing the Plan, the Secretary shall ensure that small business concerns owned and controlled by socially and economically disadvantaged individuals are provided opportunities to participate under section 15(g) of the Small Business Act (15 U.S.C. 644(g)).

(2) COMMUNITY OUTREACH AND EDUCATION.—

(A) IN GENERAL.—The Secretary shall ensure that impacts on socially and economically disadvantaged individuals, including individuals with limited English proficiency, and communities are considered during implementation of the Plan, and that such individuals have opportunities to review and comment on its implementation.

(B) PROVISION OF OPPORTUNITIES.—The Secretary shall ensure, to the maximum extent practicable, that public outreach and educational opportunities are provided, during implementation of the Plan, to the individuals of South Florida, including individuals with limited English proficiency, and in particular for socially and economically disadvantaged communities.

(l) REPORT TO CONGRESS.—Beginning on October 1, 2005, and periodically thereafter until October 1, 2036, the Secretary and the Secretary of the Interior, in consultation with the Environmental Protection Agency, the Department of Commerce, and the State of Florida, shall jointly submit to Congress a report on the implementation of the Plan. Such reports shall be completed not less often than every 5 years. Such reports shall include a description of planning, design, and construction work completed, the amount of funds expended during the period covered by the report (including a detailed analysis of the funds expended for adaptive assessment under subsection (b)(2)(C)(xi)), and the work anticipated over the next 5-year period. In addition, each report shall include—

(1) the determination of each Secretary, and the Administrator of the Environmental Protection Agency, concerning the benefits to the natural system and the human environment achieved as of the date of the report and whether the completed projects of the Plan are being operated in a manner that is consistent with the requirements of subsection (h);

(2) progress toward interim goals established in accordance with subsection (h)(3)(B); and

(3) a review of the activities performed by the Secretary under subsection (k) as they relate to socially and economically disadvantaged individuals and individuals with limited English proficiency.

(m) REPORT ON AQUIFER STORAGE AND RECOVERY PROJECT.—Not later than 180 after the date of enactment of this Act, the Secretary shall transmit to Congress a report containing a determination as to whether the ongoing Biscayne Aquifer Storage and Recovery Program located in Miami-Dade County has a substantial benefit to the restoration, preservation, and protection of the South Florida ecosystem.

(n) FULL DISCLOSURE OF PROPOSED FUNDING.—

(1) FUNDING FROM ALL SOURCES.—The President, as part of the annual budget of the United States Government, shall display under the heading "Everglades Restoration" all proposed funding for the Plan for all agency programs.

(2) FUNDING FROM CORPS OF ENGINEERS CIVIL WORKS PROGRAM.—The President, as part of the annual budget of the United States Government, shall display under the accounts "Construction, General" and "Operation and Maintenance, General" of the title "Department of Defense—Civil, Department of the Army, Corps of Engineers—Civil", the total proposed funding level for each account for the Plan and the percentage such level represents of the overall levels in such accounts. The President shall also include an assessment of the impact such funding levels for the Plan would have on the budget year and long-term funding levels for the overall Corps of Engineers civil works program.

(o) SURPLUS FEDERAL LANDS.—Section 390(f)(2)(A)(i) of the Federal Agriculture Improvement and Reform Act of 1996 (110 Stat. 1023) is amended by inserting after "on or after the date of enactment of this Act" the following: "and before the date of enactment of the Water Resource Development Act of 2000".

(p) SEVERABILITY.—If any provision or remedy provided by this section is found to be unconstitutional or unenforceable by any court of competent jurisdiction, any remaining provisions in this section shall remain valid and enforceable.

SEC. 602. SENSE OF CONGRESS CONCERNING HOMESTEAD AIR FORCE BASE.

(a) FINDINGS.—Congress finds that—

(1) the Everglades is an American treasure and includes uniquely-important and diverse

wildlife resources and recreational opportunities;

(2) the preservation of the pristine and natural character of the South Florida ecosystem is critical to the regional economy;

(3) as this legislation demonstrates, Congress believes it to be a vital national mission to restore and preserve this ecosystem and accordingly is authorizing a significant Federal investment to do so;

(4) Congress seeks to have the remaining property at the former Homestead Air Base conveyed and reused as expeditiously as possible, and several options for base reuse are being considered, including as a commercial airport; and

(5) Congress is aware that the Homestead site is located in a sensitive environmental location, and that Biscayne National Park is only approximately 1.5 miles to the east, Everglades National Park approximately 8 miles to the west, and the Florida Keys National Marine Sanctuary approximately 10 miles to the south.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) development at the Homestead site could potentially cause significant air, water, and noise pollution and result in the degradation of adjacent national parks and other protected Federal resources;

(2) in their decisionmaking, the Federal agencies charged with determining the reuse of the remaining property at the Homestead base should carefully consider and weigh all available information concerning potential environmental impacts of various reuse options;

(3) the redevelopment of the former base should be consistent with restoration goals, provide desirable numbers of jobs and economic redevelopment for the community, and be consistent with other applicable laws;

(4) consistent with applicable laws, the Secretary of the Air Force should proceed as quickly as practicable to issue a final SEIS and Record of Decision so that reuse of the former air base can proceed expeditiously;

(5) following conveyance of the remaining surplus property, the Secretary, as part of his oversight for Everglades restoration, should cooperate with the entities to which the various parcels of surplus property were conveyed so that the planned use of those properties is implemented in such a manner as to remain consistent with the goals of the Everglades restoration plan; and

(6) by August 1, 2002, the Secretary should submit a report to the appropriate committees of Congress on actions taken and make any recommendations for consideration by Congress.

TITLE VII—MISSOURI RIVER RESTORATION

SEC. 701. DEFINITIONS.

In this title, the following definitions apply:

(1) PICK-SLOAN PROGRAM.—The term ''Pick-Sloan program'' means the Pick-Sloan Missouri River Basin Program authorized by section 9 of the Act of December 22, 1944 (58 Stat. 891).

(2) PLAN.—The term ''plan'' means the plan for the use of funds made available by this title that is required to be prepared under section 705(e).

(3) STATE.—The term ''State'' means the State of South Dakota.

(4) TASK FORCE.—The term ''Task Force'' means the Missouri River Task Force established by section 705(a).

(6) TRUST.—The term ''Trust'' means the Missouri River Trust established by section 704(a).

SEC. 702. MISSOURI RIVER TRUST.

(a) ESTABLISHMENT.—There is established a committee to be known as the Missouri River Trust.

(b) MEMBERSHIP.—The Trust shall be composed of 25 members to be appointed by the Secretary, including—

(1) 15 members recommended by the Governor of South Dakota that—

(A) represent equally the various interests of the public; and

(B) include representatives of—

(i) the South Dakota Department of Environment and Natural Resources;

(ii) the South Dakota Department of Game, Fish, and Parks;

(iii) environmental groups;

(iv) the hydroelectric power industry;

(v) local governments;

(vi) recreation user groups;

(vii) agricultural groups; and

(viii) other appropriate interests;

(2) 9 members, 1 of each of whom shall be recommended by each of the 9 Indian tribes in the State of South Dakota; and

(3) 1 member recommended by the organization known as the ''Three Affiliated Tribes of North Dakota'' (composed of the Mandan, Hidatsa, and Arikara tribes).

SEC. 703. MISSOURI RIVER TASK FORCE.

(a) ESTABLISHMENT.—There is established the Missouri River Task Force.

(b) MEMBERSHIP.—The Task Force shall be composed of—

(1) the Secretary (or a designee), who shall serve as Chairperson;

(2) the Secretary of Agriculture (or a designee);

(3) the Secretary of Energy (or a designee);

(4) the Secretary of the Interior (or a designee); and

(5) the Trust.

(c) DUTIES.—The Task Force shall—

(1) meet at least twice each year;

(2) vote on approval of the plan, with approval requiring votes in favor of the plan by a majority of the members;

(3) review projects to meet the goals of the plan; and

(4) recommend to the Secretary critical projects for implementation.

(d) ASSESSMENT.—

(1) IN GENERAL.—Not later than 1 year after the date on which funding authorized under this title becomes available, the Secretary shall submit to the other members of the Task Force a report on—

(A) the impact of the siltation of the Missouri River in the State, including the impact on the Federal, State, and regional economies, recreation, hydropower generation, fish and wildlife, and flood control;

(B) the status of Indian and non-Indian historical and cultural sites along the Missouri River;

(C) the extent of erosion along the Missouri River (including tributaries of the Missouri River) in the State; and

(D) other issues, as requested by the Task Force.

(2) CONSULTATION.—In preparing the report under paragraph (1), the Secretary shall consult with the Secretary of Energy, the Secretary of the Interior, the Secretary of Agriculture, the State, and Indian tribes in the State.

(e) PLAN FOR USE OF FUNDS MADE AVAILABLE BY THIS TITLE.—

(1) IN GENERAL.—Not later than 2 years after the date on which funding authorized under this title becomes available, the Task Force shall prepare a plan for the use of funds made available under this title.

(2) CONTENTS OF PLAN.—The plan shall provide for the manner in which the Task Force shall develop and recommend critical restoration projects to promote—

(A) conservation practices in the Missouri River watershed;

(B) the general control and removal of sediment from the Missouri River;

(C) the protection of recreation on the Missouri River from sedimentation;

(D) the protection of Indian and non-Indian historical and cultural sites along the Missouri River from erosion;

(E) erosion control along the Missouri River; or

(F) any combination of the activities described in subparagraphs (A) through (E).

(3) PLAN REVIEW AND REVISION.—

(A) IN GENERAL.—The Task Force shall make a copy of the plan available for public review and comment before the plan becomes final, in accordance with procedures established by the Task Force.

(B) REVISION OF PLAN.—

(i) IN GENERAL.—The Task Force may, on an annual basis, revise the plan.

(ii) PUBLIC REVIEW AND COMMENT.—In revising the plan, the Task Force shall provide the public the opportunity to review and comment on any proposed revision to the plan.

(f) CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—After the plan is approved by the Task Force under subsection (c)(2), the Secretary, in coordination with the Task Force, shall identify critical restoration projects to carry out the plan.

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

(3) INDIAN PROJECTS.—To the maximum extent practicable, the Secretary shall ensure that not less than 30 percent of the funds made available for critical restoration projects under this title shall be used exclusively for projects that are—

(A) within the boundary of an Indian reservation; or

(B) administered by an Indian tribe.

(g) COST SHARING.—

(1) ASSESSMENT.—

(A) FEDERAL SHARE.—The Federal share of the cost of carrying out the assessment under subsection (d) shall be 50 percent.

(B) NON-FEDERAL SHARE.—The non-Federal share of the cost of carrying out the assessment under subsection (d) may be provided in the form of services, materials, or other in-kind contributions.

(2) PLAN.—

(A) FEDERAL SHARE.—The Federal share of the cost of preparing the plan under subsection (e) shall be 50 percent.

(B) NON-FEDERAL SHARE.—Not more than 50 percent of the non-Federal share of the cost of preparing the plan under subsection (e) may be provided in the form of services, materials, or other in-kind contributions.

(3) CRITICAL RESTORATION PROJECTS.—

(A) IN GENERAL.—A non-Federal cost share shall be required to carry out any critical restoration project under subsection (f) that does not primarily benefit the Federal Government, as determined by the Task Force.

(B) FEDERAL SHARE.—The Federal share of the cost of carrying out a critical restoration project under subsection (f) for which the Task Force requires a non-Federal cost share under subparagraph (A) shall be 65 percent, not to exceed $5,000,000 for any critical restoration project.

(C) NON-FEDERAL SHARE.—

(i) IN GENERAL.—Not more than 50 percent of the non-Federal share of the cost of carrying out a critical restoration project described in subparagraph (B) may be provided in the form of services, materials, or other in-kind contributions.

(ii) REQUIRED NON-FEDERAL CONTRIBUTIONS.—For any critical restoration project described in subparagraph (B), the non-Federal interest shall—

(I) provide all land, easements, rights-of-way, dredged material disposal areas, and relocations;

(II) pay all operation, maintenance, replacement, repair, and rehabilitation costs; and

(III) hold the United States harmless from all claims arising from the construction, operation, and maintenance of the project.

(iii) CREDIT.—The non-Federal interest shall receive credit for all contributions provided under clause (ii)(I).

SEC. 704. ADMINISTRATION.

(a) IN GENERAL.—Nothing in this title diminishes or affects—

(1) any water right of an Indian tribe;

(2) any other right of an Indian tribe, except as specifically provided in another provision of this title;

(3) any treaty right that is in effect on the date of enactment of this Act;

(4) any external boundary of an Indian reservation of an Indian tribe;

(5) any authority of the State that relates to the protection, regulation, or management of fish, terrestrial wildlife, and cultural and archaeological resources, except as specifically provided in this title; or

(6) any authority of the Secretary, the Secretary of the Interior, or the head of any other Federal agency under a law in effect on the date of enactment of this Act, including—

(A) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

(B) the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.);

(C) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(D) the Act entitled ''An Act for the protection of the bald eagle'', approved June 8, 1940 (16 U.S.C. 668 et seq.);

(E) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

(F) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(G) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

(H) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(I) the Safe Drinking Water Act (42 U.S.C. 300f et seq.); and

(J) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) FEDERAL LIABILITY FOR DAMAGE.—Nothing in this title relieves the Federal Government of liability for damage to private property caused by the operation of the Pick-Sloan program.

(c) FLOOD CONTROL.—Notwithstanding any other provision of this title, the Secretary shall retain the authority to operate the Pick-Sloan program for the purposes of meeting the requirements of the Act of December 22, 1944 (58 Stat. 887, 33 U.S.C. 701–1 et seq.).

SEC. 705. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary to carry out this title $4,000,000 for each of fiscal years 2001 through 2005, $5,000,000 for each of fiscal years 2006 through 2009, and $10,000,000 in fiscal year 2010. Such funds shall remain available until expended.

EXTENSIONS OF REMARKS

THE WHOLESALE MOTOR FUEL FAIRNESS AND COMPETITION RESTORATION ACT

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. THOMPSON of California. Mr. Speaker, today I am introducing the ''Wholesale Motor Fuel Fairness and Competition Restoration Act, '' legislation designed to restore fair and competitive practices to the wholesale sale of motor fuel.

Beyond the per barrel price of crude oil, there are a number of other factors that influence the retail pump price Americans pay for gasoline and diesel fuel, including those related to supply, refining, consumer demand and, most important, oil company cost, pricing and marketing practices.

Several cost, pricing and marketing practices employed by the oil companies are unfair and anti-competitive and contribute to the unjustified price Americans pay for fuel. Under the bill I am introducing today, many of them would be expressly prohibited, if not made more difficult. These practices include price zoning, redlining, discriminatory wholesale fuel pricing, and a complex and complicated system of cost allocation the companies use that hide the factors on which wholesale costs are based and published.

Mr. Speaker, for too long, the residents of California's First Congressional District have paid too much for gasoline. For more than a year, they have paid some of the highest pump prices of any region in the country. For more than a year, they have paid well above $2-a-gallon for regular unleaded gasoline. Many others across the nation face similar unjustified pricing.

Last month, I met with U.S. Energy Secretary Bill Richardson and brought to his attention the unfair situation that confronts the residents of Northern California. I made it clear that I and my constituents were not satisfied with the degree of attention the Department was paying to gas prices in Northern California and I sent both him and the President letters urging them to improve their scrutiny of oil company practices in California.

Nonetheless, it is clear from my discussions with fuel distributors and independent retailers that the wholesale motor fuel market is unfair and anti-competitive. An independent fuel distributor in my district recently related to me that he is charged a price at the terminal facility that is sometimes 30 cents higher than the price charged to company-owned or franchise distributors. Yet, his profit margin on a gallon of gasoline is at times less than one-half a cent!

Another district resident who owns a number of gas stations is also a victim of some of these predatory pricing practices, but in a different way. In his situation, because of pricing discrimination, he buys motor fuel at a high wholesale price and is forced to sell it for less than he paid for it in order to remain competitive.

The bill I am introducing today seeks to stop these unfair and anti-competitive practices.

The ''Wholesale Motor Fuel Fairness and Competition Restoration Act'' addresses several of the major factors that have been identified by industry experts as contributing to the unfair and unjustified pricing of gasoline, including discriminatory pricing, red-lining, price zoning and company ownership of retail stations.

Discriminatory pricing occurs when terminal facility owners and operators charge different prices for gasoline depending on the type of contractual relationship that the station has with the refinery. In my district for example, motor fuel sold through an oil-company owned station wholesales is sometimes twenty to thirty cents less per gallon than motor fuel being sold to an independent. This is patently unfair and anti-competitive.

Price zoning is a long-standing oil company practice of setting artificially high or low prices in certain areas to either maximize profit or impede competition. If a particular city or even a particular intersection is deemed to be especially profitable, oil companies will artificially inflate the price to gouge consumers or artificially deflate the price to driver competitors out of business. This, too, is unfair.

Redlining is the practice engaged in by a terminal facility of refusing to sell motor fuel to a particular retail outlet that in some cases had previously purchased fuel from that facility in an effort to eliminate or harm competition.

The ''Wholesale Motor Fuel Fairness and Competition Restoration Act'' uses a two-pronged approach to address these unfair practices. First, it requires full disclosure by oil companies of their wholesale pricing practices. This means that oil companies will be required to reveal their pricing structure, including rebates, refunds, and discounts, so that the American people will finally be able to most fully understand how these companies arrive at the price on the gas station sign. Currently, much of this information is not publicly available nor is collected by the Department of Energy's Information Administration.

Secondly, this bill will make it illegal for companies to discriminate on price. It does this by requiring that the price charged at the terminal facility, where gasoline is loaded on tanker trucks, is the same regardless of who is purchasing it. By eliminating the price discrimination between company-owned stations, franchisees, and independent operators, it will for the first time introduce a level playing field into the motor fuel marketplace.

The third component of this legislation addresses oil company ownership of gas stations by mandating the Federal Trade Commission to undertake a study into the relationship between ownership of gas stations and the high price of motor fuel.

In Humboldt County, California, pump prices continue to exceed $2.00 for a gallon of regular (unleaded) gasoline, evidencing the unique position of the major oil companies to exert undue influence on the price of motor fuels. In California, the six major refineries in California control 92% of all oil refining in the state, whereas the top six refineries in Texas control only 60% of that state's gasoline production. This inordinate market domination allows companies to practice discriminatory pricing practices that favor some customers over others. It allows them to target certain markets in order to gain unfair advantage and drive out competitors. It is the kind of market practice that warrants the bill I am proposing today.

Mr. Speaker, the Wholesale Motor Fuel Fairness and Competition Restoration Act will restore fairness and competition to the motor fuel industry, not just in California but across the nation. I urge its prompt consideration.

TRANSPORTATION RECALL ENHANCEMENT, ACCOUNTABILITY, AND DOCUMENTATION (TREAD) ACT

SPEECH OF

HON. TOM SAWYER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 2000

Mr. SAWYER. Mr. Speaker, in the course of the last century, Akron, Ohio, has built millions of tires. Although passenger tires have not been built in Akron for more than 20 years, Akron remains the center point in research and development, technology, and command and control for this global industry. We care deeply about safety and we are profoundly distressed over the deaths linked to the Firestone tires. The Akron community strongly supports the much-needed overhaul of tire regulation and oversight authority embodied in the Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act.

It is our responsibility to bring tire regulation firmly into the 21st century. The current regulations that make up the Federal Motor Vehicle Safety Standards (FMVSS) Section 109 were written in the mid-1960s, when bias tires still dominated the market. To be fair, National Highway and Transportation Safety Administration (NHTSA) and the tire industry have been working for the last three years to elevate tire standards worldwide.

While we must all work together to demand the safest tire possible, we must also recognize that the industry cannot build a perfect tire. In the early part of the last century, in the days of the Model T, cars carried as many as four spare tires. In the 1950's, there were cars carrying two spares. Today, cars typically

carry only one. But the point remains: the only backup piece of equipment that comes on a car is a spare tire, and it is there on purpose.

Today's tires are complex products. They are highly engineered devices operating in one of the most extraordinarily violent environments of any consumer product we use in our ordinary daily lives. Modern cars develop 100's of horsepower, 100's of pound-feet of torque. They also possess extraordinary cornering power and a steering capacity unsurpassed in the history of the automobile. Today's cars also have braking systems designed to bring thousands of pounds to a halt rapidly. All these forces express themselves through four patches, each the size of a human hand. That tires perform 700 revolutions per mile, mile after mile to 50,000 miles and beyond with such low rates of failure is extraordinary.

Oliver Wendell Holmes Jr. said, ''great cases, like hard cases, make bad law.'' Congress was put under extraordinary pressure to act quickly on an extremely complex issue in developing the TREAD Act. The TREAD Act should not be viewed as a panacea for the recent car tragedies. While the TREAD Act sets higher standards for tire performance, tires will continue to fail. Because of the imperfect nature of the tire, it will take continual attention from the industry, consumer groups, regulators and Congress to assure the safety of tire consumers above and beyond the TREAD Act.

While Congress cannot legislate a perfect tire, this is good law and improves current safety standards. In spite of the time constraints, intricacy of the issue, and politically charged atmosphere, the TREAD Act sets out realistic standards that improve safety and can also be reasonably implemented by the industry and enforced by NHTSA.

First, the Act requires manufacturers to report comprehensive foreign and domestic tire data, such as claims and warranty information, that will help NHTSA uncover safety problems across the world, not just in the United States.

Second, the Act holds NHTSA accountable for any data it receives from manufacturers. The agency must tell Congress how it plans to analyze the data as well as what systems it has in place to process the data. This way Congress and the public knows that the information will be used to help identify safety problems and not filed away behind some regulators desk.

The TREAD Act presents a balanced approach to improving tire safety. Because of this Act, we can expect that when a problem occurs, it is identified, its cause is established, and consumers are better protected. In the end, we crafted a bill that is a significant achievement and moves toward greatly improving consumer safety.

SPECIAL RECOGNITION OF SAMOAN HEAVYWEIGHT BOXER DAVID TUA

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. FALEOMAVAEGA. Mr. Speaker, what is it that Olympian gold-medalist volleyballer Eric Fonoimoana, Junior Seau of the San Diego Chargers, Joe Salvare'a of the Tennessee Titans, Edwin Mulitalo of the Baltimore Ravens, Naomi Mulitauaopele of the Utah Starzz, Marcus Tuiasosopo of the Washington Huskies, All-American UCLA discus thrower Seilala Su'a, Yokozuna Sumo Grand Champion Musashimaru, Ozeki Sumo Champion Konishiki, WWF Wrestling Champion Tuifeai, ''The Rock'', and heavyweight boxer David Tua all have in common? Mr. Speaker, they are all Samoans. Not Somalians. Mr. Speaker—they are Samoan Polynesians who share the same cultural heritage like the Maoris of New Zealand, the Hawaiians or Kanaka Maoli, Tongans, and Tahitians.

After the elections Mr. Speaker, I suggest to my colleagues and to the millions of boxing fans throughout America, to kick back and turn their TV sets on to HBO and witness one of the most historical events that will transpire on the evening of November 11th in Las Vegas—the world heavyweight boxing championship fight between Lennox Lewis and Samoan heavyweight boxer David Tua.

Mr. Speaker, it is against Samoan tradition to be boastful and arrogant—but as a totally neutral observer and with all due respect—Lennox Lewis is going to painfully wake up the next morning and count how many ribs he has left, and then he will wonder if he was hit by either a dump-truck or a D-nine caterpillar tractor, after fighting against David Tua.

You see, Mr. Speaker, this guy David Tua—he has the heart and soul of a true Polynesian warrior. He's got a nasty left hook and a deadly right hand knockout punch. He only weighs about 250 pounds. He has no neck, and his legs and calves are like tree trunks—which is typical of Samoan men who also wear what we here in America describe as skirts, but they are actually lavalavas.

I want to express my personal thanks and appreciation to the good people of New Zealand—all the pakehas and our Polynesian cousins the Tangata Maohi for looking after David Tua and his family, and for their acceptance of David Tua—and I say to my Maori cousins—''Tena Koutou! Tena Koutou!'' Thank you, Thank you!

Mr. Speaker, in describing David Tua's physical presence, I am reminded of a poem that a Hawaiian comedian Frank Delima once wrote about Samoans. By the way, Mr. Speaker, David Tua's favorite past time is writing poetry. Anyway, the poem, in part, is entitled ''Abdullah Fata'ai'' and it goes like this:

I'm nine feet tall and six feet wide.
I got a neck made of elephant hide
I scrape da haoles off the soles of my feet
I drive my Volkswagen from the back seat

* * * * *

I eat green bananas, tree and all
My favorite game is tackle football
I wear a skirt, but you better not laugh
Cause it won't be funny when I break you in half
I'm as gentle and sweet as a grizzly bear
Only difference is he got more hair

* * * * *

I got the nicest smile in all the Pacific
I got an island home that's super terrific
But I don't like fight and you don't like die
So when I say, ''Talofa!'' you better say, ''Hi!''

Mr. Speaker, I call upon the Prime Minister of the Independent and Sovereign State of Samoa and the Governor of the U.S. Territory of American Samoa to declare November 11th as National David Tua Day. It will be a day that will be remembered by Samoans throughout the world—the Samoan ''David'' going up against the Goliath ''Lennox Lewis''—and we all know the results of that famous encounter.

I do not know if David Tua is listening to this presentation, Mr. Speaker, but I do know that David Tua is a humble man—never speaks ill of his opponents, and I believe the American people and boxing fans around the world are going to remember him well for his talents, and above all, his sportsmanship like conduct.

As we say in the Samoan language, (the gentleman spoke in Samoan) ''Ia pouliuli lou tino, ma ia malamalama ou mata, ma tafe toto ou ala—ou mama na, David Tua,'' which means, Mr. Speaker, ''May your body be as invisible as the air and may your eyes be as bright as the sun. May you be victorious in battle—all our hopes and aspirations are with you, David Tua.''

PAUL HAMM'S 2000 SUMMER OLYMPIC PERFORMANCE APPLAUDED

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. KLECZKA. Mr. Speaker, I rise today to honor an outstanding young man from my district who has recently returned from Sydney, Australia, where he represented his country proudly in Olympic competition. In August Paul Hamm, along with his brother Morgan, became the first set of twins to ever qualify for the United States' men's gymnastics team. At 18, the young men from Waukesha, Wisconsin, are also the second youngest male gymnasts in U.S. Olympic history.

Paul's overall performance earned him a 14th place finish in the all around competition. The Olympics are always a time of pride in our nation's athletes, however this was especially true for the people of southeastern Wisconsin this summer. Paul and Morgan's story gave us all another reason to watch and cheer for two of our own.

Paul has put years of hard work and dedication into perfecting the skills that have taken him to the pinnacle of his sport. He has worked with his coach, Stacy Maloney, since the age of six to earn the right to compete with the best in the world. To reach the Olympic stature at such a young age and with relatively little experience in major events is truly amazing.

Of course Paul would not have been able to reach the heights that he has attained without a strong support system. The natural competition he had with his brother Morgan pushed them both to be their best. Their parents, Sandy and Cecily, are to be commended for the sacrifices that they have made to help their sons reach their goals. From the time Sandy convinced Stacy Maloney to coach his six year old sons to the trip to Sydney, the Hamms have provided their sons with the opportunity to excel.

Paul is not only an exceptional athlete, he is also a role model for the young people of America. Despite squeezing two daily practices in between his classes, he is an honor student at Waukesha South High School. Even though he has missed the entire fall semester, he intends to graduate with the rest of his class next spring. Paul's successes, both in the gym and in the classroom, prove just how much can be accomplished through hard work and dedication.

And so it is with great pleasure that I congratulate Paul Hamm on his Olympic accomplishments, and wish him all the best as he looks forward to a long career leading the U.S. men's gymnastics team into the new century.

TRIBUTE TO CONGRESSMAN TOM BLILEY

SPEECH OF

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 2000

Mr. STARK. Mr. Speaker, I am going to miss TOM BLILEY. He has been wonderful to work with—always a man of his word, always a gentleman, consistent and honorable in his philosophical approach to government.

We worked together as Chairman and Ranking Member of the old House District of Columbia Committee on a bipartisan basis, reflecting the joint agreement among liberal and the conservative ideas that there should be minimal interference in the internal, local affairs of a group of U.S. citizens who do not have all the rights and privileges of the rest of the nation.

This year, we have worked together to expose the outrageous behavior of some of the nation's largest pharmaceutical manufacturers in abusing Medicare, Medicaid, private insurers, and patients through falsified pricing data. The drug companies are huge contributors to both parties, but Chairman BLILEY has subpoenaed and exposed internal company documents that describe a conspiracy against the American people by companies like Glaxo, Pharmacia, and others. I know there was tremendous pressure not to expose these documents, but Chairman BLILEY did the right thing.

The Nation will miss, I will miss Chairman BLILEY's courtly, quiet presence, and I hope he will stay in contact with us in the years ahead.

HONORING THE CALIFORNIA CONSERVATION CORPS AND THE CALIFORNIA DEPARTMENT OF CONSERVATION

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. THOMPSON of California. Mr. Speaker, I rise today in recognition of the California Conservation Corps and the California Department of Conservation.

The partnership between these agencies have spawned the Salmon Restoration Program. Since 1980 the Salmon Restoration Program has improved more than 1,000 stream miles, presented more than 65,000 hours of watershed curricula to tens of thousands of Californians, worked in hundreds of watersheds, and planted well over one million trees.

The California Conservation Corps and the California Department of Conservation are at the forefront of the science of stream salmonid habitat restoration. The Salmon Restoration Program is the largest and longest running project of its kind in the country.

Mr. Speaker, because salmon restoration is an issue of national importance, and because the Salmon Restoration Project has reduced the decline in salmon population, it is appropriate at this time that we acknowledge the outstanding efforts and twenty-year anniversary of California's Salmon Restoration Project.

BUILDING SKILLS FOR AMERICA

HON. TOM SAWYER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. SAWYER. Mr. Speaker, on Wednesday September 20, 2000, more than 300 students from across the country converged to support the Skills USA–VICA's ''Building Skills for America'' campaign.

These students collected more than 200,000 signatures from business and industry in support of worker training. The enclosed letter, which was signed by forty members of Congress, recognizes the fine work of the students of Skills USA–VICA. I submit the following letter into the CONGRESSIONAL RECORD.

CONGRESS OF THE UNITED STATES,
Washington, DC, September 26, 2000.

SKILLS USA–VICA,
P.O. Box 3000,
Leesburg, VA.

DEAR STUDENTS: The undersigned Members of Congress applaud and congratulate your participation in the ''Building Skills for America'' campaign.

America is projected to have 50.6 million job openings between now and 2006, most of which will require highly developed skills. Unfortunately, employers across the country are experiencing difficulty finding enough qualified, skilled employees. This shortage is a threat to our strong economy and hampers the ability of American businesses to compete successfully.

Our nation can do more to promote careers in skilled occupations. Programs such as Skills USA–VICA's ''Building Skills for America'' demonstrate the strong support for vocational and technical education, as students were able to collect more than 200,000 signatures from business and industry that support worker training.

The ''Building Skills for America'' campaign is also important because it brings students together with the business and industry that will be their future employers. These partnerships provide students with the occupational and professional experience they need to succeed in the workplace, while at the same time increasing the pool from which industry can draw capable employees.

All of you who have participated in the ''Building Skills for America'' campaign should be proud of your accomplishment. We congratulate you for this impressive achievement, and look forward to working with you to ensure that we continue to build a strong and productive American workforce.

Sincerely,

Tom Sawyer, John Peterson, and 43 other Members of Congress.

CONGRATULATIONS TO MORGAN HAMM OF WAUKESHA, WISCONSIN, ON HIS OLYMPIC PERFORMANCE

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. KLECKZA. Mr. Speaker, I rise today to honor 18 year-old Morgan Hamm of Waukesha, Wisconsin, on his accomplishments in the 2000 Summer Olympics in Sydney, Australia. In August Morgan and his brother Paul became the second youngest gymnasts to ever qualify for the United States' men's team. The Hamms are also the first set of twins in U.S. Olympic gymnastics history.

Morgan beat out stiff competition to earn an at-large berth onto the team. He returned from Sydney with a 7th place finish in the floor competition. In southeastern Wisconsin the excitement of the Olympics was heightened this year by the knowledge that we would have two home town heroes competing half way around the world.

Morgan's accomplishments are not confined to the gymnasium. Despite squeezing two daily practices in between his classes, he is an honor student at Waukesha South High School. After missing a full semester to tour with the Olympic team, Morgan still intends to graduate with the rest of his class next spring.

As much work as Morgan has put into reaching his goals, he could not have made it on his own. Competing with Paul pushed both twins to be their very best. The sacrifices of their parents, Sandy and Cecily, have provided the Hamms with the opportunity to excel.

The years of work with his brother, their sister Betsy and their coach, Stacy Maloney, has earned Morgan the right to compete with the best in the world. To reach the Olympic stature at such a young age and with relatively little experience in major events is truly amazing.

And so it is with great pleasure that I congratulate Morgan Hamm on all that he accomplished thus far, and wish him all the best in his Olympic endeavors still to come.

RAISING AWARENESS FOR ANGELMAN'S SYNDROME

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. CUNNINGHAM. Mr. Speaker, I rise today to discuss Angelman's Syndrome after a tragic circumstance in my district illustrated the need for greater awareness of this little known and often misunderstood disease.

Denise and Kyle Marx are parents of Nicholas, a ten-year-old boy with Angelman's Syndrome. Those familiar with special needs children know the demands, but also the tremendous blessings that Nicholas has bestowed on his family. Due to recent events, the need to better understand and treat this disorder has become obvious. Today, Nicolas is in a coma and has only a few months to live after being administered medication that caused an allergic reaction. This happened, in part, because those with Angelman's Syndrome are unable to communicate pain or discomfort and Nicolas was powerless to express the effects that the medication was having on his body. Today, I am asking Congress to make efforts to provide for research so that Angelman's Syndrome can be better understood and treated more effectively.

Angelman's Syndrome is a genetic disorder usually caused by a small deletion of molecules on the long arm of the fifteenth chromosome. In some rare cases, Angelman's can also be caused when a child inherits both long arms of the fifteenth chromosome from the father. The effects of this disease include speech impairment, with minimal or almost no use of words, movement and balance disorder, including a stiff gait and tremulous movement of the limbs, behavioral uniqueness, including excitability, frequent laughter and smiling, flapping movements, and a short attention span. More than 80% of people with Angelman's Syndrome have a delayed or disproportionally slow growth in head circumference and seizures that begin around the age of three. Many other cases include symptoms such as hypopigmentation of the skin and eyes, sucking and swallowing disorders, wide mouth, hyperactive tendon reflexes, sensitivity to heat, and sleep disturbances.

One of the most difficult aspects of Angelman's Syndrome is that the disease is usually not recognized at birth. Diagnosis often does not occur until the child is between the ages of three and seven, when the characteristics become evident. Those with Angelman's Syndrome are born with a normal prenatal history and no major birth defects.

It was only 35 years ago that Dr. Harry Angelman, an English physician, diagnosed Angelman's Syndrome for the first time. The first reports of the disease in North America did not begin to appear until the 1980's. Until very recently, many doctors considered Angelman's Syndrome to be extremely rare and some even doubted its existence. Thankfully, through the Human Genome Project, we have been able to gain a better understanding of this disease. However, we still have a long way to go until we fully understand Angelman's Syndrome.

While we now know that Angelman's Syndrome affects anywhere between 1 in 10,000 and 1 in 30,000, we still have much to learn about the disease and its symptoms. Angelman's Syndrome is only diagnosed through genetic laboratory testing. However, it is often misdiagnosed and mistaken for autism. We need to work toward a better and more comprehensive understanding of the disease, its causes, and the best way to treat it. It is my hope that through research, we can come to understand and effectively treat Angelman's Syndrome and that the medical community will develop guidelines for treating patients with these conditions.

IN RECOGNITION OF JAMES FORSYTH—AN EXEMPLARY ACTIVIST

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. STARK. Mr. Speaker, today I ask my colleagues to join me in paying recognition to a true progressive activist, Jim Forsyth. As Jim continues to fight tirelessly for labor, the environment, housing, seniors, and civil rights, he is an ever-present voice speaking out wherever there is injustice or human need.

Jim was born on July 14, 1927, Bastille Day in Brooklyn, New York. After graduating from Williams College, where he joined the progressive movement, Jim came to California's Bay Area to work on the assembly line in General Motors. Jim and his late wife Fran were the dutiful parents of five children.

Jim is a member of several progressive groups and organizations. He is proud to have been a part of the pro-union group, the Plant Closure Project. Jim is secretary of the South Hayward Parish and was in charge of food distribution at the Parish for ten years. He distributed food every Saturday morning and most Wednesday. He is currently secretary of the Congress for Seniors handling mailing and developing flyers—many times at his own expense. Jim also lends his expertise to the California Consumers Health Care Council and the Californians for Justice. In 1967, Jim founded the Progressive Hayward Demos Democratic Club and is the current newsletter editor. His other memberships include the Starr King Universal Unitarian Church, the Federation of Retired Union Members, and Vote Health.

Jim has been a long-time opponent of war as a means of solving economic or social problems. He began by speaking out against the Korean War and continued with the Vietnam War when Jim, Fran, and their children marched in numerous protests.

In all of these groups and activities for elections and social change, Jim Forsyth works tirelessly, willingly, and with enthusiasm. He is proud of his work. This is his life and his recreation. He feels responsible for attempting to make the world a better place for working people.

Jim's friends and colleagues will honor his work on October 19, 2000 at a public ceremony. I join his friends and admirers in thanking him for his years of service and I am proud that he has been my friend for several years.

HONORING MILT AND BETTE DOBKIN, HUMBOLDT COUNTY, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize Milt and Bette Dobkin, two extraordinary citizens of Humboldt County, CA, who have dedicated their lives to public service. They are being honored for their life-long contribution to one of the Nation's most precious rights—participation in the political system. Their actions on behalf of Representative Democracy are worthy of appreciation and recognition.

Bette Dobkin has taken on many roles throughout her years of service to the community. She has been an elementary school teacher, school board member, grand juror, and human rights, housing, and elections commissioner. She currently serves on the board of the Arcata Community Recycling Center and the North Coast Repertory Theater. In her career, she has brought distinction and honor to her profession. Bette has been selected as the ''Realtor of the Year'' by the Humboldt County Board of Realtors and selected as ''Honorary Director for Life'' by the California Association of Realtors.

Milt Dobkin has been a recognized leader of higher education in our community for many years. He served as the Vice President of Academic Affairs at Humboldt State University for 14 years before retiring. He is Professor Emeritus of Communication Studies and Vice President for Academic Affairs, Emeritus. Milt has served on many local board, including the Humboldt Arts Council, Dell'Arte, Redwood Arts Council, and Humboldt Child Care Council. He is currently an elected member of the Redwoods Community College District Board of Trustees, Chairman of the Retired Public Employees Association and ably serves the California Faculty Association.

Both Milt and Bette Dobkin are being recognized this year for their outstanding contribution to the political process by the Humboldt County Democratic Central Committee as the ''Democrats of the Year, 2000.''

Mr. Speaker, it is appropriate at this time that we recognize Milt and Bette Dobkin for their unwavering commitment and compassion, and for their contribution to the ideals and traditions that have made America great.

TRIBUTE TO WORKING WARDROBES

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Ms. SANCHEZ. Mr. Speaker: Today, I rise to pay tribute to one of Orange County's outstanding community service groups, Working Wardrobes. Working Wardrobes is dedicated to assisting survivors of domestic violence achieve self-sufficiency in their lives.

Working Wardrobes began in 1990 when six Orange County business women decided to

initiative a program which would help victims of domestic violence regain their dignity, integrity and self-respect. Over 60,000 women in Orange County are severely beaten each year as a result of domestic violence. This cycle of domestic violence also affects children who are 1,000 times more likely to become abusers themselves.

Through programs such as Career/Life Skills Workshops and Annual ''Days of Self-Esteem'', survivors are given the extra edge they need to be successful in their search for a career and the confidence needed to make changes in their lives.

Colleagues, please join with me today in recognizing Working Wardrobes for excellence in providing victims of domestic violence with educational programs that have given them a new beginning in life.

CELEBRATING TAFT, CALIFORNIA, 90TH BIRTHDAY

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. THOMAS. Mr. Speaker, I want to join my friends and constituents in the community of Taft, California in celebrating Taft's 90th birthday. On November 7th, Taft will be 90 years old and the town has come together to celebrate that fact as part of this year's Oildorado Days celebration, entitled ''Blowout 2000''. It is a proud celebration of the community's history and ties to the California oil industry.

Taft is an oil town, pure and simple. From the time of oil's discovery in the area in the 1860s, the area around this small western Kern County community has been the focus of oil production. Some of the biggest producing fields in the lower 48 states are located around Taft, fields like Midway-Sunset, Cymric, the Belridge Fields, Buena Vista and Elk Hills. Kern County, California produces more oil than the State of Oklahoma and the people of Taft do much of the work that makes the county so very productive.

The Oildorado celebration Taft holds every five years is one way the community celebrates its link to energy production and lets its hair down—literally, since there is a beard growing contest. People who work hard producing energy get together to celebrate their commitment to a very tough trade. I hope my colleagues will join me in celebrating their pride in their work and in their town with them.

FUNDING FOR PUERTO RICO STATUS OPTIONS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. GEORGE MILLER of California. Mr. Speaker, I was very pleased that the House passed FY 2001 Department of Transportation Appropriations bill which included the President's request of $2.5 million to assist in public education on, and a public choice among, political status options for Puerto Rico. This request was first left out of the FY 2001 Treasury Appropriations bill but the Transportation Conferees saw fit to restore this funding request during their negotiations.

Puerto Rico has been a part of the United States for more than a century. Over the course of this period, the Puerto Rican people have participated in our democracy. Their sons and daughters have fought our wars and their political leaders keep issues that affect Puerto Rico on the surface of our political discourse. Most importantly, the richness of their people and culture have become a part of what is good about America.

After gaining U.S. citizenship in 1917 and eventually adopting their own constitution to increase self-government, the people of Puerto Rico have consistently sought to fully express their political desires through self-determination. In the past 30 years, Puerto Rico has held three plebiscites to gauge the people's preference on a future political status.

Because of their current status, Congress is responsible for assisting Puerto Rico in their status efforts. In 1999, the House Resources Committee issued a bipartisan report that concluded Federal action is needed to establish a process for resolving Puerto Rico's status.

Congress has a responsibility to remain objective and work with the people of Puerto Rico about the status choices. We should ensure that any option put before the voters of Puerto Rico is acceptable to Congress and we should also make certain that the Puerto Rican electorate is well-informed and educated on what each option can mean to their future.

The funding made available to the President in the FY 2001 Department of Transportation bill is a good step toward assisting with any future plebiscite in Puerto Rico. Congress must now be truthful with the people of Puerto Rico on what their options are and in assuring that Congress will stand by those decisions. We must remain mindful that the United States claimed Puerto Rico. There is no ''us against them''—they are part of ''us.'' Puerto Rico self-determination will happen and it is our responsibility that within that process we ensure that the residents of Puerto Rico are fully educated on each status option.

TRIBUTE TO CONGRESSMAN TOM BLILEY

SPEECH OF

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 2000

Mr. SENSENBRENNER. Mr. Speaker, I rise today to pay tribute to our distinguished colleague, the Chairman of the Commerce Committee, the gentleman from Virginia, Representative TOM BLILEY. TOM BLILEY has served his constituents in Virginia for over 30 years, both on the local and national levels. His dedication to public service has taken him from the Richmond City Council, to the position of Mayor of Richmond, and then to this House where he has risen to chair this body's oldest committee.

Throughout his legislative career, TOM BLILEY has accumulated a list of accomplishments most of us can barely imagine. For the last six years, he has led one of the most successful, efficient, and constructive committees in Congress. He oversaw passage of the Telecommunications Act of 1996, which brought fairness, competition, and increased consumer choice to the industry. He led the charge to override President Clinton's veto of the Contract with America, at the same time overhauling and reforming the nation's securities laws. Finally, TOM BLILEY led the effort needed to pass the Mammography Standard Act of 1998, life-saving legislation that will ensure the quality of many women's lives for years to come.

These are only a few of the legislative accomplishments we attribute to our colleague from Virginia. They illustrate his commitment to sound fiscal principles, a balanced budget, increased opportunities for individuals and small business owners, and common sense government. More importantly, they are among the reasons that TOM BLILEY's constituents know that they can count on him to look after their best interests.

I know I join TOM BLILEY's many friends in Virginia's Seventh Congressional District, as well as his many friends and colleagues here in the House, in wishing him the best in the years to come. He has served us well, and we will all miss the dedication and leadership he brought to his work.

TRIBUTE TO GWEN SESSIONS

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. DOOLITTLE. Mr. Speaker, today, I stand to recognize an outstanding public servant in my district. She is a woman who has dedicated her life to not only raising her own four children, but also teaching and nurturing many small children in her community. I wish to recognize my good personal friend Gwen Sessions who was recently named Elementary School Teacher of the Year in the Rocklin Unified School District.

As a kindergarten teacher at Antelope Creek Elementary School, Gwen has touched countless lives for good, both directly and indirectly. She has contributed many hours of behind-the-scenes work by participating in numerous district and school site committees. More importantly, she has earned praise from students, parents, and colleagues for her inspirational style of teaching. She sets clear boundaries for the children and reinforces positive behavior through praise. She is also known for maintaining a well organized yet stimulating classroom that is full of color. In fact, one of her fellow teachers has said, ''Her room is a learning lab which exudes personal enthusiasm and warmth. She has an ability to motivate students beyond their natural abilities and helps them reach their greatest potential.'' As a testament to Mrs. Sessions' involved approach to teaching, one parent has said, ''It is not uncommon to find Mrs. Sessions with red painted hands, bright colored clothes, and tiny little hands embraced around her.''

The first evidence of what Gwen is doing right is found in the fact that she has one of the largest Parent Volunteer programs at the school every year. High school students, parents, and grandparents enjoy volunteering in her classroom because she makes them feel rewarded for helping out.

In addition to getting involved, many parents have also voiced their appreciation for the excellent way in which Gwen Sessions educates their children. Said one student's mother, ''It's always scary turning your child over to their first teacher. It didn't take long, however, for our family to learn to completely trust, respect, and appreciate Mrs. Sessions for all her wonderful gifts she has to offer.'' Remarked another mother, ''The first time I entered Mrs. Sessions kindergarten classroom I know my daughter was in the best hands possible.'' One parent and long-time instructional aide puts it this way, ''I feel her empathy with people and her desire to inspire others has made the difference in countless lives. She puts her heart and soul into her daily task of making the beginnings of our children's many years in school a joy.''

As a final and perhaps supreme tribute, another mother has said, ''She makes learning exciting and brings even the shyest of children out of their shell . . . I know we will look back in years to come and say, This teacher made a difference between success and failure.''

Congress has made improving education a top priority. As we continue searching for ways to better the educational system, we need to look at the positive things happening in schools across the country. I believe that Gwen Sessions is an excellent example of what is right with America's schools.

To my friend Gwen Sessions, the Rocklin Unified School District Elementary School Teacher of the Year, I say, ''Thank you and congratulations on a job well done! Keep up the good work.''

RECOGNIZING NATIONAL LEARNING DISABILITIES MONTH AND THE NATIONAL CENTER FOR LEARNING DISABILITIES

HON. ANNE M. NORTHUP

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mrs. NORTHUP. Mr. Speaker, for millions of children with learning disabilities in this country, the future is brighter than any other time in this nation's history. That's because we know today what works for children learning to read. This is important because 90 percent of children with learning disabilities have difficulty with reading.

Learning disabilities, or LD, are neurological disorders that affect people's ability to read, write, compute and participate fully in society. The good news is that if LD is identified early, before the age of nine, the majority of children can work up to their potential. Without early detection, the statistics are sobering.

Thirty-five percent of students identified with learning disabilities drop out of high school.

Fifty percent of juvenile delinquents tested were found to have undetected LD. When offered remedial services, their recidivism rates dropped to below 2 percent.

According to the Office of the Inspector General, learning disabilities and substance abuse are the most common impediments to keeping welfare recipients from becoming and remaining employed.

I have been working with learning disabilities issues in Congress for many years, from identifying educational needs, to calling for additional resources and promoting national policies that take into account the concerns of people with LD.

Important progress has been achieved over the last two decades in identifying and treating children with learning disabilities. This is critical, because our nation is in the grip of a monumental and global change. As opposed to previous generations when the United States was primarily an agricultural and manufacturing-based country, our brave new world of technology has elevated information processing as a required skill in today's workers. And the future will only demand more information technology workers across every profession as the global community expands and competition for enterprise increases.

This is why early identification of children with reading problems, and applying proven strategies to enable them to read, is fundamental to the future success of this great country's economy. More importantly, it is essential for the success of our children and our children's self esteem.

Today, in recognition of National Learning Disabilities Month, the National Center for Learning Disabilities is launching a new initiative aimed at beginning readers. The ''Get Ready to Read'' program will assess the reading progress of children ages four to five. It will target those at risk for reading failure and provide enrichment activities to strengthen their skills. Parents, teachers, and pediatricians will be involved in creating a ''constellation of care'' around a child, effectively making sure that early on, before the cycle failure and defeat wreaks its damage, that the child is provided help. And you, no doubt, will hear from your constituents as this program progresses, because an important component of ''Get Ready to Read'' is for parents and others to keep their legislators apprised of issues affecting young children with reading problems.

Reading is a basic building block in participating fully in society. In this country of opportunity and promise, we owe it to our children to make sure they learn to read, and read well. I applaud this effort by the National Center for Learning Disabilities to help our youngest Americans to hope, to learn and to succeed.

CONFERENCE REPORT ON H.R. 4205, FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

SPEECH OF

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. RILEY. Mr. Speaker, last year's Defense Appropriations Act (FY 00) contained $10 million for the specific purpose of improving the safeguards for storing classified material held by Department of Defense contractors. It is with deep regret that I must report that the Pentagon refused to release these funds which expired on September 30, 2000. The Assistant Secretary of Defense for Command, Control, Communications and Information, Arthur Money, sent me and a number of other House and Senate members a letter on why the Pentagon chose to ignore the direction of Congress.

Mr. Speaker, beyond the fact that the Clinton/Gore Administration defied the law, their rationale for not complying with a federal security standard is troubling and their basis unfounded. First, on the issue of cost, DOD claims that upgrading existing security containers controlled by contractors by replacing old vulnerable mechanical locks with electronic locks that meet minimum federal security standards (FFL–2740A) would be cost prohibitive. The referenced report of the Joint Security Commission II sites an industry estimate from five contractors that is based on an inflated retail price of the electronic lock which is popularly called the ''X07'' or ''X08'' lock, rather than the wholesale price which would be the price of the lock in this upgrade program. This is not the first time that DOD has overestimated the cost of the program in an effort to resist implementation. In 1993, DOD grossly overestimated the cost of upgrading its own mechanical locks at $500 million, but the internal upgrade only actually cost $59 million. Based on the number of classified containers held by defense contractors, a lock upgrade program would cost between $45 million and $60 million, depending upon how the program was managed.

Secondly, on the issue of threat Mr. Speaker, the physical security threat to classified materials that exists with these 1950's vintage mechanical locks cannot be overstated. The threat is why the GSA established a federal standard in 1989 that requires locks on secure containers to withstand an attempt of twenty man-hours of surreptitious entry. Currently, an ''insider'' or foreign agent with readily available technology can determine the combination of a mechanical lock in a matter of minutes. Since this ''safe cracking'' can be done without detection on a mechanical lock, no one would ever know that an ''insider'' possessed the combination to access classified information including sensitive computer hard drives, laptops and access codes. To combat this problem, all new secure containers are fitted with the X08 lock (the only lock that meets the federal standard), but there are still thousands of mechanical lock containers and, worse yet, bar-locked file cabinets that are being used by contractors to protect our nation's classified information. Until all existing secure containers are upgraded with modern electronic locks, gaping security lapses will continue. No perimeter security apparatus involving guns, gates, guards, alarms, check points and other physical security barriers will protect against the ''insider'' threat to antiquated mechanical locks.

The Defense Intelligence Agency (DIA) has identified 27 foreign intelligence organizations that have the capability to penetrate these old mechanical locks without leaving a visible

trace. These espionage organizations would likely use ''insider'' agents for this purpose. In fact, Mr. Money's view that the ''insider'' threat is of greater concern than the threat of covert entry to a safe or vault is precisely why the electronic lock upgrade is needed. The X07/X08 lock now possesses features that help ensure accountability and control access. More importantly, the lock also has the capability to be equipped with a time/date stamp feature which would automatically record who entered the safe and when. This audit trail feature is already used with great success by large corporations. By adding this feature to the federal requirements, we add another important counter espionage tool to this virtually impenetrable lock.

I certainly understand the many competing interests that DOD must juggle within a constrained budget, but I cannot accept the Pentagon's view of contractor lock upgrades as being unnecessary, cost prohibitive or without commensurate security benefit. The growing volumes of classified information contained in moveable media (i.e. laptop computers, hard drives, back-up tapes, etc.) that is used by the national security agencies and their contractors, and the need to properly secure this classified material, cannot be pushed aside as a trivial matter. If the Department of Defense shows leadership in the proper handling of classified material, I'm certain that government and contractor employees will take a more serious attitude toward the proper stewardship of the Nation's secrets. The United States cannot afford another security lapse like the missing NEST hard drives at Los Alamos or the missing laptops at the State Department.

INTRODUCTION OF THE INTERNET PRESCRIPTION DRUG CONSUMER PROTECTION ACT OF 2000

HON. TOM BLILEY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. BLILEY. Mr. Speaker, today, I am introducing bipartisan legislation to help protect consumers from sham sales of prescription drugs over the Internet. Oversight hearings held earlier this year in the Committee on Commerce exposed real problems for consumers. Unscrupulous tactics by some sellers using the Internet must be stopped. The bill is focused on one objective—to allow folks to use the Internet as a useful tool for legitimate sales of prescription drugs.

The bill will do a number of things to enhance protection. First, the bill requires interstate Internet sellers of prescription drugs to disclose important information on their web sites and to State licensing boards. This will improve the reliability of consumer transactions and make it easier for State and Federal enforcement officials to patrol for illegal sellers.

Second, the bill enhances the authority of State attorneys general to seek injunctions against interstate Internet sellers that violate disclosure requirements or certain provisions of the Federal Food, Drug and Cosmetic Act.

Third, the bill enhances Federal authority to restrain the disposal of property that is traceable to certain provisions of the act.

Finally, the bill provides for public education about the dangers of unscrupulous Internet prescription drug sellers who fail to follow the law.

Senators JEFFORDS and KENNEDY are introducing an identical companion bill in the other body. This bipartisan legislation has the support of the National Association of Attorneys General, the American Pharmaceutical Association, the American Society of Health-System Pharmacists, the National Consumer League, and Drugstore.com.

I ask my colleagues to support this important measure.

HAPPY BIRTHDAY AND CONGRATULATIONS FOR A LIFETIME OF SERVICE TO MABEL GRIFFITH LEGG ON THE OCCASION OF HER 100TH BIRTHDAY

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. EDWARDS. Mr. Speaker, I rise to congratulate Mabel Griffith Legg on her 100th birthday and to thank her for becoming a teacher and sharing her life with countless numbers of students during her career. She was born October 6, 1900 on a farm near Athens, Texas and graduated from Palestine High School.

Mabel Legg moved to Waco, Texas, in my Central Texas congressional district, in the 1920s. She passed the teacher certification test during her junior year of high school and later earned her bachelor and master of arts degrees from Baylor University. She taught high school English and directed plays for 26 years at the Waco State Home and for another 14 years at La Vega High School. Through her inspiration many hundreds of her students have made significant contributions to our nation and humanity. She has been a longtime member of Highland Baptist Church where she taught Sunday school for 25 years and where she is still active in Sunday school and Bible study.

I ask members to join me in honoring Mabel Griffith Legg for devoting her lifetime to teaching others and to congratulate her on her 100th birthday. Congratulations and happy birthday, Ms. Legg.

CONFERENCE REPORT ON H.R. 4205, FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

SPEECH OF

HON. MARSHALL ''MARK'' SANFORD

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. SANFORD. Mr. Speaker, I rise today in support of H.R. 4205, the Floyd Spence National Defense Authorization Act. It might strike some as odd that I support the Authorization conference report after I opposed the Appropriations bill, and I wanted to spell out why.

Admittedly, I have some disappointment with parts of H.R. 4205:

Base Realignment and Closure Commission—H.R. 4205 does not include funding for two new BRAC rounds, despite the fact that the pentagon has estimated it has an excess base capacity of 23 percent. CBO estimates that two new BRAC rounds would save the Defense Department $4.7 billion by 2010, and that after completion in 2012, DOD could realize recurring savings of about $4 billion per year which could then be re-channeled toward better training, readiness and quality of life initiatives. It is my hope that Congress sees fit to include a Base Closure round in next year's bill.

Choice of Aircraft—H.R. 4205 includes funding for research, development and procurement of three different fighter planes (the Navy's F–18 E/F, The Air Force F–22, and the Navy & Air Force Joint Strike Fighter) when there is not a strong consensus that all three fighters are necessary. Some defense experts say the military needs the F–18 and F–22. Some say it needs the JSF instead. Congress' answer is simply to fund all of the fighter planes in question, at the expense of other aircraft (specifically bombers and unmanned aerial aircraft [UAVs]) that, while less glamorous, could prove more useful, while costing much less money and American lives.

Colombia—I have deep reservations about the decision to drop a provision in the House-passed bill that would establish a limit of 500 on the number of U.S. military personnel authorized to be on duty in the Republic of Colombia at any one time. I think that it would be a serious mistake for the U.S. to allow itself to get involved in a civil war in Colombia.

But the conference report does include some very important items:

Health Care Improvement—There are thousands of military retirees in the First District of South Carolina. Each of these retirees was once either a draftee or a recruit. They did their duty with the understanding that after 20 years of service, they were to have access to quality health care when they retired, and that that access would continue for the rest of their lives. That has not been the case. The Defense conference report extends Tricare to military retirees beyond age 65 as a supplement to Medicare. It is my hope that eventually Congress may move to a voucher system, in which the government ensures that vets get the care they deserve, without the accompanying bureaucracy and waiting periods. Any military retiree could simply get health care at the facility of their choice, and then be reimbursed.

Readiness Funding—I'm concerned about the Administration's lack of a coherent national defense strategy. Our men and women in uniform have been dispatched across the globe in peacekeeping and humanitarian operations that are not in the national interest. This is wearing out our soldiers and equipment. Aircraft mission capability rates have declined, spare parts shortages continue, and recruiting and retention of quality personnel has become a major challenge. These problems have left the military less prepared to defend real national interests. The conference report to H.R. 4205 provides an additional $1.2 billion for critical readiness funding. I would prefer that

Congress and the President turn away from trying to be the world's policeman. But if the Administration insists on dispatching troops across the globe, then Congress must ensure that these troops are at least prepared to carry out the mission.

I might have done things a little differently, but I think that the country's soldiers and military retirees have some serious problems, and the gentleman from South Carolina and his committee have made an honest effort to address those problems. On balance, H.R. 4205 is a fair attempt at assessing and meeting the country's defense needs. I find it disturbing that the Defense Appropriations Act looks so different. There are many unauthorized items in the Appropriations bill, that at least appear more directed toward ensuring victory at the ballot box, rather than on the battlefield.

I choose to base my national security votes on national priorities. Therefore, I support the Defense Authorization Conference Report, but oppose the Defense Appropriations bill.

IN MEMORY OF FREDERICK DEBARROS OF NORWICH, CONNECTICUT

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. GEJDENSON. Mr. Speaker, I rise today in memory of Frederick DeBarros of Norwich, CT. Mr. DeBarros was a life-long resident of Norwich and gave so much to his community over more than eight decades.

Mr. DeBarros was born in Norwich in March 1914 and attended public schools in the community. He worked for Sears and as a custodian with the Norwich school system until his retirement in 1993. He was also an elder of the Easter Pequot Tribe.

Mr. DeBarros will be remembered by many in the community as a tremendous athlete and an avid sports fan. As a young man, he played for the A.C. Softball Team while later in life he served as an umpire in the Norwich City League. The community has recognized his many athletic accomplishments by including him in the Norwich Sports Hall of Fame. Mr. DeBarros was also a lifetime member of the Sportsmen Athletic Club of Norwich. I am told that he was an intense Yankees fan.

Mr. Speaker, Frederick DeBarros was devoted to his family and his community throughout his long life. I join with his neighbors in offering my condolences to his family and the Eastern Pequot Tribe. We can take comfort in knowing that Mr. DeBarros' memory will live on in Norwich through his many achievements on the field of play and his service to the community.

IN MEMORY OF THE LATE GOVERNOR OF MISSOURI, GOVERNOR MEL CARNAHAN

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. GEPHARDT. Mr. Speaker, fate seems especially cruel when wonderful people are taken away in the prime of life, and the death of Governor Carnahan is just such a tragedy. Words alone do not fully describe the sorrow Jane and I and all Missourians feel at the loss of our Governor.

Mel Carnahan was a good man. He was a decent, caring man. He loved his state, and he fought hard for every person in it. A man who considered public service a high calling, Mel had a quiet, humble demeanor and his commitment to families in Missouri made a difference in the lives of millions of people.

A beloved governor, the son of two teachers in the Ozark mountains, Mel worked hard day after day to give every child a chance in life. He was committed to education with a sincere passion.

We extend our deepest sympathy to Mel's wife Jean and their three surviving children; our thoughts and prayers are with them at this difficult moment. Missouri has lost a giant, and, humbly, we will work to ensure that Mel's wonderful, positive, humane spirit lives on in all our lives.

MCDONALD'S CORPORATION—EPA WASTE WISE PARTNER OF THE YEAR, OCTOBER 17, 2000

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mrs. BIGGERT. Mr. Speaker, I rise today to recognize the McDonald's Corporation for its exemplary leadership in environmental conservation. McDonald's has been a pioneer in a range of efforts to conserve energy, protect natural resources, and reduce solid waste.

In the past, the Corporation has been honored for its conservation work by major environmental organizations, including the Council on Environmental Quality and the Environmental Protection Agency (EPA). As a result of its comprehensive waste reduction program, McDonald's has received further recognition for its efforts in this area by recently receiving the EPA's prestigious Waste Wise Partner of the Year award.

In 1989, McDonald's partnered with the Environmental Defense Fund (EDF) to develop a comprehensive action plan for reducing waste. This cooperative project laid the foundation for a new approach to solving environmental problems. It served as a model for additional EDF alliances with leading U.S. businesses and also as a catalyst for other corporate/environmental organization partnerships.

The following year, McDonald's established one of the first corporate ''buy recycle'' programs. The Company also initiated an ongoing series of environmentally friendly changes in packaging design that continues to this day. In 1992, McDonald's enrolled in EPA's Green Lights program to institutionalize the use of energy efficient lighting and, in 1994, became the very first partner in the EPA WasteWise program.

The impact of these commitments and partnerships has been extraordinary. During the course of the 1900's, McDonald's: Eliminated 297 million pounds of packaging; Recycled 2 billion pounds of corrugated cardboard, thus reducing restaurant waste by 30 percent; Purchased over $3 billion worth of products made from recycled materials—over 300,000 tons in 1999 alone; and Saved over 510 million kilowatt hours, the equivalent of all the energy used by 14,500 homes over ten years.

These impressive numbers do not tell the whole story. By entering into these partnerships, McDonald's is proving that commitment to the environment and core business interests can go hand in hand. In so doing, they are helping to bring about a new environmental ethic and, in a broader sense, the growth of corporate social responsibility.

The Waste Wise award is an appropriate recognition for such leadership and for McDonald's sustained, effective commitment to making the world a better place. I congratulate the McDonald's corporation and its employees for this outstanding achievement.

IN TRIBUTE TO THE LATE REPRESENTATIVE SIDNEY YATES

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. NADLER. Mr. Speaker, I rise today to pay tribute to my friend and colleague, the late Congressman Sidney Yates, who passed away earlier this month. Sid Yates represented the Ninth District of Illinois for close to 50 years with great distinction. He was a man of vision who will be remembered most for his dedication to defending and promoting the arts in America.

Throughout his career, Sid Yates made Federal funding of the arts a priority. He helped push for the legislation establishing the National Endowment for the Arts and worked to steadily increase its budget as chairman of the Interior Appropriations Subcommittee. When the NEA came under attack in 1995, it was Sid Yates who helped lead our efforts to preserve. I was proud to stand with Sid as his passionate and eloquent defense of the NEA and of government's role in the arts helped stave off its elimination.

We mourn his passing, but we should celebrate the many contributions he made to this Chamber. The arts community, in particular, has lost one of its great champions, but his memory will live on in the smiles of the young people who will be introduced to the arts thanks to the efforts of Sidney Yates. I speak for all of those who care deeply about the arts in this country when I say that he will be greatly missed, but will never be forgotten.

CONGRATULATING SOUTH KOREAN PRESIDENT KIM DAE JUNG FOR WINNING THE NOBEL PEACE PRIZE

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to congratulate South Korean President Kim Dae Jung for winning the Nobel Peace Prize. The Nobel Committee announced the decision to award President Kim based on his ''moral strength'' to pursue democratic goals despite repeated threats on his life and long periods in exile.

The Committee awarded President Kim with the Nobel Prize not only for his work in bringing democracy to South Korea, but for his efforts to reconcile South Korea with North Korea. To facilitate that goal, President Kim established the ''Sunshine Policy'' in an attempt to overcome more than fifty years of war and hostility between the two Korean nations. President Kim has said that his struggle against dictatorship was the greater achievement in his life. ''Democracy is most important. Only when we uphold human rights and freedom, is our struggle against communism meaningful,'' said President Kim.

Born on December 3, 1925, President Kim was the second son of four. His father was a farmer on an island in the southwestern province of Cholla. President Kim was a good student and elected a leader of his high school class. However, he learned an early lesson about democracy when he was stripped of his position, after he published an essay condemning the Japanese colonial government that controlled Korea at that time. It would be the first of many sacrifices President Kim would make before being elected to lead South Korea.

Prior to being elected, President Kim was jailed repeatedly by the government of South Korea. He has been placed under house arrest more than 55 times, and has survived many assassination attempts. He has been kidnapped by South Korean agents, sentenced to death by a military court for alleged treason following prodemocracy demonstrations, lived in exile in the United States, and returned to South Korea, before winning the Presidency in 1997.

President Kim was credited with bringing South Korea back from the verge of financial collapse just a few years ago. He committed the country to strict reforms requested by the International Monetary Fund and by doing so, the South Korean economy has made significant strides in less than two years.

President Kim's Sunshine Policy to engage North Korea has produced dramatic, historical results. On June 13 of this year, President Kim traveled to Pyongyang to meet with North Korean President Kim Jon Il. The summit opened the way for the first reunion between Korean family members, who had been separated by the Korean war and had not seen one another in 50 years.

President Kim's personal courage and moral character are his foundation in times of adversity; and they have inspired generations of Koreans to keep their faith in freedom. As the Washington Post put it, ''He helped prove that freedom is a universal value and democracy a universal desire, not limited by race, continent, or culture.'' I join my Korean-American constituents in congratulating President Kim on receiving the Nobel Peace Prize for the year 2000.

ARLINGTON TRADITIONAL SCHOOL

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. MORAN of Virginia. Mr. Speaker, I rise today to commend the parents, students and administrators at Arlington Traditional School. I will be pleased to welcome the students and teachers of this extraordinary school to the Capitol on Thursday, October 19, 2000.

For the last 15 years this school has sponsored an extraordinary summer reading and civics program for its students.

The Reading Challenge was started by its first principal, Dr. Frank Miller, who once spent the day on the roof of the school as a reward to the students for meeting their reading challenge.

Since then, the challenge has grown under the leadership of its present principal, Ms. Holly Hawthorne.

Mr. Speaker, the summer challenge program is based around themes including: ''Reading Around the Library,'' to learn more about the different kinds of books in the library; ''Read For the Gold,'' based on the Summer Olympics; ''Reading Around the World in Eight Days,'' to learn about world geography; ''Blast Off to Learning,'' that included a tour of the planets; ''Reading Is Monumental,'' to learn about important places in Washington, DC and Virginia; and ''From Sea to Shining Sea,'' to learn about the fifty states.

The reward for the students' reading accomplishments has evolved into a celebration of reading known as Reading Carnival Day. Activities have included special events in each classroom, school wide parades, and special guest speakers.

Over the years, the entire school has visited the public library and the Education Center where special guests read their favorite books to the students. In addition, a school-wide field trip was taken to the Air and Space Museum and to Mount Vernon for Colonial Days. These experiences undoubtedly enhance the interactive learning process for students beyond compare.

Mr. Speaker, I take great pride in commending the Arlington Traditional School for its many accomplishments over the past 15 years.

It is through their efforts that the prospect for the future is much brighter.

RECOGNIZING CATHEDRAL HIGH SCHOOL IN EL PASO, TEXAS ON THEIR 75TH ANNIVERSARY

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. REYES. Mr. Speaker, I am proud of a high school in my district that continues to show exemplarily results in education. Cathedral High School has a long standing tradition of excellence in El Paso, Texas. The school never falters in its steadfast commitment to teaching and to spiritually guiding young men as they prepare for higher education and for life's many challenges.

Through the vision and dedicated efforts of Bishop Anthony Schuler, the Rev. Robert O'Loughran, and Mr. William Fryer, the Christian Brothers established Cathedral High School in September of 1925. Cathedral High School has withstood the trials of the Great Depression, four wars, changing economic, political, and social conditions and has come out with ever increasing strength. Over 4,300 young men have graduated from Cathedral since 1927. It is a school that is emulated by other schools across the city, state, and even the nation. Over 95% of the Cathedral's students go on to colleges and universities.

The staff of Cathedral High School, both the Christian Brothers and the lay faculty, who's commitment and dedication play an integral part in the Cathedral educational experience, should be commended. Their efforts have contributed to the long-term viability of the school.

While accepting students of all faiths, as a Roman Catholic school, Cathedral's curriculum instills the Catholic heritage and stresses reverence for God, concern for others and personal responsibility. As much as any other aspect of the school, the spiritual emphasis at Cathedral fosters an atmosphere of brotherhood and caring and builds the foundation for life-long friendships. Spirituality, as a guiding principal, should be emulated across our nation. The values that are instilled at Cathedral are fundamental values that are central and important to the functioning of society as a whole.

Daily school prayer, religion classes, and school Mass emphasize God's central role in our lives. As a Catholic myself, God and reverence are personally important to me and I appreciate the commitment that Cathedral makes in insuring that our students will have faith and prayer in their lives. I cannot overstate how important faith in God is to overall success and happiness in life.

Cathedral has continually exhibited strong leadership; a clear vision and sense of mission that is shared by and connected with the school, students, parents, and alumni; high quality teaching; and a safe environment for learning. Cathedral has continually been a pillar of excellence in El Paso. I applaud the role that Cathedral High School plays in the fabric of our culturally diverse community and I wish the school continued success in their next 75 years of teaching excellence in the city of El Paso. Go Fighting Irish!

PERSONAL EXPLANATION

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. OXLEY. Mr. Speaker, I was unavoidably absent from the House chamber for the day of Thursday, October 12th.

CONGRATULATING THE SAN LUIS OBISPO SYMPHONY'S CUARTETO DE LAS MISIONES ON THEIR PERFORMANCE AT THE KENNEDY CENTER IN WASHINGTON, D.C.

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mrs. CAPPS. Mr. Speaker, I honor the San Luis Obispo Symphony String Quartet, Cuarteto de las Misiones who have traveled from San Luis Obispo, California to perform tonight at the Kennedy Center's Millennium Stage State Days Series. The Cuarteto is Sharon Holland, Ginette Reitz, Mary Houston, and Ken Hustad.

I had the privilege of nominating the Cuarteto to represent the great state of California for the Kennedy Center's program because they have demonstrated a wonderful commitment to their community, a unique sound, and inspiring talent.

The San Luis Obispo String Quartet has been performing at Central Coast schools for over a decade. Last Spring, the quartet was reorganized and renamed the Cuarteto de las Misiones and began working with local Grammy-nominated composer, musicologist and California Polytechnic State University music professor Dr. Craig Russell to design an in-school program for 3rd and 4th graders.

Dr. Russell has devoted the past several years to uncovering a wealth of music originally performed in California and Mexico during the colonial days. Through his discoveries, he has been able to demonstrate that there was a far richer musical life on the West Coast of the United States than was previously thought. Thanks to Dr. Russell, works by European immigrants to California and Mexico, once performed by the Chumash and Salinan people are being performed again after 200 years of silence.

Cuarteto de las Misiones presents a narrated musical journey comparing the unique styles of mid-18th Century western culture. The quartet's performance this evening will include Dr. Russell's arrangements of the newly rediscovered music of the missions, mountain music and reels of the eastern United States and the chamber music enjoyed in Europe's finest salons.

Mr. Speaker, this exciting new program has not only sparked my interest, but has received notice from the California Arts Council and has become part of their "Rural and Inner City Presenting Program" (RICP). They are a fine example for the community and I am proud to be their Representative.

I would like to give thanks to the San Luis Obispo County Community Foundation and the Hock Family Foundation for their generous support of the Cuarteto de las Misiones, and to the ensemble itself for their invaluable contribution to the Central Coast.

THE STEENS MOUNTAIN COOPERATIVE MANAGEMENT AND PROTECTION ACT OF 2000

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. WALDEN of Oregon. Mr. Speaker, I would like to share with my colleagues two letters I received concerning the Steens Mountain Cooperative Management and Protection Act of 2000 (H.R. 4828) that was debated on the House Floor on October 4, 2000.

House Resolution 4828 was supported by the entire Oregon congressional delegation and is the product of a long and hard-fought battle to ensure that there was an Oregon solution to an Oregon issue. I submit the following letters into the CONGRESSIONAL RECORD.

THE WILDERNESS SOCIETY'S
WILDERNESS SUPPORT CENTER

DEAR CONGRESSMAN WALDEN: Although this bill does not contain everything we wanted, we believe that this is a responsible resolution of a very important issue. This bill will grant lasting protection for the wildlands, wildlife, and waters of the magnificent Steens Mountain region. We support its passage today.

BART KOEHLER,
Director.

Recreation Service Providers on Steens Mountain—

The outfitting and guiding industry has been in existence on a small scale and in a variety of ways on Steens Mountain since the early days of trappers and military scouts. From the early 1900's until the early 1960's outfitters, particularly homesteader Chester Nye and partner Paul Howard, primarily offered hunting and fishing trips to the very wealthy into the inaccessible backcountry of the Steens. The completion of the Steens Mountain Loop Road opened up all of the hunting areas that Nye and Howard depended upon for their enterprise and consequently put them out of business. Shortly after during the mid-1970's, the homestead known as the Nye Place consisting of several guest cabins and a cookhouse on the rim of the Little Blitzen Gorge and which Nye and Howard had used was taken over by Velty Pruitt and his summer camp for girls.

From that time until now, outfitters and guides, otherwise known as recreational service providers, have continually modified the services they offer based on the needs and demands of the outfitted public using Steens Mountain. Currently, Steens Mountain has eight permitted outfitters operating on both public and private lands providing a wide range of recreational services. These current and historical uses include: cross-country high-altitude running training, big game hunting, upland bird hunting, fishing and heli-fishing, multiple day horse packing, trail riding, multiple day llama packing, backpacking, day hiking, mountain biking, ATV touring, van/pickup tours, snowmobiling, cross-country and backcountry skiing with and without motorized support (snow machine or helicopter), snow shoeing, and snowcat touring. With all of these activities, many service providers include interpretive and educational information to their programs, and/or use these various modes of transportation or travel to provide interpretive and educational services. Additionally, a number of the permitted recreation service providers have historically conducted activities on private lands that may be transferred into public ownership through this legislation. All of these uses are considered current and historical uses and fall under the purpose of promoting viable recreation operations on Steens Mountain.

It should be noted that while there are thousands of places to go in the United States to engage in outdoor recreation, Steens Mountain is a unique natural attraction and is the chosen vacation destination for nearly 100 percent of the 56,000 people currently coming to the region. In fact beginning in 1975, the Bureau of Land Management began tracking visitor numbers of those using the Steens Mountain Loop Road. these visitor numbers have increased over 278 percent since 1975, and with a new designation will likely continue to increase. There will no doubt be a corresponding growth in the numbers of the outfitted public seeking experiences with the permitted recreation service providers on the Steens. As part of ensuring the viability of the recreation operations on Steens Mountain which is a purpose of this legislation, these permitted recreation service providers should be allowed to meet the growth and additional needs of the outfitted public within the current and historic activities they provide.

Further most outfitters, pre-legislation, have invested a great deal into their recreation service operations and public land permits to provide services to the public. Some of the investments are recent and substantial. Because of this the operators may not have had time to realizes a return on these investments. One example of this, and there are many, is Steens Mountain Packers helicopter supported activities particularly the backcountry ski heli-supported program. A great deal of time and money went into the exploration of the Steens to provide a compatible and safe service to the public. The legislation, designation and future management thereof may terminate the operators opportunity to recoup investments with the possible termination of the activity within a given area, such as wilderness. In staying in conformance with the purpose of the Act, the operator should be appropriately compensated for the loss of revenue from the activity, or exchanged for a reasonable like permit. Because of the uniqueness of the area, a like opportunity may be difficult to provide. It should be noted that an opportunity or permit entirely outside of the area may well not be considered a reasonable option (e.g.—a permit in Catlow Valley would not necessarily be a reasonable alternative to an existing permit within the Blitzen Gorge, nor a permit in Idaho as an alternative to a permit on Steens Mountain.).

JOHN AND CINDY WITZEL
Frenchglen, Oregon.

CELEBRATING THE BIRTHDAY OF NANCY LONG

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mrs. MORELLA. Mr. Speaker, I honor my constituent, Nancy Long, on the occasion of her seventy-second birthday. Nancy Long has been continuously dedicated to community and civic service for, perhaps, longer than anyone in Glen Echo and Montgomery County, Maryland. Ms. Long was first elected to the Glen Echo Town Council in 1969, and re-elected every four years thereafter.

Early on, she was appointed as Town liaison to the National Park Service for the C&O Canal National Historical Park, Glen Echo Park, Clara Barton Historic Site, and the George Washington Memorial Parkway. Her efforts have been and continue to be tireless in the pursuit of preservation of the Park, conservation of the Canal, and protection of the Town's environs.

Ms. Long has been a volunteer at Glen Echo Park since 1970 and, in 1986, became one of three original founders of the Glen Echo Park Foundation. She has been re-elected to that Board each term since its inception. She organized and directed a successful fund raising campaign to save the Park's beloved Dentzel Carousel, which today is enjoyed by children and adults. This historic artifact is admired by preservationists for its spectacular and painstaking restoration work. The attention to preserving the Park and the existence of the Carousel today, is in no small measure to Nancy's tireless efforts. Her work continues on the Montgomery County Glen Echo Park Working Group, which has been studying the future of the Park and its cultural and arts programs.

In 1975, Ms. Long was selected by then Congressman Gilbert Gude as one of 25 individuals to travel the entire length of the C&O Canal to call attention to the Canal's importance and need for the preservation and conservation of its resources. She is currently one of two Montgomery County representatives to the C&O Canal National Historical Park Advisory Commission. Nancy Long has walked the 184 mile length of the Canal four times, the latest trek occurring in the spring of 2000.

Ms. Long has also served extensively on other boards and commissions. Just a few additional ports on which she served, are: Potomac Valley League, the Montgomery County Committee of the Maryland Historical Trust, and the Potomac River Basin Consortium.

Ms. Long's 72nd birthday will be celebrated by her friends and Glen Echo neighbors today, October 17, 2000. I am proud that she expects to continue her work on behalf of community, conservation, and preservation.

TRIBUTE TO ERNEST T. DIERKING, U.S. FOREST SERVICE DIRECTOR OF LANDS AND MINERALS

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. LEWIS of California. Mr. Speaker, when the millions of people who live in Southern California want to escape our perpetual summer for a little winter fun or cool mountain breezes, we head to a refuge thousands of feet above and a world away from the beaches that are our trademark. Just an hour from those beaches lies the San Bernardino National Forest, which today provides thousands of acres of recreational splendor thanks largely to the efforts of one dedicated public servant: Ernest T. Dierking.

Ernest Dierking began his career with the U.S. Forest Service in June 1958, and has dedicated the last 22 years to expanding the San Bernardino National Forest and making sure the pines and mountain vistas are preserved for an appreciative public. He has served as the District Ranger in San Bernardino, and most recently he was Director of Lands and Minerals. In that role, he has acquired 15,990 acres worth $17 million to be preserved for the public's enjoyment.

Through the efforts of Ernest Dierking, the public can now enjoy hundreds of miles of mountain trails, ski resorts, wildlife watching and peak climbing from the Cucamonga Wilderness on the Los Angeles County line to the Santa Rosa Wilderness in Riverside County.

Mr. Speaker, Ernest Dierking retired from the Forest Service on Sept. 1, ending his 42-year career of accomplishment and public service. Please join me in thanking him for creating a mountain paradise on the edge of our nation's largest urban area, and wishing him well in his future plans.

EULOGY OF MARTIN T. MEEHAN

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. MEEHAN. Mr. Speaker, on behalf of my mother, brothers and sisters, my Aunt Katherine and Uncle John, my cousins, and my entire family, I want to thank all of you for joining us today to help celebrate our father's life. We are all honored by your presence and are grateful for your support and affection over the last few days.

I can imagine my father looking out at the long lines forming outside McCabe's Funeral Home yesterday. He would have said, "Frankie McCabe must be giving something out for free!"

Frank isn't, Dad, believe me.

My father was born in Lowell on July 16, 1927 to Martin H. Meehan and Josephine Ashe Meehan. His father immigrated to the United States from County Claire, Ireland in 1912. His mother, who immigrated from County Kerry the year before, was a cousin of the great Irish patriot Thomas Ashe, who died during one of the first hunger strikes—in Ireland's fight for freedom in Mount Joy Jail in 1916.

Thomas Ashe's picture was hung on the wall of his family home on Batchelder Street in the Acre Section of Lowell. In 1963, a portrait of President Kennedy was added.

The Acre was where the Greek and Irish immigrants settled in Lowell. My father grew up there and he loved it. Swimming in the canals, playing baseball for St. Patrick's and Lowell High School, and building lifetime bonds. It was a neighborhood where the kids were tough and strong, and everyone had a nickname—hence "Buster." The Acre was where thousands of new immigrant families were becoming part of the great American Dream.

In 1946 Dad met my mother at a party her cousin Maureen Gay had. Dad was not invited, he crashed. And my mother was glad he did. They were married three years later.

My father had a saying for everything in life. Some of them really bugged me at times. But they all had a purpose and wisdom for how to lead a good life.

"One God, One Country, One Woman" he used to say. That—one woman—was my mother. He was passionately in love with her through 51 years of marriage. Their love for each other intensified and grew. I believe the love our father and mother shared for one another was extended to every person who was a part of their lives.

I can remember as a very small boy first learning the concept of love. "I love you kids with all my heart", he'd say. "But I love your mother even more". "But Dad", I once replied, "Who am I supposed to love more? You or Ma?" "You kids should love your mother the most", he'd say. "She gave birth to you."

First they lived in a tenement on Lincoln Street where Colleen and Kathy and I were born. Later they bought an eight room house the next street over at 22 London Street where they raised seven children in a home that was filled with love, laughter, energy . . . action 24 hours a day . . . a strong commitment to the Catholic Church and to family.

It was a great neighborhood—and my father helped us spread our family's love all over it. And there isn't a better testament to that love—than our relationship with the Durkin family who had seven children of their own, just down the street. So many memories, so many stories.

Visiting the ice cream stand with Dad was unforgettable. He would load all of us into the car with as many of our friends as would fit. He would ask us what we wanted. "I'll have a banana split," I'd shout. My sisters would say, "I'll have a hot fudge sundae." Our friends couldn't believe it—they would order a shake or double ice cream scoop with extra nuts, extra whipped cream!

He'd take everyone's order and then go up to the line. "Don't worry," he'd say, "I'll carry it back". Ten minutes later he'd return with 13 single cups of chocolate ice cream. "That's all they'd had" he'd shrug.

Dad was also a very successful little league coach. On Dad's White Sox team everyone played—at least three innings. I remember how embarrassed I was when Dad's White Sox lost every game. 0–18. Some games we were winning after three innings, 8 to 4 or even 7 to 2. But in the fourth inning Dad put

all of the subs in—no matter what. ''Everyone plays!'' he'd say. The other teams kept the best players in for the whole game. Naturally, they would win.

Today I am so proud of the way my Dad coached the kids on that 0 and 18 team. Today, I am so proud of how my father lived his life.

As children, we shared so many happy times together each summer with family and friends at Seabrook Beach. Later as adults, with his grandchildren, we spent weekends at Dad and Mom's beach house. After a few morning hours together on the beach, Mom and Dad would head back to the house to begin the day-long cooking ritual so that we could have dinner together. Many times in the evenings, we would sing songs around a bonfire on the beach. We enjoyed lobster bakes and thankfully Mom and Dad got to enjoy an occasional sunrise together. And many times, after a long day, many of us would sit together and watch the sun go down and our father would say to us all, ''it's a great life and it's a great country.''

Dad worked at the Lowell Sun Publishing Company for 43 years. He started as a truck driver * * * became a linotype operator * * * then became Assistant Foreman in the Composing Room. He loved the Sun and the newspaper business, and he knew it from soup to nuts. There were a lot of great reporters that came through the Sun over the years, but my father never hesitated to tell them when he felt they just didn't get it right—especially on a political story.

Frank Phillips, Chris Black, Brian Mooney and others all heard from Dad on more than one occasion. When he was finished he had earned their respect and they appreciated his wisdom and experience. And they all affectionately repeat those stories—even today.

Dad was an active lifetime member of the Typographical Union—serving in a leadership position. He always stressed the importance of workers being able to organize for fair wages and benefits. It's not surprising that my sisters Colleen and Kathy are members of the teachers union and Mark and Paul are active members of their respective unions as well.

But as strong as a Union person as he was—he loved the Lowell Sun and the company's ownership, the Costello family. He followed the Costello kids' lives as if they were his own—always loyal to the company and the Costello family.

Supporting Mom and seven young children was not always easy. For seven years he got a second job working nights as a corrections officer. On Mondays, Tuesdays, and Wednesdays he would get up at 5:30 to be at the Sun to punch in at 7 o'clock. His shift was over at 3:30. He'd put on his uniform at the Paper, punch in at the jail at 4 o'clock and work until midnight. He got home by 12:30 in the morning, and went to bed for five hours so he could be back at the paper by 7 a.m.

I'm sure it wasn't easy—but he wanted the best for his children and he wanted my mother to be able to be home with us.

My father didn't care what we did for work—but he wanted us to get an education. And we all did. He was especially proud of the fact that my sisters, Colleen, Kathy, and Mary all became school teachers. He thought it was the most important job of all. ''Teaching is NOT a job''—Dad would say—''It's a vocation.'' He loved the idea that his daughters were helping to shape the minds of 25 kids in a classroom each day.

He was so proud of all his children, in a unique and special way. My brother Mark, a master electrician, ''has the biggest and best heart of all my kids,'' he'd say. And Mark gave Dad his newest precious grandchild ''Sarah'' just two weeks ago. He was so proud that Paul followed him to the Sheriff's Department. Paul is a model for overcoming obstacles and winning. He recently went back to school for his degree, got married, and was promoted to Captain as well.

When I ran for Congress in 1992 my sister Maureen answered the call and put her work—and life—on hold to take the most important job in the campaign—raising the money to win. My Dad just loved the fact that I turned to my sister. And when we won he knew it was Maureen who was the rock behind us. ''Politics is a tough business'' he'd say—''you need people you can really trust—and that means family.'' [That's of course why President Kennedy had Bobby.] Of course after the election, I remember Maureen was sick and I asked, ''What's wrong with her now?''—Dad's split second response— ''Working for you!''

Dad was so well read, a voracious reader * * * A lover of poetry and words, and boy did he love to sing!

So much love in his heart, and this extension of love was felt by his grandchildren and in-laws. The term ''in-laws'' didn't mean much to Dad—he welcomed them and loved them like they were his own. And they loved him back.

All 15 of his grandchildren are loved as individuals and each of them realizes the power of love and family through their papa and munama. One of my young nieces asked during the last couple of days, ''How did Papa have so much love to give to so many people?'' Well, I really don't know the answer to that for sure. I just know that he did. Every time our father gave us a hug—or as he would say a hug-a-deen—he would accompany it with an ''I love you.'' ''Aren't they wonderful,'' Dad would say. ''Your mother and I will live in them in the next generation through these beautiful kids * * * and as I've told you,'' he'd say, ''that's the sweet mystery of life.''

So happy, so content, there was NOTHING more in life that he wanted—than that which he already had—His Family.

And he thanked God for our happiness every single day.

Joseph P. Kennedy, Sr., once said that the measure of a man's success in life was not the money he had made, but rather the family he had raised. That quote has been framed in my parent's home over 15 years. My father believed it and devoted himself to family every day of his life for 73 years. He was an immensely successful man.

We love you Dad and will miss you.

RECOGNIZING THE CAREER OF JOSEPH J. MONFREDO

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. McGOVERN. Mr. Speaker, I rise today to honor an outstanding member of the Worcester community, Joseph J. Monfredo, who is retiring this month after 36 years of service in the Worcester Public Schools. Throughout his career in the school system, Mr. Monfredo has been a dedicated and enthusiastic leader.

A graduate of Worcester State College and a veteran of the United States Army, Mr. Monfredo began his teaching career in September of 1963 in Leicester, Massachusetts. His first job with the Worcester Public School System came in September of 1964 when he accepted a position at the Elizabeth Street School. Mr. Monfredo taught at several schools and served as assistant and acting principal of the Thorndyke Road School. In August of 1989, he became principal of the Burncoat Preparatory Elementary School, where he has worked for the past 11 years.

For his service to the schools, Mr. Monfredo has been recognized by the Commonwealth Leadership Academy, the Principals' Institute of the Harvard Graduate School of Education and the Alliance for Education.

A former letterman in varsity baseball at Worcester State College, Mr. Monfredo has also been active in school sports programs. He has coached several varsity and junior varsity teams in football, basketball, and baseball, as well as coaching and managing Babe Ruth League baseball teams. Most recently, Mr. Monfredo coached soccer at Burncoat Elementary.

It is my privilege and honor to recognize Joseph Monfredo for his dedication to the students of Worcester, and his 36 years of service to the Worcester Public Schools. While he will no doubt be missed by the many students, teachers, and parents of the Burncoat Preparatory Elementary School, I wish him, his wife, and family continued health and happiness in the future.

IN HONOR OF OLGA ALVAREZ, ANCHOR WOMAN AND REPORTER FOR UNIVISION

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Olga Alvarez, anchorwoman and reporter for Univision (Channel 41 in NYC). Ms. Alvarez has made it a priority to keep Latinos well informed about current events and news that affects their community, empowering them to participate fully in American society. For her contributions to broadcast journalism, the National Association of Cuban Journalists in Exile will pay tribute to Ms. Alvarez at an event on Sunday, October 15, 2000.

Olga Alvarez was born in Havana, Cuba and was raised in Puerto Rico. Her parents

were musicians, who regularly performed on live television. As a child, Ms. Alvarez was influenced greatly by her parents' television performances, making television her favorite medium.

Ms. Alvarez began her career as a production assistant and producer, working on projects that included documentaries and video news releases produced in the United States, Mexico, and Puerto Rico. During this time, Ms. Alvarez was a correspondent for Telemundo's "La Buena Vida," a program highlighting the accomplishments of Latinos. In addition, she worked as a segment producer for the daily magazine show "Club Telemundo," developing and writing stories regarding medicine, family relations, and important community issues.

At Univision's WXTV 41, Ms. Alvarez began as a writer and later became a reporter, hosting the station's community service program and reporting tri-state area news on "Despierta America."

In 1997 and 1998, Ms. Alvarez was awarded the "Latin A.C.E." from the New York Latino Entertainment Reporters Association. In 1999, Ms. Alvarez won an Emmy for "La Clave De La Salsa," a series on the history of salsa music. In addition, she was awarded First Plaque in the New Jersey Associated Press Broadcasting Association Awards, and second place in the New Jersey Press Awards. Recently, she received an Honorable Mention from the Associated Press for "Regalo De Vida," a series on the importance of liver donation and transplantation.

Today, I honor Olga Alvarez for her extraordinary career in broadcast journalism, and I ask that my colleagues join me in honoring her.

THE NEW SERBIAN LEADERSHIP: WE SHOULD TEMPER REJOICING WITH CAUTION

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. LANTOS. Mr. Speaker, the departure of Slobodan Milosevic as President of Yugoslavia was greeted with almost universal rejoicing. More than most other national leaders in recent memory, Mr. Milosevic has come to identified with the excesses and atrocities of nationalism run amuck. Mr. Milosevic encouraged and fostered excessive Serbian nationalism in order to further his own personal political goals, and he bears a heavy responsibility for the barbarities and savagery of the conflicts in Croatia, Bosnia, and Kosova over the past decade. The international community recognized his personal responsibility for events in the former Yugoslavia by indicting him as a war criminal.

Mr. Speaker, in Belgrade general enthusiasm greeted the news that Mr. Milosevic had lost the presidential elections and that the people of Serbia would not tolerate his continued political manipulations to preserve himself in power. The change is a welcome one, and one that I sincerely hope will lead to the restoration of stability in the former Yugoslavia.

While the departure of Mr. Milosevic is most welcome, the arrival of Mr. Kostunica does not mean the resolution of all problems involving Serbia. I think it is important that we temper our rejoicing with a note of caution.

It is important, Mr. Speaker, to place these changes in some perspective. This change is not the result of an upsurge of democratic sentiment, nor is it a rejection of the excesses of Serbian nationalism that have resulted in so much bloodshed and violence over the past decade. To a great extent, Mr. Speaker, it is a rejection not of the bankrupt policies of Mr. Milosevic, but a rejection of the consequences of those policies—the economic hardship created by the international sanctions against Serbia, the destruction in Serbia that resulted from the NATO campaign to halt the depredations against the Kosovars, and international isolation.

Mr. Speaker, Leon Wieseltier published an excellent article in the more recent issue of The New Republic (October 23, 2000) which focuses on these critical issues and the significance of the changes in Serbia. I submit excerpts of Mr. Wieselteir's article to be placed in the RECORD, and I urge my colleagues to give his views the thoughtful attention they deserve.

[The New Republic, October 23, 2000]

THE TROUBLE WITH EXHILARATION: KOSTUNICA, THEN

(By Leon Wieseltier)

. . . The uprising in Belgrade established justice incompletely. The limitations of Kostunica and his revolution are disturbing. He is an unembarrassed Serbian nationalist, who does not see or does not wish to see that the tribal sentiment of his people, their "national question," has been not the solution but the problem. He translated The Federalist Papers into Serbo-Croatian, but during the Bosnian war he was sympathetic to the Serb separatism of Radovan Karadzic, and during the buildup to the Kosovo war he was photographed brandishing an automatic rifle in the company of some Kosovar Serbs . . . He has declared that he will not deliver the war criminal whom he has deposed to the tribunal in The Hague, whose legitimacy he has contested. He is a democrat who wants his country to become a member of the European Union, but he welcomes the machinations of the Russian foreign minister, whose government was singularly unmoved by the democratic ascendancy in Serbia.

In all these ways Kostunica seems genuinely representative of his people, whose ethical energies are ominously circumscribed by ethnic energies. The press accounts of the election that Milosevic lost, and of the uprising that followed his refusal to abide by its results, describe a population that was angry about the consequences of the sanctions that the West had imposed upon Milosevic's country, the poverty and the pariahdom. They were also tired of Milosevic's abuses of state power, especially his authoritarian control of the media. What motivated their rebellion, in other words, was their outrage at all that Milosevic had done to them. What was missing from the hue and the cry (at least as it was reported in the Western press) was outrage at what Milosevic had done to others—to Croatians, to Bosnians, to Kosovars. It was not his mass rapes, mass expulsions, and mass murders that brought Milosevic down. What brought him down were the unhappy consequences for Serbia of his failure in his ugly adventures. And the notion that the opprobrium that was visited upon Milosevic's Serbia was in any way deserved—that it was the right result of Belgrade's criminal actions—seems not to have figured prominently in the thinking of the Serbian crowds. They revolted against their leader, but not against themselves.

Is it asking too much that a society revolt against itself? It is surely asking a lot. Yet it has happened before; and there are circumstances in which a new beginning requires nothing less. The weight of history is heavier for being unacknowledged. In this sense, President Clinton erred significantly when he remarked that "this is just as big a blow for freedom as we saw when the Berlin Wall was torn down, when Lech Walesa led the shipyard workers in Poland." This was precisely the wrong parallel. I do not doubt that there are many genuine democrats in Serbia; but the striking fact, the discouraging fact, about the Serbian opposition during the past decade is that it has not been characterized by the stringent and exalted kind of dissidence that was produced elsewhere in the orbit of communism, where figures arose who directed their criticism at the foundations of their own societies, and who expressed their criticism in ferociously universal terms. Kostunica is certainly not such a figure. He is not proposing such a fundamental examination. It has often been remarked that Milosevic's regime was communism surviving in the form of nationalism; but it is important to observe that in Serbia anti-communism, too, takes the form of nationalism. For this reason, it has been only partially an uprising of conscience. And for this reason, one's exhilaration at the denouement in Belgrade is a little spoiled. . . .

IN MEMORY OF THOMAS D. GRAHAM

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. SKELTON. Mr. Speaker, it is with deep sadness that I inform the House of the death of Tom Graham, of Jefferson City, Missouri. He was 77.

Tom, a son of Charles E. and Margaret Cuthbertson Graham, was born on October 14, 1922, in St. Louis. He attended Jefferson City public schools and was a recipient of the Distinguished Alumnus Award. He also attended the University of Missouri. After serving in the Army Air Corps during World War II, Tom practiced law in Jefferson City for 50 years. From 1951 to 1973, he was in the Missouri House of Representatives, serving three terms as Speaker of the House from 1961 to 1967.

Tom was president of the National Legislative Conference from 1966 to 1967, and commissioner of the National Conference on Commissioners on Uniform State Laws. He was vice-chairman of the Missouri-New York World's Fair Commission. Tom was a member of the First Christian Church and a past member of the Jefferson Lodge 43, Ancient Free and Accepted Masons, Ancient and Accepted Orders of Nobles of the Mystic Shrine, Moolah Temple, St. Louis. He was a member of the Missouri Bar, Phi Gamma Delta social fraternity and Phi Delta Phi legal fraternity.

Tom was also involved in many civic activities in Jefferson City. He was on the Board of Directors of the Jefferson City Chamber of Commerce and the Board of Trustees of Memorial Community Hospital. He served as president of the Cole County Chapter, University of Missouri Alumni Association, and the Cole County Bar Association. He was a merit badge counselor for the Boy Scouts of America.

Tom married the late Christine Wood Graham on April 22, 1944. They were married for almost 54 years and had one son, Christopher Graham.

Mr. Speaker, Tom Graham was my good friend and a great American. I know the Members of the House will join me in extending heartfelt condolences to his family.

IN HONOR OF THE FORT WORTH MASJID OF AL-ISLAM

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. FROST. Mr. Speaker, this weekend in Fort Worth, Texas, it will be my honor and privilege to attend and participate in events which promote racial and religious unity and peace. On October 21, 2000, the Fort Worth Masjid of Al-Islam, under the leadership of Imam Nasir Ahmed, will host a Southwest Regional Pioneer Banquet honoring those it considers to be pioneers in the causes of diversity, religious interaction, Islam, economic development, political awareness and education.

I am humbled to be among a group of honorees which includes religious radio broadcaster and journalist, Robert Ashley; American Jewish Congress Southwest Region executive director, Joel Brooks; community relations consultant, writer and member of the Thanks-Giving Square Interfaith Council, Rose Marie Stromberg; 97-year old founder of the Tarrant County Black Historical and Genealogical Society, Lenora Rolla; long-time Muslim, 95-year old Dave Hassen; and the organizer of Brooks of Baaziga, a Muslim girl's group, Ruby B. Muhammad.

The work of the Fort Worth Masjid of Al-Islam is, by itself, noteworthy. Yet, the Masjid's efforts are heightened and broadened by the fact that this celebration will include the personage and the teachings of The Honorable Imam Warith Deen Mohammed, leader of the Muslim American Society. Throughout this country and around the world Imam Mohammed is known, respected and admired for his work towards peace, religious freedom and diversity and liberty for all people. On October 22, 2000, the Fort Worth-Dallas area will have the pleasure of receiving his message on "Dealing With Racism From Religion". It is my great pleasure, therefore, to join with the Fort Worth Masjid of Al-Islam, its brothers and sisters in the Dallas Masjid of Al-Islam and the larger Fort Worth-Dallas community in heartily welcoming Imam Mohammed to our community.

NATIONAL AIDS TESTING DAY

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. HOYER. Mr. Speaker, the Human Immunodeficiency Virus (HIV) epidemic is one of the deadliest foes that we have faced in recent history. Like any foe, we must learn all we can about this deadly virus and take appropriate action to halt its assault on society.

One of the first steps in stopping the spread of HIV is to know if one is infected. A recent study showed that 90% of the people who knew their HIV status changed their sexual behavior, thus helping to stop the spread of HIV. This statistic illustrates the importance of knowing one's HIV status. I believe it is essential for all U.S. citizens to be aware of their HIV status. This will not only help them stay healthy, but it is the first step in preventing the transmission of HIV to other.

Unfortunately, many people in this country are unaware of their HIV status. The Centers for Disease Control and Prevention (CDC) estimate that 900,000 people may be infected with HIV and nearly one-third of these individuals or 270,000 are unaware of their HIV status.

We must ensure that people have access to all FDA approved HIV tests. It is the simplest and cheapest form of prevention.

A barrier to HIV testing is that it is often perceived as painful because some testing requires blood samples taken through needles. Many people fear needles and therefore would rather not be tested than give blood.

I am pleased to learn that there is FDA approved technologies that do not require the use of needles. Companies like Calypte Biomedical, which is located in my own state of Maryland and in California, have focused on developing HIV diagnostic test than do not use needles, such as the HIV urine tests.

Why then are so many not being tested?

It has come to my attention that some facilities within the public health infrastructure are discouraging local community testing groups from using HIV tests that require only a urine sample. Some states have even passed legislation that prevents organizations from accessing FDA approved HIV urine testing technologies.

It is critical that our public health infrastructure, which receives Federal Medicare, Medicaid and block grant funds, supports all FDA approved HIV testing systems. In our efforts to help people learn their HIV status, we must guarantee access to all HIV testing options, like urine testing.

A first step in this direction is to become involved in the upcoming National AIDS Testing Day. The National AIDS Testing Day is coordinated by the National Association of People with AIDS (NAPWA), which Calypte Biomedical supports.

I strongly encourage all of my colleagues to become involved with this effort.

TRIBUTE TO LOWELL PAXSON

HON. MARK FOLEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. FOLEY. Mr. Speaker, I would like to take this opportunity to recognize a distinguished broadcaster and American, Mr. Lowell "Bud" Paxson. Mr. Paxson has been involved in the broadcasting industry for over 40 years, providing wholesome and family-friendly programming to millions of people nationwide.

PAX TV, founded by Paxson and headquartered near my West Palm Beach home, provides safe programming that the whole family can enjoy. This network has been welcomed by American parents seeking an alternative to much of the violent and sexually suggestive programming currently being marketed to America's children. As a result, the popularity of PAX TV has made it the seventh largest television network in the country.

Bud Paxson is a good friend and an upstanding civic leader. Last year, he received the "Entrepreneur of the Year" award by Florida Atlantic University. This year, he received an honorary Doctor of Laws degree by Barry University. This honor is given to individuals who have been recognized for outstanding achievements in their profession, communities, and the world.

Today I want to honor Bud for his excellent corporate example as well as thank him for his friendship and selflessness.

H.R. 5164: TRANSPORTATION RECALL ENHANCEMENT, ACCOUNTABILITY, AND DOCUMENTATION ACT

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. MARKEY. Mr. Speaker, I rise to offer a few brief additional comments on the so-called "TREAD Act," which passed the House last week in order to clarify the intent of one key provision that was added after committee consideration.

The legislation as it arrived on the floor included a provision addressing child restraints. This was a provision that Representative SHIMKUS (R–IL) had promoted and a subject in which we engaged in a colloquy at the Commerce Committee markup on the bill. I am very pleased that this provision was added to the legislation as it was deliberated on the House floor.

Mr. Speaker, it has become increasingly apparent that child restraints are too often marketed for children who are larger and heavier than the anthropomorphic test dummies used by National Highway Traffic Safety Administration (NHTSA) in the sled tests that the agency utilizes. This was highlighted for the Commerce Committee members through the work performed by Consumer Reports magazine. Its independent testing demonstrated that child restraints tested with a child at the highest weight recommended by the manufacturer of

that product failed. The House added the provision dealing with child restraints to the TREAD Act specifically to encourage NHTSA to allow child restraints to be marketed for children at specific weights only if the restraint has been tested at that weight, even its this means adding weights to a dummy during testing.

Although NHTSA's standard specifies that child restraints be tested at an impact of 30 mph, the Consumer Reports investigation uncovered that tests are regularly conducted at speeds as low as 27.6 mph. This 3-mph differential mean that only 81 percent as much energy is going into the crash. Again, the Consumer Reports' testing indicated child restraint failures when testing was carried out at 30 mph.

As a result, I strongly encourage NHTSA to require testing be carried out at speeds of 27.9 to 30.3. American families will be better served by such testing and I thank the Speaker for the opportunity to include these views in the CONGRESSIONAL RECORD as part of the legislative history on this particular provision of the TREAD Act.

TRIBUTE TO THOMAS J. CAULFIELD, INDUCTEE, W.N.Y. BASEBALL HALL OF FAME

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. QUINN. Mr. Speaker, I rise to salute the individuals who were inducted into the W.N.Y. Baseball Hall of Fame on September 27, 2000 and pay special tribute to Thomas J. (Sarge) Caulfield, inducted posthumously, for his lifelong commitment to baseball, the youth of the City of Buffalo and the local and national community.

Tom, or ''Sarge'' as he was affectionately referred to, spent a lifetime teaching, coaching, helping and guiding young men throughout the Niagara Frontier. It is not clearly known how Tom acquired the nickname ''Sarge'' although there were several theories. One involves his uncanny knack of referring to others as Sarge. Another, and probably closer to the reality, holds that it came from his unique ability to take charge of even the most difficult situation, always with an eye for taking care of his charges, and confronting it with his popular refrain, ''not a problem.''

In his youth, Tom was an outstanding athlete and baseball player and, indeed, considered by some a professional prospect. He received All-High honors as a baseball player at South Park High School in 1933. Moreover, in 1932, he played for the Millers, New York State Legion champions, and for the Haff and Haskins, 1935 Buffalo Municipal Baseball Association (MUNY) champions. In 1938, he moved to coach/manager leading the South Buffalo Businessmen to a MUNY championship behind pitchers Warren Walters and Warren (Lefty) Spahn, who went on to become the winningest left-handed pitcher in major league baseball. Interestingly, it has been said that Tom was instrumental in the purchase of ''Lefty'' Spahn's first pair of baseball spikes.

Tom's passion for baseball and his commitment to youth development lead him to progress from player, to coach, to manager and, ultimately, to distinguish baseball organization official. In 1969, ''Sarge'' received a special award from the MUNY league for his outstanding contributions to Western New York baseball. In 1976, Tom served as the president of MUNY baseball. More significantly, in 1968, he was named ''Man of the Year'' by the National Amateur Baseball Federation (NABF), a national organization dedicated to amateur baseball and known as the ''oldest sand lot organization in America, operating continuously since 1914.'' Tom was praised by the NABF for his overall contributions to amateur baseball and credited as ''one of the top fund raisers for the youth of America.'' ''Sarge,'' who served as NABF president in 1977, was instrumental in getting the City of Buffalo to host the NABF National Tournament and, by all accounts, did such a magnificent job as a host city official, that the NABF honored Buffalo by returning the tournament to our great city the following year. Through his efforts on behalf of and association with the NABF, Tom was memorialized in the baseball hall of fame at Cooperstown, N.Y. As reported at Tom's induction into the Hall of Fame, in the 1960's and 1970's, ''Sarge'' was probably the most influential person in amateur baseball throughout the United States. ''Sarge'' also managed for many years the Ramblers. Originally started as a South Buffalo team, expanded over the years, the Ramblers became a highly competitive force in local amateur baseball.

However, there is another side to Tom Caulfield that deserves special mention because of its impact on Buffalo area youth. Tom, as Superintendent of the Department of Parks for the City of Buffalo, sincerely believed that participation in sports coupled with an opportunity to work, kept youngsters ''off the streets.'' He worked tirelessly in helping his players and others get jobs for the city and elsewhere. In fact, it has often been repeated by former players and employees that if it were not for the tutelage, encouragement and guidance of the ''Sarge,'' the positive life choices they made would never have been available. One example of his commitment to lend a helping hand, even when not expected, involves a city worker who was experiencing an increasingly troublesome attendance problem. Even though Tom was the head of the Department and receiving pressure from the supervisor, who worked for Tom, to fire the individual, he got up early one morning and drove to the delinquent worker's house and woke him up to take him to work. When the worker complained that Tom had no right to come to his house, Tom calmly pointed to and named the worker's four children and wife as the basis of his right to take such action. The attendance problem was solved.

Although Tom was better known for his practicality and problem-solving acumen, he was also deeply philosophical about parks and recreation. With the passion and understanding generally attributed to the preeminent urban planners and landscape architects of our time, Tom, sincerely believed, and practically applied, during his long tenure with the Parks Department, the concept that harmonious urban living demanded adequate opportunities for individuals to recreate. His pride and efforts in the development and maintenance of recreational outlets was formally recognized in 1974 when the Buffalo Recreation Society presented him with its Outstanding Service Award.

Finally, in spite of all his work on behalf of others, Tom utilized his unique talents and considerable energy to balance his outside activities with an extreme dedication to his own family. Therefore, it is with great pleasure and pride that I join Tom's family, especially his wife Mary (Hanratty), who passed away in 1999; his daughter Marilynn; his sons Mark J., John T., and Thomas E.; his grandchildren John, Alyson, Liam, Lauren, John A. (Jace), Molly; his great grandchildren Rachel, Bridget and great-great grandchild, Maria Christina; his former players, proteges, employees, friends, and a grateful city in giving special recognition for his induction into the W.N.Y. Hall of Fame and his immeasurable contributions to youth development in the Buffalo area.

Mr. Speaker, if the measure of a man's life is his positive influence on others, it can be said, without equivocation, that the legacy of Thomas J. Caulfield will continue for generations through the lives of those he mentored and touched.

WELCOMING TRADITIONS!

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. UDALL of New Mexico. Mr. Speaker, I would like to bring to your attention the grand opening of Traditions! which is located in my district. Let me first start by thanking Michael Gallegos and James Long and the many others who have worked so hard to establish a shopping and cultural center that keeps alive the culture, traditions and heritage of New Mexico.

While New Mexico proudly proclaims itself as the State of many cultures—some call it a melting pot, others a mosaic—we all have at least one thing in common, and that is keeping together our strong connection to the history and traditions of our state. The heritage of those cultures is rich and proud, is very much alive here today, and one which should be cherished and passed on.

Traditions! has been boasted in various articles as most likely being the largest incubator program for start-up retail businesses my state has ever seen. Traditions! is one of the few multicultural centers in the country that showcases and preserves New Mexico's unique rich, and historical cultures.

This center will contain unique stores and shops that will showcase Indian and Hispanic Arts. Visitors find restaurants which reflect the culinary specialties of New Mexico—like posole, tortillas and green chile burgers. The center will serve as a gathering place where both residents and tourists can come to learn about the culture and traditions of New Mexico.

Native American, Spanish, Mexican, and Anglo cultures will all be featured during year

round events and performances—such as exhibits, shows, and festivals.

The economic impact that the center will have is also impressive. More than a hundred jobs will be created, and over a thousand artists will be invited to showcase and sell their work.

That is why Traditions! is so relevant. For our future to be as promising as our past has been successful, we need to keep alive the cultural traditions, history, and heritage of our state. This center not only contributes to the economy of our state—it also helps to preserve our history and spirit.

DOMESTIC VIOLENCE AWARENESS MONTH

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. POMEROY. Mr. Speaker, during the month of October, people across the nation will don purple ribbons in support of National Domestic Violence Awareness Month. As an effort to increase public awareness of a problem that causes anguish to so many, residents in my home state of North Dakota, as well as across the nation, will participate in myriad events, such as candlelight vigils, ''Take Back the Night'' rallies, and other educational demonstrations.

Domestic violence is one of our nation's most prevalent, yet misunderstood, tragedies. The North Dakota Council on Abused Women's Services recently released statistics concerning domestic violence and sexual assault in 1999 that should alarm us all. Last year, 5,821 incidents of domestic violence were reported to crisis intervention centers in North Dakota. These incidents involved 3,597 new victims. Among the victims, 95% were women, 37% were under the age of 30, and 2% were under the age of 18.

The North Dakota Council on Abused Women's Services also reported that at least 4,750 children were directly impacted by domestic violence incidents in 1999. This does not include the large number of unreported cases. Withdrawal, low self-esteem, nightmares, self-blame and aggression against peers, family members and property are just a few of the emotional and behavioral disturbances that children who witness violence at home display. These effects stay with a child ultimately influencing their educational, professional and personal life.

While commemorating this month of awareness, I am proud to also mark the sixth anniversary of one of the most important stands Congress has ever taken against domestic violence: The Violence Against Women Act (VAWA). Through programs that bolster prosecution of sexual assault and domestic violence, increase victim services, and step up education and prevention activities, VAWA has gone far to protect individuals from sexual offenses and domestic abuse. I am pleased to announce that through a bipartisan effort H.R. 1248, the Violence Against Women Act of 1999, of which I was an original co-sponsor, passed in the House of Representatives. This legislation reauthorizes VAWA programs for five more years allowing a number of federal grant programs intended to care for those affected by these tragic crimes to continue.

Domestic violence will not end until the nation as a whole unites in saying ''no more!'' Each time one person learns of a domestic violence situation and decides to turn her head she is, in effect, approving of the situation and allowing it to continue. As members of society we must become proactive and take a stand against this horrific situation.

H.R. 5474 AMENDING TITLE 38 TO PROVIDE COMPENSATION FOR VETERANS DISABLED BY TREATMENT OR VOCATIONAL REHABILITATION

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mrs. MINK of Hawaii. Mr. Speaker, I rise today to introduce an important piece of legislation. H.R. 5474 will allow veterans disabled by treatment or vocational rehabilitation to receive compensation from the day they were disabled while under VA care.

The occurrence of medical malpractice in which veterans are disabled while under Veterans Affairs' care is rare compared with the total number of veterans served every year. In 1997, the last year in which data was available, there were 826,846 inpatients treated and 32,640,000 outpatient visits at VA medical centers at a cost of $17.149 billion. There are 173 VA medical centers, more than 391 outpatient and outreach clinics, 131 nursing home care units and 39 domiciliaries.

Without this network of government run VA hospitals, clinics and nursing care units, many veterans would never receive the care available to them. However, it is clear that the care provided is not always of the highest quality. Worse than inadequate care are the instances in which veterans receive care that leaves them further disabled.

Since 1990, 9,597 administrative malpractice claims were filed by Veterans with VA and 2,134 were settled. The total amount paid in claims settled was nearly $1.73 million.

During the same time period, 2,064 veterans filed court claims against VA. 626 of these court claims were dismissed, the U.S. won 272, and plaintiffs won 129 court claims for a total of $65,858,110. 1,315 VA court claims were settled out of court by VA, in the amount of $253,464,632.

In 1958 Congress established Title 38, U.S.C. Sec. 1151, Benefits for Persons Disabled by Treatment or Vocational Rehabilitation. Along with Sec. 1151, Sec. 5110 of the same Title established the effective date of an award for disability incurred during treatment or vocational rehabilitation. These two sections ensured that veterans disabled by their treatment received compensation. This was the fair and right thing to do.

A close review of these sections reveals an inconsistency. While the U.S. Code allowed compensation for veterans disabled by treatment or vocational rehabilitation, it established an arbitrary cut off date of one year to deny individuals full compensation.

Individuals who are unable or not aware of this arbitrary application date for medical malpractice claims should not be denied full compensation for administrative reasons. Statutes of limitations like this are important for preserving the rights of individuals but the VA should be held to a different standard.

Veterans who prove that they were disabled while under the care of Veterans Affairs should be compensated from the day of their injury regardless of their date of application.

This bill will repeal U.S. Code Section 5110 which allows Veterans Affairs to avoid its responsibility to veterans it disables during treatment or vocational rehabilitation. H.R. 5474 also allows veterans who did not receive full and fair compensation from the date of their injury to receive this compensation upon enactment of this bill.

I urge my colleagues to end this unfair practice by cosponsoring H.R. 5474.

SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000

SPEECH OF

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 2000

Mr. COMBEST. Mr. Speaker, as the Chairman of the House Committee on Agriculture, which has primary jurisdiction over the Secure Rural Schools and Community Self-determination Act of 2000 (H.R. 2389), I rise on behalf of myself and Mr. STENHOLM, the ranking member of the committee, to explain the intent behind a number of provisions in the bill and how we expect these provisions to be carried out. We will address these roughly in the order in which they appear in the bill.

Sections 101(a), 102(a), 102(b) and 102(c) of Title I provide how payments to states and allocations to the counties within those states should be calculated and made under this Act. The intent behind these provisions is to ensure that each county's elective share of a state's full payment amount be based, to the extent practicable, on the county's historic percentage of the 25% payments received by the state during the eligibility period. Thus, if over the course of the eligibility period a county received 10% of the aggregate payments made to the state, that county would be allocated 10% of the amount calculated for the state under section 101(a) if the county elected to receive its full payment amount.

It is understood that there will be exceptions to this general rule based on the individual circumstances of states and counties. Congress has been careful to delegate the determination of each county's portion of a state's full payment amount to the state to accommodate these exceptions. It is expected, however, that such exceptions will be relatively rare and the reasons for them compelling.

Title II of the bill establishes a significant new role for counties and local stakeholders in federal land management decision-making. It is essential to explain several provisions in

this Title to ensure that it is carried out in a way that will meet the intended policy objectives.

The overarching intent of Title II is to foster local creativity and innovation with regard to the projects that participating counties and resource advisory committees propose to the Secretary. This necessarily requires the Secretary concerned to flexibly construe the provisions in this title. It is understood that not every project proposed by resource advisory committees will succeed. It is expected, however, that participating counties and resource advisory committees be given every opportunity, within the parameters of existing law, to make their ideas work.

Section 202 establishes a general limitation on the use of project funds to ensure that such funds are used on projects that meet ''resource objectives consistent with the purposes of this Title.'' This provision is further explained by subsection 203(c), which states that projects submitted to the Secretary under this title ''shall be consistent with section 2(b).'' Thus, projects conducted under Title II are permissible provided they meet the objectives identified in section 2(b).

A similar dynamic exists between sections 204(f) and 203(c). Section 204(f) requires that 50% of all Title II project funds be used for road maintenance, decommissioning or obliteration or for the restoration of streams and watersheds. It is expected that these requirements be construed to include a broad range of projects that are consistent with the requirements of section 2(b), as provided by section 203(c). For example, a forest thinning project that meets the requirements of section 2(b) would also meet the requirements of section 204(f) if its purpose were to restore the vegetation within a watershed to a more fire-resistant state.

Section 203(a)(1) provides that resource advisory committees must submit project proposals to the Secretary concerned ''not later than September 30 for fiscal year 2001 and each September 30 thereafter for each succeeding fiscal year through fiscal year 2006. This provision is reiterated in section 207(a). The relationship between the participating county and the resource advisory committee under these provisions is significant to the policy objectives that these provisions seek to achieve.

It is intended that the participating county and the resource advisory committee come to an agreement on the projects to be undertaken prior to submission of such projects to the Secretary concerned. It is for this reason that the date by which the county must elect whether to reserve project funds for Title II projects and the date by which the resource advisory committee must submit Title II project proposals to the Secretary concerned are identical.

It is expected that counties and resource advisory committees will come to an agreement on the projects that will be proposed to the Secretary concerned in advance of the September 30 deadline for each fiscal year. However, it is also understood that, in some cases, this deadline will not be met. It is for this reason that language has been included under section 207(b) allowing unobligated project funds from one fiscal year to be rolled over for use in the subsequent fiscal year. Thus, if agreement between the participating county and resource advisory committee is not reached by the conclusion of a fiscal year, the county may defer its election regarding the use of such funds to the subsequent fiscal year. A resource advisory committee may not, under any circumstance, propose a project to the Secretary concerned over the objection of the participating county.

Section 204(e)(3) establishes a pilot program for the implementation of projects involving merchantable material. The central concept tested in this pilot program, as identified in paragraph 3(A), is the use of separate contracts for the removal and sale of such material.

This provision purposely does not specify how merchantable material shall be handled or transported between removal and sale. This provides maximum flexibility to federal resource managers and private contractors to innovate in ways that will minimize costs and optimize efficiencies while meeting desirable resource management objectives. It is expected, for example, that federal managers will work with private contractors to develop creative ways to minimize transportation and other transactional costs associated with the contracts. It is also expected that implementation of the pilot program will not create market competition between the Secretary and the private sector in markets for the sale and use of merchantable materials.

It is intended that the Secretary concerned will implement this pilot program, to the extent practicable, on a voluntary basis. The Secretary should first include projects in the pilot that have been requested for inclusion by resource advisory committees. The Secretary

The annual percentage requirements provided under paragraph 3(B) requires only that a fixed percentage of all projects involving merchantable material be included in the pilot program for a given fiscal year. This provision is purposefully silent on the size and cost of projects to be included in the pilot. It is intended that the Secretary will, to the extent practicable, limit the pilot program to projects that are smaller in scope in order to test the premises of the pilot with minimal impact on other projects involving merchantable material carried out under Title II.

Paragraph 3(E) authorizes the Secretary concerned to use funds from any appropriated account, not to exceed $1 million annually, to administer projects under the pilot program. It is intended that the Secretary use this authority only to the extent that it does not reduce or otherwise interfere with program delivery within the accounts from which such funds are taken.

Section 204(e)(3)(E) requires the Comptroller General to review the pilot program and report to Congress on its effectiveness. It is intended that such report will be the basis for determining whether the pilot program should continue. Should the Comptroller General find that the program is not performing efficiently, that it is creating market competition between the government and the private sector, that is hindering the successful planning or implementation of projects, or that it is deterring resource advisory committees from proposing projects involving merchantable material, it is expected that the program will be terminated.

Section 205 establishes resource advisory committees to assist counties in the selection and proposal of projects under Title II and Title III. Because the success of each advisory committee will depend largely on the cooperation of its members, it is expected that the Secretary will appoint to resource advisory committees only individuals who have a demonstrated ability to work collaboratively with others of differing viewpoints and achieve good faith compromise. It is strictly contrary to the intent and purposes of this Act for the Secretary concerned to appoint to a resource advisory committee any individual who will likely act in a dilatory manner so as to impede the ability of the resource advisory committee to propose projects to the Secretary concerned or carry out any of its responsibilities as provided in this Act.

It is the intent of the House sponsors that members of resource advisory committees be selected from within local communities. Section 205(d)(4) provides that ''the Secretary shall ensure local representation in each category'' of membership within a resource advisory committee. It is expected that, with rare exception, members of resource advisory committees will be selected from among the residents of the eligible counties within which the committee will operate. The Secretary concerned should not appoint non-local individuals to resource advisory committees when local individuals who represent the same viewpoint or interest and meet the requirements for membership are available.

It is expected that the Secretary concerned will established a sufficient number of resource advisory committees to facilitate involvement and collaboration at the most local level possible. It would be inappropriate and contrary to the intent of this Act for the Secretary concerned to establish one resource advisory committee for an entire state. Rather, the Secretary concerned should establish resource advisory committees at the eligible county level to the extent practicable. The Secretary concerned may establish a resource advisory committee to serve more than one eligible county, where circumstances require it (for example, if several small counties border a single unit of the national forest system), but the Secretary concerned should exercise restraint in this regard and make every effort to establish the committee at the most local level possible.

Title III of the bill establishes a separate class of projects to that provided in Title II. Title III projects require approval by the participating county only to the extent that they do not involve management activities on federal lands that would normally be conducted by the Secretary concerned. It is understood and expected that some of the projects arising under Title III will involve activities on federal lands and require cooperation with and approval from the Secretary concerned. For example, fire prevention and county planning efforts provided under section 302(b)(5) may be conducted in cooperation with federal efforts to reduce wildfire risk in the wildland-urban interface. It would be appropriate in this case for a county to leverage county funds against federal funds allocated to do the project planning and NEPA analysis required for forest

thinnings and other forms of vegetation management. This kind of cooperation would necessarily require approval from the Secretary concerned in addition to approval by the county for the use of county funds.

Finally, section 403 of Title IV provides that the Secretaries concerned may jointly issue regulations to carry out the purposes of this Act. It is not the intent of the House sponsors that regulations are necessary to carry out the provisions of this Act. However, they might be helpful in some cases. It would be contrary to congressional intent for the Secretary concerned to delay implementation of any provisions of this act because the Secretary has not completed a rule-making process addressing the implementation of such provision.